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Somalia: a humanitarian and human rights catastrophe

The Somali civilian population in South and Central Somalia faces a desperate humanitarian situation. In July and August this year, the United Nations declared famine in six areas of southern and central Somalia: Bakool, Bay, Lower Shabelle, Middle Shabelle, the Afgoye corridor displaced persons' settlement, and the Mogadishu displaced community.

The humanitarian crisis has already claimed tens of thousands of lives, in majority children. It now affects some four million people, including three million living in South and Central Somalia, and is predicted to worsen, with the onset of the rainy season. Aid agencies are concerned that contagious diseases, including cholera and measles, will spread further.

Amnesty International urges the international community to adopt a comprehensive approach to address Somalia's humanitarian and human rights crises. At this critical time, Somali civilians who bear the brunt of both crises need humanitarian aid on a large scale urgently. Their protection needs must be international community's priority.

Background

For the past twenty years the regions of South and Central Somalia have been affected by armed conflict and a related, protracted human rights crisis. However, an already dire situation has further deteriorated since the beginning of 2011. This deterioration has been caused not only by drought and increasing food prices, but also by grave violations of international humanitarian and human rights law committed on a large scale, including restrictions on humanitarian access in the context of armed conflict. In South and Central Somalia the latter is being waged between the Transitional Federal Government (TFG) of Somalia -- and militias aligned to it -- and armed Islamist groups -- comprising mainly al-Shabab factions -- who control much of South and Central Somalia. An African Union peace support operation (African Union Mission in Somalia, AMISOM), comprising some 9,000 troops, provides most military support to the TFG.

I – Humanitarian situation

1. in Mogadishu

Since the beginning of the year, civilians' lives in Mogadishu have been threatened by a combination of fighting, obstacles to the delivery of humanitarian aid and a deterioration of the humanitarian situation.

The much-publicised withdrawal of al-Shabab armed factions from Mogadishu on 6 August 2011 has raised hopes that a wider humanitarian access to populations in need in the Somali capital would materialise.

However, the humanitarian situation in Mogadishu remains dire. Humanitarian operations are being scaled up in Mogadishu but aid does not reach all those in need. According to Somalia's National Disaster Management Agency, the country still receives only 30 to 40% of the food

aid needed.¹ The World Health Organisation (WHO) has confirmed cholera outbreaks in Mogadishu and says that acute watery diarrhoea/cholera are expected to increase due to poor sanitation conditions, a shortage of safe drinking water, the use of contaminated water for domestic purposes, overcrowding in settlements for displaced persons and high malnutrition rates.

During August 2011, out of 7109 cases of acute watery diarrhoea in South and Central Somalia, 3092 were in the Banadir region (Mogadishu).² For instance, between 3 and 9 September, the Banadir Hospital in Mogadishu reported 296 cases of acute watery diarrhoea, 60% of which were children under five years. They also recorded nine related deaths. Between 10 and 16 September, the same hospital reported 274 cases of acute watery diarrhoea, 196 (72%) of which were children under five years. There were eight related deaths that week.³

Humanitarian access in Mogadishu is being hampered by several factors, including insecurity, which hampers aid operations, concerns for the safety of international humanitarian workers who are not able to move freely within the capital, the sheer number of people in need of assistance; and regular movement of populations in need within the city. Humanitarian actors also cite the lack of capacity of the Transitional Federal Government in supporting a major aid operation, the lack of adequate aid delivery mechanisms, and the lack of sufficient coordination among agencies.⁴ In addition, humanitarian organisations have to engage in long negotiations to hire local staff and secure means of transport.⁵

Humanitarian aid workers and recipients of humanitarian aid also remain at risk of being targeted in Mogadishu. There have been several incidents of violence and looting in camps for internally displaced persons in Mogadishu, and in food distribution sites, causing civilian casualties, in TFG-held areas of Mogadishu. On 14 August, TFG soldiers allegedly fired at a vehicle transporting food aid, killing a 19 year-old man. On 21 August, an internally displaced woman was reportedly raped by a TFG soldier in the Badbado IDP camp, in Darkhenley district. The same day, food aid was reportedly looted in a camp in Darkhenley.⁶ On 22 August, at least one displaced person was killed and three others injured when TFG soldiers reportedly opened fire at a food distribution site in Waberi district.⁷

