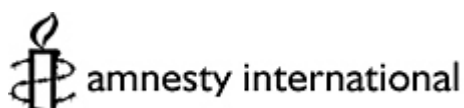


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	250
Land:	Somalia
Kilde:	Amnesty International
Titel:	Annual Report 2009
Udgivet:	28. maj 2009
Optaget på baggrundsmaterialet:	19. juni 2009

Title	Amnesty International Report 2009 - Somalia
Publisher	Amnesty International
Country	Somalia
Publication Date	28 May 2009
Cite as	Amnesty International, <i>Amnesty International Report 2009 - Somalia</i> , 28 May 2009, available at: http://www.unhcr.org/refworld/docid/4a1fadc140.html



Amnesty International Report 2009 - Somalia

Head of state of Transitional Federal Government: Adan Mohamed Nuur Madobe
(replaced Abdullahi Yusuf Ahmed in December)

Head of government of Transitional Federal Government: Nur Hassan Hussein

Head of Somaliland Republic: Dahir Riyaale Kahin

Death penalty: retentionist

Population: 9 million

Life expectancy: 47.1 years

Under-5 mortality (m/f): 196/186 per 1,000

The interlinked human rights and humanitarian crises continued to worsen in 2008. Thousands more civilians were killed, bringing the total number of civilians killed as a result of armed conflict since January 2007 to more than 16,000. Transitional Federal Government (TFG) and Ethiopian armed forces fought against opposition clan-based groups and militias, most prominently al-Shabab ("youth") militias which emerged out of the former Islamic Courts Union (ICU). More than 1.2 million civilians were internally displaced in southern and central Somalia. At the end of the year an estimated 3.25 million people were dependent on emergency food aid, which was often disrupted due to widespread insecurity and impacted by insufficient contributions from donor governments. Humanitarian aid workers and local human rights defenders were increasingly targeted in threats and killings.

In the northwest, the self-declared Republic of Somaliland, whose independence was not recognized by international bodies, enjoyed relative peace and security until a series of suicide bomb attacks in the capital, Hargeisa, on 29 October. Simultaneous attacks were carried out in Bossaso in the semi-autonomous Puntland Region of Somalia in the northeast.

Background

Insurgent violence against the TFG, based in Baidoa, and allied Ethiopian forces, which began in December 2006, continued through 2008. Both insurgent attacks and the TFG and Ethiopian counter-insurgency operations resulted in massive and widespread human rights abuses against civilians. Abuses included arbitrary detention, rape and other forms of torture, and attacks on civilian populated areas which may have been indiscriminate and disproportionate. The TFG failed to establish governance structures,

was unable to protect civilians in Mogadishu, and lost control of most of southern and central Somalia, including Kismayo and Beletweyne, and the ports of Merka and Barawa.

The Alliance for the Re-Liberation of Somalia (ARS), created in 2007 in Eritrea by former leaders of the ICU, former members of the Transitional Federal Parliament and other TFG opponents, split into two factions, one of which moved to Djibouti while the other remained in Eritrea. Both factions insisted on the withdrawal of Ethiopian troops from Somalia.

In May, the fifth reported US air strike on Somalia since early 2007 killed al-Shabab leader Aden Hashi Ayro in Dhusamareb in southern Somalia, in addition to an undetermined number of civilians, and destroyed civilian property.

After the replacement in late 2007 of Prime Minister Mohamed Gedi by Nur Hassan Hussein and the appointment of a new UN Special Representative to the Secretary-General, Ahmedou Ould-Abdullah, hope for progress in ending the conflict and consolidating governance emerged, despite ongoing armed conflict. In April the TFG and ARS-Djibouti began negotiations. They signed a formal agreement in October, which included plans for a ceasefire, power-sharing and gradual Ethiopian troop withdrawal, which began in November. At the October meeting in Djibouti, TFG and ARS representatives also jointly called for a Commission of Inquiry into human rights abuses in Somalia.

Following a series of public confrontations and an unsuccessful attempt to oust the Prime Minister, President Abdullahi Yusuf resigned in December. Adan Mohamed Nuur Madobe, the Speaker of the Parliament, became Interim President.

Armed groups from Puntland and other regions of Somalia hijacked more than 40 ships off shore, including a Ukrainian vessel containing 33 armoured tanks and small arms. At least 15 ships and hundreds of crew members were still being held at the end of the year by pirates demanding large ransoms. The UN Security Council and the EU took action to improve counter-piracy operations.

