

SOMALIA COUNTRY REPORT

OCTOBER 2003

COUNTRY INFORMATION & POLICY UNIT

17/12-03

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**1. SCOPE OF DOCUMENT**

1.1 This country report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The country report has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.

1.3 The country report is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

**1.4** It is intended to revise the country report on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

## 2. GEOGRAPHY

**2.1** Somalia (known officially as the Somali Democratic Republic) has an area of 637,657 sq. km and borders Kenya, Ethiopia and Djibouti. In mid 2000 the UN estimated the population to be 8,778,000. **[1a]** Somalia is divided into a total of 18 administrative regions or provinces; the largest city is the capital Mogadishu (population estimated in 2000 as 1,219,000). **[1a][16]** Other important towns include Hargeisa (capital of the self-declared independent "Republic of Somaliland" in the north-west), Kismayo, Baidoa, Berbera, Bossaso, Garowe (the "Puntland" capital), Merka (Merca) and Brava (it should however be noted that there are frequently variations in the spelling of place names in Somalia). **[1a][51]** The majority of the population is Sunni Muslim; there is also a small Christian community, mostly Roman Catholic. **[1b]**

**2.2** Somali society is characterised by membership of clan-families, which are sub-divided into clans, and many sub-clans; in addition there are a number of minority groups, many of which are also divided into sub groups (see the section: **Ethnic Groups**). **[8]** The clan structure comprises the four major "noble" clan-families of Darod, Hawiye, Isaaq and Dir. "Noble" in this sense refers to the widespread Somali belief that members of the major clans are descended from a common Somali ancestor. Two further clans, the Digil and Mirifle (also collectively referred to as Rahanweyn), take, in many aspects, an intermediate position between the main Somali clans and the minority groups. **[1a][8]** Large numbers of ethnic Somalis also live in neighbouring Ethiopia, Kenya and Djibouti. **[8]**

**2.3** The national language is Somali; it was adopted as the official language in 1972 at which time it was without a written form, its alphabet was adapted in 1973 using a modified Roman alphabet. **[1a][16]** Arabic is also in official use and both English and Italian are widely spoken. **[1b]** In addition to these languages some minority groups speak their own language, the Bajuni for example speak Ki-Bajuni. However in all contacts with the Somali speaking population there would additionally be a need to speak at least some Somali. **[8]**  
**[50]**

(For further information on Geography refer to Africa South of the Sahara -source **[1a]**)

## 3. ECONOMY

**3.1** Somalia is very poor with a market-based economy in which most of the work force is employed as pastoral nomads (an estimated 80%) or subsistence farmers. **[1a][2a][38]** The economy is primarily agricultural and is based mainly on herding camels, sheep, goats and cattle. The principal exports are livestock and charcoal, in the fertile area between the Juba and Shabelle rivers in the south bananas are the principal cash crop, there is very little industry. **[1a]** Insecurity and adverse weather have affected the already poor economic situation. **[2a]**

**3.2** Since 2002 Saudi Arabia and some other Arab countries maintained a livestock ban due to fears of Rift Valley Fever, the ban has caused further damage to the already devastated economy. **[2a][11k][30b]** In April 2003 representatives of the Somali business community, representatives of the Transitional National Government (TNG), "Somaliland" and "Puntland" administrations and representatives from Middle Eastern countries importing Somali livestock products met to discuss the development of exports. The formation of a Somali livestock board was jointly recommended to regulate the industry. **[3c]**

**3.3** Economic problems have severely limited employment opportunities giving rise to serious unemployment problems. **[2a][3c]** With Mogadishu and Kismayo ports remaining

closed other ports, such as Bossaso in Puntland, have benefited from an increase in trade. [3b][33] The private sector has thrived in "Somaliland" with shops in the capital Hargeisa reportedly well stocked with imported goods. Nevertheless, the economy remains fragile and livestock, together with remittances from the diaspora, remain the economic backbone. [11k]

**3.4** Severe economic repercussions were felt by thousands of Somalis after the US Government froze the foreign assets of Al-Barakat, the largest corporation in Somalia, operating as a telecommunications company and major remittance bank. This action followed the attacks of 11 September 2001 against the USA, the Americans claimed that Al-Barakat had been diverting funds to Al-Qaeda. [6a][16] In early 2002 a senior UN official warned the United States that efforts to shut down Somali companies allegedly linked to terrorism was aggravating Somalia's already desperate situation. [16]

**3.5** In the first half of 2003, the World Bank resumed operations in Somalia (for the first time since 1991) through its project for low-income countries under stress initiative. The World Bank is supporting peace building activities overseen by United Nations agencies including HIV/AIDS prevention, training centres and livestock trade. [3c][10ar] Lending to Somalia is prevented due to the fact that the country is in arrears, lacks a functioning government and is affected by an unstable security situation. However, it was reported that the proposed activities would be covered by a grant from the World Bank's Post-Conflict fund. [10ar]

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### COUNTRY INFORMATION & POLICY UNIT

#### 4. HISTORY

##### Part I

##### Part II

##### Part III

##### Part IV

#### 4. HISTORY

##### **Independence (1960)**

**4.1** The modern state of Somalia was formed in 1960 by the independence and merger of British Somaliland in the north-west and the Italian-administered United Nations (UN) Trust Territory of Somalia. The new state was known as the independent Somali Republic. In the early years after independence, internal harmony was encouraged by the commitment of all political leaders, at the price of external conflict, to the policy of extending the boundaries of the new state to include ethnic Somali communities in neighbouring states. [1a]

**4.2** Dr Abd ar-Rashid Ali Shirmarke, of the Darod clan-family, became President in 1967 and Mohamed Ibrahim Egal, former Prime Minister of British Somaliland, from the northern Isaaq clan-family, became Prime Minister. Following agreements with Ethiopia and Kenya over borders, internal politics was marked by an upsurge of divisive tribalism. Over 1,000 candidates, representing 68 mostly clan-based political parties, contested seats in the 1969 legislative elections. The ruling Somali Youth League party won the elections and Egal was re-appointed Prime Minister, but the Government no longer reflected Somali society in general. [1a]

(For history prior to 1969 refer to Africa South of the Sahara -source [1a])

**Said Barre Regime 1969 - 1991**

**4.3** President Shirmarke was assassinated in October 1969. Army chief Major-General Mohamed Siad Barre seized power, promising to eliminate corruption and clanism. **[1a]** Barre abolished political parties, dissolved parliament and suspended the 1960 Constitution. The country was renamed the Somali Democratic Republic. In 1970 Barre declared Somalia a socialist state and embarked upon a programme of national unification and social and economic reform. **[1b]** Most key sections of the economy were brought under state control; in 1975 land was nationalised. Subsequent efforts to recover nationalised land became a major factor in inter-clan fighting from 1991. **[1a]**

**4.4** In 1976 the Somali Revolutionary Socialist Party (SRSP) was established under Soviet influence. Despite Barre's avowed intention to eliminate clanism, his regime became divided along clan lines as he favoured his own Marehan clan, part of the Darod clan-family, over others. His family and clan became increasingly dominant in government, prompting several clan-based insurgencies. **[1a]**

**4.5** Under Barre, Somalia pursued its claim to Ethiopia's Somali-populated Ogaden district by arming the Western Somali Liberation Front guerrillas. The Ogaden clan, part of the Darod clan-family and the clan of Barre's mother, was a key element of Barre's support. In 1977, Somalia invaded Ethiopia and quickly overran the Ogaden district but Ethiopia, with assistance from the Soviet Union, which had switched its support from Somalia to Ethiopia, recaptured the area by early 1978. Large numbers of refugees moved into Somalia from the Ogaden district. **[1a]**

**4.6** Military defeat, shifts in alliances and ideology and the effects of famine and refugee influxes have all had considerable impact on internal politics. Opposition groups began to appear, notably the largely Majerteen-based Somali Salvation Democratic Front (SSDF) and the Isaaq-based Somali National Movement (SNM). Both groups received support from Ethiopia. The SSDF took control of two small towns in central Somalia in the early 1980s but the organisation virtually collapsed with internal differences in the mid-1980s. **[1a]**

**4.7** In 1988, the SNM was forced by Ethiopia to leave its Ethiopian bases. The SNM attacked and occupied Burao and part of Hargeisa in north-western Somalia. Government forces, led by Barre's son-in-law General Mohamed Siad Hersi 'Morgan', soon recaptured the towns in an uncompromising counter-offensive that virtually destroyed them, killing an estimated 40,000 in Hargeisa and forcing 400,000 to flee to Ethiopia; this only served to increase support for the SNM in the north-west. **[1a]**

**4.8** In 1989 Hawiye intellectuals (the Hawiye are Somalia's largest ethnic group and the dominant clan grouping in Mogadishu) established the United Somali Congress (USC) **[1b][8]**. The USC and the National United Front of Somalia, a group allegedly dominated by disaffected army officers, were thought to have organised anti-Government demonstrations that took place in July 1989. The security forces ruthlessly suppressed these protests resulting in more than 400 deaths. During 1989 the ruling Marehan clan lost the support of the Ogadeni clan; Ogadeni army deserters subsequently established the Somali Patriotic Movement (SPM) in the south and the Somali National Army in central Somalia. **[1b]** In August 1989 Barre announced that opposition parties would be allowed to contest elections due in 1990, and offered to relinquish power. One effect of this was to encourage the creation of political parties within those major clans yet to evolve a political identity. **[1a]** By this time it was reported that the Government control did not extend much beyond Mogadishu, parts of Hargeisa and Berbera. The USC gained support in the south, where its guerrilla forces fought alongside the SPM while in the north the emergence of the Somali Democratic Alliance (SDA) intensified the challenge to Barre's authority. **[1b]**

**4.9** By January 1991 the USC's military wing, led by General Mohamed Farah Aideed, had captured most of Mogadishu and the SPM had taken Kismayo in the south. Barre fled Somalia on 27 January 1991 and the USC assumed power in Mogadishu, while the SNM had seized control of the north-west and a resurgent SSDF the north-east. **[1a]**

**Collapse of Central Government in 1991 & Civil War**

**4.10** Ali Mahdi Mohamed, of the Abgal clan (part of the Hawiye clan-family), was declared interim President by the USC in late January 1991 but his appointment was opposed by the SNM and SPM. The situation by mid-March 1991 was close to anarchy and division along clan lines was increasing. **[1b]** Although some non-Hawiye were given posts in the new administration, most posts were allocated to the Hawiye. **[1a]** In the north-west the SNM convened a series of meetings of clan Elders that led to the establishment of an administration and legislature in the area of former British Somaliland and a declaration of secession from the rest of Somalia in May 1991. SNM Chairman, Abd ar-Rahman Ahmed Ali 'Tur', became the first President of the new "Republic of Somaliland". **[1a][1b]**

See the section: "[Republic of Somaliland](#)" (north-western Somalia) 1991-2003 for additional information

on Somaliland post 1991.

**4.11** Reconciliation conferences held in Djibouti in mid-1991 confirmed Ali Mahdi as President for a two-year period and he assumed office in August 1991, with Umar Arteh Ghalib, an Isaaq, as Prime Minister. The SNM did not attend the conferences. **[1a][1b]** Difficulties arose at the conferences, as the Darod demanded the return of property seized after Siad Barre's overthrow. Darod and Isaaq clans were estimated to have owned as much as 60% of land and property in Mogadishu before 1989. Most was looted in 1991 and appropriated by Hawiye, who were reluctant to return it. The issue of property has since remained highly contentious and unresolved. **[1a]**

**4.12** By June 1991 a major rift had opened up within the USC between Ali Mahdi and General Aideed. **[1a]** **[1b]** The rift reinforced clan divisions; Ali Mahdi's Abgal clan was prominent in and around Mogadishu whereas Aideed's Habr Gedir comprised a significant element of the more rural, pastoral Hawiye in the central regions of Somalia. The Abgal had provided much of the support for Ali Mahdi's 'Manifesto' movement whereas the Habr Gedir comprised most of the Hawiye guerrilla forces. **[1a]** Aideed was elected USC Chairman in July 1991, increasing his power base. Ali Mahdi's refusal to award Ministerial posts to Aideed's supporters guaranteed conflict and heavy clashes took place in Mogadishu from September 1991 between the rival USC factions, leaving the city divided. Clashes continued through to an UN-brokered cease-fire in March 1992, by which time 30,000 people had died. Other important Hawiye clans, particularly the Hawadle and the Murosade, had taken control, respectively, of Mogadishu's airport and sea port. **[1a][1b]**

**4.13** Clashes for territory took place throughout Somalia during 1991 and 1992 between rival clan-based militias. The southern port of Kismayo changed hands several times during 1991; much of the fighting there was on a clan basis. Barre's forces had re-grouped in the south as the Somali National Front (SNF). **[1a]** General Morgan led several advances of SNF forces towards Mogadishu during 1991 and 1992 but Aideed's forces repulsed them at Afgoi in April 1992 and went on to capture the town of Garba Harre on the Kenyan border where Barre had established his base. Barre fled to Kenya, he later went into exile in Nigeria. After mid-1992 the SNF, although a largely Marehan faction, disassociated itself from Barre. **[1b]**

**4.14** Having halted Morgan's attack on Mogadishu, Aideed's forces allied with Jess' SPM faction moved south to capture Kismayo from Morgan in May 1992, forcing Morgan and his supporters to flee to Kenya. However, Morgan and the SNF took back the strategic town of Bardera in Gedo region from Aideed's forces in October 1992 and advanced towards Kismayo. Aideed set up the Somali National Alliance (SNA) coalition, comprising his faction of the USC, Jess' SPM faction, a faction of the Rahanweyn-based Somali Democratic Movement (SDM) and the Southern Somali National Movement (SSNM), a grouping of non-Darod clans south of Mogadishu. In response to Aideed's victories, Ali Mahdi strengthened his links with opponents of Aideed, notably Morgan, the SSDF, the rival SPM faction and the SNF, under the Somali Salvation Alliance (SSA) grouping. **[1a]**

#### United Nations Intervention 1992-1995

**4.15** In January 1992 the UN imposed an embargo on the sale of arms to Somalia. The ICRC reported hundreds of thousands of people had been displaced by the conflict by the end of January 2002; thousands having crossed into Kenya. Subsequent estimates suggest 300,000 people may have died of starvation in this period. In April 1992 a UN Operation in Somalia (UNOSOM) was set up, initially to monitor the Mogadishu cease-fire that had been agreed the previous month. Fighting continued elsewhere in Somalia. In December 1992 multi-national forces were deployed throughout Somalia, excluding Somaliland, under the umbrella of the Unified Task Force (UNITAF). A principle aim of this mission was to ensure food deliveries. Under UNITAF pressure, Aideed and Ali Mahdi signed a reconciliation agreement in December 1992 to end the rivalry between USC factions. **[1a]**

**4.16** Major political groups attended peace talks in Addis Ababa in March 1993. Somaliland's SNM attended as an observer only. The delegates agreed to establish a Transitional National Council, representing all regions of Somalia and the factions attending the talks, with UN peacekeeping forces administering a cease-fire. As the Addis Ababa talks were closing in March 1993 the UN authorised the deployment of UNOSOM II, with forces from 30 countries. In May 1993 UNOSOM II replaced UNITAF to become the largest peacekeeping operation ever undertaken by the UN and the first to engage in peace enforcement without the consent of the parties in the relevant country. **[1a]**

**4.17** Existing political structures, responsible for the previous two years of anarchy, had been reinforced by UNITAF accepting politicians and faction 'warlords' as key negotiators rather than trying to widen the basis of political consultation. UNOSOM II took this a stage further by taking sides in the conflict and effectively declaring war on Aideed. US advisers to UNOSOM II disliked Aideed's independent attitude towards the UN presence in Somalia. During 1993 US forces, under direct US rather than UN command, carried out a series of attacks against Aideed's SNA in Mogadishu. Increasingly violent operations, which sought to disarm the

SNA and arrest Aideed, continued for several months, causing many casualties and provoking hostile reactions in Mogadishu. [1a]

4.18 In October 1993, an operation by US soldiers to seize Aideed's supporters in a heavily populated district of Mogadishu resulted in the deaths of 19 UNOSOM II troops and at least 200 Somalis. This prompted an immediate change in policy by the US, which henceforth advocated a political rather than military solution to the conflict with Aideed, and a decision to withdraw US forces from Somalia by March 1994. [1a]

4.19 Despite the presence of UN troops in the capital, General Morgan was able to recapture Kismayo from Aideed's ally Colonel Jess in March 1993. A regional peace conference for 'Jubaland' (south-western Somalia) took place in Kismayo from May to August 1993 but failed to produce any binding agreement between the conflicting parties. Subsequent efforts in 1994 were similarly unsuccessful. [1a]

4.20 A further national reconciliation conference took place in Addis Ababa in December 1993 but was not successful in finding agreement between Aideed's SNA and the SSA grouping around Ali Mahdi. Talks continued in Nairobi in 1994 but were inconclusive. Renewed conflict between Hawiye factions followed. Meanwhile, efforts by UNOSOM II to establish district and regional administrations were criticised by observers who claimed that council members were often imposed, or excluded (particularly those from the SNA), by UN officials. In November 1994 the UN announced that UNOSOM II would withdraw from Somalia by the end March 1995. Competition for control of installations that UNOSOM II had run became the focus of factional hostility. Fighting broke out between the militias of Aideed and Ali Mahdi for control of the port and airport in February 1995. The last UN forces left Somalia in March 1995. [1a]

#### Arta Conference 2000 and formation of the TNG

4.39 A peace conference chaired by Djibouti's President Ismail Omar Guelleh opened in May 2000 at Arta, Djibouti under the auspices of IGAD. [1a][1b][2a][8] Arta was the 13th major peace initiative for Somalia since the collapse of central government in 1991. [1a][8] It was the first peace initiative that set out to work around civil society rather than just the armed clan-factions. [8]

4.40 Nearly 2,000 delegates, representing a wide spectrum of Somali society, including clan Elders, religious leaders, NGOs, businessmen and intellectuals, attended the Arta conference, with the aim of drafting a power-sharing arrangement and a constitution, the Transitional National Charter, to see Somalia through a three-year transitional period. [1b][2a][8][37] Some leaders of armed clan-factions attended, most notably Ali Mahdi, but the Somaliland and Puntland authorities and faction leaders such as Hussein Aideed and Musa Sude stayed away from the conference. [8]

4.41 In August 2000 the conference adopted the Transitional National Charter and selected the 245-member Transitional National Assembly (TNA). [1a][2a] The Charter, which effectively serves as a constitution, provides for freedom of expression and association and separated the executive, legislature and judiciary, guaranteeing the independence of the latter. [1b]

4.42 The TNA is structured along clan lines and comprises equal numbers of members of the main Somali clan-families, the Dir (including the Isaaq), Hawiye, Darod and Digil-Mirifle (Rahanweyn) and reserved seats for representatives of minority groups and women. The seats for the clan-families are divided out amongst the various constituent clans and sub-clans. [1a][1b][8]

4.43 In August 2000 the TNA elected Abdiqassim Salad Hassan, a member of the Hawiye Habr Gedir Ayr clan, as transitional President of Somalia. [1a][1b][2a][8] Abdiqassim had held several ministerial positions under Siad Barre. [1a] Abdiqassim received public backing from the UN, EU, Arab League and was supported locally by business interests, Ali Mahdi and the Islamic Shari'a courts, some of which pledged their militia forces to the new administration. [8]

4.44 Ali Khalif Galayadh, a businessman and prominent member of the northern Darod Dulbahante clan, was named as Prime Minister in October 2000. [1a][2a][8] Like Abdiqassim, Galayadh had also served as a Minister under Siad Barre. [1a] Later in October 2000, Galayadh announced the formation of the 32-member Transitional National Government (TNG). [1a]

4.45 Abdiqassim made his first visit to Somalia in his new capacity as interim President when he visited Baidoa, in RRA-controlled Bay region, in early September 2000. Thousands of people attended a rally in Baidoa to welcome him. He made a surprise visit to Mogadishu later in September 2000 and met with no resistance from the clan-faction leaders, such as Hussein Aideed, that had threatened to oppose any such

visit to the capital. [8][14a]

**4.46** In December 2000 Hossein Haji Bod, a North Mogadishu 'warlord' and former deputy of Ali Mahdi previously opposed to the TNG, declared his support for Abdiqassim's transitional administration. Bod pledged the support of his militia to the TNG. [14c]

#### Formation of SRRC

**4.47** In March 2001 faction leaders, backed by Ethiopia, opposed to the TNG established the Somali Reconciliation and Restoration Council (SRRC) at a meeting in Addis Ababa (see Annex C). The SRRC has a presidential council, consisting of five co-chairmen who it was agreed would each fill the position of chairman on a rotating basis. Hussein Aideed was chosen as the SRRC's first chairman, with a mandate for six months. [10e]

#### TNG vote of no confidence of 2001

**4.48** On 28 October 2001 the TNG of Prime Minister Ali Khalif Galayadh was voted out of office after it failed to defeat a no-confidence vote in the TNA. 174 members of the 245-seat TNA voted on the motion, with 141 supporting the TNG's dismissal. MPs who accused the Prime Minister of mismanagement and failing to bring peace to Mogadishu and Somalia as a whole tabled the motion. [10p][14e][15c]

**4.49** The no-confidence vote took place on the eve of peace talks due to commence in Kenya at the beginning of November 2001 between President Abdiqassim and opponents of his administration, including members of the SRRC. President Abdiqassim remained in office as the interim president, as did the TNG, under acting Prime Minister Osman Jamma Ali, on a caretaker basis pending the appointment of a new administration. [10p][14e][15c] Abdiqassim appointed Hassan Abshir Farah, a former Puntland interior minister, as Prime Minister in November 2001. [14f]

#### Eldoret Peace Conference 2002

**4.50** In January 2002 IGAD heads of state met in the Sudanese capital, Khartoum, to discuss peace and reconciliation in Somalia. Following this meeting, which was attended by US Assistant Secretary of State for African Affairs Walter Kansteiner, hopes were raised that IGAD, the EU and the United States were going to finally solve the Somali situation by completing the peace process started in Arta in 2000. It was hoped they could bring about reconciliation between the TNG, the factions opposed to it, and regional administrations such as Puntland and Somaliland. [10z]

**4.51** In a follow-up to the January summit, regional ministers met in the Kenyan capital, Nairobi, in February 2002 and agreed to set up a technical committee to prepare for a Somali reconciliation conference. Originally this was planned to commence in the second half of April 2002. However, the conference, which was to have brought together the TNG and other political groups was repeatedly postponed, as the necessary mechanisms were not in place. [10z]

**4.52** An IGAD-sponsored national reconciliation conference on Somalia finally commenced in the Kenyan town of Eldoret on 15 October 2002. [3d][10w][11z] The conference represented the fourteenth attempt to bring peace to the collapsed state. [6c] Most faction leaders attended the talks; delegates included the TNG Prime Minister Hasan Abshir Farah, Puntland leader Abdullahi Yusuf, Hussein Aideed, Musa Sude, Omar Mohamoud Mohamed 'Finish', Osman Ali Ato and other representatives of the SRRC; all IGAD members' states were also represented. [3d][10w][11x] It was reported that the talks had attracted more "important Somali players" than any previous peace conference. [11f]

**4.53** More than 19 faction leaders and 400 delegates participated in the talks (of these 362 were official delegates). [11c][11d] However, the TNG president refused to attend unless he was accorded head of state status as opposed to that of a faction leader. The TNG Prime Minister instead represented him. [11c] The breakaway self-declared Somaliland Republic also refused to attend the talks. [6c][11c] Reportedly, donors organising the conference had put no pressure on Somaliland to participate; in contrast European diplomats threatened sanctions against any warlords who did not participate. [11c]

**4.54** There were two adjournments during the opening two weeks, first when clan and military differences showed as faction leaders demanded a greater share in any new democratic government, then when some clan leaders claimed they were under-represented at the talks. Meanwhile faction leaders pushed for the exclusion of the civil society, women and professionals from the talks. [11c] However, an early positive

development saw 22 military, political, civil society and clan leaders, including a reported 17 faction leaders, sign the Eldoret Declaration on 27 October 2002. [3b][6c][11c][11f] The declaration included an undertaking of signatories to create federal governance in Somalia; endorsed the principle of decentralisation; a provision for all hostilities to cease and guaranteed the security of humanitarian and development personnel and installations. [3b] However, this ceasefire element has subsequently been violated on several occasions (see the section: Current security situation). [3b][11f]

**4.55** Disputes over seat allocations for the conference continued to cause deadlock. Some Somali political groups complained they were being marginalised and alleged the distribution of seats was unfairly biased towards the SRCC. IGAD proposed a formula to increase the number of delegates to 400. Faction leader, Ali Mahdi Mohamed quit the talks in November 2002 stating the peace conference was going nowhere. [11d] Meanwhile moves to get the second phase of talks underway started; this involved the creation of six committees to put forward recommendations on key issues. The issues identified for discussion included federalism and producing a provisional Federal Charter; demobilisation; disarmament and reintegration; land and property rights; regional and international relations and conflict resolution and reconciliation. [6c][10ad][11d][11e] The second phase of the talks had originally been expected to take place in Rome with a reduced delegation of 75 to be selected from those present at Eldoret, however talks remained in Eldoret with a far higher number of delegates. [11c][11f]

**4.56** With the second phase of talks underway it was reported in December 2002 that 23 factions had agreed to a federal transitional parliament comprising 450 seats be formed at the conclusion of the conference. With numbers present at the conference having thus far been in the region of 1,000 it was announced by Kenya's special envoy, and Chairmen of the conference, Elijah Mwangale, that for financial reasons delegates would be limited to around 300. [11e] When the conference opened there had been reports of a brisk trade in bogus credentials, the number of official delegates participating in the second phase was reported to be 361. [10bc][11f] The excess attendees were offered financial assistance to return home. Mwangale indicated a small number of people were necessary to discuss in detail the structure of the new government to be formed. [11e]

**4.57** Other developments during December 2002 saw the signing of an agreement between the TNG and five faction leaders - Qanyareh, Musa Sude, Aideed, Ali Ato, and Omar 'Finish' - who pledged to ensure security in the capital. The faction leaders also signed a separate agreement to make efforts to open both the air and sea port in Mogadishu. [3b] Also in December 2002 the African Union named Mohamed Ali Fourn as its first envoy to Somalia. [11e]

**4.58** In January 2003 the new Kenyan Government replaced Mwangale with Bethwell Kiplagat, a move intended to inject new momentum into the reconciliation process. This appointment was strongly welcomed by the Somalis. [3b][11f] In his new role Kiplagat has held consultative meetings with the six committees (see above) to discuss their agendas. Meanwhile leaders have requested time to consult and reach an agreement regarding the issue of ownership of the conference. Meanwhile, arguments over representation ensued; one civil society representative stated he had been beaten up after he and other representatives, including women, stormed a meeting of warlords. However, on 25 January 2003 it was reported that civil society groups had agreed to have 16 delegates with warlords having 284. [11f]

#### Change of venue and other peace related initiatives 2003

**4.59** In February 2003 the talks were adjourned in order that they could move from Eldoret to Mbagathi College in Nairobi, this represented a further attempt to cut costs. [6d][26] Prior to the process recommencing in its new location there were threats from several factions, including the TNG to withdraw. [26] The TNG did continue its participation in the process but joined a number of other factions in staying away from the initial meeting in the new venue. [10ac][11g][26]

**4.60** There were reports that TNG, in common with a number of other factions, were unhappy about Ethiopian "interference" in the conference and expressed the view that Kenya should be the sole facilitator of the talks. During February 2003 the TNG also accused Ethiopia of "working tirelessly to marginalise or undermine the TNG and some factions while favouring others". Ethiopia's Prime Minister had earlier admitted sending troops into Somalia to attack members of the Islamist Al-Itihaad group; he also claimed there were members of the group within the TNG. Unsurprisingly, the TNG opposed in the strongest possible terms a proposal, originating from the US for Ethiopia to deploy forces to represent US forces within Somalia. The TNG indicated any such move would cause "big trouble" in the region. [11g]

