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SOMALIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In 2010-2011, in southern and central Somalia, many humanitarian organisations had to close offices or restrict their activities, and the few human rights defenders who continued to operate, increasingly faced travel restrictions and arrests. Journalists also remained in the frontline and faced arrest and intimidation for reporting on human rights violations.

Political context

Somalia remained highly divided with its territory controlled by different forces. The north of the country was still divided between Puntland, an autonomous region, and Somaliland, a self proclaimed but not internationally recognised Republic. The Transitional Federal Government (TFG), despite support by the African Union Mission in Somalia (AMISOM) troops¹, lost control over further territory in southern and central Somalia to Al-Shabab and other insurgents groups, which now control most of these regions. Key objectives assigned to the TFG, which mandate is due to expire in August 2011², such as restoring peace and drafting a Constitution to be adopted by popular referendum, remained to be implemented. On the ground, the fighting intensified between TFG forces and Islamist insurgents. The humanitarian and human rights situation drastically deteriorated. From January to September 2010, at least 908 civilians were killed and 2,905 injured, mostly by shelling in Mogadishu³. Indiscriminate violence and frequent attacks against civilians continued, as well as the widespread recruitment of child soldiers and sexual and gender-based violence. It led to the new displacement of more than 300,000 people within Somalia in 2010, with a total of about 1,500,000 internally displaced persons (IDPs)

1/ On December 22, 2010, the Security Council authorised the AMISOM force to maintain its deployment until September 2011 and to increase its strength to 12,000 troops. See Security Council Resolution, UN Document S/RES/1964, December 22, 2010.

2/ On February 3, 2011, the Transitional Parliament, by a vote, unilaterally extended its own mandate for three years "without the required level of discussion and consultation on how to end the transition and on the next political dispensation after August 20, 2011", according to the UN Special Representative for Somalia. See UN Special Representative for Somalia, Augustine P. Mahiga, Statement, February 4, 2011.

120 3/ See UN High Commissioner for Human Rights Statement, September 29, 2010.

at the end of 2010⁴. In areas under control of Al-Shabab, execution for alleged spies, amputation of suspected thieves, beating or other types of extrajudicial punishment for breaching orders on social behaviour or dress codes such as bans on playing music, were among the violations reported⁵. Due to the threats, restrictions and intimidations faced by human rights defenders, humanitarian workers and journalists, particularly in the area under control of Al-Shabab, there was a clear deficit of information on the human rights situation.

There was a relative stability in the self proclaimed Republic of Somaliland in the north of the country where the incumbent President Dahir Riyale was defeated during elections which, after a number of delays, finally took place in June 2010. The electoral process was considered free and fair by international observers⁶. An opposition candidate, Mr. Ahmed Mohamed Mohamoud “Silanyo”, was sworn in on July 27, 2010. Another positive aspect was the promulgation, on October 30, 2010, of the legislation creating a Human Rights Commission⁷. In the autonomous region of Puntland, the situation was more volatile with political violence and recurrent clashes among clans. In both Puntland and Somaliland, growing concerns arose from the creation of new rebels groups, with alleged connections to Al-Shabab⁸.

According to the National Union of Somali Journalists (NUSOJ), three journalists were killed and six wounded in 2010, either during fighting or as a result of a targeted attack⁹. Many were arrested and intimidated by Al-Shabab and other insurgent groups but although, to a lesser extent, by TFG forces and Puntland authorities. In addition, media houses were

4/ See Internal Displacement Monitoring Centre (IDMC) Report, *Internal Displacement: Global Overview of Trends and Developments in 2010 - Somalia*, March 23, 2011. In April 2011, the United Nations High Commissioner (UNHCR) announced that 33,000 persons had been displaced by the fighting in the past six weeks. See UNHCR News Stories, *Fighting in Somalia displaces some 33,000 people over past six weeks*, April 8, 2011. Moreover, at the beginning of March 2011, the UN Independent Expert on the Human Rights Situation in Somalia warned that “the drought is now a cause for displacement in Somalia, in addition to conflict”. See UN Independent Expert on the Human Rights Situation in Somalia Press Release, March 2, 2011. Between November 2010 and April 2011, the number of people in Somalia needing humanitarian assistance and livelihood support has reached 2.4 million, an increase of 20%. See Secretary General Report, *Report by the Secretary-General on Somalia*, UN Document S/2011/277, April 28, 2011.

5/ See General Assembly Report, *Report of the independent expert on the situation of human rights in Somalia*, Shamsul Bari, UN Document A/HRC/15/48, September 16, 2010.

6/ See UN Security Council Report, *Report of the Secretary-General on the situation in Somalia*, UN Document S/2010/447, September 9, 2010.

7/ See UN Security Council Report, *Report of the Secretary General on the situation in Somalia*, UN Document S/2010/675, December 30, 2010.

8/ See UNHCR, *UNHCR 2011 country operations profile - Somalia*.

9/ See NUSOJ Annual Report 2010.

forced to implement orders of Islamic groups such as not playing music or broadcasting *BBC* news and broadcast their propaganda. While those which did not comply with the orders were ransacked, the TFG threatened to close down the ones which were complying considering that they were cooperating with the insurgents¹⁰.