By the end of 2008 almost equal numbers of Ugandan and Burundian peacekeepers brought the total AU peacekeeping force in Somalia (AMISOM) to some 3,200 out of 8,000 authorized by the AU and UN. Nigeria, Ghana and South Africa had not yet provided troops they had pledged to AMISOM. This force remained largely ineffective and without a mandate to protect civilians. As Ethiopian troops began to withdraw from Somalia, calls by the USA and other UN Security Council members for an eventual UN peacekeeping mission in Somalia continued.

All parties to the conflict in Somalia, as well as several neighbouring countries and other actors, reportedly committed violations of the UN arms embargo.

Armed conflict

Armed conflict of TFG forces and allied Ethiopian forces against insurgent al-Shabab and other militias continued to exact a heavy toll on civilians, with more than 16,000 civilians killed since January 2007. More than 1.2 million people were internally displaced in southern and central Somalia, with hundreds of thousands of refugees in neighbouring countries, including Kenya. All parties to the conflict violated international humanitarian law, committing war crimes including wilful killings of civilians, and possible indiscriminate and disproportionate attacks on civilian populated areas. On 19 April Ethiopian forces conducted a raid on Mogadishu's Al Hidya mosque, killing 21 people and holding more than 40 children for days. While Ethiopian forces continued to be implicated in abuses against civilians, targeted attacks against humanitarian aid workers and local human rights defenders by al-Shabab and other militias markedly increased in 2008.

Freedom of expression

Human rights defenders, humanitarian aid workers and journalists remained at risk from attack by all parties to the conflict, most often by armed militias. They were regularly threatened, shot at, abducted and killed. More than 40 Somali human rights defenders and humanitarian workers were killed between January and September 2008 alone. Critics of any armed group faced extreme danger, despite mediation efforts by local clan elders and religious leaders.

Human rights defenders and representatives of civil society

Well-established civil society groups continued their work for human rights, development, peace and democratization despite high risks caused by conflict and lawlessness.

- Two British teachers, Daud Hassan Ali and Rehana Ahmed, and two Kenyan teachers, Gilford Koech and Andrew Kibet, from the Hiran Community Education School in Beletweyne, were killed on 14 April during an attack by an al-Shabab militia.
- Mohamed Hassan Kulmiye, a peace activist with the Centre for Research and Development, was killed on 22 June by unidentified gunmen in Beletweyne. He died after being shot in the head several times.
- Ali Jama Bihi, a peace activist and mediator between Darod and Hawiye clan militias, was killed on 9 July. Two gunmen shot him as he came out of dawn prayers in Galkayo.

Insecurity – humanitarian aid workers

International and local humanitarian aid workers faced the worst violence against them since the early 1990s after the overthrow of the Siad Barre government. Perpetrators were often difficult to identify and survivors were often unwilling to report abuses out of fear of retaliation. Agencies were reluctant to speak about the dire conditions they faced, out of fear of losing access to displaced people and other vulnerable populations in need of essential assistance.

- Isse Abdulkadir Haji, an employee of the ZamZam Foundation, was killed on 7 January. He was shot dead in Yaaqshiid district in Mogadishu by unknown gunmen.
- Victor Okumu, a surgeon, Damien Lehalle, a logistics officer, and Abdi Ali Bidhaan, their driver, were killed near Kismayo hospital on 28 January when a roadside bomb was detonated, apparently targeting their Médecins sans Frontières (MSF)-marked vehicle.
- Ahmed Moalim Bario, director of the NGO Horn Relief, was killed on 17 May by masked gunmen as he arrived at his house in Kismayo.
- Abdikarim Sheikh Ibrahim, Chairman of the Committee for the Assistance of Somali Orphans, was shot dead by armed men as he was travelling home from Bakara market in Mogadishu on 2 July.
- Osman Ali Ahmed, head of the UN Development Programme (UNDP) in Somalia, was killed on 6 July. He was shot as he left a mosque in Mogadishu after evening prayers. His brother was also shot and wounded.
- Abdulkadir Diad Mohamed, a World Food Programme (WFP) employee, and his

driver were killed on 15 August in Dinsur in southern Somalia.

- Four staff of the international NGO Action Contre la Faim and two pilots were abducted from Dhusamareb in southern Somalia by unidentified gunmen on 5 November.
- Mohamed Osman, a programme officer for Mercy Corps, was killed in Jamame, Lower Juba, on 9 November.

Freedom of expression – journalists

While reported detentions of journalists decreased in 2008, as well as the duration of detentions, this appeared to be the result of a combination of factors, including a decreased capacity on the part of TFG authorities, including the National Security Agency, to make arrests, as well as increased self-censorship by journalists. Those journalists who remained active in Somalia continued to face intimidation, death threats and arbitrary detention by all parties to the conflict and armed bandits, although some attempts by Islamist groups to improve relations with the press were also reported. There were some 30 detentions of Somali journalists (lasting between four and 115 days), and they suffered more than 30 death threats, two killings and several injuries in 2008, with no means of bringing perpetrators to justice.