**4.61** Also in February 2003 a monitoring committee was set up to monitor the ceasefire accord between the warring Somali factions. This comprised the EU, AU, Arab League, IGAD and US. The committee met on 27 February 2003 and discussed the possibility of sanctions against any faction that breach the ceasefire. [11g] In early March 2003 Kiplagat urged faction leaders whose groups have been violating the cease-fire agreement to respect the peace process. He warned that a team would soon be sent to Mogadishu to assess the situation and action would be taken against those flouting the cease-fire agreement, whether they were part of it or not. [26]

**4.62** At the end of March 2003 the TNG, faction leaders Qanyareh and Ali Ato, and members of the JVA and the RRA held a meeting in Mogadishu. [10ac] Participants maintained that this was not an alternative to the Nairobi talks but a consultative meeting to discuss ways of bringing peace to the capital. [3c][10ac] It was reported that progress was made in this respect as agreement was reached both for a new administration for Mogadishu and measures to bring peace. [10ac] Meanwhile at a joint press conference several groups attending the talks in Nairobi, including the SRCC represented by Hussein Aideed, denounced the Mogadishu initiative. Some faction leaders claimed it was intended to undermine the Nairobi talks. [3c][10ac]

**4.63** In April 2003 it was reported that the IGAD technical committee responsible for steering the peace talks had established a Harmonisation Committee (HC) to co-ordinate the work of the peace conference's six working committees and come up with one report. The SRCC reacted angrily to this development and called for IGAD to rescind its decision, and indicated it would not consider binding any opinions or recommendations submitted by the HC. The SRCC contend the task of harmonising differences should have been left to the Leaders' Committee. [10ad]

**4.64** In May 2003 organisers announced that the second phase of the talks were nearing a conclusion and that only a plenary session to discuss recommendations from the six committees remained outstanding. Kiplagat expected to receive a set of recommendations that would pave the way for setting up new transitional institutions. There were reports that the committee discussing the issue of federalism was unable to agree a single set of recommendations but had produced two reports, one advocating a unitary state and the other for a federal state. Kiplagat stated that a consensus proposal based on middle ground was however emerging. [10al]

**4.65** An issue where agreement proved particularly difficult to reach a consensus was the size and mode of selection for members of a future interim parliament. By mid June 2003, reportedly after days of bargaining, considerable differences remained between delegates' aligned to the SRRC and TNG supporters. [10ax] Kiplagat had previously imposed a deadline of 18 June 2003 for a new parliament to be in place. On the eve of this date he acknowledged this would not be achieved. However, he noted progress had been made in respect of several issues of contention and extended the deadline to the end of June 2003 to resolve remaining differences. [10ay] However, one week later there were warnings from the G8 alliance of factions (see Annex C) that the talks risked collapse if a compromise was not found. [10bc]

**4.66** The SRRC favoured a 450-seat parliament with 361 delegates to the peace conference forming the basis. The TNG and other donors to the conference rejected this position and argued that a parliament of 450 is not economically viable. The TNG also believe that the parliament should not be based on conference delegates but selected instead by traditional elders. Additionally, some diplomats observing the talks expressed concern that a 450-member parliament would be too large and unwieldy to make decisions. [10ax][10bc] The G8 groups proposed a 275-member parliament as a compromise. A speaker for the 41 civil society organisations represented at the conference also expressed serious concerns at a parliament of the size proposed by the SRRC and proposed instead a 171 member parliament with a cabinet not exceeding 13. [10bc]

**4.67** Meanwhile, during May and early June 2003 a 21-member AU and IGAD mission, sent by the conference to look at the security situation, undertook a 12 day fact-finding mission in Somalia. Also comprising delegates from the Arab League, EU and Somali delegates attending the conference, the mission's purpose had been to prepare ground for the future deployment of AU military observers. Additionally, the mission was intended to facilitate planning the deployment of peacekeeping troops in the event that the conference was to support such an initiative. The mission had encouraged those who it met with within Somalia to abide by the cease-fire agreement. According to the mission leader, there was a great desire for peace amongst the population. However, even during the course of the mission, and unbeknown to the participants, the cease-fire was breached in the Middle Shabelle region (see the section: Current security situation: Middle Shabelle). [10au]

**4.68** On 5 July 2003 delegates to the conference reportedly signed what was termed a "historic" agreement to set up a federal government. This provided for a 351 seat Transitional Parliament with a four-year mandate.

Selection of parliamentarians was to be made by signatories to the Eldoret Declaration of 27 October 2002 (see section: Eldoret Peace Conference 2002) and politicians originally invited to the technical committee in consultation with traditional leaders. However, the following day the agreement was denounced by some groups. TNG President Abdiqassim rejected the agreement (signed by his Prime Minister), stating it would divide the country. He maintained the previously expressed TNG concerns about the number of MPs and the method of their selection (see above). However, TNG Prime Minister Abshir Farah stood by the agreement and in a press statement stated that it represented a compromise between two dramatically opposed positions. Meanwhile the Mogadishu faction leader, Musa Sude, stated that the agreement had just been announced and he would not recognise it. [10bf] Abdiqassim and Musa Sude both withdrew from the talks in late July 2003 and early August 2003 respectively. [10bn]

4.69 By late July 2003 it was reported that consensus was emerging on the controversial issue of a charter. Organisers expressed hope that the greatest measure of agreement could be achieved before the plenary session marking the end of stage two. Some participants felt that the remaining stage of the conference would be most difficult as it involved the contentious issue of power sharing. One delegate observed that every faction leader present would want a bigger share than they would probably get. In anticipation of moving to stage three IGAD had commenced the process of transporting Somali traditional elders to the Nairobi venue. According to organisers the intended role of these elders in the final stage of the process was to participate in the selection of future parliamentarians and to contribute to the reconciliation of various faction leaders. [10bl]

4.70 In August 2003 Mogadishu faction leader Ali Ato also expressed his disappointment over the conduct of the peace talks in Nairobi. Speaking from Mogadishu he commented that "It seems that certain Somali groups, supported by a foreign power, are being favoured to the detriment of others, and this will not lead to a successful outcome". However, he denied he had walked out of the talks and stated he was in Mogadishu to consult with his people. He expressed his intention to meet with those faction leaders who had left the talks, but stressed this was a consultative meeting not an alternative to the Kenya conference. In addition to President Abdiqassim and Musa Sude, JVA leader Colonel Barre Shire Hiirale was also reported absent from the talks. [10bq] Abdiqassim had received from the Kenyan government a formal invitation for the TNG to return to the talks. He had reportedly attached a number of conditions to any return, aside from the role of traditional elders in the selection of parliamentarians these included Somalis having overall control of the talks and the participation of a representative from the "northern regions" (a reference to Somaliland). [10bp]

#### Term of TNG mandate reaches its official end

4.71 As the TNG mandate drew closer to its scheduled end in August 2003 there were increasing reports of significant differences between President Abdiqassim and his Prime Minister. [10aq][10bf] In May 2003 there were reports of a rift between TNG President and Prime Minister, these were played down as being "minor" and "resolved" by Prime Minister Hassan Abshir Farah who maintained the TNG's commitment to the peace talks. However, there were widespread reports that the Prime Minister wished to dismiss three ministers seen as loyal to President Abdiqassim and that Abdiqassim had blocked this. [10aq] However, Abdiqassim's denouncement of the agreement his Prime Minister had signed at the peace talks on 5 July seemed to bring the pair's simmering differences to the fore. [10bf]

4.72 Following his withdrawal from the peace talks in late July 2003 Abdiqassim moved to sack his Prime Minister in August 2003. Within days of this announcement, Hassan Abshir Farah announced that the TNG mandate would expire on 13 August 2003 at the end of its three-year term. A written statement issued in Nairobi in conjunction with parliament speaker, Abdallah Derow Isaak who was also sacked, stated that the TNG was "unconstitutional". Referring to themselves as representatives of the TNG the pair stated that they were willing to hand over power to any duly constituted government emerging from the conference. The pair also accused Abdiqassim of trying to hang on to power and asserted that there was no quorum in the TNG parliament convened to sanction their dismissals. For his part President Abdiqassim stated that the TNG would continue until new institutions were formed through free and fair elections. [10bo] The TNG continued to be recognised by the Kenyan Government who formally wrote to Abdiqassim requesting his return to the peace talks. [10bp]

#### "South West State of Somalia" (Bay and Bakool) 2002 - 2003

**4.73** In March 2002, the RRA set up a new regional administration, called the South West State of Somalia (SWS), in the Bay and Bakool regions that it controls. The decision to establish the SWS administration was taken at a meeting in Baidoa of the RRA's central committee and over 70 Elders from the Digil and Mirifle (Rahanweyn) clans. The meeting elected RRA chairman, Colonel Hassan Mohamed Nur 'Shaatigaduud', as President of the new regional state to serve for a four-year term. There was speculation that the establishment of the new autonomous state would lead to the demise of the SRRRC, of which the RRA is a member. [10r][22a] The RRA Governor of Baidoa announced that the RRA would attend the peace talks due to take place in Nairobi as the new state but that they would, however, still be under the SRRRC umbrella. [10r]

**4.74** Colonel Shaatigaduud was inaugurated as President of the SWS in early April 2002. He announced the SWS objective of bringing the regions of Middle Juba and Lower Juba under its authority and stated that force could be used to achieve this. [7][28] However, reports suggested tension in his Baidoa, the principle town of the region, had been rising as a result of a deepening split within the senior ranks of the RRA. This split originated from a power struggle between the RRA chairman, Hasan Muhammad Nur Shatigadud, and his two deputies Shaykh Adan Madobe and Muhammad Ibrahim Habsade. [10z]

**4.75** Fighting between forces loyal to Colonel Shaatigaduud and those loyal to the two RRA Vice-Chairmen, Madobe and Habsade, broke out in July 2002. In early October 2002 forces loyal to the two vice-chairmen captured Baidoa from Shaatigaduud. After an initial spate of looting in Baidoa, aimed mostly at businesses of those seen as Shaatigaduud supporters, calm was restored to the town, with most of the militias removed from the town centre. The town of Bur Acaba also fell to the forces of Sheikh Adan and Habsade. Shaatigaduud's forces were reported to be regrouping north of Baidoa. [10v] On 24 September 2002 the RRA in Burhakaba arrested 11 pro-TNG Elders and accused them of fomenting division and dissension within the Rahanweyn clan. [2a] By the end of 2002 control of Baidoa had reportedly changed between Shaatigaduud and his rivals three times. [10z]

**4.76** Fighting between the rival factions has continued into 2003 resulting in deteriorating security conditions Baidoa and its environs (see the section: **Current security situation - South West Somalia**). [3b][11f] In January 2003 there were unconfirmed reports of a possible alliance between the Madobe/Habsade faction and the TNG, subsequent reports in late March 2003 suggested the faction had signed an agreement with Mogadishu faction leaders, the TNG and the JVA. This aimed to bring peace to Mogadishu and establish a new administration for the capital. [10ac][10z] [11f] At the end of February 2003 control of Baidoa was reportedly in the hands of Shaatigaduud's rivals. [3b]

## "Puntland State of Somalia" (North-eastern Somalia) 1998 - 2003

### Position in north-eastern Somalia pre -1998

**4.77** North-eastern Somalia has been the most stable part of the country since the collapse of central government in 1991. The Majerteen-dominated SSDF has controlled the three north-eastern regions of Bari, Nugal and northern Mudug since 1991 and developed an administrative system. Apart from a conflict with Islamic fundamentalists in 1992 and isolated clashes with SNA forces in Galkayo in 1993 there had, in contrast to many other areas of the country, been a prolonged period without fighting in the north-east. [30a] [31][32][33]

### Establishment of Puntland

**4.78** The autonomous "Puntland State of Somalia" was proclaimed in Garowe, north-eastern Somalia in July 1998 by the Majerteen (Darod) clan-dominated SSDF administration following a conference between the SSDF, the United Somali Party (USP), from the eastern regions of Somaliland, the Somali National Democratic Union (SNDU), from the eastern, Marehan-populated, part of Galgudud region in central Somalia and other community representatives. [1b][23a][24a] SSDF deputy leader Colonel Abdullahi Yusuf Ahmed was proclaimed State President. Mohamed Abdi Hashi, leader of the USP was declared Vice-President; a 9-member cabinet was established in August 1998 followed by a parliament (see the section: **Political System - Puntland**). [1a][1b][23a] The new regional state received encouragement from factional leader General Morgan conditional support from Ali Mahdi in Mogadishu but Hussein Aideed accused Ethiopia of supporting Ahmed and encouraging the secession of Puntland from Somalia. [23a]

**4.79** The Mogadishu Times and 'Xog-Ogaal', both Mogadishu based newspapers, reported that the Somaliland Government criticised the establishment of Puntland and warned against threats to Somaliland's territorial integrity. In September 1998 Ethiopia reportedly donated military uniforms, light weapons and ammunition to the Puntland administration. [19a][25a] In December 1998 the Ethiopian Government

appointed a special envoy to Puntland. It was reported in February 1999 that Ethiopia was supplying arms to the Puntland authorities. [18a][19b][25b] In March 1999 forces from Puntland attempted to take over a police station in the town of Las Anod (Laascanood) in Sool region, in eastern Somaliland. This raised tension between Puntland and Somaliland, both of which claim the region. Somaliland police maintained their hold on the station and the incident did not result in any casualties. There were further confrontations between Somaliland and Puntland over the Sool region in late 1999. [1a][19c]

#### **Constitutional Crisis in Puntland 2001- 2003**

**4.80** Under the terms of the Puntland Charter, the mandate of the Puntland administration was due to expire at the end of June 2001. In February 2001, the administration prohibited all political activities until June 2001, to avert unrest and maintain law and order. Rather than undertake the presidential and parliamentary elections that were required under the Puntland Charter, Abdullahi Yusuf's administration sought a three-year extension of its term. In late June 2001 the Puntland House of Representatives approved the extension of the terms of office of itself and the executive for a further three years. However, this was declared unconstitutional by the Chairman of the Supreme Court of Puntland, Yusuf Haji Nur, who announced that, in accordance with the Puntland Charter, he was assuming office as the legal interim President of Puntland, pending the organisation of a conference. [1a][7]

**4.81** Abdullahi Yusuf announced the suspension of Yusuf Haji Nur from office and the House of Representatives ratified this decision, but Nur's position as Supreme Court Chairman was upheld by a meeting of titled Elders in July 2001. Following unsuccessful attempts by Elders and businessman to promote a peaceful settlement to the constitutional crisis, fighting broke out in Bossaso in early August 2001 and Abdullahi Yusuf retreated to Galkayo, his home town. [7] He announced that he remained the President, claiming Galkayo as an interim capital and blaming Islamic fundamentalists and the TNG for his difficulties. [7] [18c]

**4.82** Yusuf Haji Nur announced a conference, as provided for in the Puntland Charter, to determine the future course of Puntland. The conference opened in Garowe in late August 2001 with over 400 participants from across Puntland. Abdullahi Yusuf declared the conference illegal and refused to participate. [7] In October 2001 the Speaker of the Puntland Parliament, Yusuf Haji Sa'id, an ally of Abdullahi Yusuf, announced that former Puntland MPs had begun a meeting in Galkayo to discuss the political situation in Puntland. Speaker Sa'id claimed that the conference in Garowe was not an all-inclusive meeting. [25d]

**4.83** It was reported in October 2001 that Abdullahi Yusuf was willing to step down from the Puntland presidency providing Muhammad Abdirashid Ali Shirmarke, son of the assassinated former Somali President Dr Abd ar-Rashid Ali Shirmarke, was nominated to be the new leader of Puntland. Delegates at the Garowe conference believed that Abdullahi Yusuf's apparent offer was intended to create confusion in the conference as Shirmarke had been barred from contesting the presidency. [18d]

**4.84** In October 2001, Yusuf Haji Nur denied reports that the terrorist group Al-Itihaad had camps or bases in Puntland. He stated that the reports were circulated by discredited Puntland politicians, meaning Abdullahi Yusuf, whose spokesman had claimed that Al-Itihaad was more active than ever before in its efforts to create an extremist Islamic state in Somalia. [10m]

**4.85** The Garowe conference, which had been suspended several times since it began in August 2001, resumed its deliberations in October 2001. [10q] In November 2001, traditional Elders elected Jama Ali Jama as the new President of Puntland. Jama, a former military officer had links with the TNG, which alarmed Ethiopia, given its determination to remove the TNG. [1a][2a][7] Abdullahi Yusuf refused to accept the Elders' decision and in December 2001 he seized Garowe by force, reportedly with Ethiopian support. Jama fled to Bossaso. Yusuf and Jama both continue to claimed the Puntland presidency. [2a][7]

**4.86** During 2002 fighting erupted between forces loyal to Abdullahi Yusuf and those of his rival, Jama Ali Jama. [7][10z] In January 2002 Ethiopian troops again intervened in Puntland claiming Jama was harbouring Al-Itihaad militants, a charge he denied. [1a] Yusuf continued in his attempts to regain power of the region, in April he declared a state of emergency and suspended the 'Puntland' charter and in May 2002, with the support of Ethiopia, his forces captured Bossaso. [1a][7][10z] It was reported that by May 2002 Yusuf commanded sufficient recognition to attend the Somali peace talks as president of Puntland. [6b] However, although he won major battles and has the upper hand militarily and politically, divisions within his own (Majerteen) sub clan remains a problem. [6b][10z] Yusuf was reportedly putting his administration back in place in mid 2002, but with the exclusion of the Osman Mahmud clan who had supported Jama at all levels (see the section: Political System - Puntland). [7] Forces loyal to Jama withdrew from Bossaso without a fight. [2a]

4.87 During the remainder of 2002 there were reports of further clashes between the forces of Yusuf and Jama (see the section: **Current security situation - Puntland**). [3a][3b] Both men continued to claim the presidency; there were also continued efforts to resolve the conflict throughout 2002. [2a][7]

4.88 On 10 May 2003 Yusuf and his opponents commenced a reconciliation conference that aimed to end the conflict between his administration and the "Puntland" Liberation Movement led by General Ade Muse Hirse, an ally of Jama. [3c] [10an] Following reports of positive progress between the two sides, the Yusuf administration quickly moved to reinstate the licence of the Somali Broadcasting Corporation, a move seen as part of the reconciliation effort. [10ak] The conference, held in Bosasso, involved 300 representatives from both sides. [3c] On 17 May 2003, the two sides entered into a power sharing agreement (see the section **Political System - Puntland**); the deal was brokered by elders from the disputed region of Sanaag. Though Jama was not part of the peace process, it was reported that he welcomed the agreement. [3c][10ak]

#### Continued

#### **"Republic of Somaliland" (North-western Somalia) 1991-2003**

4.89 Having taken control of the north-west in 1991, the Isaaq-dominated SNM announced its official support for the secession of the former territory of British Somaliland from Somalia. The same month the SNM Central Committee elected Abd ar-Rahman Ahmed Ali 'Tur' as President of the self-proclaimed 'Republic of Somaliland'. [1b] Without international recognition, Somaliland was short of much-needed international aid, with only assistance from non-governmental organisations (NGOs) to help with reparation of the war-ravaged infrastructure. [1a]

4.90 Mohamed Ibrahim Egal, a Habr Awal clansman and former Prime Minister of British Somaliland and of the Somali Republic, was elected President in May 1993, defeating the incumbent President Tur, of the Habr Yunis clan, by 97 votes to 24. However, clan differences remained. [1a] During May 1993 a Cabinet of Ministers and two-chamber parliament were established (see the section: **Political System - Somaliland**). [36] Egal's election failed to resolve clan differences that existed in the region. The Habr Yunis objected to Egal's cabinet appointments in June 1993 claiming they were calculated to foment clan rivalry. In 1994 the Tur disavowed Somaliland's independence and rejected Egal's Government. [1a]

4.91 Violent clashes between forces loyal to Egal's government and those defecting to Tur began in the Somaliland capital, Hargeisa, in October 1994. By December 1994, 30,000 people, three-quarters of the city's population, had fled, mainly to Ethiopia. Fighting spread to other areas of Somaliland in 1995. In April 1995 government forces clashed with Garhadj (Isaaq) clansmen who had allied themselves with the anti-secessionist USF of the Issa (Dir) clan. Peace talks between the rival factions were held in December 1995 and in May 1996 rebel forces surrendered their weapons in Hargeisa. [1a]

4.92 A new Constitution for Somaliland, containing a number of human rights provisions relating to the independence of the judiciary and protection against arbitrary imprisonment, became effective in February 1997 for a three-year period. Shortly after Egal was re-elected President by an electoral college for a 5-year term. [1a]

4.93 In September 1998, community leaders handed over military vehicles and weapons in Erigavo, in the eastern Somaliland region of Sanaag, under the terms of an agreement made in 1994 to demobilise local militia groups. Over 80 members of the Habr Yunis clan faction also joined the official Somaliland security forces. [15b][17]

4.94 In February 1999 President Egal hinted that he was not totally opposed to eventual Somali reunification. This apparent reversal of his earlier position regarding the secession of Somaliland angered some SNM members and Somaliland parliamentarians. In May 1999 Egal approved a resolution allowing for the introduction of multi-party politics in Somaliland providing that any new parties are not based on religion or clans. [18b][19d]

#### **Independence Referendum 2001 and Legalisation of Political Parties**

4.95 In May 2001 a referendum was held in Somaliland on a new constitution (see the section: **Constitution**

- "Republic of Somaliland" constitution). [1a][21] The referendum was peaceful. [21] According to official results, 91.7% of voters approved the new constitution for the territory. [1a] An American, Swiss and British team of observers assembled by the Initiative and Referendum Institute concluded that the referendum was conducted freely and fairly. [21]

4.96 In July 2001 President Egal announced the formation of a new political party, the Allied People's Democratic Party (UDUB, meaning 'pillar'), in preparation for planned parliamentary and presidential elections [10j] Some Elders declared the establishment of the new party unconstitutional. Several MPs tabled a parliamentary motion to impeach Egal, alleging mismanagement of state funds to finance the new party and treason, but their motion was rejected in August 2001 by 38 votes to 37. [1a][10j]

4.97 In January 2002, the Somaliland council of Elders extended President Egal's term of office by one year to give the opposition time to prepare for elections. 72 of the 74 members of the council present voted in favour of extending the President's term of office to February 2003. Several opposition parties had called for more time to prepare for elections, which had been scheduled to take place in February 2002. [9b]

#### Death of President Egal 2002

4.98 President Egal died in South Africa, where he was receiving medical treatment, in early May 2002. In accordance with Somaliland's Constitution, the Vice-President, Dahir Riyale Kahin, was inaugurated as the new president of Somaliland to serve the remainder of Egal's term. Kahin, Vice-President since 1997 had served as a secret police officer during the Barre regime. [1a] The smooth transition, which saw Kahin take power with little fanfare, confounded all the sceptics who had claimed "Egal was the glue" that held Somaliland together. [10z]

#### Civic elections 2002

4.99 Civic (local) elections, witnessed by members of the international community, took place in December 2002. A total of six parties participated, the ruling UDUB received almost 197,938 votes whilst their nearest challengers, the Kulmiye, polled 83,158. The Somaliland Electoral Commission (SEC) described the elections as a success and independent observers described the polling as peaceful. [10y][10z][11e]

4.100 However, the chairman of Kulmiye, Ahmed Silano, referred to several complaints against UDUB for using unlawful campaign strategy. He claimed that civil servants had been warned and threatened with sacking, imprisonment or loss of their jobs if they failed to vote for UDUB. Silano also alleged public funds and civil servants had been used to advance the political interests of UDUB, a claim denied by the ruling party. [11e][14i] Meanwhile two other parties competing in the elections, Sahan and Asad, stated they were not happy with the results citing irregularities. [11e] There was no voting in the disputed Las Anod district following an attack earlier in December 2002 on the visiting Somaliland leader, Kahin (see the section: Current security situation - Somaliland). [10y]

#### Presidential elections 2003

4.101 Following two postponements in January and March 2003 the self-declared republic's first multiparty presidential elections were held on 14 April 2003. [14i] Somaliland President Dahir Riyale Kahin faced challenges from Ahmed Muhammad "Silaanyo" of the Kulmiye party and Faisal Ali "Warabe" of the Justice and Welfare party (UCID) (see Annex C for details of their respective policies). [10ab][11i][14i] However, Fawziya Yussuf Haji Adam, a female candidate who had been planning to run as an independent was barred from standing following a high court ruling that no independent candidate could stand. She accused the government of influencing the Supreme Court and noted the UDUB published the decision before the court had written to the SEC to advise of its ruling. She also noted that the late decision had left her with no time to take further action and forced withdrawal. [10ab] According to the Somaliland constitution only three candidates are permitted to contest general elections (see the section: Freedom of Assembly & Association - Constitutional Provisions in Somaliland). [2a]

4.102 In advance of the elections both opposition candidates standing expressed their concerns that polling may not be free and fair. [10ab][10ag] However, although Somaliland is still to receive international recognition, foreign observers from the UK, the US, South Africa, Ethiopia and the European Union participated in monitoring the election. [3c][10ag] According to the chairman of the SEC polling was generally reported to have been peaceful, a view confirmed by the South African monitoring team. [10ag][11i] The SEC further acknowledged some problems in the disputed regions of Sool and Sanaag, where it was reported that voting proceeded normally in some districts, but in others it had not gone very well because of

security reasons. The week before the elections the Puntland authorities had stated there was no way that elections would take place in Sool and Sanaag. They claimed people of the area did not want the elections, so their wishes must be respected. [10ag]

**4.103** The SEC announced results of the poll on 19 April 2002 declaring Kahin the winner over "Silaanyo" by a margin of just 80 votes. With 498,639 votes cast by an electorate of around 800,000, this gave Kahin 42.08% of the vote and "Silaanyo" 42.07%. [10ai][11i] Whilst maintaining that people had voted freely, as with the civic elections "Saline" accused the ruling UDUB party of mobilising public resources "to benefit them [the party]", he also alleged the results were changed "by last minute tampering with the figures". Whilst signalling his parties intention to challenge the result "Silaanyo" stressed his party would not do anything "to compromise the integrity, peace and stability" achieved by Somaliland. [10ai]

**4.104** The Kulmiye party subsequently conducted its own recount and claimed that this put "Silaanyo" ahead by 76 votes of Kahin, the declared winner. Kulmiye representatives stated that results from two districts that had favoured "Silaanyo" had been mistakenly counted and credited to UDUB. [10aj] The SEC, having previously declared the poll "free and fair" and denied that the results had been influenced by any irregularities, confirmed that it stood by the results announced on 19 April 2002. [10ai][10aj] The SOC announced the matter was out of their hands and Kulmiye would have to take their evidence to the constitutional court and let the court decide. [10aj]

**4.105** Some of the Mogadishu based press reported that demonstrations against the outcome of the poll took place in most big Somaliland towns on 20 April 2003. There were also claims that the SOC had favoured the UDUB. Meanwhile, at the end of April 2003 Jamhuuriya, a Somaliland based publication, reported that army officers who were members of the SNM were sacked from their posts when it was discovered that they had supported the opposition Kulmiye in the elections. [11i]

**4.106** On 11 May 2003 the "Somaliland" High Court announced the official results, amending the earlier figures and placing the UDUB in the lead by 217 votes, the Kulmiye party rejected these figures. Kahin was formally sworn in as President on 16 May 2003, with Ahmad Yusuf Yasin as his deputy. Meanwhile the House of Elders extended the tenure of the House of Representatives for two years and its own term for three years. [3c] On 25 May 2003 the Kulmiye party publicly stated that it did not recognise the legitimacy of President Kahin, but reiterated the previously expressed commitment to safeguard the country's peace and stability. [10ai][11i] A senior party official called for talks with UDUB as equals and without any preconditions stating that this would be in the national interest. [11i] In June 2003 the Kulmiye party did accept the election results, reportedly in response to pressure from elders and local business leaders. There were unconfirmed reports suggesting that some form of unspecified agreement had been reached with the ruling UCUB. [10av]