Threats and intimidation against human rights defenders in southern and central Somalia

In 2010, humanitarian staff continued to work in a very difficult environment in southern and central Somalia as, in addition to the ongoing armed fighting, they faced restrictions in their movements and activities as well as targeted attacks, particularly in areas controlled by Al-Shabab. As a result, humanitarian organisations had to pull out or to limit their activities in those regions. For instance, in January 2010, the World Food Program (WFP) was forced to suspend the delivery of food assistance in southern Somalia due to increased targeting of its staff and non governmental partners, and unacceptable demands by Islamic militia groups. Indeed, in December 2009, Al-Shabab requested, among other demands, the banning of women from working for the United Nations and the payment of 30,000 US dollars (about 20,742 euros) every six months for the security of United Nations staff. After the United Nations rejections of these conditions, Al-Shabab issued a directive banning, from January 2010, food coming from abroad¹¹. In addition, since January 2010, approximately one hundred UN staff members have been relocated from duty stations in southern and central Somalia¹². Organisations that continued to work there faced different types of assaults. For instance, in July 2010, the compound of WFP and the houses of six of its national staff in Wajid were seized by Al-Shabab, which also attempted to loot non-food items from the WFP compound in Buaale¹³. Furthermore, several international NGOs operating in areas under control of Al-Shabab had to suspend their operation upon order of the militia. For instance, in August 2010, World Vision International (WVI), the Adventist Development and Relief Agency (ADRA) and Diakonia were accused by Al-Shabab of propagating Christianity in Somalia and consequently forced to stop their operations¹⁴.

10/ See Reporters Without Border (RSF), NUSOJ and CPJ.

11/ See Human Rights Council Report, *Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari*, UN Document A/HRC/13/65, March 23, 2010.

12/ See UN Security Council Report, *Report of the Secretary-General on the situation in Somalia*, UN Document S/2010/234, May 11, 2010.

13/ See UN Security Council Report, *Report of the Secretary-General on the situation in Somalia*, UN Document S/2010/447, September 9, 2010.

14/ See ADRA and World Vision Press Releases, August 9, 2010 and OCHA, Somalia Humanitarian Overview Vol. 4 Issue 2, February 2011.

On September 15, 2010, Mercy Corps, Med-Air and Horn Relief were ordered to close by Al-Shabab Banadir administration, who accused them of having too close ties with the United States¹⁵.

Similarly, the few human rights defenders who continued to operate in southern and central Somalia were in an increasingly difficult situation, their movements being restricting due to the ongoing fighting and the few still operating in militia's controlled area being targeted by all actors involved in the conflict¹⁶. For instance, on April 16, 2010, Mr. **Alin Hilowle Hassan**, the Director of the Isha Human Rights Organisation, based in Baidoa, was arrested at his house in Baidoa and taken to a local police station by Al-Shabab militiamen. His computer equipment was taken. He was transferred to Mogadishu and then back in Baidoa and reportedly tortured in detention. He managed to escape in October 2010. Al-Shabab had accused the Isha Human Rights Organisation of spying for foreign powers before his arrest and had already seized equipment from their offices in Baidoa¹⁷.

Severe attacks on journalists reporting on human rights violations

Journalists reporting on human rights violations also remained on the front line as they were subjected to a number of attacks that clearly aimed at preventing them from reporting on human rights violations. For instance, on July 1, 2010, Mr. **Mustafa Haji Abdinur**, an *Agence France-Presse* correspondent, and Mr. **Yusuf Jama Abdullahi**, an independent cameraman, were arrested while they were covering shooting between Al-Shabab militia and the TFG forces. They were detained for several hours by the Somali security forces in Mogadishu and forced to erase their photos including those they took of a journalist who was wounded during the clashes¹⁸. On February 21, 2010, Mr. **Ali Yussuf Adan**, a correspondent of *Radio Somaliweyn*, was arrested by Al-Shabab militiamen in Walnaweyn district, Lower Shabelle region. He was released on March 2, 2010. A day before his arrest, he had reported about the alleged killing by Al-Shabab of a man for being late at a Saturday prayer¹⁹. In June 2010, Mr. **Mohammed Ibrahim**, a *New York Times* correspondent in Somalia and Programme Coordinator at NUSOJ, received threats from government security forces following the publication of an article he wrote about the recruitment and

15 / See OCHA, *Protection Cluster Update*, September 17, 2010.

16 / See General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Somalia*, Shamsul Bari, UN Document A/HRC/15/48, September 16, 2010.

17 / See East and Horn of Africa Human Rights Defenders Project (EHAHRDP) and Amnesty International Press Release, April 19, 2010.

18 / See RSF and Committee to Protect Journalists (CPJ).

19 / See NUSOJ Annual Report 2010.

use of children by government forces. He fled the country after attempted arrest by the security forces. However, Mr. Ibrahim returned to Somalia in September 2010 after obtaining guarantee by the Government²⁰. In Puntland, Mr. **Mohamed Yasin Isak**, a *Voice of America* correspondent, was arrested at his house in Galkayo by the Puntland Intelligent Services (PIS) on December 21, 2009. He was held in detention at the PIS in the port city of Bossaso until December 22 and then transferred to the PIS headquarters in Galkayo. He was released on January 7, 2010. No charges was pressed against him. Before his arrest, Mr. Mohamed Yasin Isak had reported on the crackdown by the Government against the IDPs from southern Somalia²¹.

20/ See International Press Institute and CPJ.

21/ Mr. Mohamed Yasin Isak had already been shot at by a policeman in November 2009 and briefly detained in August 2009 after reporting on allegations that the son of a former Governor was involved in a killing. See *Voice of America* Press Release, January 7, 2010 and NUSOJ.