2. in the rest of southern and central Somalia

The lack of access to populations in need in areas other than Mogadishu is cause for concern. According to Médecins Sans Frontières (MSF), many areas in South and Central Somalia remain without access to humanitarian aid. MSF states that al-Shabab, “already suspicious of western agendas, has placed bans on foreign staff, on the supply of medicines and materials by air, and on vaccination activities”.⁸

There continue to be reports of humanitarian workers abducted and held temporarily by members of al-Shabab. Temporary arrests of relief workers on 31 August have also been reported in El Waq, currently controlled by TFG militia; and in Mogadishu, where Turkish relief workers were held by TFG forces after returning from delivering aid to al-Shabab controlled areas.

¹ IRIN, Somalia : « lives before politics », 21 September 2011, <http://www.irinnews.org/report.aspx?reportid=93783>

² WHO, Somalia health response update, weekly highlights, 3-9 September 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_2273.pdf

³ WHO, Somalia health response update, weekly highlights, 10-16 September 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_2363.pdf

⁴ IRIN, Somalia : « lives before politics », 21 September 2011, <http://www.irinnews.org/report.aspx?reportid=93783>

⁵ MSF, Somalia: a reality check, 5 September 2011

⁶ Inter Agency Standing Committee, Protection Cluster Update, 13-26 August 2011

⁷ Inter Agency Standing Committee, Protection Cluster Update, 13-26 August 2011

⁸ MSF, Somalia: a reality check, 5 September 2011

In addition, al-Shabab is reported to prevent populations in need of assistance from moving to areas controlled by the TFG, both in Bay and Bakool and in Lower Shabelle. In Baidoa, al-Shabab reportedly forcibly returned internally displaced persons who had fled to the city back to rural villages in late September.

WHO reports that in August 2011, more than 1903 suspected measles cases, including 1530 under the age of five and 65 related deaths have been reported in South and Central Somalia. More than 4,000 cases of acute watery diarrhoea were reported in areas other than Mogadishu.⁹ MSF reports outbreaks of cholera and measles around Marere in southern Somalia.¹⁰

In areas of Southern Somalia controlled by TFG militias, tensions between TFG militias and sporadic attacks by al-Shabab fighters contribute to the volatility of the situation, hampering humanitarian operations.

II – Other human rights concerns

1. in Mogadishu

On 6 August 2011, al-Shabab fighters withdrew from most of Mogadishu. Amnesty International is concerned that, as local sources have indicated, al-Shabab elements may remain in Mogadishu. Several observers, including the UN Special Representative of the Secretary-General, have pointed to the likelihood that al-Shabab will increasingly resort to asymmetric warfare, including hit and run attacks, suicide bombings and the detonation of explosives in civilian-populated areas of Mogadishu. Observers also expressed concern that a security vacuum will be filled by militia under the control of warlords. In any event, on 13 August the TFG President imposed a state of emergency on all areas of Mogadishu vacated by al-Shabab.

Both sides to the conflict have made declarations that fighting will restart further underscoring the extreme volatility and unpredictability of the situation. For instance, al-Shabab leader Sheikh Muktar Abu Zubeir (Godane) reportedly said that his fighters would continue attacks against the TFG and AMISOM in Mogadishu, and in areas of southern Somalia currently controlled by TFG militia.¹¹

Despite the announced withdrawal of al-Shabab, insecurity remains high for civilians. According to the World Health Organisation, 570 casualties from weapon-related injuries were treated in the three hospitals in Mogadishu during the month of August 2011, with six related deaths.¹² These statistics are only indicative, as the number of deaths on site is not known.