For history prior to 1991 refer to Europa Yearbook publications - sources 1a and 1b

#### **Southern Somalia - developments since 1995**

**4.21** Major divisions within the Habr Gedir and SNA surfaced in June 1995 when Aideed's former aide, Osman Hassan Ali 'Ato', tried to oust him as SNA chairman. Aideed loyalists expelled Ali Ato and his supporters from the SNA. During this month 15 pro-Aideed factions in southern Mogadishu convened a reconciliation conference and elected Aideed President of Somalia. Ali Mahdi and Ali Ato denounced this move and militias loyal to them continued to clash with pro-Aideed factions. [1a]

**4.22** In September 1995 Aideed's forces occupied Baidoa in the Rahanweyn-populated Bay region in south-western Somalia ousting the Rahanweyn-supported SDM. [1a][7] Aideed's occupying forces dismantled a local autonomous authority based on the Rahanweyn territories that had been established in the region by UNOSOM II. [7] Fighting between supporters of Aideed's and Ali Ato's further intensified in early 1996 resulting in Aideed's forces capturing Huddur, in neighbouring Bakool region, in January 1996. Sporadic fighting between Aideed's supporters and those of Ali Mahdi and Ali Ato continued from May to August 1996. Aideed was wounded during these clashes and died of his injuries in August 1996. His son Hussein, a former US marine, was chosen by the SNA to replace him and clashes with rivals quickly resumed. There were clashes in Kismayo between rival factions within the SNF, fighting over the distribution of port revenues. A cease-fire agreed in Nairobi in October 1996 between Ali Mahdi, Ali Ato and Hussein Aideed was broken within the month and fighting intensified in the months that followed. [1a]

**4.23** Between December 1996 and January 1997 representatives of 26 Somali factions, notably excluding the SNA, held talks in Ethiopia under the auspices of Ethiopia and the Inter-Governmental Authority on Development (IGAD), a grouping of regional states. This resulted in the creation of a 41 member National Salvation Council (NSC) to act as an interim national government. Hussein Aideed condemned the NSC and

insisted that he was the legitimate President. [1a][1b]

**4.24** International mediation efforts continued and representatives of several Somali factions met, under Egyptian and Arab League auspices, in Cairo in March 1997. In May 1997 Ali Mahdi and Hussein Aideed signed a reconciliation agreement in Cairo. However, Aideed made it clear that he remained opposed to the Ethiopian-sponsored peace initiative. [1a] At a further conference held in Cairo, 26 Somali faction leaders, including Aideed and Ali Mahdi, signed a peace agreement in December 1997. A condition of this accord was that a national reconciliation conference be held in Baidoa in February 1998. This was never held, not least because troops loyal to Aideed remained stationed in Baidoa. [1b] Ethiopia rejected the Cairo accord on the grounds that it failed to include all members of the NSC. [1a]

**4.25** As of mid 1997 a Nordic fact-finding report of a mission to Mogadishu noted that, "The city remained deeply divided, with four main Hawiye clan-based administrations. The leaders of the factions controlling these divisions are Ali Mahdi, USC/SSA, in northern Mogadishu and part of the Bermuda district of southern Mogadishu, Hussein Aideed, USC/SNA, in southern Mogadishu, Ali Ato, head of a breakaway faction of the USC/SNA, in a small part of southern Mogadishu, and Musa Sude, Deputy Chairman of the USC/SSA, in the Medina district of southern Mogadishu. Ali Ato, General Aideed's former financier, became loosely allied with Ali Mahdi following his split with Aideed in 1995 and is also a member of the SSA. His administration is not in conflict with those of Ali Mahdi or Musa Sude. There are also at least three enclaves dominated by various clan groupings but these are allied with one of the four main administrations." [35]

### Attempts to reunify Mogadishu

**4.26** Peace rallies took place in Mogadishu in early 1998; Hussein Aideed and other faction leaders reportedly participated in these. People began to move freely around the city, across the "green lines" that had hitherto marked the boundaries between areas controlled by rival clan-factions. [9a] In August 1998 Mogadishu's principal faction leaders, including Ali Mahdi, Aideed and Mohamed Qanyareh Afrah, formed a new administration for Benadir region, covering Mogadishu and its environs. However, Ali Ato opposed this development and asked the international community not to recognise the new administration. It was subsequently announced that Islamic (Shari'a) law would be applied in the new administration. Efforts to reopen Mogadishu's port failed as hostile militia fired at ships attempting to dock in the port in September 1998. Attempts to establish a police force later in 1998 were also short lived, as in spite of a number of Arab states providing financial aid to the new administration, the salaries of the force were unpaid. The 6,000 strong force comprising approximately half who were former militiamen and half who were newly recruited in 1999 subsequently was disbanded. [1b]

**4.27** In June 1999 it was reported that Islamic militias operating under the auspices of self-appointed Islamic courts and financed by local businesses had closed down hundreds of checkpoints set up by warring factions, an exercise that was repeated in December 1999. [1a][1b] These militias were also involved in providing security within the city. A further attempt to set up a new administration in December 1999 by Mogadishu's principal faction leaders, including Ali Mahdi, Aideed, Ali Ato and Qanyareh, all Hawiye, failed in the face of strong opposition from Islamic court militias. [1a]

### Kismayo and Juba Regions

**4.28** Kismayo was taken from General Morgan's forces in June 1999 by the Juba Valley Alliance (JVA), a grouping of Marehan, Ogaden and Habr Gedir clans aiming to establish a regional administration for Lower Juba. [1a][7] The city witnessed regular fighting in late 1999, between forces of the Ayr sub-clan of the Habr Gedir and a group of Ogaden fighters, both of which belonged to the JVA. [1a]

**4.29** In early August 2001 General Morgan's forces briefly re-occupied Kismayo but the JVA retook the city the following day with minimal effort. Later in August 2001 JVA forces moved inland to capture the town of Bu'aale in Middle Juba region, 200 km north of Kismayo, from General Morgan's forces. [7][10i][10k]

**4.30** UN agencies were able to resume operations in Kismayo in 2001. Morgan would like to recapture Kismayo, his traditional power base, but the JVA has secured the roads surrounding the city to prevent his forces progressing. Following his removal from Kismayo, it is believed that Morgan is based mainly in Ethiopia. The JVA controls Kismayo and Jilib and in 2002 sent mainly Marehan forces to Bardera in Gedo region, as part of the conflict in Gedo between the Marehan clans (see also the following section on Gedo). [7]

### Gedo Region

**4.31** Gedo region has been subject to a number of armed incursions from Ethiopia since the mid-1990s. In August 1996 and January 1997 Ethiopian forces launched attacks in Gedo against alleged bases of Al-Itihaad

al-Islamiya (Islamic Union Party), a radical Islamic group fighting to create an independent Somali homeland in the Ogaden district of Ethiopia. In March 1998 Ethiopian troops returned to Gedo to occupy several towns in the region following the capture of SNF-controlled El Wak by Al-Itihaad forces. [1b]

**4.32** A peace pact signed in Gedo region in August 1998 between the SNF and Al-Itihaad soon collapsed. The SNF split into two warring factions, with each controlling three districts in Gedo and competing for control of Bardhere district. In April 1999 the leader of one of the factions was assassinated. [1a]

**4.33** Following the outbreak of the Ethiopia-Eritrea border war in 1998, concern about the activities of Eritrean-supported Somali militias prompted Ethiopia to launch cross-border raids into Somalia against faction leaders and militias loyal to Hussein Aideed. [1a] In July 1999 Ethiopian forces based in Luuq moved further into Gedo, taking Garba Harre, the Gedo capital, and Burdhubo. [1a][10b] In August 1999 Ethiopian forces captured a number of Al-Itihaad fighters in Gedo. In September 1999 clashes took place in Garba Harre between an Ethiopian-backed SNF faction and the main SNF group. The main SNF group drove the Ethiopian-backed faction out, forcing it to retreat to Luuq. [1a]

**4.34** Gedo was claimed as one of the regions of the South West State of Somalia, as declared by RRA leader Colonel Shaatigaduud in March 2002, but the SWS administration has no effective authority in Gedo. [7]

### Bay and Bakool Regions

**4.35** Colonel Hasan Muhammad Nur 'Shatigaduud', of the Harin sub-clan of the Rahanweyn, set up the Rahanweyn Resistance Army (RRA) to fight for the restoration of Rahanweyn control of the area after Aideed's forces seized a large area of the Bay and Bakool region in September 1995. [1a][1b][7][8] The RRA captured Huddur from Aideed's forces in August 1996. [1a][8] The RRA, which clashed with Aideed's SNA forces throughout 1997, took control of Baidoa for a short time in October 1997 but the SNA recaptured the town. Fighting between the RRA and SNA continued throughout 1997 and 1998. The RRA captured Huddur in Bakool region from Aideed's SNA in October 1998, prompting the return to the town of many refugees. [1b] [7] In December 1998 the RRA established an administration for Bakool in co-operation with traditional Elders. [20]

**4.36** In June 1999, after months of fighting between the RRA and SNA, the RRA backed by a 3,000 man Ethiopian force, captured Baidoa from Aideed's forces. [1a][1b] This move was seen as part of a wider Ethiopian strategy of establishing a buffer zone inside Somalia in a line from Gedo, through Bay and Bakool to Hiran. The joint RRA-Ethiopian force conducted operations against Aideed's forces and fighters of the Oromo Liberation Front (OLF), an Ethiopian guerrilla group opposed to the Ethiopian government, whose members were being trained in Somalia by the SNA. [1a] Aideed discontinued support to the OLF after reaching an agreement with the Ethiopians in October 1999. However, Ethiopia continued to support the RRA and made armed incursions in other areas of Somalia. [1a][1b]

**4.37** From Baidoa, the RRA moved on to take the town of Bur Acaba, north-west of Mogadishu, in June 1999. [10a] The RRA leader, Colonel Hassan Mohamed Nur 'Shaatigaduud', announced the RRA's intention of liberating all Rahanweyn-populated territory between the Juba and Shabelle rivers. [11b] In September 1999 the RRA, supported by the Ethiopians and the allied Digil Salvation Army (DSA), took the town of Dinsoor in the west of Bay region. By mid-2000 the RRA had consolidated its control of Bay and Bakool regions, leaving Aideed's forces in disarray. [1a]

**4.38** The RRA established a regional administration for Bay region in December 1999, with a governor and senior RRA personnel taking positions in government. [1a]

See the section: "South West State of Somalia" (Bay and Bakool) 2002 - 2003 for recent developments in the region.

## SOMALIA COUNTRY REPORT

OCTOBER 2003

COUNTRY INFORMATION & POLICY UNIT

## 5. STATE STRUCTURES

### Part I

### Part II

### Part III

## 5. STATE STRUCTURES

### The Constitution

5.1 The constitution promulgated in 1979 and amended in 1990 was revoked following the overthrow of President Barre in January 1991. [1a] In the absence of a central government since that time there has been no functioning national constitution since 1991. [1a][2a]

### TNG Charter

5.2 In July 2000 delegates at the Arta conference overwhelmingly approved a national Charter providing for the establishment of the TNG for a three-year term. [1a][2a] The Charter, which was adopted in 2000 but still had not been implemented by the end of 2002 is divided into six parts and guaranteed Somali citizens the freedoms of expression, association and human rights; it was intended to serve as Somalia's constitution for an interim period of three years. [1a][2a][37] The administrations of Puntland and Somaliland do not recognise the results of the Arta conference, nor do several Mogadishu-based faction leaders. [1a][2a] The TNG charter was due to come to an end on 13 August 2003 (see the section: Term of TNG mandate reaches its official end). [10bo]

5.3 A peace conference that commenced in Kenya in October 2002 with the aim of establishing a federal and all inclusive transitional government intended to replace the TNG. [10w][11c][11f] As of January 2003, delegates had reportedly neared completion of drafting a new Federal Charter. [11f]

### "Puntland State of Somalia" Charter

5.4 The autonomous "Puntland State of Somalia" also has a Charter; this was released on 22 September 1998 following the ratification of the document by the region's parliament. [2a][7][23b] The charter released in September 1998 advocates Puntland remaining part of a federal Somali state based on regional governments. [1b][23b] The charter provides for freedom of expression and prohibits torture except where this is imposed by Shari'a courts. [2a] The Charter was intended to be effective for an interim period of three years during which a constitution was to be drafted and put to the population in a referendum. [7] A constitutional crisis emerged in Puntland in mid-2001 leading to the suspension of the Charter in April 2002; it remained suspended at the end of 2002. [1a][7][2a]

### "Republic of Somaliland" Constitution

5.5 In 2000 the self declared "Republic of Somaliland" adopted a new Constitution based on democratic principles but continued to use the pre-1991 Penal Code. [2a] The constitution provides for the right to freedom of expression and association, it also contains a clause referring to the states self-declared independence. [1a][2a] The population endorsed this in a referendum that took place in late May 2001. [1a] [6a] The TNG and Puntland regional authority opposed the referendum. [6a] The Somaliland authorities stated that they would view any claims or declarations of sovereignty over the region by a future Somali government as a hostile intent. [10bj]

### Political System

#### General

5.6 Since the fall of Siad Barre in 1991, Somalia has remained without a central, functioning or internationally

recognised government. [1a][2a][7] Clan-based factions, traditional leaders and militia in different areas of the country have established various local administrations, some unrealistically claiming national authority. [36] No single group controls more than a fraction of the country's territory. [2a] In some areas, notably Puntland and Somaliland, local administrations function effectively in lieu of a central government. In these areas the existence of local administrations, as well as more traditional forms of conflict resolution such as councils of clan Elders, helps to prevent disputes degenerating rapidly into armed conflict. [2a][7][36]

5.7 However, this process of rebuilding state-like institutions or local administrations in various parts of Somalia has been slow and heterogeneous, and according to the UNDP Somalia 2001 report the political decentralisation and the political entities in Somalia are still fragile and evolving. The report states that "the development of governmental forms of political authority in regional administrations and the growth of urban centres such as Hargeisa, Garowe, Bossaso, and Baidoa, point to a process of consolidation". [7]

5.8 In August 2000 the Somali National Peace Conference in Arta, Djibouti decided to form a "Transitional National Government" (TNG) based in Mogadishu. [1a][7] A Transitional National Assembly (TNA) comprising 245 members was established. [1a][37] Four major clans, the Dir (including the Isaaq), Hawiye, Darod and Digil-Mirifle (Rahanweyn) each received 44 seats in the TNA. [1a][8][37] An alliance of minority clans and tribes was allocated 24 seats and 25 seats were reserved for women with 5 going to those from each of the major clans and 5 to the alliance. A remaining 20 seats were distributed amongst influential Somalis. [1a][37] The TNG claims to be a legitimate national transitional government for Somalia though in practice it controls very little territory; during the course of the 2002 the TNG lost areas it had previously held. [2a][7][10z] The authorities of Somaliland and Puntland as well as a number of faction leaders and warlords are either strongly opposed or keep their distance from the TNG. [2a][7]

5.9 As reflected in the July 2002 British/Danish fact-finding mission report, the Islamist group Al-Itihaad insinuates itself into weak and divided bureaucracies by buying influence with parliamentarians. The group reportedly has a degree of influence in a number of regions. It is also reported that many administrations in Somalia are "infiltrated" by the business community. [7]

#### Mogadishu (Benadir Region)

5.10 The TNG have control over some areas of Mogadishu where its official ministries are located and also has some authority outside the capital including the coastal area to the south of the capital. Other areas of the capital continue to be controlled by leaders of factions opposed to the TNG. [1a][7] The TNG leaders are all highly dependent on the pro-TNG business cartel in Mogadishu comprising Habr Gedir and Abgal businessmen. The TNG have reportedly paid some warlords to ensure the continued support of their militias. [7]

5.11 In late March 2003 it was reported that agreement had been reached between the TNG, faction leaders, the JVA and the RRA over the creation of a new administration for the Benadir region. [10ac][48b] Further talks between all parties involved in the initiative, scheduled for 27 April 2003, did not proceed as the representatives of both Musa Sude and Aideed failed to attend; previous attempts to establish an administration for Benadir have all failed. [48a][48b] However, after a closed-door meeting the following day, warlords Musa Sude and Ali Atto pledged their commitment to establish a new administration. [48a] Musa Sude has publicly stated that the ongoing talks between the TNG and factions aimed at forming an administration should be clan based. [48b] In May 2003 the Italian envoy responsible for Somalia affairs visited Mogadishu and met with Musa Sude, to discuss the formation of a new administration for Benadir. [48c]

#### Other areas in central and southern Somalia

5.12 The political situation in many areas of central and southern Somalia remains unresolved. Large parts of central and southern Somalia are much less homogeneous in clan terms than Puntland and Somaliland, which is reflected in the large number of clan-based militia, some of which control only a small area. There are several regional clan-based administrations, some of which co-operate with neighbouring authorities that permit free movement of people and trade across regional boundaries. Many authorities are comprised of councils of Elders, often heavily influenced by a dominant local militia. Rival Hawiye faction's control much of central and southern Somalia. [30a][33] Given the fluidity of the situation in much of the region control of many of these areas is liable to sudden change. [7]

#### Lower and Middle Juba (including Kismayo)

5.13 A new administration for Kismayo was established in June 2001 by the JVA, consisting of an 11-member council drawn from the region's clan groups. The new administration allied itself with the Transitional National Government (TNG) established in Mogadishu in late 2000. [7][10h] The JVA reportedly aim is to establish a

regional administration for Lower Juba. [7] The JVA is funded by taxes on trade through Kismayo's sea and air ports, though the Somali Ruunkinet web site reported allegations in August 2003 that the revenue was not used to benefit local people. [7][47b] The JVA controls the lucrative charcoal trade from Somalia to Oman and other Arab states. [7] In September 2003 an official of the JVA announced that for the first time since capturing the town in 1999, taxes had also begun to be collected from the inhabitants. These are intended to provide security and other services. [10bs] As of mid June 2002 radical Islamists were reported to be controlling the districts of Doble, Ras Chaimbori, and Kulbiyow in the Lower Juba region. [2b]

### **Middle Shabelle**

5.14 The Abgal (Hawiye) clan dominates the Middle Shabelle region north of Mogadishu where Mohamed Dhareh has controlled an administration since the early 1990s. Originally under the interim administration of Ali Mahdi, Dhareh subsequently defected to Aideed before becoming a member of the TNA with who he quickly fell out. [7] He then set up his own administration in Jowhar and was, as of June 2002, reported to be allied to the SRRRC. [7][9c] Information contained in the British/Danish fact finding mission report of July 2002 suggests that as of May 2002 Dhareh, as Governor, maintained a strong local Abgal based administration in the northern districts of Middle Shabelle. However, there is also a large Bantu population in the region, they are reportedly excluded from participation. The administration receives revenue from taxation of regional trade passing through Jowhar and Mahaday. Dhareh reportedly enjoys a moderate level of support from the local population and Abgal Elders, who wish to maintain the strength of the clan in the region. [7]

5.15 Dhareh controls five of the six districts of Middle Shabelle, Mogadishu warlord, Musa Sude, controls the sixth district, also an Abgal; Dhareh and Musa Sude had an alliance as of May 2002. [7] However, in May and June 2002 inter clan fighting was reported in the region between Dhareh and TNG Interior Minister Dahir Dayah. [4][9c]

### **Armed forces**

5.45 Since the collapse of central government in 1991 there have been no national armed forces in Somalia. [14b][16][44] There had been an estimated 100,000 soldiers under the Barre regime; they subsequently joined different factions though many have since been killed or disabled in fighting. [14b] Following his election to the TNG presidency in August 2000, Abdiqassim announced his intention to recruit former militiamen to create a new national force. [1a] In November 2000 the TNG announced that all former soldiers remaining physically and mentally fit should register in their respective regional capitals. [14b] By December 2000 some 5,000 had reportedly began training under the supervision of Mogadishu's Islamic courts. [1a] However, as of 2002 the US Department of State made no reference to a TNG army, only a police force and militia (see below). [2a]

5.46 In August 2001 the self-declared 'Republic of Somaliland' armed forces was estimated to number 12,900. [1a] Part of the deal that brought peace to neighbouring Puntland in May 2003 makes provision for opposition militia members to be integrated into the Puntland security forces and the position of commander of either the army or the police to go to the opposition. [10an]

### **Police**

5.47 In March 2001 officers of a new TNG police force began patrolling in Mogadishu for the first time. The force began tackling makeshift roadblocks set up by militias. [10d] As of the end of 2002 the TNG had a 3,500-officer police force but reportedly cannot afford to pay them. [2a][7] The forces remain in place but are largely confined to their posts and are unlikely to challenge warlord militias. [7] As noted in the UN Security Council June 2003 report of the Secretary-General on the situation in Somalia, within the context of activities in the area of law enforcement, the establishment of a professional civilian police force able to gain the trust of the community it serves is a priority. [3c]

5.48 In May 2002 a British/Danish fact finding delegation visiting the self declared state of 'South West Somalia' were informed of an "emerging civil police force" comprising mainly of men transferred from the RRA militias. In Hiran the delegation were also informed of a functioning police force operated under the auspices of the local administration (including the Shari'a court). [7]

5.49 In February 1999 the 'Mogadishu Times' newspaper reported that the Puntland administration had announced plans for the recruitment of 6,000 men for a new police force, drawn from militias and members of the former national police and military forces. [25c] During 2002 training in human rights was provided to 44 police officers in Puntland. [3b]

**5.50** During 2002 Somaliland allocated more than 60 percent of its budget to maintaining its armed forces and police force composed of former troops. [1a][2a] The police force in Somaliland received 600 uniforms from the international community during 2002. Training was also provided to 40 female police students; this took place at a newly constructed female training barracks. [3b]

#### Clan based militias

**5.51** According to information obtained by a British/Danish fact-finding mission who visited Somalia in May 2002 Musa Sude is the only warlord who has effective control over his militia. Musa Sude achieves this and thus retains the loyalty of his militia by distributing money fairly equitably across his forces. Osman Ali 'Ato' and Hussein Aldeed have militias that will fight for them but they have to provide for themselves on a day-to-day basis. [7]

**5.52** In October 2,000 more than 2,000 gunmen, mainly financed by the local business community, were recruited to provide security for the new TNG administration in Mogadishu. [14b] Though the TNG had initially announced plans to create a new national armed force this did not materialise (see above). [1a][2a] As of 2002 the TNG militia numbered approximately 5,000 persons; the TNG were reported to be unable to pay them. [2a][7]

#### Prisons and prison conditions

**5.53** Prisons within Somalia are run by a combination the TNG, the de facto administrations of Puntland, Somaliland and South West Somalia and other regional administrations. Warlords also operate prisons in areas under their control; for example Musa Sude runs a prison for the Abgal clan in north Mogadishu. [2a][4][6a][7]

**5.54** Prison conditions vary from region to region but conditions are generally harsh and life threatening. Overcrowding, poor sanitary conditions, inadequate health care and the absence of educational and vocational training characterise prisons throughout Somalia. Tuberculosis is widespread. Abuse of prisoners by guards is reportedly common in many prisons. The detainees' clans generally paid the costs of detention. In many areas, prisoners were able to receive food from family members or from relief agencies. [2a]

**5.55** The Ismail Jumale Centre for Human Rights in Mogadishu visited prisons in the city during 2001. The Somaliland and Puntland administrations permitted prison visits by independent monitors during 2002. Human rights defenders' in Somaliland referred to poor prison conditions there during 2001. [6a] AI reports that prison conditions in Mogadishu are particularly harsh. [6b] When, in September 2001, the UN Independent Expert on Human Rights visited prisons in Hargeisa and Mogadishu and reported that conditions had not improved in the three years since his previous visit. [2a] In his 2002 report the UN expert identified prison conditions as one of several key human rights issues in the country, he did not visit Mogadishu during his 2002 visit, or during his visit in 2003, when he described the prison in Hargeisa, Somaliland as the worst in the area. [4][10bu]

**5.56** Pre-trial detainees and political prisoners were held separately from convicted prisoners. Men and women were reportedly housed separately in prisons visited by observers. Convicted juveniles continue to be kept in jail cells with adult criminals. [2a] In addition, the practice of parents having their children incarcerated when they want them disciplined continued during 2002; these children were also reportedly held with adults. [2a][4][6b] Authorities in both "Somaliland" and "Puntland" cite a lack of resources as an obstacle to providing separate facilities for juveniles. [4] Members of minority groups are reported to make up a disproportionately large percentage of the prison population. [2a][6b]

#### Military Service

**5.57** A national service programme existed until 1991 under the Siad Barre administration; since the collapse of his government this has ceased to apply. Conscription had been introduced in Somalia in 1963 but was not implemented until 1986. All men aged between 18 and 40 years old and women aged between 18 and 30 years old were liable to perform national service for a two-year period. There were reports of forced conscription under Barre's administration, including recruitment of minors; it is not clear whether women were also conscripted. [44]

#### Conscientious objectors and deserters

**5.58** There were no provisions for conscientious objection during the time conscription was in force.

However, it is not clear whether the law was enforced systematically. [44]

### Recruitment by clan militias

**5.59** There is no tradition of forced recruitment in the various armed Somali clan militias. Militias are apparently able to recruit their members on a voluntary basis. Refusal to join a clan militia would reportedly not have any negative consequences. [44] Although minorities have usually been able to avoid involvement in clan disputes they have sometimes come under pressure to participate in fighting in areas of conflict (see the section: General security position for minority groups). [35][36]

### Demobilisation initiatives

**5.60** The Rule of Law and Security Programme, formally known as the Demobilisation Task Force of the Somalia Aid Co-ordination Body operates under the auspices of the UNDP Somalia Civil Protection Programme. It is involved in the planning and co-ordination for demobilisation and reintegration work. Meeting regularly in both Somalia and Nairobi (Kenya) this body addresses issues such as rule of law initiatives to strengthen the protection of vulnerable groups, particularly women and children. [3a]

**5.61** The Rule of Law and Security Programme aims to reinforce peace and security and enhance economic and social recovery through the establishment of a secure enabling environment. Aims of the project include enhancing the rule of law, which focuses on policing, and administration of justice. [3a] It is reported that some progress has been made with projects undertaken under the provisions of this programme in both Puntland and Somaliland. [3b]

**5.62** The October 2002 Security Council report refers to research by UNESCO into the progress of 450 militia demobilised earlier in 2002, this found 63% to be in gainful employment. UNESCO plans to continue monitoring their progress and may expand their programme to other parts of southern and central Somalia. [3a] The UN Security Council report that during 2002 an unnamed local NGO based in Mogadishu worked in conjunction with UNICEF to support the reintegration of 120 former child soldiers into the community through a programme of vocational training, conflict resolution and trauma counselling. Private sector companies in this project provided participants with employment opportunities following their training. [3a][3b] The project was successfully completed in the first half of 2003 and a second phase operating in Mogadishu, Merka and Kismayo has reportedly commenced. This aims of providing rehabilitation opportunities for 420 former child soldiers. [3c]

**5.63** During 2002, demobilisation of former militia into the TNG police force ceased due to lack of funding. [2a] The UNDP were active in demobilisation, disarmament and reintegration programmes in both Somaliland and Puntland. [3a]

### Medical Services

**5.64** A lack of adequate health care is one of the biggest problems facing Somalis today. According to figures reported the International NGO, Médecins Sans Frontières (MSF) in December 2002, 72% of the population has no access to healthcare. [5] MSF estimated in 2002 that the country has less than 15 qualified doctors per million people; World Health Organisation (WHO) statistics dating from 1997 then suggested a ratio of 4 doctors per 100,000 people. [5][16] Most trained health care workers fled the country during the 1990s. The same organisation describe the public health sector as being in a lamentable state and report that a high proportion of staff providing services are untrained or have 'questionable qualifications'. [5] In 2001 an assessment of the country situation based on information from the World Health Organisation (WHO) referred to the widely held perception that Somalia was without any governmental or institutional infrastructure capable of supporting the development and expansion of family health care. [40]