- Abdikheyr Mohamed Jama, a presenter for Radio Galkayo, was shot in the mouth and critically wounded when he was attacked by gunmen in Puntland on 10 January.
- Nasteh Dahir Farah, a BBC reporter and official of the National Union of Somali Journalists, was shot and killed on 7 June in Kismayo.

Refugees and internally displaced people

By late 2008 more than 1.2 million Somalis were internally displaced, including 870,000 since the start of 2007. Others, including members of minority groups, had been displaced for longer periods. Hundreds of thousands of internally displaced people continued to mass in the Afgooye Road corridor after fleeing Mogadishu.

In addition, by late 2008, hundreds of thousands of Somali refugees had sought safety (and some sought asylum) in Kenya, Djibouti, Somaliland and Yemen, among other locations. The Kenyan border remained officially closed to Somali refugees, but camps in Dadaab, across the border in Kenya, became severely overcrowded.

The situation of southern Somali displaced persons in Somaliland remained complicated as international agencies designated southern Somalis as internally displaced, while the government of Somaliland designated them refugees. Neither was able to provide adequate assistance to meet their basic needs.

Somali refugees and migrants who sought sea passage to Yemen faced dangerous conditions, and human traffickers were frequently reported to throw people overboard in order to elude Yemeni law enforcement authorities. Hundreds of Somalis and Ethiopians died in the Gulf of Aden while fleeing Somalia via Puntland.

Justice system and rule of law

Somalia had no effective national governance or functioning justice system. The UN Development Programme rule of law programme was unable to provide sufficient support for the effective establishment of detention facilities, courts and police capacity building. There was no discernible improvement in human rights conditions as a

result of this programme, nor was there sufficient oversight.

Somaliland and Puntland authorities made a number of arrests following suicide bombings in October. A visiting human rights activist from southern Somalia and a prominent local journalist were arrested but released within days in Somaliland.

Death penalty and extrajudicial executions

Death sentences were reportedly carried out by those claiming local authority in Kismayo, including on 22 April when a man accused of murder was executed by shooting. Authorities of al-Shabab factions reportedly unlawfully killed several men accused of murder.

In Baidoa two men were executed without trial and a third killed in police custody on 26 November following a grenade attack that killed 10 people, including a TFG military officer.

- Aisha Ibrahim Duholow, aged 13, was publicly stoned to death on 27 October by some 50 men in Kismayo. She was convicted of "adultery" by a Sharia court without legal defence after she reported to local authorities that she had been raped by three men. The men were not prosecuted.

Puntland authorities announced that they would apply the death penalty in cases of piracy in that region, but no executions were reported.

Somaliland

The Republic of Somaliland, which declared independence from Somalia in 1991, continued to seek international recognition. Although Somaliland government officials threatened to expel some 24 journalists who had fled from Mogadishu to the safety of Hargeisa in late 2007, that order was not carried out. It is estimated that Somaliland continued to host tens of thousands of displaced Somalis fleeing violence in southern and central Somalia.

The relative peace and security of Somaliland was disrupted in October by suicide bomb attacks on a UN compound, the President's residence and the Ethiopian trade mission in Hargeisa. More than 20 people were killed and more than 30 injured in the attacks.

National elections which were originally scheduled for 2008 were postponed until March 2009, with presidential elections scheduled before local elections.

The government of Somaliland maintained national and regional security committees which reportedly carried out unlawful arrests and detentions. Human rights defenders continued to report incidents of government obstruction of civil society activities resulting in violations of freedom of expression and assembly.

Tensions over border areas, claimed by the semi-autonomous Puntland Region of Somalia, continued. Thousands of civilians from the disputed town of Las Anod remained displaced after extensive fighting between Somaliland and Puntland forces in late 2007, which ended in Somaliland control of the area.

Amnesty International reports

- Somalia: Journalists under attack (3 March 2008)
- Somalia: Routinely targeted: Attacks on civilians in Somalia (1 June 2008)
- Fatal Insecurity: Attacks on aid workers and rights defenders in Somalia (6 November 2008)

- Somalia (Somaliland/Puntland): Amnesty International condemns bomb attacks in Hargeisa and Bossaso (30 October 2008)
- Somalia: International Community must seize opportunity for accountability and justice (27 November 2008)
- Somalia/Ethiopia: Release children held in raid on Al Hidyaa mosque (23 April 2008)
- Somalia: Girl stoned was a child of 13 (31 October 2008)

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