While indiscriminate artillery attacks have reduced, pockets of fighting between al-Shabab fighters and the TFG and its allies still remain, notably in Darkhenley and Karan districts. On 8 August, one person was reportedly killed in clashes between TFG and AMISOM forces and al-Shabab, which reportedly involved mortar shelling.¹³ On 15 August, four people were reportedly killed and several others injured in clashes between TFG and AMISOM forces and al-Shabab in Yaqshid and Karan districts.¹⁴ On 28 August, al-Shabab reportedly attacked TFG and AMISOM forces in Dharkenley and Karan districts. Six civilians were reportedly killed

⁹ WHO, Somalia health response update, weekly highlights, 3-9 September 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_2273.pdf

¹⁰ MSF, Somalia: Uphill challenge to fight diseases in Marere, 13 September 2011

¹¹ Reuters, Somali militant leader denounces reluctant fighters, 30 August 2011, <http://af.reuters.com/article/somaliaNews/idAFL5E7JU2KT20110830?sp=true>

¹² WHO, Press briefing notes, Somalia, 13 September 2011, <http://reliefweb.int/node/446324>. WHO also reports that between 1 January and 31 August 2011, 8020 casualties from weapon-related injuries were recorded in the three hospitals in Mogadishu, with seventy-three related deaths.

¹³ Inter Agency Standing Committee, Protection Cluster Update, 12 August 2011

¹⁴ Inter Agency Standing Committee, Protection Cluster Update, 13-26 August 2011

and 15 others injured by mortar landing in Dharkenley district.¹⁵ Armed clashes between al-Shabab and TFG allied forces were also reported in Dayniile on 5 September and in Dharkeynley on 7 September. On 4 September, mortars were fired near the Presidential Palace, where the Consultative Meeting between Somali political actors and the international community was taking place, though no casualties were reported. On 7 September, mortar fire was also reported in Mogadishu. On 21 September, al-Shabab reportedly shot at TFG soldiers in Darkhenley.

Since the withdrawal of al-Shabab, several incidents involving hand grenades have also been reported, including one on 22 August in Darkhenley district which reportedly injured four people.¹⁶ Increasing incidents related to improvised explosive devices (IEDs) were also reported, particularly in the last week of August. On 11 August, four children aged between nine and eleven were injured in Shibis district by an IED.¹⁷ On 27 August, an eight year old boy was reportedly killed and two others aged 11 and 12 were injured when an IED detonated in Karan market in Mogadishu.¹⁸ Some IEDs in areas vacated by al-Shabab were found by TFG forces.

Incidents of fighting between different TFG units, or between TFG security forces and militia loosely affiliated to the TFG continue. On 30 August, TFG units and militia reportedly clashed in Howl-Wadag, killing at least seven people, including a civilian and injuring seven others. On 4 September, four people were reportedly killed and six others injured as TFG forces and militias clashed in Wadajir district over the dismantlement of checkpoints.¹⁹ Shooting incidents between TFG forces and militia also occurred in Dharkeynley district in September, apparently over the dismantlement of checkpoints.

Targeted killings have continued to be reported in Mogadishu. On 31 July, a Somali MP was reportedly killed in Hamarweyne district.²⁰ Three young men were publicly killed by al-Shabab in the Daynile district, after being reportedly accused of spying for the TFG.²¹ In early September, a TFG district commissioner in Mogadishu stated that 10 decapitated bodies were found in Huriwa and Daynile districts, including that of a woman.²² On 4 September, the decapitated bodies of two young men were reportedly found in Huriwa district.²³ On 17 September, a man and his mother were reportedly killed in Karan district; the man was reportedly a TFG civil servant.

Killings as a result of indiscriminate shooting continue to be reported. On 6 August, two persons were reportedly killed in Hodan district. On 2 September, a Malaysian journalist reporting on the operations of a Malaysian aid organisation in Mogadishu was shot dead and his colleague injured in the area of Km4. Following allegations that he had been shot at by AMISOM soldiers, AMISOM announced it had opened an investigation.

A TFG military court established in 2009 is increasingly handing down death sentences. On 22 August, two TFG soldiers were executed in Mogadishu. Amnesty International is concerned that trials do not respect basic fair trial standards. It is unclear whether defendants have any legal representation. They have no right to appeal to a higher court or to seek clemency, even when they are sentenced to death. In addition, the 13 August state of emergency decree gives

¹⁵ Inter Agency Standing Committee, Protection Cluster Update, 27 August-9 September 2011

¹⁶ Inter Agency Standing Committee, Protection Cluster Update, 13-26 August 2011

¹⁷ Inter Agency Standing Committee, Protection Cluster Update, 12 August 2011

¹⁸ Inter Agency Standing Committee, Protection Cluster Update, 27 August-9 September 2011