**5.65** The actual situation does vary within different parts of the country although the few health workers who remain tend to be based in the more secure urban centres. [5][14g][40] In Mogadishu there are two public hospitals with facilities to perform certain surgical procedures; the 127 bed Keysaney hospital, a former prison located 7 KM north of the city and the 65 bed Medina hospital that serves the south of the city. Much surgery is undertaken on the victims of gunshot wounds. [14g] Other hospitals in Mogadishu include the Benadir and Al-Hayat; both have larger capacities and the Forlinini, which treats patients with chronic diseases such as tuberculosis and leprosy. [9d][29b][40] Security for medical personnel is a particular problem in Mogadishu; unknown gunmen killed a leading eye specialist in July 2003. Since 1990 a total of 27 doctors and 50 other health professionals have been killed, others have been injured or abducted; many medical staff have reportedly left the country. [10ap][10be]

**5.66** Public hospitals in Galkayo (Mudug) and Baidoa (Bay and Bakool) serve enormous areas. In 2002, there were reports that these hospitals were beset with insecurity, lack funding, equipment, qualified staff and drugs. [5] The hospital in Bossaso, Puntland is reportedly equipped to deal with minor cases, more serious cases are reportedly sent to Dubai. [4] Puntland and Somaliland have Somalia's only two nurse training facilities; these are located in Bossaso and Hargeisa respectively. However, even in this part of the country facilities and resources are severely limited; the whole of eastern Sanaag (Somaliland), for instance, had only one doctor in 2001. [5] In June 2003 Somalia's first medical college since 1991 opened in Mogadishu. The Benadir University Medical College is to be funded by Somali doctors and annual fees of US\$1,500 from each of the students. It is reported that some Somalia doctors in the Diaspora have agreed to come to Mogadishu to teach at the hospital in rotation. There are 22 students who have been attending classes since 2002; half of these are women. In future the facility expects to take 50 to 60 students per year. [10aw]

**5.67** The Somali private health sector has grown considerably in the absence of an effective public sector. Of the population who get any care at all, about two thirds of them get it from the private health sector. The growth has thrown up a range of problems. These include the dispensing of out of date drugs, over-the-counter drug prescriptions and inadequately trained staff can lead to misdiagnosis. Private health care is characterised by high charges for services - pricing the poor out of health. [5]

**5.68** Aid agencies have attempted to fill the gap in areas where health services and structures have all but collapsed. They struggle to provide health care in remote areas, where reaching the patients is a major problem. Insecurity is among the main reasons for this; however, the sparse distribution of NGOs means that the sheer distances that patients outside urban areas must travel are also an obstacle to them obtaining health care. [5] The ICRC was involved in opening both surgical hospitals in Mogadishu. Keysaney was opened in February 1992 by the International Committee of the Red Cross (ICRC) together with the Somali Red Crescent Society on the site of what had been a prison; the latter organisation took over its running in the mid 1990s due to security concerns. Responding to the urgent need for access to surgical care by the community in Mogadishu South the ICRC supported the reopening of Medina Hospital in 2000. [14g]

**5.69** The UN have had success in its immunisation strategy for Somalia and, as of mid 2003, had established over 100 fixed sites offering daily tuberculosis, DPT, oral polio and measles vaccinations for children, as well as tetanus toxoid vaccinations for pregnant mothers. Careful planning and training has also allowed vaccination drives to take place in regional capitals. In the first half of 2003 the programme was extended to several district capitals for the first time. Various nation-wide vaccination campaigns have also taken place. [3c]

**5.70** With less than a quarter of the population having access to clean drinking water and under half having adequate sanitation the risk of acquiring water-borne diseases is high. [5][29b] In the capital, it is the IDPs who live in camps around the city who are reportedly most lacking in proper sanitation. [9d] Diarrhoea, dysentery and typhoid fever are common whilst Cholera outbreaks are an annual occurrence and have been an increasing cause for concern among aid agencies. [5][9d][29b] However, abundant rain during 2002 has considerably reduced the incidence of cholera. [3c] The country has one of the highest incidences of Tuberculosis in the world; malaria is also a major cause of mortality. [5]

## HIV/AIDS

**5.71** AIDSOM, a group campaigning for AIDS awareness in Somalia, report that the number of HIV/AIDS cases in Somalia was increasing, particularly in Mogadishu. [10o] AIDSOM, which was formed in June 2001 by a group of young people whose lives had been touched by AIDS, has offices in Mogadishu, Baidoa and Garbaharrey. [10o] [10s] In October 2001 AIDSOM reported that it had registered 350 cases, however doctor's view at the time was that the true figure was probably higher. Keysaney Hospital in northern Mogadishu reported 102 cases between 1993 and 2001. There is no compulsory screening for HIV/AIDS in Somalia. [10o]

**5.72** In July 2002 AIDSOM held the first ever public awareness demonstration in Somalia focused on HIV/AIDS in the coastal town of Merka. [10s][51] Organisers reported that they experienced no harassment and were largely welcomed by the public but acknowledged that in some areas campaigners were forced to leave. The head of AIDSOM acknowledged the difficulties faced in a society where there is little awareness of the disease. Ignorance, mixed with denial of the disease are the biggest problems AIDSOM have faced, even those of the population that are educated frequently decline to accept it can happen. The organisation indicates its intention to continue its awareness campaign to other areas of the country. [10s] UN agencies and their partners also promote HIV/AIDS prevention and control and are engaged in awareness raising activities in Somalia; during the first half of 2003 the World Bank re-engaged in Somalia and has been supporting this work. [3a][3c]

5.73 In Somaliland during 2002 UNIFEM were reported to be helping the authorities develop a gender-responsive policy on HIV/AIDS. [3a] During the first half of 2003 two workshops on gender and HIV/AIDS were held for 60 policymakers from the Somaliland and Puntland. In this period capacity was enhanced for 15 HIV/AIDS counsellors based at the Boroma Tuberculosis Hospital in the Adwal region in Somaliland where additional materials and equipment were provided. [3c]

#### People with disabilities

5.74 In the absence of a functioning central state, the needs of people with disabilities are not addressed. However, there are several NGOs in Somaliland that provide services for people with disabilities. [2a] MSF estimate that there are approximately 1,500 amputees as a result of landmine casualties within Somaliland alone. [5]

#### Continued

#### Mental health care

5.75 In 2001 it was reported that the sole hospital dedicated to treatment of mental health was in Berbera (Somaliland). According to information produced by the WHO this hospital had insufficient beds to satisfy demand. The living conditions of patients was however described as "dismal"; basic hygiene was reportedly deficient, psychotropic drugs almost non-existent and often, the only treatment available was electro-convulsive therapy. In addition to this hospital there was reported to be a mental health section in Hargeisa regional hospital yet basic amenities here were also deficient. The only psychiatric facility outside Somaliland was a dedicated section in the Forlinini Hospital in Mogadishu. However, with regard to qualified staff four out of five trained psychiatrists in Somalia in 2001 were reported to be based at the Forlinini Hospital whilst the mental hospital in Berbera was without any. In light of the limited facilities and resources the majority of mental psychiatric patients in Somalia were reported to be unattended, living with their families or receiving very doubtful and untested attention from traditional healers. [40]

5.76 Projects sponsored by UN organisations in different parts of Somalia have included psychological counselling; there are plans to expand psychological support programmes during 2003. [3a][3b]

#### Educational System

5.77 UNICEF refers to education through formal and non-formal learning opportunities as virtually non-existent in Somalia. Considerable disparities in quality and access to primary education prevail in all parts of the country. [29b] Even in areas with relative security, the lack of resources has limited the opportunity for children to attend school. [2a] The Transitional National Charter provides for free education at primary level, the specific provisions in respect of other authorities are not known; primary education was officially compulsory under the Barre regime and is for children aged 6 -14. [1b][37] In practice the present situation is children of 15 and 16 may also attend primary school and parents generally pay fees for their children's education. [2a][7]

5.78 Approximately 10 to 20 percent of the school-age population attend school; more boys than girls are enrolled in school. [2a] A 2001/2 Primary School Survey revealed that of those children who had enrolled for lower primary education only just over 35% were girls. [29b] Schools at all levels lack textbooks, laboratory equipment, and running water; teachers are trained poorly and paid poorly. [2a] UNICEF has been active in both the formal and non-formal education sectors within Somalia. In conjunction with UNESCO, UNICEF has been participating in developing and printing new textbooks and developing a national curriculum; this places strong emphasis on peace-building and gender issues. Since 2002 textbooks have been made available to children in more than 1,100 primary schools; printing and distribution of these has accelerated during the first half of 2003. [3c][7][29b] In addition manuscripts for textbooks on six subjects at grade 5 and 6 level have been finalised. [3c] There is also on going activity to provide supplementary training to teachers. [29b]

5.79 In mid 2002 UNICEF suggested that 910 primary schools operated in the formal sector where they were run by local authorities or communities. [7] The organised conservative Islamic organisation, Al-Islah, openly operates a number of primary schools in Mogadishu. [2b] During 2001 there were reports of an ongoing influx of foreign Muslim teachers into the country to teach in new private Koranic schools. [2a] These schools which receive funding from Arab states are inexpensive and provide basic education. [7][29b]

**5.80** According to an UNICEF representative the Koranic schools usually pay staff more than public sector schools, causing a retention problem for the public sector. UNICEF is looking to assist in this area, not by paying salaries but by providing alternative rewards to pay such as food, accommodation and other income generating activities. UNICEF does not see Koranic schools as obstructive and has been approached by some of these schools regarding use of the national curriculum and textbooks that have been developed; they see this as very positive. Currently, most Koranic schools teach in Arabic and use Arabic textbooks. UNICEF is keen that teaching is conducted in Somali but does not regard teaching in Arabic as a major problem as the numbers involved are relatively small; Arabic teaching schools tend to cater for the elite of society. Some Koranic schools also teach Somali and children at the schools are generally maintaining their roots in Somali culture. [7] However, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture. [2a]

**5.81** Access to secondary education, which is for children aged 14 -18, is more limited. [1b][2a] In 2002 the US Department of State referred to there being 3 secondary schools in Somaliland and more than 3 in Mogadishu where many are externally funded and administered by organisations affiliated to Al-Islah; no details were given in respect to any other areas of the country. [2a][2b] However, only 10 percent of those children who actually enter primary school go on to graduate from secondary school. [2a] UNICEF also places emphasis on the development of the non-formal education sector, especially for 14 to 18 year olds. [7]

**5.82** There is no organised higher education system in most of the country. There are two universities in Somaliland and two in Mogadishu; there is also a faculty of the East African University located in Puntland. [2a][6b] Mogadishu University is reportedly externally funded by and administered through organisations affiliated to Al-Islah. [2b] The literacy rate is approximately 25 percent throughout the country; however, reliable statistics do not exist. [2a] UNESCO is working on developing vocational skills and teacher training. Most progress in this field has been seen in Somaliland and central and southern Somalia. In Mogadishu, 800 to 900 people are being trained in vocational skills, in conjunction with NGOs, to raise the awareness of youths to alternatives to militia membership as a means of income generation, but there is concern that the labour market may not have the capacity to absorb them. [7] There are some medical training facilities in the country (see the section - Medical Services). [5][10aw]

#### Lower Shabelle

**5.16** As of May 2002 a British/Danish fact-finding delegation was advised that the TNG had some control along the coast south of Mogadishu. To illustrate this reference was made to a case in which a Swiss aid worker had recently been murdered in Merka and the TNG sent police to investigate the case. [7] In November 2001 the TNG president visited Afgoi, Wanlewein, Brava and Merka in Lower Shabelle; in February 2002 it was reported that TNG officials had been working with local leaders to help establish a local administration in Merka. [7][51]

#### Hiran

**5.17** Since the collapse of central government in 1991, traditional Elders have been the main legitimate authority in Belet Weyne and the Hiran region. The civil administration for Hiran set up by UNOSOM II was effective so long as international forces remained in Somalia. When UNOSOM II withdrew, institutions like tax gathering fell apart and the administration was weakened and traditional clan rivalries and clashes resumed. [7]

**5.18** More than 20 clans live in the Hiran region and the clan pattern is complex. [33] Local Elders advised a British/Danish fact-finding delegation that visited Belet Weyne in May 2002 that there are six or seven Ugas', or kings in the region. The Elders explained the civil administration in place is very nominal. The Ugas, or king, of each clan has the backing of the people. Elders stand between the Ugas and the community and resolve conflicts within and between the clans. [7]

**5.19** A representative of the WHO based in Belet Weyne explained to a British/Danish fact-finding delegation in May 2002 that the main structure of that administration remained in place but the current administration was divided along clan lines. [7] The Hawadle clan, the largest clan in the regions, control the eastern side of town and the Galje'el clan the western side. [7][8][33] The Governor of Hiran, Hassan Abdulleh Qalad, the District Commissioner of Belet Weyne, Adan Abdi Isha and the administrative offices are located on the eastern side of Belet Weyne. There is separate administration on the western side of the town. Since August 2000, the two groups have functioned more-or-less separately and occasionally come together. As of May

2002 both the local officials referred to above maintained a neutral position with regards to the TNG and expressed commitment to participate in initiatives to restore a national government for Somalia. [7]

5.20 A Shari'a court was established in the eastern side of Belet Weyne in January 2002. The court gathers tax, whereas the civil administration does not. The court levies tax on small businesses and on livestock passing through Belet Weyne en route to Bossaso. Tax is levied on the eastern side of the town only. Efforts to extend the court's jurisdiction to all parts of the town were on going as of May 2002, the Galje'el, who have a history of rivalry, were reportedly opposed to this. [7]

#### **Galgudud**

5.21 The Galgudud region, adjoining Hiran, has no formal administrative structure and no regional authority. [7][51] It is inhabited by a number of clans of which, the Habr Gedir Clan dominates numerically. There are reportedly no armed militias and councils of Elders who control the region constitute individual clan's highest authority. [7]

#### **Gedo**

5.22 The Marehan clans dominate Gedo region. The SNF, led by Colonel Abdirazzaq Isaq Bihi, has been the main Marehan faction operating in the region, which has also been strongly influenced in the past by the Islamist Al-Itihaad movement. [7] The El Wak district of Gedo reportedly remained under the control of radical Islamists as of mid 2002. [2b]

5.23 During heavy fighting in mid 2002 Bihi reportedly switched his allegiance from the SRRC to the JVA but was subsequently captured by Ethiopian forces that frequently operate in Gedo. [7] He was however released in June and subsequently participated in peace talks in Kenya as a representative of the SNF. [3d] [7]

#### **"South West State of Somalia" (Bay and Bakool Regions)**

5.24 The self-declared SWS administration comprises a President, two Vice-Presidents, 19 Cabinet Ministers and 19 Deputy Ministers. Provision was made for the new administration to also include representatives from the Darod and Dir clans in addition to the Rahanweyn. The decision to establish the new regional administration was taken in March 2002 at a meeting in Baidoa of the RRA's central committee and over 70 Elders from the Digil and Mirifle clans. The meeting elected RRA chairman, Colonel Hasan Muhammad Nur 'Shatigadud', as inaugural President of the new regional state. It was agreed that Shaatigaduud would serve for an initial four-year period and would consult with Elders over the choice of Ministers. [10r][22a]

5.25 Shaatigaduud said the new regional government was based upon the building -block principle, whereby several regional administrations were set up, paving the way for the formation of a federal Somali government. [28] However, Shaatigaduud was ousted from Baidoa in October 2002 by forces loyal to his two deputies in the RRA (see the section: "South West State of Somalia" (Bay and Bakool) 2002 - 2003). [10v]

5.26 The SWS administration lay claim to the Bay, Bakool, Gedo, Middle Juba, Lower Juba and Lower Shabelle regions. However, in practice the administration only has effective control over Bay and Bakool. Compared to other areas of the country, as of May 2002 the administration in Bay and Bakool was reported to be least influenced by Al-Itihaad and free from infiltration by the business community. [7]

In light of subsequent developments in SWS - see above - and paragraphs the situation outlined in this sub section may have been subject to significant change.

#### **Puntland**

5.27 The autonomous "Puntland State of Somalia" was proclaimed on 23 July 1998 under the 'Presidency' of SSDF deputy leader Colonel Abdullahi Yusuf Ahmed after a Consultation Conference between the SSDF, the USP and the SNDU. A nine-member Cabinet was appointed in August 1998 and a 69-member Parliament was inaugurated in September 1998. A charter released in September 1998 advocates Puntland remaining part of a federal Somali state based on regional governments. A constitutional crisis in Puntland in mid-2001 saw Abdullahi Yusuf removed from office by the Supreme Court Chairman. Traditional Elders elected a new President, Jama Ali Jama, in November 2001 but Abdullahi Yusuf remained in control of Galkayo and Garowe and then took control of Bossaso in May 2002. [1a][2a][23a][23b][24a][24b]

5.28 As of mid 2002 Yusuf reportedly was putting his former administration back in place. Given that the

Puntland administration had previously operated for over three years it was expected to survive the period of unease caused by the constitutional crisis. All major clans are reportedly committed to the continuation of a functioning administration in Puntland. [7] In December 2002 Puntland moved its parliament from Bossaso to Garowe, the headquarters of Yusuf's administration. [11e] In May 2003 Yusuf and his opponents signed a peace deal (see the section: **Constitutional Crisis in Puntland 2001- 2003**), this provided the opposition with a number of key positions within the governing administration, including three ministerial posts, two vice ministerial and two mayoral. [10an]

## Somaliland

**5.29** The Isaaq-dominated SNM declared the independence of the north-west as the "Republic of Somaliland" in 1991. Since then Somaliland has had a functioning administration with its own police, courts and taxes, although it has not received international recognition as a separate state. The SNM authorities have worked with traditional structures and clan Elders to establish their administration. To combat crime the government has built prisons in Hargeisa and other towns, partly funded by shopkeepers. An increasingly well-organised and partly uniformed police force of some 4,000 men has been recruited from former militia groups. Scheduled air services link several towns in Somaliland with Djibouti, where they connect with services to many international destinations. Berbera is a thriving and safe port, handling trade from Ethiopia, and the reduction in clan-based tension within Somaliland has allowed the re-opening of many roads. [7][30a][31][32][33][36]

**5.30** Since May 1993 Somaliland has had a Cabinet of Ministers and a Parliament with proportional clan representation comprised of two chambers each with 75 members; the House of Representatives and the Council of Elders (the Guurti). [36][19d] The current constitution provides for political parties; civic elections in which six parties participated took place in December 2002 and presidential elections took place in April 2002. [2a][10y]

**5.31** Clan tensions within Somaliland have diminished. The Somaliland authorities administer the area around the cities of Hargeisa, Berbera and Boroma but its representation is limited in eastern Somaliland. The Darod Warsangeli and Dulbahante clans have established a semi-autonomous region in eastern Somaliland, effectively governed by regional councils of Elders. The SNM has been unable to implement taxation in this region, but there has been no fighting between the Somaliland government and the Darod clans. Opposition Habr Yunis militia handed in weapons in December 1996 as part of an agreement between the Somaliland government and opposition clans for ongoing demobilisation. Clashes in 1997 in the eastern town of Erigavo between the Isaaq Habr Yunis and Habr Jaalo clans were ended after mediation by the Darod clans. In September 1998 over 80 Habr Yunis militiamen joined the official Somaliland security forces. Traditional conflict-solving mechanisms in Somaliland have survived and are used, along with reconciliation conferences, to resolve difficulties. [17][30a][31][32][33][34]

## Judiciary

**5.32** Until 1991 the Constitution provided for the independence of the judiciary from the executive and legislative powers. Laws and acts having the force of law were required to conform to the provisions of the Constitution and general Islamic principles. [1a] There has been no national judicial system since the fall of Siad Barre's government in 1991. [1a][2a] Amnesty International (AI) report covering 2002 states that regular courts only function in Somaliland. [6b] The judiciary in most regions relies on some combination of traditional and customary law, Shari'a law, the Penal Code of the pre-1991 Siad Barre Government, or some elements of the three. [2a][6b] Some regions have established local courts that depend on the predominant local clans and associated factions for their authority. Under the system of customary justice, clans often held entire opposing clans or sub clans responsible for alleged violations by individuals. [2a] In Bossaso (Puntland) and Afmadow (Lower Juba) during 2002, criminals were reportedly turned over to the families of their victims, who then exacted blood compensation in keeping with local tradition. [2a]

**5.33** The legal framework throughout the country is inconsistent and weak, however in Somaliland, Puntland and areas controlled by TNG the court system has been regularised to some extent. [4] In trying to bring about judicial reform, UN agencies focus their ongoing activities on the establishment of new institutions and the development of capacity within existing institutions. [3c] The UN independent expert on the situation of human rights noted in his 2002 report that challenges include under-qualified staff, low salaries, a lack of training and reference materials, gender inequalities and incoherence insofar as secular, customary and Islamic laws are all applied in conflicting and overlapping areas. Consequently, he concluded that this environment lends itself to significant degrees of corruption and inefficiency. [4] It is reported that the Islamic group, Al-Itihaad, has brought influence with judges in some areas of Somalia. [7]

**5.34** Information obtained by a Nordic fact-finding delegation to Mogadishu in 1997 suggested that Shari'a court is divided into civil and criminal court. However, the judicial system is not man made but based on rules

handed down by Allah. Shari'a courts also have a "Court of Appeal" though one appeal court may serve a number of courts, a final appeal may be made to a "Revision Court" whose ruling is final. [35]

#### Continued

### **Southern Somalia**

**5.35** The Transitional Charter provides for an independent judiciary and for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, the Charter still had not been implemented by the end of 2002. [2a] In Mogadishu, businessmen withdrew much of their funding for the Shari'a courts that had previously operated in Mogadishu under the influence of Al-Itihaad in favour of funding the TNG; the Shari'a courts soon collapsed as a consequence. [1a][7] The TNG announced in June 2001 that Shari'a courts would come under the jurisdiction of its Ministry of Justice and cease to function independently. [7][10g] The move was an attempt by the TNG to set up a functioning judicial system for Mogadishu. [10g] However, as of mid 2002 a few Shari'a courts are still reported to be operating outside the TNG's control, especially in northern Mogadishu. However, it is reported that some of the key leaders of Al-Itihaad are members of the TNG's judiciary system. [7]

**5.36** In its report covering events during 2001 Amnesty International (AI) referred to the process to gradually bring Islamic courts, established by faction leaders, into the national judicial system began in Mogadishu. [6a] In its report covering 2002 AI reported that the few functioning courts, other than those at customary clan level, incorporated a number of Shari'a courts. [6b] AI expressed concern, both in its 2001 and 2002 reports, that these courts did not meet recognised standards of fair trial and judicial competence. [6a][6b] The Mogadishu based NGO, Dr Ismail Jumale Human Rights Centre (DIJHRC) protested at the treatment of prisoners appearing before Shari'a courts during 2002. [2a]

**5.37** In Belet Weyne a Shari'a court was established in January 2002 on the eastern side of the town though its functions are primarily administrative (see the section: **Political System - Hiran**). [2a][7] The court has achieved certain things, such as the removal of roadblocks but cannot do anything. In terms of controlling and dealing with criminal actions and clan disputes much still depends on the clan Elders. [7]

**5.38** There were reportedly no Shari'a courts in Bay and Bakool as of mid 2002. Here, Elders still play a role in local disputes on a sub-clan level, but when it comes to serious crimes such as murder a code of conduct supervised by RRA panels effectively constitutes the court. [7]

### **Puntland**

**5.39** The Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The Puntland Charter provided for a Supreme Court, courts of appeal, and courts of first reference. According to the US Department of State, in practice clan Elders resolved the majority of cases using traditional methods; however, those with no clan representation in Puntland were subject to the Administration's judicial system. [2a] The AI report covering 2002 referred to the existence of an embryonic court structure incorporating Shari'a law but states that these courts did not function regularly. [6b]

### **Somaliland**

**5.40** The Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. There was a serious lack of trained judges and of legal documentation in Somaliland, which caused problems in the administration of justice. Untrained police and other persons reportedly served as judges. [2a] Within Somaliland secular law is generally applied with Shari'a being restricted to family cases. [4] In mid 2002 it was reported that many judges in Somaliland were arbitrarily dismissed. [6b]

### **Legal Rights/Detention**

**5.41** The Transitional Charter provides for the right to be represented by an attorney while the authorities in Puntland and Somaliland continued to apply the former government's Penal Code which contains a similar provision. It was in those areas applying the former Penal Code that the right to representation was more often respected. The right to representation by an attorney and the right to appeal does not exist in several areas that apply traditional and customary judicial practices or Shari'a law. [2a] In Somaliland the accused can generally be assisted by a lawyer and there is some form of appeal, even in the Shari'a courts. [36] Amnesty International referred in their annual report covering events in 2001 to reports by human rights defenders in Somaliland of arbitrary detentions and unfair trials. Amnesty International also expressed concern that during 2001 judicial administrations and police forces in both Somaliland and Puntland displayed

inconsistent respect for legal rights. [6a]

5.42 In mid 2002 officials of the human rights organisation, ISHA, informed a British/Danish fact-finding delegation that lengthy detention of criminal suspects was the main problem in the RRA controlled Bay and Bakool region. They explained that the court system was weak, mainly because of a lack of funds and capacity. [7] During his 2002 visit to Puntland UN independent expert for human rights successfully requested the release of prisoners detained without charge. [4] Throughout the country juveniles, who have been detained at the request of families in order to be disciplined, are held without charge; AI made specific reference to this practice occurring in Mogadishu and Hargeisa. [2a][4][6b] However, during the first half of 2003 the authorities in Hargeisa (Somaliland) have taken action to address this problem in co-operation with parents (see the section: Children). Women are recognised by the UN as being disadvantaged under all three systems of law that operate in Somalia (see the section: General legal provisions relating to women). [3c]

#### Death Penalty

5.43 The death penalty is retained in Somalia. AI reported that during 2001 and 2002 Islamic courts established by faction leaders imposed death sentences; these sentences were reportedly immediately carried out. [6a][6b] In September 2002, a court in Hargeisa, Somaliland, sentenced two children, aged 16 years, to death for murdering a 16-year-old. As of the end of 2002 the death sentence had not been carried out and the Government had asked the court to review the case. [4]

#### Internal Security

5.44 Clan and factional militias, in some cases supplemented by local police forces function with varying degrees of effectiveness in the country. [2a]

## SOMALIA COUNTRY REPORT

OCTOBER 2003

### COUNTRY INFORMATION & POLICY UNIT

## 6. HUMAN RIGHTS ISSUES

### Part I

### Part II

## 6. HUMAN RIGHTS

### 6.A Human Rights issues

#### Overview

6.1 Political violence and banditry since the fall of Siad Barre's government in 1991 have claimed thousands of lives, mostly civilians. Both the police and militia forces set up by factions have committed numerous human rights abuses. The population has faced numerous human rights problems since 1991. [2a] Current issues include the lack of political rights, harassment and abuse of minority groups, denial of fair trial and excessively harsh punishments given by courts set up by some faction administrations, arbitrary detention, violence and discrimination against women and the almost universal practice of female genital mutilation (FGM). [2a][4]

6.2 In practice, rule of law, guarantees of personal security, and protection of human rights vary from location to location and according to the social standing of the individual. [38] There are areas of the country where

the situation is relatively stable; basic law and order is the norm in most locations. [2a][7][38] There are reports that during 2002 security conditions have improved in many areas, however it is the case that the country situation, particularly in southern Somalia, is very fluid and liable to change. [2a][7][8][38] It is also the case that violence has also continued to occur in many parts of the country, particularly southern Somalia. [4] Mogadishu in particular, whilst enjoying some long periods of relative stability, has a complex political landscape and can experience sudden changes in security conditions. Conditions can vary widely within different parts of the city. [35] In his 2002 report the UN Independent Expert for human rights identified the situation in Mogadishu as having been "particularly grave". [4]

6.3 During the first half of 2003 there are reports that general crime levels have increased in the capital, this has been attributed to freelance bandits (see the section: **Current security situation - Mogadishu**). [10ap] [10bd] The domestic Mogadishu based human rights group Dr. Ismail Jumale Human Rights Centre (DIJHRC) reports that most violations occur in Mogadishu and its environs, it states most victims are from minority groups. [10bk] UNICEF have expressed particular concern that attacks, kidnappings and killings specifically targeting children have increased in Mogadishu and other vulnerable parts of southern Somalia since late 2002. [10az]

6.4 During 2001 Amnesty International refer to hundreds of civilians being killed in outbreaks of violence during which indiscriminate force was used. Incidents reportedly took place mainly in the Mogadishu area and in the south of the country and reportedly also involved Ethiopian troops supporting the RRA. [6a] There have been further reports of violence during 2002 and early 2003. [2a][3b][4][7] UN Security reports indicate that throughout the country an estimated 488 persons were killed in faction-based or inter-clan conflict during the first 8 months of 2002. Several incidents of looting were reported, in some cases associated with the aftermath of fighting. [4] According to figures issued by the DIJHRC, during the 12 months ending in July 2003 the organisation registered the details of 530 civilians who had been killed. [10bk]

6.5 The rule of law, guarantees of personal security and protection from human rights abuses vary from location to location. Much of the countryside, particularly Somaliland, Puntland and pockets of southern Somalia are considered safe. Despite the basic perception of Somalia as 'anarchic', basic law and order is in fact the norm in most locations. Indeed, anecdotal evidence suggests that much of Somalia is safer for local residents than is the case in neighbouring countries, although there are shifting zones of very dangerous banditry in places such as Jowhar, the lower Juba valley and parts of Mogadishu. [38] Somalis generally ensure their safety by residing in 'home areas' of their clan, however some politically weak social groups are less able to secure such protection (see the section: **Ethnic Groups**). [8][38]

6.6 A new UN Independent Expert on the situation of human rights in Somalia was appointed and made his first visit in August and September 2001. [4][6a] On 4 September 2002 the Independent Expert for human rights concluded his second annual visit to the region. He visited Somaliland and Puntland but had not been able to visit Mogadishu and Baidoa due to the security situation. He concluded that there had been an improvement in the human rights situation in Puntland and Somaliland. In Somaliland in particular he noted that there had been no reports of serious human rights abuses. [3a][4] However, following the visit the expert cited particular concerns regarding the plight of internally displaced persons, law enforcement and prison conditions, protection of women's rights, economic, social and cultural rights and the ongoing need to address alleged past human rights atrocities. [4] Initial comments by the expert in September 2003 at the conclusion of his third visit suggested the general trend in Somaliland was more positive than the previous year. On this visit the expert had additionally been able to visit Kismayo, in the south, but as had been the case in 2002 insecurity prevented the inclusion of Mogadishu. [10bu]

### **Torture, inhumane and degrading treatment**

6.7 As of the end of 2001 no action was reported to have been taken against TNG, Somaliland, and Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2000 or 2001. [2a] Human rights defenders in Somaliland reported cases of torture by the police force during 2001. [6a] During 2002 there were some reports of the use of torture by the Puntland and Somaliland administrations and also by warring militiamen against each other or against civilians. However, observers believed that many incidents of torture were not reported. In July 2002 a regional court found a young man guilty in Mogadishu of stealing more than \$20. The court sentenced him to amputation of his hand, however, the TNG Justice Minister and the DIJHRC protested; the sentence was under review at the end of 2002. [2a]

6.8 In its annual report the DIJHRC reported that during 2002 there were 32 rape cases in Mogadishu, largely committed by militia members. In the 12 months ending in July 2003 the organisation logged 31 rapes. [2a] [6b][10bk] However, other reports suggest that the incidents of rape have in fact increased during the first

half of 2003. [10ap] In its report covering 2002, AI refers to women and girls who are IDPs, as well as underprivileged minorities including Bantu, Bravanese, Midgan, Tumal, Yabir and the wealthier Benadiri community, as being particularly at risk of rape by militia and other gunmen. [6b]

### Arbitrary or unlawful killings

**6.9** TNG security forces and police killed several persons during 2002. For example, on June 22 2002 TNG police killed a man after he refused to pay a tax levy at Bakara market in Mogadishu. On 22 September 2002 TNG soldiers who were manning a checkpoint on the outskirts of Merka opened fire on a minibus taxi after it refused to stop and killed one person. No action had been taken in either case by the TNG authorities against those responsible as of the end of 2002. [2a] Numerous deaths also resulted from conflicts between security and police forces and militias and between rival militias during 2002, particularly between the months of May and July. [2a][6a]

**6.10** Amnesty International referred in their annual report covering events during 2001 to local Human Rights defenders' reports that police in Somaliland committed unlawful killings. [6a] Puntland authorities took no action against members of the security forces who, during the forcible dispersal of a demonstration in Bossaso in February 2001, shot and killed 1 woman and injured 11 others. Likewise, the Somaliland authorities failed to take any action in relation to the August 2002 killing of a small child by the police. [2a] On 17 August 2002 it was reported that a traditional Elder, Sultan Ahmad Mahmud Muhammad, was killed in mysterious circumstances in Puntland at the hands of the administrations security forces. [4] There were allegations he had been extrajudicially executed; it was reported that a Government investigation was under way at the end of 2002. [6b]

**6.11** No action was likely to be taken against the responsible members of TNG forces, Somaliland and Puntland forces, warlord supporters, or members of militias for numerous killings in 2000; likewise there had been no action in respect of many killings that took place during 2001. As of the end of 2002 no action had been taken against any militia members in respect of killings that had occurred during 2001. [2a]

### Disappearances

**6.12** As of December 2002 there were no known reports of unresolved politically motivated disappearances, although cases easily might have been concealed among the thousands of refugees and displaced persons. There were numerous kidnappings, including kidnappings of children, by militia groups and armed assailants who demanded ransom for hostages. [2a][6b] NGO staff including Somali employees of the UN and other foreign nationals along with local businessmen and politicians were among those taken kidnapped during 2002. The whereabouts of 10 ethnic Arabs kidnapped in September 2002 was unknown at the end of 2002. [2a][4] The pattern of abductions has continued during the first half of 2003 and, according to some reports, increased. [10ap][10bk] DIJHRC report that during the 12 month period ending in July 2003 it had recorded the details of 185 abductions. [10bk] There were no investigations or action taken against the perpetrators of kidnappings that occurred during 2002 or in respect of incidents that had occurred in 2000 and 2001. [2a]

### Abuses by militia groups

**6.13** Fighting between rival clans and factions continues in many parts of the country (see the section: **Current security situation**). [6a][3a][3b] There are continued reports of killings and reprisal killings of clan opponents, expulsions of members of other clans, cases of kidnapping as well as detention, and torture or ill treatment of prisoners. Women and minorities are particularly vulnerable to abuses. [2a][6a][6d] The DIJHRC chief investigator stated in July 2003 that civilians are often killed during factional fighting due to the indiscriminate shelling of residential areas, he asserted that the combatants did not care what happened to civilians. [10bk] None of the factions responsible respect the principles of international humanitarian law regulating the conduct of armed conflict and protection of civilians and members of faction militias generally act with impunity. [6a][6b] Faction leaders have done little or nothing to suppress the arbitrary abuses of gunmen in the areas they claim to control. [6d] According to UN sources, there are about 10,000 militiamen in Mogadishu alone. [4] However, in a positive development the JVA were, as of September 2003, in the process of disarming militias in Kismayo and surrounding areas that it controls (see the section: **Current security situation: Kismayo and Juba regions**). [10bs][10bu]

### Regional situation for human rights activists

**6.14** There are several local and international NGOs engaged in human rights activity currently operating in Somalia. Human rights defenders in central and southern Somalia face daily dangers of arbitrary killing,

kidnapping or detention by faction militias. [2a][6d] In Puntland, civil society organisations documenting abuses receive little tolerance from the political authorities and are at risk as a result of the unresolved conflict. [6d] In early August 2002 Puntland authorities arrested several human rights advocates who were planning to attend a conference in Hargeisa. They were released several weeks later at the request of the visiting UN Independent Expert on Human Rights. [2a][4] During 2002 the Puntland authorities permitted independent monitors to undertake prison visits. [2a]

**6.15** In March 2003 the Puntland authorities reportedly ordered the closure of the offices of several local human rights groups located in Bossaso. A spokesman for the authorities claimed the groups had "violated their mandates and engaged in political activities and actions inimical to the interests of the people of Puntland", a claim denied by the groups concerned. There were also suggestions that the groups closed had been targeted as a result of their participation in the meeting with human rights group from other parts of the country during the previous month (see both the previous and following paragraphs). [10aa]

**6.16** In contrast, there has been general respect for human rights in Somaliland and local human rights orientated NGOs are able to operate freely without harassment. [2a][6d] Somaliland authorities permitted prison visits by independent monitors and such visits occurred during 2002. [2a] In February 2003 the Somaliland authorities permitted Amnesty International, Novib and International Co-operation for Development to run a jointly organised meeting/work-shop for Somali based NGOs. Somali human rights defenders representing 23 organisations attended this 9-day event. [6d]

#### Local human rights organisations

**6.17** A Somali wide human rights organisation is INXA, an umbrella organisation of the Peace and Human Rights Network. [10aa] Human rights organisations based in Mogadishu include Peace and Human Rights Network, Coalition of Grassroots Women's Organisations and Dr Ismail Jumale Human Rights Centre (DIJHRC), sometimes also referred to as IJHRC this is the largest human rights group in the country. [2a][6d] [10bk] Formed in 1996, DIJHRC organisation is involved in investigating the continued conflict in the capital, it conducts effective human rights monitoring including prison visits, and organised periodic demonstrations for peace. [2a][10bk] Kisima Peace and Human Rights Organisation is based in Kismayo while ISHA Human Rights Organisation, formed in November 1999 by intellectuals from communities in south-western Somalia in response to widespread human rights violations in the southern regions, operates in Bay and Bakool (SWS). [2a][6d][7]

**6.18** Dulmiid Centre for Human Rights and We Are Women Activists (WAWA) are among the human rights organisations based in the Puntland region; the Bossaso offices of these organisations and INXA were however closed down by the authorities in March 2003. [6d][10aa] Human rights organisations active in Somaliland include Nagaad Women's Coalition, Hornwatch and several others. Activists there are concerned mainly about a very poor justice system and declining political representation for women and minorities. [6d]

#### International human rights organisations

**6.19** As of 2002 international organisations operating in Somalia included the Red Cross, CARE, Save the children and various organisations involved in demining activity including the Halo Trust. MSF reportedly suspended their operations in October 2002 following an attack on one of their staff in Middle Shabelle. [2a] UN agencies are engaged in on going activity in various parts of the country. [2a][3b] NGOs were able to operate freely in all areas of the country except Puntland where Abdullahi Yusuf refused the UN, EU and other NGO agencies access when he resumed power in May 2002; he claimed they had supported his opponent. [2a] However, the kidnapping of Somalis working for the UN and other international aid organisations is a serious concern. [3b]

**6.20** A number of incidents were reported during 2001 and 2002, there were also incidents on attacks against both UN staff and property. [2a][3a][3b][4][6a] On 2 September 2002 an aircraft carrying the United Nations Resident and Humanitarian Co-ordinator for Somalia, Mr. Max Gaylard, came under fire from a local militia as it prepared to take off from Garbahaarey town in Gedo, allegedly in a dispute over payment of landing fees. No one was injured and the plane was not hit. The following day the United Nations announced that it had temporarily closed Gedo Region in south-western Somalia to United Nations flights and international staff. This restriction continued to be enforced at the end of 2002. [4][51] In February 2002 a Swiss aid worker was murdered in the coastal town of Merka though this was not believed to have been political, TNG police arrested men suspected of involvement. [2a][4][51]

**6.21** In September 2002 UNIFEM provided training to NGOs and law enforcement agencies on human rights, conventions and access to justice for human rights in Somaliland, Puntland, Mogadishu and the Hiran region.

The UN Security Council report of February 2003 referred to a study on the impact of small arms and light weapons proliferation in Somalia. It is stated that the report's recommendations, in particular those regarding conflict resolution, peace-building and psychological support, will be implemented during 2003. [3b]

**6.22** In May 2003 Al-Haramayn, a Saudi Arabian based aid agency that ran eight orphanages in the country were accused by the US government of having terrorist links. In response, the agency closed its doors in Somalia and, on the instruction of the Saudi government, all its international staff were ordered to leave the country. Somali communities who benefited from the work of the agency reacted with dismay at this decision, the position of over 3,000 children living in the orphanages run by Al-Haramayn was a particular concern (see the section: Child care arrangements). [10ao]

### Freedom of Speech and the Media

**6.23** The Transitional Charter, adopted by the TNA in Mogadishu in 2000 but not implemented by the end of 2001, provides for freedom of speech and the press. The Puntland Charter provides for freedom of the Press "as long as they respect the law", this right was not respected in practice during 2002. The Somaliland Constitution also provides for freedom of the Press but this right was restricted in practice during 2002. [2a]

**6.24** According to the Committee to Protect Journalists (CPJ), following the collapse of Barre's Government in 1991 the media, which had included opposition and independent newspapers quickly splintered into several small clan-run newsletters and low-watt radio stations. Independent journalism all but disappeared but in late 2000, following Abdiqassim's election as president of the TNG, independent journalism has begun to re-emerge in Somalia. [12] However, contrary to this view the Nordic Fact Finding Mission of 1997 to Mogadishu contains testimonies suggesting that the independent media was "alive and well" in 1997. At this time the Somali Independent Journalists' Union (SIJU) reportedly had 217 members, mainly from Mogadishu but also from Kismayo and the principle cities in the north. [35] In its report covering 2001 Amnesty International commented that freedom of expression was very limited in all areas of the country, with little tolerance by government authorities or armed factions of criticism by individuals or the media. [6a] However, in February 2003 Amnesty International referred to "a largely free press" operating in Somaliland. [6d]

### Media institutions

**6.25** The major faction leaders in Mogadishu operate small radio stations; a total of seven local stations operated in the capital in 2002. [2a][10u][12] The former state-controlled Radio Mogadishu was initially taken over by faction leader Muhammad Aided and, following his death, remained under his son's control. Faction leaders, Ali Ato and Ali Mohamed also both set up rival stations in the early 1990s, also calling them Radio Mogadishu. Broadcasting has been sporadic since 1991, reflecting the warlords' fortunes. Recent years have seen the emergence of stronger regional media and several, often short lived FM stations. [14h] The TNG began operating a FM station in April 2001; also during 2001 a new radio station funded by local businesses began operating in the south of the country. [2a] In October 2002 the NGO Reporters without borders, referred to there being about 12 privately owned radio stations in the country. [13d] The authorities in Somaliland and Puntland both operate their own radio stations. [2a][14h]

**6.26** The majority of the citizens obtain news from foreign news broadcasts, primarily the British Broadcasting Corporation (BBC), which transmits a daily Somali-language programme. [2a] HornAfrik, which has won praise abroad for its "relative fairness and objectivity in covering a messy political situation", is Somalia's only independent radio and station and one of two independent TV stations. [12][14h] Unlike the previous year, several telephone companies and Internet providers operated and provided service throughout the country during 2002. [2a]

**6.27** During 2002 the print media largely consisted of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers are nominally independent and are critical of the faction leaders. [2a] According to the CPJ six different titles appeared in Mogadishu in 2002; this contrasts with the 19 titles the Nordic fact-finding mission of 1997 referred to having been in circulation in the capital at that time. [10u][12][35] Somaliland has at least three daily newspapers, one government daily, and one independent and a third that is produced in English language, this was formally a weekly newspaper; however, some reports suggest additional privately owned titles are now in circulation in Somaliland's main towns. [2a][13c][14h] There are reportedly three daily publications produced in Puntland. [14h] In October 2002 Reporters without borders suggested there were a total of around 20 privately owned newspapers being produced within the country as a whole. [13d]

## Media law and practice

**6.28** During 2001, senior parliamentary officials in Mogadishu barred journalists from covering proceedings of the TNA; however, the ban did not remain in force during 2002. **[2a]** On 28 September 2002 the TNA passed a TNG sponsored media bill prohibiting the publication of material that undermines Islam, national unity, the political system, or "the common interest of all Somalis" and forbids criticism of Government officials or reporting on Government secrets. **[2a][12][13d]** Critics claimed that if enforced the new law would give the TNG powers of censorship; reporting on financial scandals involving the government or senior officials would represent a violation of the law. **[2a][10u]** It was reported that should the media contravene the new measures they would risk withdrawal of their operating licences. All of Somalia's privately owned media began a strike on 2 October 2002 to protest against the new law. They said they would no longer report official press releases if the government did not give way. **[13d]** This development prompted the TNG President decline to sign the new law. **[10u]** Instead he created a committee of lawyers, journalists and senior officials to study the journalists' grievances and had requested that their amendments be incorporated into the bill; there were no reports of the law having been enforced during the final 3 months of 2002. **[2a][10u][12]**

**6.29** On 5 June 2002 the authorities in Somaliland banned the establishment of private radio stations. People in possession of transmitting equipment were ordered to surrender it to the authorities; however a BBC funded FM station was subsequently permitted to broadcast. **[2a][12][13c]** Although at the time of the ban the official station was operating in the country several people and opposition parties had reportedly applied for broadcasting frequencies. **[13c]** In May 2002 the authorities in neighbouring Puntland had cancelled the broadcasting licence of the privately owned Somali Broadcasting Corporation (SBC). Local observers stated SBC had been silenced because it had criticised Col. Yusuf and shown support both for his political opponent and for the TNG in Mogadishu. **[12][13b]** The SBC licence was not restored until May 2003. **[10ak]** In August 2002 the Puntland authorities banned two local BBC Somali Service correspondents from reporting for the BBC. Officials accused them of "not being objective in their reporting of events in the region." Local sources suggested that this action was also the result of a perceived bias against Yusuf. **[12]**

## Journalists

**6.30** During 2001 there were incidents of harassment, arrest and detention of journalists in all areas in Somalia, according to the NGO "Reporters without borders" the situation was worst in Puntland. **[2a][6a][13a]** The Government of Somaliland reportedly tolerated criticism by journalists during 2002. **[2a]** However, in October 2002 Reporters without borders referred to the need for journalists in both Somaliland and Puntland to practice self-censorship or risk reprisals. **[13d]**

**6.31** In June 2001 the United Nations Security Council passed a resolution authorising journalists and the staff of humanitarian organisations to wear bulletproof jackets in Somalia, even though the arms embargo prohibits the export of this type of equipment to the country. **[13a]**

**6.32** During 2001 three journalists were arrested in Puntland; one in February was accused of falsely reporting that two homosexual girls had been sentenced to death and two others who were arrested in August were accused of publishing "inflammatory news" about insecurity in Bossaso. Additionally, the editor of the weekly Panorama stated he had received death threats following the publication of a cartoon depicting Osama bin Laden as a fugitive terrorist. **[13a]** In September 2002 the editor of the Somalipress journal was detained in Puntland for one month without charge. **[6b]**

**6.33** In January 2002 TNG police arrested a newspaper reporter allegedly for reporting inaccurately on parliamentary proceedings, he was released 2 days later. **[2a]** In February 2002 unidentified gunmen raided the TNG operated radio station Radio Mogadishu - Voice of the Somali Republic taking broadcasting equipment that temporarily forced it off the air. **[12]**

**6.34** In Somaliland there were two incidents reported during 2002. In March 2002 the editor of the local daily newspaper, Al-Jamhuriya was arrested and detained for several days following an article that claimed the House of Elders had been bribed to extend the President's term for a year. **[2a]** In August 2002 the editor of the daily publication, Wartire, was sentenced to four months imprisonment after being found guilty of "misrepresenting" facts and publishing "fabrications and baseless reports." The offending article referred to a secret pact having been signed between president Kahin and the Djibouti president. **[2a][12]** However, he was released 3 days later at the request of the visiting UN Independent Expert on Human Rights and the prison sentence was changed to a fine. **[2a][3a][6b]**

### Academic freedom

6.35 There are restrictions on academic freedom; according to the US Department of State academics operate under restrictions similar to those imposed on members of the media. [2a] In June 2002 the president of the East African University in Bossaso was among scores of alleged supporters of Jama Ali Jama to have been detained by Abdullahi Yusuf's forces (see the section: Political Activists - Puntland). [6b]

### Freedom of Religion

6.36 Islam has been made the "official" religion by the TNG and some local administrations, including those of the self declared republic of Somaliland and autonomous region of Puntland. There is no legal provision for the protection of religious freedom; during 2002 there were some limits to religious freedom. [2a]

6.37 There is strong social pressure to respect Islamic traditions throughout Somalia, but especially in enclaves controlled by radical Islamists. These include the district of El Wak in Gedo region and Doble, Ras Chaimboni, and Kulbiyow in the Lower Juba region. [2b]

6.38 In 1999 the Minister of Religion in Somaliland issued a list of instructions and definitions on religious practices. Under the new rules, religious schools and places of worship were required to obtain the Ministry of Religion's permission to operate. Additionally, the Ministry must approve entry visas for religious groups, and certain unspecified doctrines are prohibited. In Puntland religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate. [2a]

6.39 Any attempt to convert an individual (proselytize) to any religion except Islam is prohibited by law in Somaliland and Puntland and effectively blocked by informal social consensus elsewhere in Somalia. [2a] There are no ecumenical movements or activities to promote greater religious tolerance. Seven Ethiopians arrested in Somaliland for allegedly attempting to proselytise Christianity were released in early 2001. [2b] In September 2002 twelve people, mostly Ethiopian, were briefly detained for a similar offence; they were released without charge. [6b]

### Muslims

6.40 Most Somalis are Sunni Muslims. [1b][2a] The Sunni majority often view non Sunni-Muslims with suspicion. [2b]

### Christians

6.41 There is a tiny Christian population in Somalia, mostly Roman Catholics of whom there were an estimated 100 adherents as of December 2000; they maintain a low profile. [1b][2b] Christians who proclaim their religion sometimes face societal harassment, as do persons of other non-Muslims. Christian-based international relief organisations generally operate without interference, provided that they refrain from proselytizing. [2b]

### Freedom of Assembly and Association

#### Charter provisions in TNG controlled areas

6.42 There is no mention of freedom of peaceful assembly in the Transitional Charter, nor is there any specific provision for legal protection for freedom of assembly. [2a][37] There is provision organise or associate with political organisations subject to the requirement of the law being fulfilled. [37]

#### Charter provisions in Puntland

6.43 The Puntland Charter provides for freedom of association; however, the Puntland administration has banned all political parties. [2a]

#### Constitutional provisions in Somaliland

6.44 The Somaliland Constitution provides for freedom of association.

In a referendum in May 2001, Somaliland voters approved legislation that provides for the formation of political parties. [1a][2a] The law does however limit the number of political parties allowed to contest general elections to three. An ad hoc commission, nominated by the President and approved by the House of Representatives, has responsibility for considering applications. The law provides that approved parties winning 20 percent of the vote in the presidential elections will be allowed to operate. [2a]

### Public gatherings and demonstrations

6.45 In practice there is generally freedom of association and assembly within the country. Citizens were free to assemble in public, however the lack of security effectively limited this right in many parts of the country during 2002. Nevertheless, demonstrations reportedly occurred throughout the country during the year. Unlike in 2001, during 2002 there were no reports that the security forces and police used lethal force to disperse demonstrators. [2a]

6.46 In 2001 one woman was killed and others injured when police opened fire on a crowd peacefully protesting at the arrest of a number of people in Bossaso, Puntland. [6a] On a number of occasions during 2002, women demonstrated for peace in Puntland despite the ongoing factional fighting. [2a]

6.47 On 23 August 2001 five Sultans were arrested after they had reportedly set up a council of clan chiefs in Burao, central Somaliland. Two days earlier nine clan chiefs had been placed under house arrest for "holding an illegal meeting". The Sultans were released in early September 2001 after agreeing to abide by the Somaliland Constitution. However, they refused to accede to President Egal's demand that they disband their organisation arguing that its existence was permitted under the provisions of the constitution. A mediating team of religious leaders, businessmen and neutral Elders facilitated their release. The clan chiefs were also released from house arrest. [10f]

6.48 In what was reported to be one of the largest protests ever seen in Mogadishu, thousands of people demonstrated against the continuing violence and abductions in the city on 29 June 2003. A grouping of 46 civil society organisations were reported to have organised the protest, these included women's and human rights groups, professionals and Koranic schools. The demonstration also incorporated protests against any renewal of hostility in the Lower Juba region where a renewed attack by General Morgan had been reported to be imminent (see the section: Current security situation - Kismayo and Juba regions). [10bd]

### Political Activists

6.49 In its report covering 2002 the US Department of state reported that it was not aware of any political prisoners being held in Somalia at the end of 2002. There were also no known cases of unresolved political disappearances (see the section: Disappearances). [2a]

### Southern Somalia

6.50 Acts of violence against supporters or members of the TNG, including several killings, occurred during 2001 and continued in 2002. In February 2002 two persons were injured seriously when unknown persons threw a grenade into the residence of TNG Prime Minister Hassan Abshir Farah. [2a]

6.51 As of mid June 2002 officials of the human rights group ISHA were not aware of any political prisoners being held in Bay and Bakool. There is no evidence of persecution or harassment of people on political grounds. [7]

### Puntland

6.52 In June 2002, AI report that scores of alleged supporters of Jama Ali Jama were detained for an unspecified number of days by Abdullahi Yusuf's forces. [6b] During his visit to Puntland in 2002 the UN independent expert for human rights successfully requested the release of two members of the Dulmiid Centre for Human Rights who had been detained and held as prisoners of conscience. [4][6b]

### Somaliland

6.53 Following the establishment of new political parties in the new constitution, the 'Somaliland' National Commission for the Registration of Political Parties issued registration certificates to seven political parties in

October 2001. [1a][10n] President Egal then held talks with the leaders of the newly registered parties. This followed criticism that Egal's UDUB party would have an unfair advantage over other parties' in future multi-party elections. [10n] During the weeks that followed several of these parties opened offices and held political rallies, however none were seen as posing a threat to President Egal. [1a]

6.54 In May 2001 Sulieman Mohamed Gaal, a former presidential candidate in the self-proclaimed republic of Somaliland, was arrested in Hargeisa and detained for two weeks before being released on bail without any charge. [6a] During 2002 there were nine new political parties formed in Somaliland. [2a]

6.55 In June 2003 General Jama Muhammad Ghalib, a former interior minister and police chief of Somalia, was detained when the plane he was travelling in transited Hargeisa. Ghalib, who originates from Somaliland and has been participating in the peace talks in Nairobi, was reportedly detained because of his support for Somali unity within a federal system. The TNG protested against Ghalib's detention and the Somaliland authorities deported him to Djibouti after two days stating it had been decided not to prosecute him as he was in transit. [10ba][10bb] It was reported that a group of eight men protesting against Ghalib's arrest attacked Hargeisa airport. One was reported to have died from wounds sustained in the attack, the remaining seven were arrested. Following this incident the Somaliland Information Minister declared that any Somalilander who calls for reunification also calls into question the independence of "the country" and will therefore face the law. [10bb] In July 2003 the authorities in Hargeisa issued a warning against anyone trying to represent Somaliland at the ongoing peace talks in Kenya. [10bi]

#### Al - Itihaad

6.56 Members of the Islamic group Al-Itihaad al-Islamiya, an organisation believed to have been responsible for terrorist attacks in Ethiopia, are at times pursued by Ethiopian forces on Somali territory. [7][22b] Ethiopia has sited the presence of Al-Itihaad members as the reason for sending forces onto Somali territory; this has happened on numerous occasions since 1996. [22b] The influence of the group has however declined considerably in recent years (see annex C).