¹⁹ Inter Agency Standing Committee, Protection Cluster Update, 27 August-9 September 2011

²⁰ Somalia Report, Gunman assassinate Somali MP, 31 July 2011, http://www.somaliareport.com/index.php/post/1262/Gunmen_Assassinate_Somali_MP?PHPSESSID=c8657ceddf1910b240c9bf129c005c48

²¹ Shabelle Media Network, *Al shabaab executes three people in Mogadishu for spying*, 23 August 2011, <http://shabelle.net/article.php?id=10022>

²² Somalia Report, Another 10 beheaded bodies found, 2 September 2011

²³ Inter Agency Standing Committee, Protection Cluster Update, 27 August-9 September 2011

the military court jurisdiction over offences committed in areas of Mogadishu vacated by al-Shabab, whether committed by soldiers or civilians.²⁴ On 22 August, two TFG soldiers were executed by firing squad, after being sentenced to death by the military court. One had reportedly been accused of abuses against civilians, including the looting of food aid.²⁵

2. in the rest of southern and central Somalia

Sporadic fighting continues to be reported in southern Somalia, in areas bordering Kenya and Ethiopia. Some reports indicate that following withdrawal from Mogadishu, al-Shabab fighters have mobilised in the Gedo region since mid-August.²⁶ On 27 August, al-Shabab attacked Garbaharey which is under the control of a TFG allied group. On 31 August, they launched a hand grenade attack against TFG allied forces in Luuq. On 11 September, al-Shabab fighters reportedly attacked TFG-allied militia in El Wak. Dissensions and tensions are reported among TFG militia controlling these areas of southern Somalia, raising concerns about the potential for further insecurity for the population and for aid agencies wanting to operate in these areas.

At the end of August, fighting erupted in Galkayo, in the Mudug region in central Somalia. According to WHO, at least 190 casualties from weapon-related injuries and 36 deaths were reported from two main hospitals in the area. The fighting reportedly included the use of artillery and mortars in civilian areas by parties to the conflict. The clashes caused massive displacement from Galkayo town to nearby villages.²⁷

At least seven people were reportedly killed and others were injured in fighting between the TFG-allied Ahlu Sunna Wal Jamaa (ASWJ) and al-Shabab forces in Bakura, between the Hiran and Galgaduud regions.²⁸

Targeted attacks by al-Shabab elements against certain categories of persons have continued. On 15 August, one person accused of spying for the TFG was allegedly killed by al-Shabab in the Hiran region. In September, a man reportedly had his right hand and left leg amputated by al-Shabab elements on accusations of looting displaced persons in Wanleyweyn district.

Human rights abuses against persons fleeing from one place to other other continue. Although the large-scale movement of Somali civilians across the Ethiopian and Kenyan borders have reduced since June and July 2011, many people continue to seek refuge in countries neighbouring Somalia. Those displaced to other countries have reported many instances of human rights abuses against people in flight, such as looting, extortion, and sexual violence.

Several reports indicate that people fleeing north towards Puntland, particularly men, have been refused passage at checkpoints, deported, or arrested. On 16 August, 49 young men from Bay and Bakool regions were reportedly deported from Garowe to Galkayo by the Puntland security forces, while a hundred others were reportedly arrested south of Garowe, separated from their relatives and awaiting deportation.²⁹

²⁴ Amnesty International and Human Rights Watch, Transitional Federal Government must stop unfair trials and executions, 2 September 2011, <http://www.amnesty.org/en/for-media/press-releases/somalia-transitional-federal-government-military-court-must-stop-unfair-tri>

²⁵ Reuters, *Somali govt executes two soldiers over killings*, 22 August 2011, <http://af.reuters.com/article/somaliaNews/idAFL5E7JM19220110822?sp=true>

²⁶ Inter Agency Standing Committee, Protection Cluster Update, 13-26 August 2011

²⁷ Inter Agency Standing Committee, Protection Cluster Update, 27 August-9 September 2011

²⁸ Shabelle Media Network, 7 killed as Al shabaab, Ahlu Sunn fight in central Somalia, 21 August 2011, <http://shabelle.net/article.php?id=9929>

²⁹ Inter Agency Standing Committee, Protection Cluster Update, 13-26 August 2011