#### Employment Rights

##### Trade Unions and the right to strike

6.57 The defunct constitution gave workers the right to form unions, but the civil war and factional fighting negated this right and broke up the then government-controlled General Federation of Somali Trade Unions, an organisation that had been created in 1977. [2a][16] Given the political and economic breakdown and the lack of legal enforcement mechanisms, trade unions are unable to function freely. The Somaliland Constitution, the Puntland Charter and the Transitional Charter, adopted by the TNA in 2000 but not implemented by the end of 2001, all establish the right of freedom of association, but no unions or employer organisations existed as of the end of 2002. [2a]

6.58 The Somali Medical Association (SMA) organised a one-day strike on 21 May 2003 in protest at the security situation in the capital, Mogadishu. The SMA received support for their action from 14 civil society organisations including groups from the education sector; there were reports that schools in the capital were also closed for the day. [10ap] A further strike took place on 6 July 2003 following the shooting of a prominent doctor. [10be] Both stoppages were reportedly well supported with only emergency cases being treated. [10ap][10be]

##### Equal employment rights

6.59 Wages and work requirements in traditional Somali culture are established largely by ad hoc bartering, based on supply, demand, and the influence of a worker's particular clan. As of 31 December 2002 there had been no organised effort by any of the de facto regional administrations or factions to monitor acceptable conditions of work. [2a]

##### Forced labour

6.60 The pre-1991 Penal Code prohibited forced labour. However, local clan militias generally forced members of minority groups to work on banana plantations without compensation. During 2002 there were also reports that in Middle and Lower Juba, including the port of Kismayo, Bantus were used as forced labour. [2a] Other minority groups such as the Bravanese are also reportedly used for forced labour. [7]

## Child Labour

**6.61** The pre-1991 Labour Code prohibited child labour, but child labour is a problem. [2a][4] UNICEF reports indicate that 41.9 per cent of children aged 5-14 are classified as working children, they are mainly involved in domestic labour. [4] Formal employment of children is rare, but youths commonly are employed in herding, agriculture, and domestic work from an early age and substantial numbers of children work. The lack of educational opportunities and severely depressed economic conditions contributed to child labour. There are also reports during 2002 that trafficking in children for forced labour is a problem. [2a]

## People Trafficking

**6.62** The pre-1991 Penal Code prohibits trafficking; however, there were some reports of trafficking during the 2002. [2a] Somalia is a source country for trafficking victims, primarily women and children trafficked internally for forced labour by local militias. Within Somalia, children, some as young as 11 years old, are forcibly conscripted into militias to serve as combatants and servants (see the section: **Child soldiers**). [2c] In 2000, Djibouti law enforcement authorities arrested members of a group that was smuggling Somali women to destinations such as Lebanon and Syria to work in brothels. [2a] The number of women being trafficked from Somalia appears to be small. [2c] There were reports that trafficking in children for forced labour is a serious problem. [2a]

**6.63** During 2002 there were reports of an increase in the smuggling of children out of the country to relatives and friends in western countries where they work or collect benefit payments and send money back to family members in Somalia. [2a][39] In early 2003 the UN Office for the Co-ordination of Humanitarian affairs produced "A Gap in their Hearts": a report focusing on the experience of Somali Children separated from their families. This refers to parents paying up to US\$ 10,000 to smugglers to take their children out of Somalia and reports that unaccompanied children are given new names and imaginary histories; the children are coached in these and threatened to maintain their new identities. [39] In their Trafficking in Persons Report published in June 2003 the US Department of state reported that many children are trafficked into situations of forced labour and prostitution. [2c]

**6.64** In May 2003 the authorities in Puntland detained a group of Sri Lankan migrants who, according to reports were waiting to be transported to Western Europe. The traffickers were also identified. The authorities announced that "appropriate legal action" would be taken against them. It was also reported that two government employees had been sacked as a result of their involvement in the affair. The Deputy Information Minister for the region stated that Puntland would ensure nobody used its territory for human trafficking. He also called for assistance from countries that might be the potential destination for migrants in order to stop such activities. [10as] The authorities in Puntland detained a further group of migrants in early September 2003, on this occasion the 52 people comprised both Ethiopians and Somalis from the southern regions. It was reported that 10 traffickers were also detained in Bossaso and will face legal action. Reports suggest that arrangements and payment of fees are usually made in Bossaso. The Puntland authorities reiterated their commitment to tackle the problem of human trafficking. [10bt]

## Freedom of Movement

**6.65** The Transitional Charter and the Puntland Charter both make provision for freedom of movement; however, as in previous years this right continues to be restricted in some parts of the country. [2a]

## Continued

### Internal relocation (internal flight)

**6.66** The authorities controlling the de-facto administrations of 'Somaliland', 'Puntland' and the Bay and Bakool regions (SWS) have each made it clear that they would only admit to the areas they control those who originate from that territory or those who have close affiliations to the territory through clan membership. [7] [31] There are however some 28,000 IDPs in the Bossaso area of Puntland, most of who are reported to have fled insecurity in the south of the country (see the section: **Internally displaced persons**). [10bm] There are also reports that suggest would-be refugees from southern Somalia use Puntland as a transit point when seeking to leave the country (see the section: **People trafficking**). [10bt]

**6.67** Most Somalis will however generally be able to receive the protection of their own clan in areas controlled by that clan. However, there are many thousands of internally displaced persons still living outside their traditional home area, particularly where rival clan factions control their home area. Many Somali clans are present in more than one area of Somalia, and also in areas beyond Somalia's borders, and people displaced from their home area may move to other areas populated by their clan. Somalis are increasingly able to both visit and live in cities outside their clan's traditional domain, but typically as guests of more dominant clans; such arrangements take time to arrange and may sometimes require protection money to be paid. [34][36][38]

**6.68** Some areas have provided a safe refuge for people from other clans and minority groups displaced from elsewhere in Somalia. The Majerteen-led Puntland administration has, for example, permitted Somalis from all clans and non-Somali minority groups, even former supporters of Siad Barre, to move freely through and settle in the area under its control. The SNM administration in Somaliland has allowed Somalis who originate from the north-west and minorities such as the Bantu to settle in its territory. Even Ogaden clan members, who had moved into the north-west under Siad Barre's administration, have been able to remain in Somaliland and live without undue harassment. While occasional localised clan-based outbreaks of fighting may occur, there is no general clan-based persecution in Somaliland. The authorities in the Hiran region also allow all Somalis to move, and settle with permission, within their territory. [31][33][34][36]

**6.69** As before the civil war, Mogadishu, as the capital city, has a population containing people from virtually all clans and ethnic groups in Somalia, although the majority is Hawiye clan-family members. Many Marehan living in Mogadishu fled to SNF-controlled Gedo region during the height of fighting after the removal of Barre's administration, although some have since been able to return to Mogadishu and generally do not face persecution. [35][36]

#### Internal movement

**6.70** Whilst large areas of the country are reported to be peaceful, violence resulting from factional fighting continues in several areas, this has security implications regarding the movement of civilians in those areas of the country currently affected (See the section: **Current security situation**). [2a][10ah] However, security conditions continued to improve in many parts of the country during 2002 allowing many IDPs and refugees to return to their homes. [2a] Checkpoints operated by militiamen loyal to one clan or faction may impede passage and restrict movement of other groups; banditry is also common. [2a][7] During 2003 the 500-kilometre Mogadishu - Kismayo road, which reportedly has many militia checkpoints, has become increasingly dangerous with a rise in incidents of banditry and extortion. However, in September 2003 the JVA stated its intention to address this problem and seek to improve the situation. [10bs]

**6.71** On 2 April 2002 a TNG minister was detained in Hargeisa and subsequently sent back to Mogadishu. Somaliland authorities said he did not have permission to be in Somaliland. TNG authorities said he was transiting Somaliland to attend a conference in Cairo. [2a]

**6.72** In November 1995 the Somaliland authorities issued a statement explaining their policy on UNHCR repatriations, confirming that any "Somalilander" has the right to return and that other Somalis may transit through Somaliland. [31] However, in June 2003 a former Somali Interior Minister of Somaliland origin was reportedly detained for two days when his plane transited Hargeisa (see the section: **Political activists - Somaliland**). [10ba][10bb]

**6.73** During the final years of his regime Barre laid more than one million landmines in Somaliland. [5] In 1999 the HALO Trust, an NGO specialising in demining work, established a programme in Somaliland. According to its 2002 report of operations HALO Trust have a local staff of 230 operating in Somaliland. Thus far demining activity has been most focused on western Somaliland, but with the expectation that priority tasks would be completed by the end of 2002 in the west of the territory focus was due to turn to the eastern districts in 2003. In summing up the situation HALO described the mine problem in Somaliland as being "at a manageable level" and anticipates completing priority clearance work by 2005 or possibly sooner. [27] In addition, the mine action component of the UNDP in Somaliland trained 24 staff from the Somali Mine Action Centre during 2002. [3b] In February 2003 the UN reported consideration was being given to extending the programme to cover Puntland. [3c]

#### External movement

**6.74** In the absence of a recognised national government, most citizens do not have the documents required for international travel (see the section: **Citizens access to identity documents/passports**). [2a] Scheduled international air services operate to airports in Somaliland, Puntland and Mogadishu from Djibouti,

Ethiopia, Kenya and some Middle Eastern states. [29a] Between 19 June 2003 and 8 July 2003 the Kenyan authorities imposed a flight ban on all air traffic to and from Somalia, in response to US warnings of an imminent terrorist attack. [10bg]

6.75 Despite the relative stability in many parts of the country, as in previous years many citizens continued to flee to neighbouring countries during 2002 and 2003, often for economic reasons. [2a][10br] Many migrants have left Somalia from ports in the north-east (Puntland) and, at a cost of up to US\$ 500, travelled via boat to Yemen in order to be eligible for refugee status or find work, some continue from Yemen into Saudi Arabia. [2a][10br][10bt][38] During 2002 it was reported that 950 migrants drowned in accidents at sea. During the first eight months of 2003 a further 250 were reported to have drowned in similar circumstances. [2a][10br][10bt] There have been some reports that boatmen providing passage to Yemen forced their passengers to jump overboard whilst still off the coast of Yemen. [10br] There are indications that most Somalis leaving by this route do not originate from Puntland, but come from southern Somalia. [10bt]

#### Willingness to accommodate refugees

6.76 As there is no functioning central government, there is no policy of first asylum, nor are there any laws with provisions for the granting of asylum or refugee status. A small number of Ethiopian refugees remain in the country, mostly in Puntland near Bossaso. [2a] In May 2003 the Puntland authorities were seeking assistance to repatriate 133 Sri Lankans bound for Europe. They had attempted to use the region as a transit point; according to reports there was not however any suggestion that they had sought to present themselves as refugees. [10as] It was reported in September 2003 that the courts in Puntland will decide what happens to potential refugees originating from Ethiopia and Southern Somalia in situations where they are caught using Puntland as a transit point from which to leave Somalia. [10bt] The authorities in Somaliland have co-operated with the UNHCR and other humanitarian assistance organisations in assisting refugees. [2a]

#### Citizens access to identity documents/passports

6.77 Most Somalis requiring a passport or other form of ID arrange such documentation informally. Identity papers and passports can be obtained for payment in the markets of most towns in Somalia and in Djibouti and Nairobi (Kenya). [10t][36] In September 2002 it was reported that a new passport office had been opened by the TNG in Mogadishu. The TNG Minister of State for Foreign Affairs acknowledged the widespread forgery of Somali passports and referred to people in Mogadishu who want a passport going to Bakaara market where he stated, "for a fee, anyone can produce a document." [10t] The Somaliland authorities issue "Somaliland travel documents" to "Somalilanders". [36]

#### Requirement to carry identity documents/passports at all times

6.78 There is no specific information regarding the requirement or otherwise of citizens to carry passports or other forms of ID.

### 6.B HUMAN RIGHTS - SPECIFIC GROUPS

#### Ethnic Groups

6.79 Somali society is characterised by membership of clan-families, which are sub-divided into clans, and many sub-clans (clan members are classified as ethnic Somali), or minority groups (minority groups are usually defined as those of non-ethnic Somali origin) and any political affiliation generally follows clan lines. [8][32]

#### Somali clans

6.80 The clan structure comprises four major "noble" clan-families of Darod, Hawiye, Isaaq or Dir. "Noble" in this sense refers to the widespread Somali belief that members of the major clans are descended from a common Somali ancestor, and that the minority clans/groups have a different, usually mixed, parentage. [7] [32] More than 80% of the population shares a common ethnic heritage, religion and nomadic influenced culture. [2a] Two further clans, the Digil and Mirifle - collectively referred to as Rahanweyn (see below), take, in many aspects, an intermediate position between the main Somali clans and the minority groups (see Annex B). [7]

6.81 Most Somalis ensure their personal safety by residing in the 'home areas' of their clan, where they are

assured full status and protection by their kinship group. This may in effect mean a form of internal displacement, even for some people in Mogadishu, who have to move from their actual homes in the city to traditional clan areas elsewhere. [38]

**6.82** The dominant clan in any particular area has generally excluded other clans and minorities from participation in power. [2a] An individual will be most secure in an area in which their clan is dominant and able to afford them protection. However, the Majerteen-dominated Puntland authorities have been willing to allow thousands of people from other clans and minorities to live in the territory they administer. Similarly, the Isaaq-dominated Somaliland authorities have been tolerant of non-Isaaq clan members living in their territory, even Ogaden clan members who moved into the area under Siad Barre's administration. The authorities in the central Hiran and Galgudud regions have also proved tolerant of Somalis from other clans and regions travelling into their territories and, with consent, settling there. [31][32][36]

**6.83** After the fall of Siad Barre's Marehan-dominated administration in 1991 thousands of Marehan in Mogadishu died in the ensuing fighting at the hands of the Hawiye-dominated USC militia. Many Marehan consequently fled to their home region of Gedo but some have been able to return to Mogadishu and generally do not face persecution. [33][34][35][36]

**6.84** In south and central Somalia rival Hawiye factions control much of the territory. The rival members of other clans, such as the Digil and Dir, also live in these areas but are not directly involved in the conflict. However, whilst they are not a target of general persecution by the parties to the conflict they risk becoming victims of hostilities. [33] [36]

#### The Rahanweyn clans

**6.85** As reflected in the British/Danish Nairobi fact-finding report on Minority Groups in Somalia, published in December 2000 the Rahanweyn clans, comprising the Digil and Mirifle, are considered as a minority group by some experts and related to the major Somali clans by others, though considered as less 'noble' by others. However, the Digil and Mirifle were included as one of the major Somali clan-families and allotted 49 seats (including 5 for women), distinct from the recognised official minorities who formed a separate grouping when seat allocations for the TNG were decided upon at the Arta conference of 2000. [8]

**6.86** The Rahanweyn clans were largely excluded from political participation in the Rahanweyn-populated Bay and Bakool regions following their capture by General Aideed's Hawiye-based USC/SNA in September 1995, when the Rahanweyn-supported SDM regional administration was ousted. Since then the RRA has fought to reassert Rahanweyn control, capturing Huddur town from the USC/SNA in October 1998 and taking Baidoa in June 1999 with Ethiopian assistance. The RRA set up a regional administration for Bakool region in December 1998. [11a][15a][20][33][36] In March 2002, the RRA set up a new regional administration, SWS, effectively covering Bay and Bakool but claiming to cover other regions (see the section: "South West State of Somalia" (Bay and Bakool) 2002 - 2003). [7][28]

#### Minority Groups

**6.87** Minority groups within Somalia include the Bajuni, Bantu, Benadir, Bravanese, Eyle, Midgan, Tumal and Yibir. As with the majority clans several of these individual groups are divided into sub groups. The minority groups were the only people in Somalia who, when Siad Barre was overthrown in 1991, did not have their own armed militia to protect them. During the civil war minority groups were among the most vulnerable and victimised populations in the country. [8] Certain minority groups, most notably the Benadiri and Bravanese, have been particularly disadvantaged and targeted by clan militia since the collapse of central authority in 1991. [7][8]

**6.88** Minority groups are not evenly distributed throughout Somalia; there is a higher concentration in the control and southern parts of the country. [8] However, some groups, such as those with special occupational skills (see the section on Midgan, Tumal and Yibir below) are more likely to be found in different parts of the country. Other members of minority groups have, in some cases, been able to settle outside their traditional areas (see the section: Internal relocation). [8][31][33]

#### General security position for minority groups

**6.89** Generally, minority groups remain unarmed and, according to the US Department of State have limited access to whatever social services are available, including health and education. [2a][8] Minority groups are generally excluded from participation in the political system; however, they are represented in the TNA. [2a]

Politically weak social groups are less able to secure protection from extortion, rape and other human rights abuses by the armed militia of various factions and remain somewhat vulnerable wherever they reside. [2a] [36] In its report covering 2002 AI refers to female members of minority groups being particularly at risk of rape at the hands of faction militias and other gunmen. [6b]

**6.90** As with Somalia as a whole, an individual in Mogadishu will be most secure in an area in which his or her clan is able to afford them protection. Members of small clans and minority groups are inevitably at more risk. However, some minority groups, such as the low-caste Midgan, Tomal, Yahar, Ayle and Yibir may risk harassment by Somali clans in rural areas, do not necessarily find themselves facing particular human rights or security problems in Mogadishu. [35] Although minorities have usually been able to avoid involvement in clan disputes they have sometimes come under pressure to participate in fighting in areas of conflict. This happened to the Midgan in Mogadishu following the collapse of the Barre administration. [36][35]

**6.91** While many displaced minority groups would not necessarily face persecution on the basis of clan membership or ethnicity were they to return to their home areas, they may well face difficulty in regaining their homes and land which were seized by clan militia which took control of their territories. Members of smaller clans and minority groups such as the Bantu have been able to settle in Somaliland and Puntland. As minorities often have skills such as weaving, fishing and building (see below) they are often economically better off than ethnic Somalis. Persecution solely on the basis of clan membership or ethnicity is now very unlikely in most areas of Somalia. [7][36][31][33][34]

### Bajuni

**6.92** The small Bajuni population, numbering some 3,000 to 4,000, possibly as many as 11,000, are mainly sailors and fishermen who live in small communities on the coast south of Kismayo and on islands between Kismayo and the border with Kenya. The Bajuni are of mixed Arabic, Bantu, Somali and possibly Malay ancestry. Their principal language is Kibajuni, a dialect of Swahili. Bajuni Elders who met with the delegation of a joint British-Danish-Dutch fact-finding mission on Somali minority groups to Nairobi in September 2000 informed the delegation that most Bajuni also speak Somali. The Elders stated that younger Bajuni, who have lived mainly in exile, might only have a limited knowledge of Somali but they stressed that they should know at least some key words in Somali as their family Elders would have taught them. The Elders stated that the Bajuni do not regard themselves as a Benadiri people, although they had some trading links with the Bravanese people. [8][43]

**6.93** The Bajuni had traditionally held a low status in Somalia. As Siad Barre's administration collapsed in the early 1990s, the Bajuni were attacked by groups of Somali militia who wanted to force them off the islands. Many Bajuni left Somalia for Kenya, the majority having fled during 1992. Some Bajuni earned money by transporting refugees out of towns such as Brava and Kismayo to Kenya. In Kenya the Bajuni went to the Jomvo refugee camp in Mombasa. When the Jomvo camp was closed in 1997 many Bajuni were returned by the UNHCR to the Bajuni islands, which at the time were considered safe. However, with the fall of Kismayo in 1999 to the allied forces of the SNF and Aideed's SNA, and subsequent attacks on the Bajuni islands, the UNHCR suspended returns. [8][43]

**6.94** A visit by a UN official to the Bajuni islands in early 2002 found 3,000 Bajuni families living on the islands, compared to only 50 in 1994, after most Bajuni had fled the invading Marehan. Elders stated that the position of the Bajuni had improved of late. Bajuni were able to return to their home areas, although they were still not able to own boats with engines, only traditional sailing boats. Recent Marehan settlers still have effective control of the islands. Bajuni can work for the Marehan as paid labourers, which is at least an improvement over the period when General 'Morgan's' forces controlled Kismayo and the islands, when the Bajuni were treated by the occupying Somali clans as little more than slave labour. With the Bajuni, their position is more one of denial of economic access by Somali clans than outright abuse. [7]

### Bantu

**6.95** The Bantu, the largest minority group in Somalia, are an agricultural group found in pockets, usually in the river valleys of southern Somalia in Hiran region (the Reer Shabelle and Makanne groups), Gedo (the Gobaweyne), Lower and Middle Shabelle (the Shidle and 'Jereer') and Lower Juba (the Goshu). [2a][7] There are also several other Bantu groups, it is also the case that some Bantu have settled in other parts of Somalia. [8] Some Bantu have adopted Somali clan identity while others maintain their East African tribal identity. Some Bantu are descendants of pre-Somali Bantu populations while others are descendants of slaves taken from East Africa to Somalia. [7][36] Other Somalis, including those of Bantu origin commonly refer to Bantu as "Jarer". [6b][8]

**6.96** The Bantu did not take part in the civil war and are therefore not in danger of recriminations or reprisals, but they were displaced by the fighting and often lost their land along the Juba River and in the Middle Shabelle region. According to the UNHCR many Bantu preferred to resettle in their ancestral lands rather than stay in Somalia, however many Bantu have since returned to the country. [7][36] In September 2000 Bantu Elders suggested to a British/Danish fact-finding delegation visiting Nairobi that there were a number of regions where the Bantu population were actually in the majority in numerical terms. [8] Some Bantu have also found work in the construction industry in Somaliland. [36] The Bantu are represented by Somali African Muki Organisation (SAMO) which is aligned to the SSA (see Annex C); SAMO aligned itself with the G8 group at the Eldoret/Nairobi peace talks. [10bc]

**6.97** Conditions for Bantu reportedly vary according to the region in which they live. [7][8] As stated above Bantu have been largely displaced along the Juba and Shabelle rivers. They are usually able to remain in their home areas, to work mainly as labourers for the Somali clans (mainly the Marehan, Ogadeni and Habr Gedir) that have taken their traditional land. They can usually retain about 10% of their land for their own use. [7] However, in some cases Bantu work as plantation labourers in what Bantu elders describe as situations of near slavery. [8] Bantu try to link themselves to the dominant Somali clans that have dispossessed them of most of their land, as, for their own security, they still need their protection. [7][8] However, in Bay and Bakool Bantu have largely been incorporated into the Rahanweyn clan structure and are able to retain their land. Bantu that have assimilated themselves with the indigenous clans they live with are reportedly known as 'sheegato', which means they are not bloodline clan members, but adopted. [7]

#### **Benadiri and Bravanese**

**6.98** The Benadiri (an urban people of East African Swahili origin, living mainly in the coastal cities of Mogadishu, Merka and Brava) and Bravanese (a people long established in the city of Brava, believed to be of mixed Arab, Portuguese and other descent), suffered particularly badly at the hands of armed militia and bandits as their home areas were fought over by the competing USC factions and the SPM. USC/SNA forces in particular singled out the Benadiri and Bravanese, with a campaign of systematic rape of women. Members of the minority populations, such as the Reer Hamar, the original Benadiri population of Mogadishu (known in Somali as Hamar) living in the Hamar Weyne and Shingani districts found themselves particularly exposed at times of heavy fighting. Most homes belonging to the Reer Hamar in Mogadishu have been taken over by members of Hawiye militias. [1a][8][36][32][33] [35][43]

**6.99** Information obtained by a British/Danish fact-finding delegation in May 2002 suggests that Bravanese have mostly fled from the coastal town of Brava, although some are still living in the town, which is controlled by the Habr Gedir. Information suggested that Bravanese who remained faced abuses forced labour, sexual slavery and general intimidation. [7]

#### **Hamar Hindi (Indians in Somalia)**

**6.100** The small Indian community in Somalia numbered, at the most, 200 families, who were mainly engaged in cloth dying in Mogadishu and, in fewer numbers, Merka. Indians established businesses in Somalia during the 1940s and 1950s. There were also some Indians recruited by the Italians in the 1940s and 1950s as foremen on plantations, mainly around Qoryoley. The Indians were mainly from the Bohora community, which is also present in Mombasa, Kenya, and were mostly Muslims. There had also been approximately 200 Indians in Kismayo at one time but they had left the city, mostly for Mogadishu, by the early 1980s. The Indians were recruited directly from the Indian sub-continent rather than from the established Indian community in former British East Africa. Traditionally, Indians and Somalis were business rivals. Virtually all Indians had left Somalia by the time that Siad Barre's regime fell in 1991, mostly relocating to Mombasa. [7]

**6.101** The name "Hamar Hindi", meaning "Mogadishu Indians", was applied to the Indian community in Mogadishu. Indian businesses were concentrated in an area that was also known as Hamar Hindi, a small area near the fish market and national museum, close to the Hamar Weyne district (district names in Mogadishu tend to relate to the original home of the inhabitants, e.g. Shingani is named after an area in Tanzania from where the original inhabitants had been brought as slaves). [7]

**6.102** All Indians in Somalia could speak Somali, usually to a good standard but at the very least all would have had a basic command of the language. In the cities, the Indian businessmen would have had to speak Somali to be able to engage in business activities. Likewise, the Indian foremen on the Italian plantations, who each managed between 100 and 150 plantation workers, had to speak Somali in order to communicate with their workforce. Also, under Siad Barre's rule, society was much regulated and a good command of Somali

would have been essential for Indians to be able to deal with official bureaucracy. [7]

#### **Midgan, Tumul and Yibir (the occupational castes)**

**6.103** The Gaboye/Midgan (usually referred to as the Midgan but also known as the Madhiban), Tumul and Yibir (a group said to have Jewish origins) traditionally lived in the areas of the four main nomadic clan families of Darod, Isaaq, Dir and Hawiye in northern and central Somalia. [7][8][35][36] In the last few decades many of them migrated to the cities, these groups are now scattered throughout the country but are mainly found in northern and central regions; Midgan have been able to settle in Puntland. [7][35][36] The Midgan, Tumul and Yibir are called "occupational castes" as they traditionally perform specialist services and settle in areas where they obtain protection from a clan and build up an economic activity. [8][36][35]

**6.104** The Midgan, or Madhiban, have always been placed at the lower end of Somali society, but their position improves at times of stability and recovery. In some areas their position can even be slightly better than that of so-called 'noble' Somali clans. Midgan can trade freely, although they are usually unable to own property and livestock. [7] Although Midgan may have been easy prey for clan militias during the civil war, their situation improved and Midgan do not face depredation at the hands of militias or face persecution merely because of their ethnic origin. [33]

#### **Women**

**6.105** Women and children suffered disproportionately heavily in the fighting following the fall of Barre's administration. [2a][31][32] There were large numbers of rapes, abductions and forced marriages of women by the warring militia, especially in 1991-92, which has stigmatised the victims. [8][30a][32] Many women, who would traditionally have had the protection of men in their parents' and husbands' clans, have been left to head their families with the breakdown of normal structures. [36][31] Most vulnerable have been women who have been internally displaced within Somalia, who have lacked the protection of powerful clan structures, and those from minority clans and ethnic minorities. [30a]

#### **General legal provisions relating to women**

**6.106** In the June 2003 report of the Secretary-General on the security situation in Somalia, reference is made to a rapid assessment of women's justice. According to this, women are generally disadvantaged under all three systems of law that operate in Somalia. It is noted that whilst each provides a measure of protection, all systems (namely civil, customary and Shari'a) remain inadequate and contradictory to an extent, leaving women vulnerable and insufficiently protected. The report notes that there are an "almost negligible number of women" in service within the judicial process. [3c]

**6.107** Laws made by the former central government allowed female children to inherit property but only half the amount to which male siblings were entitled. [2a][36][32] In the traditional practice of blood compensation and under Shari'a law, those found guilty of killing a woman must pay only half as much to the victim's family as they would if the victim was male. [2a][7] While polygyny is allowed polyandry is not. The TNG charter, not implemented at the end of 2002, contains provisions that prohibit discrimination on the basis of sex or national origin. The Somaliland Constitution also contains provisions that prohibit discrimination on the basis of sex or national origin. The TNG charter provides for universal suffrage as do both the Puntland and Somaliland administrations. [2a]

#### **Women in Government**

**6.108** Women have historically been excluded from the political process; whilst they have played important background roles in various factions, high-level office has been reserved for men. [36] However, women's groups played a prominent role in the Arta Conference of 2000 and were allocated 25 reserved seats in the TNA in Mogadishu. [2a][7][8] This represented a major breakthrough in women's rights and was the first time that women had been guaranteed parliamentary representation in Somalia. [8] At this time TNG leader Abdiqassim spoke of the important position of women and stated his intention of including women in his Government, but as of mid 2002 women held only four out of 75 ministerial posts in the TNG. [7][8] In Puntland, five seats are reserved for women in the 69 seat House of Representatives. There are no women in Somaliland's parliament. [2a][7]

**6.109** As of June 2003 women comprised 35 of the 362 official delegates at the Kenya peace talks. Most of these women are from privileged groups and have been able to spend some or all their time outside Somalia since 1991. A recurring theme in the women's agenda at the peace conference is a 25 percent female

representation in the new government. Most male delegates at the talks reportedly support the concept of greater women's involvement but this has not translated into overwhelming backing for the women's agenda. Delegates favoured bringing the issue of women's representation to a vote but voted against 25 percent representation. Delegates agreed instead on women having 12 percent of seats, this is however slightly more than they were allocated at the Arta conference. [10b]

### Position in society and discrimination

6.110 The position of women in the patriarchal Somali society is largely subordinate and societal discrimination is widespread. [2a][36] Several women's groups in Mogadishu, Hargeisa (Somaliland), Bossaso (Puntland), and Merka (Lower Shabelle) are actively involved in promoting equal rights for women. Such organisations advocated the inclusion of women in responsible government positions and participate in peace building programmes. [2a][7] UN agencies work with women's groups in Somalia and are actively involved in initiatives aiming to promote the elimination of all forms of discrimination against women. [3a]

6.111 A widowed woman would usually receive protection from her husband's clan. A widow and her children may be taken in by the direct family of her husband, whose brother, under the 'dumal' principle, would have the opportunity of marrying her. This traditional approach ensures that a widowed woman would only rarely find herself without protection. Although marriage is usually within the same sub-clan, inter-marriage across clan lines does occur. Only in exceptional cases does this present a difficulty for a widow. [36]

### Continued

### Employment

6.112 Somali women engage in economic activity as producers and traders. Women organised anti-war demonstrations and set up co-operatives and credit associations in order to achieve greater economic independence during the civil war. Women run many local NGOs. [36]

### Violence against women

6.113 Violence against women in Somalia is widespread; robbery and rape are particularly common. [2a][7][8] The UNDP Human Development Report of 2001 noted that sexual violence against women during the civil war did not end with the war. According to the report there is some evidence that sexual violence is a persistent crime even in areas of stability. [7] The US Department of State report that rape is common in inter-clan disputes; in April 2002 there were allegations that militia members loyal to warlord Hussein Aided had been responsible for the rape of numerous women in 15 villages in the southern Qoroley district. There were also reports of numerous rapes of Somali women and girls in refugee camps in Kenya during the 2002. Although laws do exist prohibiting rape they are not enforced. A few rapes were prosecuted during 2002. [2a] Many women consider the traditional punishment of forcing the offender to marry their victim and to pay compensation to the family of the victim for 'their' loss to represent a further degradation for the victim herself. [7]

6.114 Domestic violence against women exists, although there are no reliable statistics on its prevalence. [2a] There are no laws that specifically address domestic violence, this is treated through traditional means rather than as a legal issue although both customary law and Shari'a law address the resolution of family disputes. [2a][7] There are no laws against spousal rape. [2a]

### Female Genital Mutilation

6.115 Female genital mutilation (FGM), which is condemned widely by international experts as damaging to both physical and psychological health, is a near-universal practice. [2a] Although illegal during the Barre era, then as now, the issue was seen as a private matter within the family and the practice continued unhindered. [2a][7] FGM remains illegal in Somaliland where the pre-1991 penal code still applies there, although the law is not enforced. In 1999, the Puntland authorities passed legislation banning FGM in Puntland, but the law is not enforced. [2a] The practice of FGM remains widespread in Somalia; in 2001 estimates suggested between 95% and 98% of women in Somalia had been subjected to infibulation, the most severe form of FGM. [2a][7] FGM is generally carried out on girls between the age of 4 and 10 years. [7]

**6.116** UN agencies and NGOs have made intensive efforts to educate persons about the danger of FGM, no reliable statistics are available on the success of their programmes. **[2a]** In May 2002 a British/Danish fact-finding delegation received information to suggest that whilst there has been little progress in reducing the number of girls having FGM performed on them, there has been a fall in the level of the more extreme forms of FGM, such as infibulation, being performed. There are reports of a growing movement in Somalia against FGM, particularly among women activists; however, attitudes of men are also reported to be changing. Women's groups have promoted the idea of stitching rather than excision to retain a girl's virginity. This compromise, which addresses the traditional requirement that a girl should be a virgin at marriage while at the same time reducing the level of mutilation required, has come from the community itself, partly as a result of changing views in the Somalia Diaspora. **[7]**

### Childbirth

**6.117** There are no recent estimates on maternal mortality rates (MMR). However, UNICEF report the 1990 figures of 1,600 per 100,000 are maintained, this places Somali women among the most high-risk group in the world. Haemorrhage, prolonged and obstructed labour, infections and eclampsia are the major causes of death at childbirth. Anaemia and FGM using the infibulation procedure (see above) have a direct impact on, and aggravate these conditions. Poor antenatal and postnatal care, with the almost complete lack of emergency obstetric referral care for birth complications, further contribute to these high rates of mortality and disability. According to the UNDP's Human Development Report of 2001, high levels of maternal mortality in Somalia are, in part, a result of the lower priority given to women's health and the prevalence of FGM. **[7]**

### Children

**6.118** Children have been major victims in areas affected by fighting; children throughout the country have also suffered as a result of the collapse of basic social and educational services (see the section: Education System) since 1991. **[2a][10f]** The 2002 Consolidated Appeal for Somalia estimated that one in four children do not reach the age of five. With the deterioration of the traditional social networks an increasing number of children are exposed to abandonment, delinquency and institutionalisation. **[4]** UNICEF have expressed concern at increased attacks against targeting children since late 2002, these include kidnappings and killings. **[10az]** There is reportedly a marked growth in the number of street children in Hargeisa (Somaliland), many of them are reportedly IDPs. **[4]**

**6.119** The long-standing Somali practice whereby parents send their disobedient children to be kept in prison until they order their release is reported to remain widespread. **[2a][4]** Somaliland is one area where this practice has been particularly prevalent; children are presently being detained in prison alongside adults and on occasion, are victims of violence or abuse. **[3c][6b]** However, the UN Security Council Report covering the period February - June 2003 refers to the local authorities initiating several actions to address this problem, including setting up a Law Review Committee, Training Committee and Juvenile Justice Forum. The need to strengthen the formal and non-formal juvenile justice system in conformity with international standards of child protection has been identified as a priority in Somaliland. **[3c]**

### Child care arrangements

**6.120** According to a UN news report published in June 2001 and principally focusing on Somaliland, there are very few orphans in Somali society. Few children are abandoned, even during the hardest of times. It is explained that before the introduction of the modern nation state, the clan structure effectively prevented the very concept of "orphan" - relatives would take in a child who had lost its parents. Within Somalia a case of pregnancy outside of marriage is almost unthinkable; however, the report refers to a Somaliland social workers comment that "Urbanisation, prostitution and drugs are the most common reason now for unwanted pregnancies." **[10f]** Orphans and abandoned children are rendered especially vulnerable by the absence of clan support and identity, given the cultural context. **[4][10f]** After reaching 15 of age Somali children are considered to have reached the age of independence, and are unlikely to be kept in orphanages; this leaves orphaned teenagers with very little support. With regard to the possibility of adoption the report suggests that the clan structure works' prohibitively against adoption, a practice that is not regarded as a "cultural norm". **[10f]**

**6.121** In the self-declared independent "Republic of Somaliland" the Hargeisa Orphanage Centre has been run by the local administration since 1991. Since 2001 the centre has come under the auspices of the Ministry of Education which provides for the running costs; the Ministry of Justice and the prison service had formerly run it. As of June 2001 the centre had a total of 355 children and approximately 60 full and part-time staff and received some support from the UN World Food Programme and the international NGO Hope World Wide. **[10f]** Al-Haramayn, a Saudi based aid agency also operated two orphanages in Somaliland until pulling

out in May 2003 (see below). [10ao]

**6.122** Al-Haramayn operated five orphanages in Mogadishu and one in Merka, between 1992 and May 2003. Together with two based in Somaliland, these facilities accommodated around 3,500 children; most had reportedly lost one or both parents in the civil war. Children from these orphanages received three meals a day and schooling. However, in May 2003 the Islamic aid agency ceased operating in Somalia following US government accusations that it had links with terrorists. A senior UN official commented that other aid agencies operating in the capital would not be able to look after the children, at least in the short term. There are fears the children would join the vast number of young gunmen on the streets of Mogadishu. [10ao]

#### Child soldiers

**6.123** The use of child soldiers continued to be reported during 2002 both by the militias of faction leaders and the authorities. [2a][4] There are no clear statistics on conscription of children. The UN independent expert on Human Rights reported in 2002 that while it is claimed that the militias in "Puntland" and "Somaliland" do not recruit child soldiers, it is alleged that many children are still serving, in the south, especially Mogadishu, particularly as part of the freelance militia in Mogadishu. Most of the children are reported to be boys, but a small number of females are also involved. The children are recruited to fight or to provide support services. [4]

**6.124** During 2002 it was reported that many boys aged fourteen and fifteen took part in and been the victims of attacks by militias. Some youths are members of marauding "Morian" (meaning parasites or maggots) gangs. Somalis are regarded as adults when they reach fifteen and they may then carry weapons. [2a] Given the widespread poverty in the country, many young people are reportedly lured by the economic and other opportunities offered by the life of militiamen. [4] During 2002 a local NGO in Mogadishu successfully worked in conjunction with UNICEF on a demobilisation projects for child soldiers; in a second phase the initiative has been expanded to cover other southern cities (see the section: Demobilisation). [2c][3a][3b][3c]

**6.125** In "Puntland", the UN independent expert noticed during his visit in 2002 that children under 16 years of age were members of the field police force, the Daraawishta, a paramilitary police force used by Colonel Abdullahi Yusuf to regain power. [4]

**6.126** In December 2002 the UN Security Council issued a report listing parties that used or recruited child soldiers. The report named the TNG, JVA, SRRC, SRRC-Mogadishu and the RRA (see Annex C - Political Organisations); additionally the report referred to children having been used by the forces of both protagonists during the fighting in Puntland. [3c] On 30 January 2003 the UN Security Council adopted a new resolution on children and armed conflict. This provides for the Security Council or the Secretary General to enter into dialogue with parties to armed conflict that are recruiting or using child soldiers to develop "clear and time-bound action plans" to end the practice. Somalia is one of the countries where parties to armed conflict are requested to provide by 31 October 2003 information on steps they have taken to end the recruitment or use of child soldiers. The Security Council will consider additional steps if sufficient progress is not made. These steps were left unspecified, but could include arms embargoes or other targeted sanctions. [41]

#### Homosexuals

**6.127** Homosexual activities are known to exist in Somalia but are rarely mentioned in public. [14d] Sexual intercourse with a person of the same sex is punishable under Article 409 of the Somali Penal Code, introduced in 1973, by imprisonment from three months to three years and an "act of lust" other than sexual intercourse is punishable by imprisonment from two months to two years. Under Article 410 of the Somali Penal Code, a security measure, which normally means police surveillance to prevent re-offending, may be attached to a sentence for homosexual acts. [45][46]

**6.128** It is not clear whether the laws on homosexual acts apply to lesbian sexual acts. The International Lesbian and Gay Association (ILGA) and the African organisation, Behind the Mask, both draw the conclusion that the law probably does not apply to lesbian acts. The basis for this view is that as the Somali Penal Code is based on the Indian Penal Code that applied in the former British Somaliland protectorate. Articles 409 and 410 of the Somali Penal Code would not apply to lesbian acts, as the Indian laws that they are based upon do not. [45][46]

**6.129** In February 2001, it was reported that two women accused of having a lesbian relationship had been sentenced to death by a court in Puntland. The pair were reportedly tried under law based loosely on Islamic Shari'a law. [14d] However, in March 2001, the Puntland authorities denied the story. The chief of police:

described the story as baseless and attributed it to a false story published in the War-Gal newspaper in Bossaso. [10c]

## 6.C HUMAN RIGHTS - OTHER ISSUES

### Humanitarian Issues

**6.130** As is inevitable in a country that has been embroiled in conflict for more than a decade, and continues to be subject to fierce factional fighting, the general humanitarian is reported to be extremely poor. [1a][2a] [3a][5] The UN and both international and Somali NGOs are involved in reconstruction projects within Somalia. Humanitarian workers are at great risk in Somalia, several Somali workers were kidnapped or killed during 2002. [6b]

**6.131** However, improving security conditions in many parts of the country enabled refugees and IDPs to return to their homes in 2002. [2a] However, the security situation, particularly in the south of the country and around Mogadishu and Baidoa poses serious difficulties for the delivery of humanitarian assistance. [3b] The fighting and insecurity, along with a lack of trading activities, have all contributed to an acute humanitarian situation in parts of the country. In August 2002 UN Resident and Humanitarian Co-ordinator for Somalia issued a press statement expressing "deep concern" about the deteriorating humanitarian situation in many parts of Somalia including Baidoa in Bay region and the capital, Mogadishu. The UN warned that the effect that the fighting was preventing the UN, aid agencies and civil society groups from protecting communities caught in areas of conflict. [10z]

**6.132** UN Agencies report that the Somali people have struggled with chronic food insecurity, during 2002 this was compounded by disruption to the delivery of humanitarian assistance to people already suffering from acute poverty, malnutrition and lack of access to the most basic of services. [3c][10z] Disease, drought and severely limited employment and educational opportunities are also major problems; Somalia's human development index remains one of the lowest in the world. However, two good rainy seasons in 2002 have helped alleviate the food security situation, cereal production in March 2003 was a post-war high with an average 80% increase nationwide. Exceptions to this are the some areas of the north-west where drought conditions prevail and some southern regions where security conditions prevent farmers from harvesting their crops. Areas in southern Somalia of continuing vulnerability include the central Mudug and Galgudud regions, Bay, and parts of Gedo, Lower Juba and Middle Juba. [3c]

**6.133** In April 2003 the authorities of both Puntland and Somaliland warned of water shortages, Somaliland also reported food shortages. Reports suggested almost all parts of Somaliland and some areas of Puntland were affected. [10ae][10af] Saanag, an area disputed by both self-proclaimed states is reported to be the worst affected; the Sool (also disputed) and Bari (Puntland) regions also continue to suffer from the effects of successive years of drought. [3c][10af] Livestock, the source of most of the populations' livelihoods, has reportedly begun to die in both Puntland and Somaliland. Both administrations have issued appeals for international aid. [10ae][10af] International aid organisation MSF said the flight ban imposed by the Kenyan authorities between 19 June 2003 and 8 July 2003 severely hampered the provision of humanitarian assistance to Somalia, most of which is transported by air from Wilson Airport in Nairobi. [10bg]

### Internally displaced persons

**6.134** In 1993 it was estimated that three-quarters of Somalia's population had been internally displaced by civil conflict. By late 1997 there were an estimated 250,000 internally displaced Somalis. [1a] An upsurge in factional conflict and the worst drought in seven years displaced an estimated 25,000 people from their homes during the 2001. In its report of 2002 (covering 2001) United States Refugee Committee (USCR) noted that the continued instability impeded hopes of widespread reintegration, an estimated 400,000 Somalis remained internally displaced at the end of 2001. At this time more than 200,000 displaced persons continued to live in some 200 Mogadishu-area camps and squatter settlements. [42]

**6.135** As of 2002 the US Department of State reported there were approximately 300,000 IDPs in the country, representing approximately 4% of the population; in June 2003 the UN Security Council report referred to there being up to 370,000 IDPs. [2a][3c] However, given that many Somalis are largely nomadic it is difficult to assess patterns of displacement. [38] The majority of IDPs in the country reportedly lived in old schools and former government buildings. The UN Independent Expert on Human Rights visited several IDP camps in Somaliland and found them "among the worst in the world". He reported that the camps were overcrowded, had poor sanitation, and there was little or no access to employment and education. No local, regional, or UN authorities have taken responsibility for the camps. [2a]

**6.136** In July 2003 fire twice broke out at the Buulo Elay IDP camp in Bossaso, Puntland. The first fire resulted in the death of 5 people and displacement of 1,200 families; the second resulted in the displacement of over 150 families. There was no suggestion of any suspicious circumstances surrounding either blaze. During his visit to the camp in 2002 the UN Independent expert for human rights had described the conditions at the Buulo Elay camp as "sub-human". [10bm]

**6.137** Following his visit to Somalia in August 2003 the UN independent expert for human rights spoke of the appalling conditions in IDP camps within Somalia and asserted that these should be tackled urgently. He referred to there being absolutely no basic facilities such as water, health facilities or schools and reported that people have to pay rent for the land where they are settled and pay for use of very basic toilet facilities. Camps were visited in the northern regions of Somaliland and Puntland as well as Kismayo in the south; Mogadishu was not visited during the 11-day mission. [10bu]

### Returning refugees

**6.138** The relative security prevailing in the Somaliland and Puntland regions has led to the spontaneous return of hundreds of thousands of refugees from neighbouring countries with no recorded back-flows into exile. Authorities in these two regions have assumed the protection of the returnees and ensure they are integrated into society, the UNHCR recognise both regions as safe and promote voluntary returns from neighbouring countries. Refugees have also returned to other areas of Somalia, including Mogadishu. However, these other areas continue to produce new refugees who mainly flee to Northern Kenya or Yemen; indications are some of those fleeing were former returnees. [30b]

**6.139** In late 2000 it was estimated that there were nearly half a million Somali refugees outside Somalia, nearly two thirds of whom were in Kenya and Ethiopia. [1a] Some 40,000 Somali refugees were repatriated during 2001, primarily from Ethiopia and Kenya. Of these, and estimated 25,000 were voluntarily repatriated from Ethiopia. Although the UNHCR officially reported that nearly 55,000 refugees returned home from Ethiopia, according to the USCR the actual number of returnees was likely to be less than half that number because of massive fraud in Somali refugee camps in Ethiopia that led to inflated refugee and repatriation lists. Relatively few Somali refugees repatriated from Djibouti because of political tensions between Djibouti and Somaliland and the border's closure for part of 2001. [42]

**6.140** Most refugees repatriated during 2001 to the Somaliland cities of Hargeisa, Borama, and Burao returned in UNHCR-organised convoys. Some 14,000 Somali refugees who fled to Mandera, Kenya in March voluntarily repatriated to southern Somalia in June 2001, some 4,000 of them returned with assistance from UNHCR. Some 120 Somali refugees were repatriated from Yemen to Mogadishu on an UNHCR-chartered plane in April 2001. Many returnees on the plane claimed that they were forced to repatriate involuntarily, although UNHCR called these allegations "baseless". A further 350 refugees were repatriated from Yemen to Mogadishu during the remainder of 2001. [42]

**6.141** Most returnees during 2001 received plastic sheeting, kitchen items, blankets, and a small cash transportation allowance to reach their homes from border transit centres. They also received reintegration grants from UNHCR and a nine-month food supply or cash equivalent from the World Food Program (WFP). [42]

**6.142** During 2002 a total of 50,216 Somali refugees were returned to the country from Ethiopia under the auspices of the UNHCR. Despite sporadic harassment, including the theft of humanitarian provisions and convoys by militiamen, repatriation generally took place without incident. [2a] The Somaliland authorities expect infrastructural and rehabilitation assistance in return for facilitating returns. [31] In their 2002 report (covering 2001) USCR comment that the Somali refugees who have gradually repatriated to Somaliland in recent years continued to struggle to rebuild their lives amid bleak economic prospects and inadequate social services. [42]

**6.143** The UN estimate 34,000 refugees, mostly from Djibouti and Ethiopia will be repatriated, primarily to the Somaliland and Puntland regions, during 2003. [3c][30b] These form part of the 50,000 repatriations UNHCR expected to take place between January 2002 and December 2003. Of these 35,000 were expected from Ethiopia and 5,000 from each of Djibouti, Kenya and Yemen. Most of these repatriations were expected to be UNHCR facilitated and result in returns to Somaliland or Puntland. In their Country Operations Plan covering 2003, UNHCR indicated that during 2002 it had not been able to perform its refugee protection function in southern Somalia and did not anticipate that the situation would change during 2003. However, improvements in delivery of the protection function in Puntland, albeit with some constraints, was reported. [30b]

**6.144** In May 2003 UNHCR commenced a programme to return 2,880 refugees originating from Puntland and located in camps in northern Kenya who had, in 2001, signed up for voluntary return to their places of origin. Under this scheme refugees receive a nine-month food ration from the World Food Programme and support to integrate back into their communities. [10am]

#### Current security situation

**6.145** According to the US State Department report covering events in 2002 security conditions improved in many parts of the country. [2a] However, in its review of 2002 the UN Integrated Regional Information Network reported that Somalia saw an escalation of fighting and violence. [10z] In April 2003 the UN Resident Representative and Humanitarian Co-ordinator commented in an interview that "probably much more than 50 percent of the country is actually at peace and people get on with their lives." [10ah]

**6.146** Though there are areas of relative peace there are also many areas where violence continues to occur, particularly in the south of Somalia. [2a][3b][3c][4] It is reported that numerous civilians have been killed in factional fighting. Since the beginning of 2002 regions where fighting has occurred include Gedo, Bay, Bakool, Middle Shabelle, Middle Juba, Lower Juba, and in Mogadishu and Bossaso (Puntland); in the first 8 months of 2002 a total of 488 people were killed in factional fighting. [2a][3b][4][10z]

**6.147** During 2002 clashes were reported between the following groupings: RRA and TNG; the TNG and the militia of warlord Musa Sude in Mogadishu; warlord Hussein Aided's militia and the TNG; Abdullahi Yusuf's forces and those of Jama Ali Jama in Puntland; and the SRRC and JVA in Kismayo. [2a][4] According to the most recent report of the UN Security Council published on 10 June 2003 inter-clan fighting has continued to break out in a number of places. [3c] This is in spite of the signing of the Eldoret declaration in October 2002 that had provided for a cessation of hostilities (see the section: Eldoret Peace Conference 2002). [3b] By June 2003 repeated violations had reportedly occurred in Mogadishu, Baidoa and Las Anod. Violations in Bari, Bay, Bakool, Gedo, Lower Shabelle, Middle Shabelle and Middle Juba regions were also reported. [10at]

**6.148** In February 2003 a panel of experts issued their report on arms in Somalia. The panel had been appointed by the UN in 2002 to give force to the arms embargo that had been introduced back in 1992 but generally neglected since. The panel found that Djibouti, Egypt, Eritrea, Ethiopia, Sudan and Yemen had all violated the embargo over the previous ten years and supplied arms, militia training and financial support to Somali factions. The panel found that it was easy to obtain an assortment of military ammunition and a range of weapons within Somalia arms markets. The panel did not find that international terrorist groups used Somalia as a haven. The experts recommended further investigation and targeted secondary sanctions. [11h]

#### Mogadishu

**6.149** During 2002 violence continued unabated. Incidents of abductions, car-jackings, armed robberies and general banditry all reportedly increased. [10z] Reports attributed to Mogadishu residents suggest that the situation has worsened still further during the first half of 2003 with rapes, robberies and abductions all increasing, these crimes are mostly blamed upon freelance bandits. The inability of various factions to take responsibility for what goes on in areas under their control has been publicly criticised. [10ap]

**6.150** Following a visit to assess the humanitarian and security situation in April 2003 the UN Resident Representative and Humanitarian Co-ordinator noted that the current situation in Mogadishu was problematic and severely affected the ability of the international community to do anything very meaningful. Regarding the security situation in the city, the report stated it was "good in some areas and not so good in others." [10ah] However, the UN Security Council report published on 10 June 2003 described the situation in Mogadishu as unpredictable and dangerous with crime a very significant problem; reports of kidnappings, robberies, hijackings and other violent acts were common. [3c] In spite of the signing of the Eldoret Declaration and subsequent agreements in December 2002 the seaport and airport remain closed as of June 2003. [3b][3c] [10ah]

**6.151** Clan related violence is a serious and on going problem, in February 2002 twelve people were reportedly killed and an unknown number injured during fighting in Medina district. [3c][4][6a] This was between militias loyal to Mogadishu faction leader Musa Sude and supporters of Omar 'Finish', his former deputy. Omar 'Finish' had joined forces with factions who had signed a peace agreement with the TNG. [4] Reportedly the worst violence occurred in May 2002, between 24 and 28 May 2002 alone more than 60 persons were killed and hundreds injured in clashes between militia loyal to Musa Sude and TNG forces. [2a] [10z] Hospital sources said most of the casualties were civilian non-combatants, including women and

children, injured by indiscriminate fire. [2a] Clashes between Musa Sude and Omar 'Finish' again flared up in July 2002 ahead of the peace talks in Kenya, this time 30 people were killed and 50 wounded. [3b][4]

**6.152** In December 2002 Mogadishu fighting between members of the Abgal sub-clans in the Bermuda area of South Mogadishu resulted in the death of 10 militiamen and injury to a further 20. Fighting spread to both the K-4 area and Medina district of the city where an unspecified number of civilian casualties were reported. Although Elders were successful in establishing a temporary ceasefire more than 20 people were killed in a minibus attack on 24 December 2002. [3b]

**6.153** On 27 February 2003 a further violation of the ceasefire agreement signed in Eldoret occurred when fighting again erupted in Medina district between the rival militia of Musa Sude and Omar 'Finish'; 7 people were reported to have been killed and hundreds fled their homes. [3c][11g] There was further fighting in Medina between forces of the same two rival militias in June 2003 with at least 7 more deaths reported. [11k]

#### **Middle Shabelle**

**6.154** The British/Danish fact finding mission report published in mid July 2002 reports that the Governor of Middle Shabelle, Mohammed Dehreh, maintains an effective monopoly on the means of violence by enforcing a strict "no guns" policy on the local population. [7] However, in May 2002 over a dozen people were reported killed in inter-clan fighting in the Middle Shabelle region of south-central Somalia, over the disputed authority of the "governor" of the region. [4] Further fighting was reported to have broken out in mid June 2002 prompting hundreds of families to flee their villages. Both militias sustained an unconfirmed number of casualties. The reason for fighting relates to the political animosity between Dhereh and Interior Minister Dahir Dayah. [9c]

**6.155** Further unrest in the region was reported in March and June 2003 when clashes between Dhere's militia and members of the Abgal sub-clan Muhammad Muse were reported. The clashes in June resulted in at least 23 deaths, a high proportion of whom were civilians. Reports suggested that the fighting stemmed from an attempt by Dhere, who controls the town of Jowhar, to extend his area of influence. There was a suggestion that violence occurred whenever Dhere returned to the region from the Nairobi peace talks. [10at]

#### **Kismayo and Juba Regions**

**6.156** Since August 2001 when General Morgan briefly captured Kismayo the JVA have expanded its area of control significantly, and thus far successfully, to guard against any repeat of this. [7] During the second half of June 2003 reports began to emerge that forces led by General Morgan were preparing to launch an attack on Kismayo. There were estimates that as many as 900 militia under his control had entered Somalia from Ethiopia in readiness. [48d]

**6.157** Commenting on the impending threat of an attack, JVA chairman, Col. Hiirale, confirmed JVA forces were on the highest state of alert. According to the Mogadishu based Ayaamaha newspaper, Hiirale claimed that Ethiopia and Puntland had equipped Morgan's forces, but expressed confidence that JVA were capable of defending the region. [18e] Following Hiirale's statement, most Mogadishu faction leaders declared they would back the JVA and agreed to dispatch a convoy of vehicles carrying ammunition and guns. According to the Somali Ruunkinet web site, the decision to participate in the impending battle was taken after it was reported that Ethiopian soldiers and forces from Puntland would join Morgan's forces. [47a] As of late August 2003 there had been no attack on Kismayo and a group of Morgan's militia with seven armed vehicles were however reported to have surrendered to JVA forces on 24 August 2003. [47b]

**6.158** In January 2003 there was fighting in Kismayo between the Marehan and Habr-Gedir clans. Casualties were reported on both sides; in addition there were reports that two civilians were killed on 21 January 2003. Intervention by clan Elders from both sides helped stop the fighting. [3b][51] In May 2003 a dispute between Marehan and Galjeel militias resulted in the death of the driver of a car hired by UNICEF to provide two international humanitarian staff with a tour of the city. However, in spite of this and similar incidents, the UN Security Council report that local leaders have made efforts to improve security in Kismayo. This has prompted humanitarian NGOs to re-establish operations and compliment the long standing work of UNICEF, Muslim Aid and the Somali Red Crescent Society. [3c]

**6.159** In August 2003 the JVA launched a security operation to clear guns from the town's streets. The

intention of the exercise is to control the JVA militia and identify and arrest freelance gunmen who are reportedly a major source of insecurity in the town. The JVA forces have reportedly been put in four camps outside of Kismayo, according to a JVA spokesman anyone carrying a gun outside these camps will be treated as a criminal. It is reported that previous operations of this nature have been undertaken but not sustained. [10bs] The UN independent expert for human rights was able to visit the town during his visit in August 2003 and meet JVA officials, he spoke positively of the initiative. [10bu] The JVA are also reported to intend expanding its anti-crime operation to remove militia checkpoints on the road to Mogadishu. [10bs]

**6.160** In the UN Security Council report published on 10 June 2003 it was stated that fighting had subsided between the Bartire and Aulehan clans for control of the Buale district in Middle Juba; tensions however remain. [3c][51] According to the UN numerous lives were lost as a result of this conflict, but as of June 2003 peace talks supported by businessmen, clan elders and religious groups were in progress. Buale however remained off limits to UN staff due to insecurity. [3c]

### Continued

### **South West Somalia (Bay & Bakool)**

**6.161** Fighting over the control of the city of Baidoa and its environs that broke out in July 2002 between the militias of Colonel Shaatigaduud and his two former deputies is on going (See the section: "South West State of Somalia" (Bay and Bakool) 2002 - 2003). [3b][4][10v][51] In October 2002 it was reported that forces opposed to Shaatigaduud had captured the city. After an initial spate of looting in Baidoa, aimed mostly at businesses of those seen as Shaatigaduud supporters, calm was restored to the town, with most of the militias removed from the town centre. The town of Bur Acaba also fell to the forces of Sheikh Adan and Habsade. [10v] By the end of 2002 RRA inter-faction fighting had led to the death of an estimated 100 people and left a further 200 injured, there were reports that rival militia were responsible for a massacre in Bay region in December 2002. [4][11e]

**6.162** Both the security and humanitarian situation reportedly continued to deteriorate in 2003, particularly in Baidoa. Humanitarian agencies have not been able to access the town since the July 2002. [11f] As of June 2003 the area within a 40-kilometre radius of Baidoa was off limits to UN staff due to insecurity. [3c] There has been a reported increase in the number of people killed because of their clan affiliations. Increasing numbers of people have reportedly been seeking refuge away from the fighting including farmers who are thus unable to harvest their crops. [11f] The UN Security Council reported in February 2003 that control of Baidoa had changed hands a number of times but was, at that time, in the hands of opponents to Shaatigaduud. [3b] In the period between February and June 2003, the UN reported that fighting between the RRA factions continued and militias were carrying out raids into Baidoa. They also laid mines in the vicinity of the town. [3c] In one incident in April 2003, some 27 people were killed in a mine explosion on the Baidoa to Dinsor road and in subsequent fighting between the Leysan and Garewale sub clans (both Rahanweyne). [3c][8]

### **Gedo**

**6.163** There were reports of intra-Marehan clan fighting in Luuq, in the northern Gedo region. The UN Security Council states that 40 people were killed as on 29 October 2002 as a result of this. [3b][51] In June 2003 the UN reported that fighting between the Marehan was making access to Gedo difficult for humanitarian staff. [3c]

### **Hiran**

**6.164** The Hawadle and Galje'el clans that inhabit the regions principle town of Belet Weyne are historically divided and clashes sometimes. When visiting the town in May 2002 the British/Danish fact-finding delegation learnt that the town had enjoyed a period of peace. The most recent major clash had occurred in August 2000 and lasted for one to two months; Elders resolved it. However, people remain fearful of renewed conflict, the period since the previous clash having been the longest in recent years though UN representatives present in the town suggested, at the time of the delegations visit suggested that there was verbal tension rather than any physical threat. [7]

### **Galgudud**

**6.165** In March 2003 the UN reported that humanitarian staff were withdrawn from the Galgudud due to fighting between the Abgal and Habr Gedir sub clans. [3c] In April 2003 clan fighting was reported in central Galgudud resulting in the death of four people. [11i] In August 2003 there were further reports of fighting in Galgudud, on this occasion the clans involved were not specified but the dispute arose as a result of an argument over a water well. [49a]

### Mudug

**6.166** In January 2002 an estimated 40 people were killed and 60 wounded in inter-clan fighting in Mudug. This had reportedly been initiated by revenge killings and further escalated by the scarcity of water and grazing in the area. This violence had reportedly displaced hundreds of families. [4][51] In March 2003 the UN reported that humanitarian staff were withdrawn from the southern Mudug region due to fighting between the Abgal and Habr Gedir sub clans. [3c]

**6.167** In July 2003 heavy fighting resulting in the death of 43 people and injury to a further 90 was reported. Women and children were among the fatalities and it was expected the death toll would further rise; additionally hundreds of families were reportedly displaced and left without access to water. [10bh] This outbreak of fighting involved clashes between the Habr Gedir and Sa'ad sub-clans. [8][10bh] Though triggered by revenge killings, the ensuing escalation of violence was attributed to disagreements over water and grazing rights. It was reported that the clash, which occurred in a remote region some 200 kilometres east of the regional capital Galkayo, was further exacerbated by the easy availability of heavy weapons. The fighting subsided after two days when elders and religious leaders from Galkayo reportedly attempted to organise a mediation team. [10bh]

### Puntland

**6.168** Following a period of instability in Puntland, which saw unrest throughout 2002, calm has returned to the region since early 2003 (see the section - Constitutional crisis in Puntland 2001 - 2003). [1a][3c][7][10z] A peace deal was formally signed between the rival factions in May 2003. [3c][10an] There are conflicting reports regarding both militia and civilian casualties during conflict in "Puntland" arising during the period of conflict. In December 2002 the UN independent expert reported that figures for those killed in intermittent clashes over a period of several months varied between 50 and 120 and of those injured between 100 and 150. Estimates of those killed included both combatants and non-combatants. [4] The border dispute with neighbouring "Somaliland" over the regions of Sool and Sanaag continues to cause tensions between the two administrations (see the Somaliland section below). [3c]

### Somaliland

**6.169** Security conditions have remained calm in Somaliland during 2003, with presidential elections in April 2003 passing peacefully. [3b][3c] There were no reports of unrest arising from the subsequent challenge of the result by the party of the second placed candidate. [3c]

**6.170** When local municipal elections took place in December 2002 only one violent incident was reported, this occurred in the disputed Sool region. [3b][10y] The authorities dispatched troops to Las Anod in Sool region during December 2002 to prepare for the visit of Somaliland leader, Mr Kahin. [3b][51] Las Anod is the capital of Sool region which - along with Sanaag region - is claimed by both Somaliland and the neighbouring Puntland. The regions fall geographically within the borders of the former British Somaliland, but most of the population are from the Dulbahante and Warsangeli clans of the Majertien and are associated with Puntland. [10y][11k] With both Somaliland and Puntland laying claim to this area the development gave rise to concern of hostilities between the two regions. The arrival of Kahin in Las Anod resulted in fighting between Somaliland troops and local militia who were reinforced by troops from Puntland. The clashes resulted in the death of the claimant to the post of Governor of Sool affiliated to Puntland and one of Kahin's bodyguards; however, full details of casualties were never confirmed. [3b][10y]

### Border Security

**6.171** During early March 2003 the TNG claimed that the Ethiopia had amassed in excess of 35,000 troops on its side of the border. Ethiopia, which backs forces opposed to the TNG, denied these claims. Forces loyal to the TNG in the border regions of Bakool, Gedo and Hiran were reported to have been on full alert. However, it was subsequently reported that Ethiopian forces had withdrawn after 1 week and re-deployed in areas within southern Ethiopia inhabited by ethnic Somalis. With a large Somali population in the south-eastern

region, Ethiopia is reportedly concerned about any attempt to bring all Somalis under one government. [11h]  
In May 2003 Kenya stationed two army battalions at the border with Somalia. Kenyan soldiers are to patrol the border as part of their government's fight against terrorism. [11j]

## ANNEX A

### CHRONOLOGY

**26.6.1960** Independence of British Somaliland protectorate

**1.7.1960** Merger of former British Somaliland and Italian-administered UN Trust Territory of Somalia as the independent Somali Republic; Somali Youth League (SYL) leads coalition government headed by President Aden Abdullah Osman with Dr Abd ar-Rashid Ali Shirmarke as Prime Minister

**1964** Dr Shirmarke replaced as Prime Minister by Abd ar-Razak Hussein who forms an all-SYL cabinet; territorial dispute with Ethiopia over Ogaden district leads to armed clashes

**6/1967** Dr Shirmarke becomes President; Mohamed Ibrahim Egal appointed Prime Minister

**15.10.1969** President Shirmarke assassinated

**21.10.1969** Military coup led by Commander-in-Chief Major-General Mohamed Siad Barre; Supreme Revolutionary Council (SRC) proclaims Somali Democratic Republic; Barre vows to eliminate clanism

**10/1970** Barre declares Somalia a socialist state and embarks upon programme of 'scientific socialism'

**1976** SRC dissolved, replaced by Somali Revolutionary Socialist Party with Barre as Secretary-General

**27.6.1977** Former French Somaliland becomes independent Republic of Djibouti

**7/1977** Somalia invades Ogaden district of Ethiopia; Soviet Union switches allegiance from Somalia to Ethiopia

**3/1978** Ethiopia regains Ogaden with Soviet and Cuban assistance; large numbers of refugees enter Somalia from Ethiopia

**1980** Barre officially becomes President of Somali Democratic Republic

**1982** Barre's Marehan clan consolidates grip on power

**1981** Formation of Majerteen-dominated opposition group DFSS (later becomes SSDF) and Isaaq-dominated SNM

**7/1982** DFSS guerrillas invade central Somalia and occupy two towns but invasion repelled by Government forces; severe reprisals against Majerteen clan

**2/1983** Mutiny in northern areas

**11/1984** Barre assumes all powers of government

**12/1986** Barre sole candidate in presidential election - rule confirmed for further 7 years

**1987** Increase in attacks on military targets by insurgents

**4/1988** Peace accord with Ethiopia; withdrawal of Ethiopian support for Somali insurgents

**5/1988** SNM invades north-western Somalia, occupying Burao and part of Hargeisa

**6/1988** Fierce counter-offensive by Government forces, led by General Morgan, against SNM in north-west; Hargeisa virtually destroyed, killing 40,000; 400,000 flee to Ethiopia

**7/1989** 400 protestors killed in anti-Government demonstrations organised by Hawiye USC in Mogadishu

**8/1989** Barre loses support of Ogaden clan; clashes with Ogaden SPM militia in south, fighting alongside USC forces; Barre offers to relinquish power

**1/1990** Barre dismisses his government but opposition refuses to take posts in new administration

**8/1990** USC, SNM and SPM co-ordinate military campaigns to overthrow Barre

**11/1990** SPM seizes Kismayo

**1/1991** USC forces led by General Aideed capture Mogadishu; SNM takes control of north-west

**27.1.1991** Barre flees Mogadishu

**29.1.1991** USC's Ali Mahdi proclaimed temporary President but SNM and SPM oppose his appointment

**3/1991** Increasing divisions along clan lines; opposition groups refuse to participate in USC-organised national conference

**5/1991** Fall of Mengistu regime in Ethiopia

**16.5.1991** SNM declares independence of "Republic of Somaliland" in north-west; SNM Chairman Abd ar-Rahman Ahmed Ali 'Tur' declared President of breakaway state

**6/1991** Differences within USC, mainly along clan lines, emerge as supporters of Ali Mahdi and General Aideed clash in Mogadishu

**6/1991** Conference of national reconciliation held in Djibouti attended by USC, SDM, SPM and DFSS; SNM refuses to participate

**7/1991** Second conference held in Djibouti, joined by SDA and USF; the 6 participants declare intention of defeating Barre's SNF and implementing cease-fire; Ali Mahdi confirmed as President for 2-year period

**7/1991** USC Central Committee elects General Aideed as its Chairman

**18.8.1991** Ali Mahdi sworn in as President

**9/1991** Armed clashes in Mogadishu between rival USC factions leave 300 dead

**11/1991** Aideed supporters capture most of Mogadishu, forcing Ali Mahdi to flee, but Ali Mahdi regains northern Mogadishu by end of month

**12/1991** Ali Mahdi asks UN to send peacekeeping force

**1/1992** General Aideed opposes UN involvement and sets up his own administration; UN imposes arms embargo on Somalia

**3/1992** Escalation of violence in Mogadishu - 14,000 dead; inter-clan rivalry leads to clashes in Somaliland, which last until 10/1992

**4/1992** SNF's advance on Mogadishu repelled by Aideed's forces; Barre flees Somalia (dies in Nigeria in 1995)

**4/1992** UN sets up UNOSOM

**5/1992** Aideed forms SLA military alliance with other groups including SPM and SDM, which captures Kismayo from SNF

**6/1992** SLA in control of large area of southern and central Somalia; UNOSOM deploys 50-man observer group

**8/1992** SLA forms SNA, headed by Aideed; Ali Mahdi in alliance with anti-Aideed groups, including SSDF and faction of SPM; UNOSOM deploys 500 troops to protect UN personnel and escort food supplies

**12/1992** 1,800 strong US-led force takes control of Mogadishu's port and airport; Ali Mahdi and Aideed sign peace agreement under US auspices, but agreement soon broken

**1/1993** 33,000 UNITAF troops in Somalia; UN-organised peace negotiations in Addis Ababa attended by 14 groups

**2/1993** UNITAF forces clash with SNF in Kismayo and with armed youths in Mogadishu

**3/1993** UN-sponsored reconciliation conference in Addis Ababa; UN sets up UNOSOM II, with reduced US role; UNOSOM II tasked with enforcing peace and institution-building

**4/1993** SNF recaptures Kismayo

**5/1993** Belgian UN troops clash with SPM around Kismayo; Mohamed Ibrahim Egal replaces Tur as President of Somaliland; Tur denounces Somaliland's secession

**6/1993** Aideed's forces kill 24 Pakistani UN troops in Mogadishu - UNOSOM retaliates with air strikes; UN Security Council issues warrant for Aideed's arrest but he evades capture; clashes between UN forces and Somali militia cause many civilian deaths

**9/1993** 18 US troops and 300 Somalis die in clashes in Mogadishu leading to US reappraisal of its role and decision to withdraw US forces by 3/1994

**11/1993** Ali Mahdi assumes leadership of SSA alliance

**3/1994** Cease-fire agreement signed in Nairobi between SSA and Aideed but agreement soon broken

**6/1994** Further heavy fighting in Mogadishu between Aideed and Ali Mahdi supporters

**7/1994** Aideed's forces take control of Belet Weyne from Hawadle (Hawiye) clan

**10/1994** Fighting between Ali Mahdi's forces and Murosade clan in Mogadishu, lasting to 1/1995

**2/1995** UN forces withdraw from Mogadishu headquarters; fighting between rival USC/SNA factions (led by Aideed and Ali Ato) for control of airport

**3/1995** End of UNOSOM intervention - 136 UN personnel and hundreds of Somalis killed in UN operation, which failed to bring peace, but which did provide significant famine relief and establish local administrations in many areas

**6/1995** Divisions within USC/SNA become apparent - Ali Ato faction breaks with Aideed and loosely allies itself with Ali Mahdi; Aideed declares himself President but is recognised only by Libya

**9/1995** Aideed's forces capture Baidoa

**10/1995** Ali Mahdi and Ali Ato supporters ban banana exports to deny Aideed revenue

**1/1996** Aideed's forces capture Huddur

Continued

**7/1996** General Aideed fatally wounded in clashes in Mogadishu

**8/1996** General Aideed dies on 1.8.1996; replaced as "President" by his son Hussein Aideed on 4.8.1996

**10/1996** Hussein Aideed, Ali Mahdi and Ali Ato attend peace talks in Nairobi - cease-fire agreed but broken by Ali Ato's forces

**12/1996** OAU, IGAD and Ethiopian Government-backed talks involving 26 Somali factions held in Sodere, Ethiopia

**1/1997** Sodere talks lead to formation of National Salvation Council (NSC) to create transitional government - Aideed and SNM not involved in process; Aideed and Ali Mahdi hold talks on implementation of Nairobi agreement but hostilities resume in 2/1997

**3/1997** League of Arab States and Egyptian Government-sponsored talks held in Cairo

**5/1997** Aideed and Ali Ato hold talks in San'a, Yemen

**11/1997** Aideed and Ali Mahdi jointly chair talks in Cairo

**12/1997** Cairo Declaration signed between Aideed and NSC factions - provides for cease-fire, reunification of Mogadishu and a reconciliation conference as prelude to transitional government and new constitution; conference supposed to commence in Baidoa in 2/1998 after withdrawal of Aideed's forces from the town

**1/1998** USC faction leaders agree to re-opening of Mogadishu's air and sea ports, demobilisation of clan militia and dismantling of green lines

**2/1998** Large peace rally in Mogadishu attended by Hussein Aideed, Ali Mahdi and Ali Ato; free movement begins as green lines dismantled; however, Aideed's forces still occupying Baidoa and reconciliation conference postponed to 31.3.1998, raising doubts over the future of the Cairo peace process

**3/1998** Aideed and Ali Mahdi sign agreement on structure of Benadir (Mogadishu area) regional administration; Baidoa conference postponed (again) to 15.5.1998

**7/1998** Autonomous "Puntland State of Somalia" declared in SSDF-administered north-east

**8/1998** Unified civilian administration established for Benadir Region (Mogadishu) under co-chairmanship of Ali Mahdi and Hussein Aideed; Ali Ato denounces new authority but city remains calm

**8/1998** Peace deal agreed between SNF and Al-Itihaad in Gedo region; Ethiopian forces cross border into Gedo but withdraw the next day

**8/1998** Nine-member Cabinet appointed by Puntland's "President", Colonel Abdullahi Yusuf Ahmed

**9/1998** World Food Programme warns of impending humanitarian crisis in southern Somalia owing to food shortages

**9/1998** New police force in Mogadishu made up of demobilised militiamen receives first allowances; Habr Yunis clan militia incorporated into Somaliland's 'national' security forces; 10,000 Somalis voluntarily repatriated to Somaliland from Ethiopia

**9/1998** 69-member Puntland Parliament inaugurated; Puntland charter released, advocating federal structure for Somalia; Ethiopia donates military equipment to Puntland administration

**10/1998** RRA captures Huddur from USC/SNA; thousands return to Huddur, prompting food shortages

**11/1998** Heavy fighting in Kismayo between SNF and SPM; peace talks commence in Nairobi between SNF

and SPM; many flee Kismayo; Medina Hospital in Mogadishu reopens

**12/1998** RRA establishes new regional administration for Bakool region; new 3,000-strong police force deployed by unified administration in Mogadishu

**1/1999** Fighting between RRA and USC/SNA spreads to Baidoa

**2/1999** Ethiopia reportedly supplies arms to RRA; RRA alleges that 60 civilians massacred by USC/SNA forces in Baidoa area

**4/1999** Ethiopia enters Gedo region, taking control of Bulahow and Dolo, as effects of Ethiopia-Eritrea border war spill over into Somalia

**5/1999** Fresh fighting for Kismayo between pro-Aideed SNF faction and Morgan's SPM forces

**5/1999** Fighting in Gedo region between rival factions of SNF, with Ethiopian involvement

**5/1999** President Egal approves resolution allowing for the introduction of multi-party politics in Somaliland

**6/1999** RRA ousts USC/SNA from Baidoa, with Ethiopian assistance; RRA advances to take Bur Acaba and closes in on Aideed's airstrip at Balidoogle

**6/1999** SNF and allies in ASF grouping take Kismayo from General Morgan

**6/1999** Ethiopian forces take Luuq

**7/1999** UNICEF re-opens office in Baidoa as RRA consolidates its hold

**7/1999** Ethiopian forces advance in Gedo region to take Garba Harre and Burdobo

**5/2000** Peace conference opens at Arta, Djibouti attended by clan Elders and other leaders of Somali civil society

**8/2000** Arta peace conference elects members to Transitional National Assembly (TNA), a new clan-based parliament for Somalia; TNA elects Abdiqassim Salad Hassan as interim President of Somalia

**9/2000** Abdiqassim visits Baidoa and Mogadishu, without opposition from clan-faction leaders

**12/2000** North Mogadishu 'warlord' Hossein Haji Bod declares his support for Abdiqassim's Transitional National Government (TNG)

**12/2000** 10,000 former soldiers recruited by TNG to form new national army

**3/2001** Hussein Aideed and other warlords opposed to the TNG set up rival Somali Reconciliation and Restoration Council (SRRC)

**5/2001** Referendum in Somaliland endorses new Constitution and independence of Somaliland and provides for political parties and elections

**6/2001** Juba Valley Alliance (JVA), a pro-TNG grouping, establishes new regional administration in Kismayo. Abdullahi Yusuf seeks three-year extension to term of office as Puntland President but declared unconstitutional by Puntland Supreme Court; Supreme Court Chairman Yusuf Haji Nur assumes Puntland presidency

**7/2001** Puntland Elders back Yusuf Haji Nur's removal from office of Abdullahi Yusuf. President Egal of Somaliland founds new party, Allied People's Democratic Party (UDUB)

**8/2001** Fighting in Bossaso, Puntland - Abdullahi Yusuf retreats to Galkayo; conference on Puntland constitutional crisis opens in Garowe

**8/2001** General Morgan's forces recapture Kismayo but JVA drives them out the next day; JVA goes on to take Bu'aale from Morgan

**10/2001** Interim Puntland President denies existence of Al-Itihaad bases in Puntland. Seven political parties legally registered in Somaliland ahead of elections due in 2002. TNG of PM Ali Khalif Galayadh voted out of office by TNA - Abdiqassim remains interim President and will appoint new PM and administration

**11/2001** Jama Ali Jama chosen as new President of Puntland

**12/2001** Abdullahi Yusuf captures Garowe, forcing Jama Ali Jama to flee to Bossaso

**1/2002** Term of office of Somaliland's President Egal extended to 2/2003, postponing elections

**3/2002** RRA establishes new autonomous region - "State of Southwestern Somalia" - in Bay & Bakool regions

**5/2002** Death of President Egal of Somaliland; Vice-President Riyale becomes new president of Somaliland

**7/2002** Fighting breaks out in Baidoa between forces loyal to Shaatigaduud and those of two of his deputies.

**10/2002** IGAD-sponsored peace conference opens in Eldoret, Kenya, attended by TNG, SRRC and other key factions. Eldoret declaration signed on 27 October. Forces loyal to two RRA vice-chairmen captured Baidoa from Shaatigaduud.

**12/2002** Multiparty civic elections held in Somaliland - generally peaceful.

**2/2002** Peace conference is adjourned in order to move venue from Eldoret to Mbagathi College in Nairobi.

**4/2002** Presidential elections held in Somaliland, poll is peaceful but result disputed by opposition after Kahin of ruling UDUB is declared winner by margin of 80 votes.

## ANNEX B

### SOMALI CLAN STRUCTURE

#### MAJOR SOMALI CLAN-FAMILIES:

##### 1. DIR:

Issa

Gadabursi

Bimal

##### 2. ISAAQ:

Habr Awal:

Saad Muse

Issa Muse

Ayub

Habr Garhadjis:

Habr Yunis

Aidagalla

Arab

Habr Jaalo (Habr Toljaalo):

Mohamed Abokor

Ibrahim

Muse Abokor

Ahmad (Toljaalo)

**3. DAROD:**

Marehan

Ogaden

Harti Confederation:

Majerteen

Dulbahante

Warsangeli

**4. HAWIYE:**

Hawadle

Waadan

Habr Gedir

Abgal

Murosade

Gaalgale

**5. DIGIL:**

Dabarre

Jiddu

Tunni

Geledi

Garre

## 6. RAHANWEYN:

33 clans in two loose alliances:

The "Eight":

Maalinweyna

Harien

Helleda

Elal, and others

The "Nine":

Gassa Gudda

Hadama

Luwai

Geledi, and others

[31]

*For more detailed information on the Somali clan system, refer to the following source documents: -*

*Annex 1 to the Netherlands Situation in Somalia report of 1997 (source [32])*

*Annex 3 to the Report of the Joint British, Danish and Dutch Fact-Finding Mission to Nairobi, Kenya on Minority Groups in Somalia, September 2000 (source [8])*

## ANNEX C

### POLITICAL ORGANISATIONS

**Al-Itihaad al-Islamiya** (Islamic Union Party) - a radical Islamic group aiming to unite ethnic Somalis from Somalia, Ethiopia, Kenya and Djibouti in an Islamic state. [1a][7] Based in Gedo region; opposed by the Ethiopian government who frequently seek to justify incursions into Somalia by claiming pursuit of Al-Itihaad members; currently opposed by the SNF. [1a][7][22b] Not a participant in the Eldoret or previous peace

initiatives, the group is thought to support terrorist activities in Ethiopia. [1a][3d][22b]

Al-Itihaad has had no defined organisational structure since the creation of the TNG and the decline of Shari'a courts led by Al-Itihaad though it continues to have adherents throughout the country. [2b][7] The group reportedly has a loose network of less than a dozen key leaders, making it hard to identify and target by opposition forces. [7] In the mid 1990's the organisations reportedly operated training camps, however, Al-Itihaad reportedly maintains no standing militia. [2a][7] Security forces and staff for businessmen linked to Al-Itihaad are considered by some to represent a "reserve army" of more than 1,500 militia. [7]

There were reports of links between Al-Itihaad and Osama bin Laden's terrorist network Al-Qaeda. In the aftermath of the terrorist attacks in the United States on 11 September 2001 Al-Itihaad al-Islamiya was one of the organisations linked to terrorism for which US President Bush ordered assets to be blocked. [7] However, a panel of experts appointed by the UN in 2002 to oversee the arms embargo on Somalia found Al-Itihaad to have a largely local agenda and few formal links with Al-Qaeda. [11h] Information obtained by the British/Danish fact-finding delegation who visited Somalia in May 2002 suggests that Al-Itihaad's influence in Somalia has weakened considerably. Al-Itihaad has reportedly switched its emphasis away from armed opposition towards exerting influence through schools, which may be funded from Saudi Arabian sources. [7]

**Allied People's Democratic Party (UDUB)** - meaning "pillar" in Somali, a Somaliland party established in July 2001 by late President Egal of Somaliland in preparation for elections in 2002. [1a][10ab]

**Allied Somali Forces (ASF)** - alliance of SNF faction and others that captured Kismayo from General Morgan's SPM forces 6/1999; became the Juba Valley Alliance (see JVA below).

**Asad** - a Somaliland political party, participated in the December 2002 civic elections polling the least number of votes out of the six parties contesting. [11e]

**G8** - an alliance of faction leaders at the Eldoret/Nairobi Peace talks comprising Mogadishu faction leaders Qanyare, Ali Ato and Omar 'Finish', the JVA, the Madobe/Habsade faction of the RRA, the Gedo based faction of the SNA led by Col. Bihi and SAMO. [10bc]

**Hormood** - (Pioneer) a Somaliland political party, participated in the December 2002 civic elections. [11e] [14i] In March 2003 the party merged with the Kulmiye party - see below. [14i]

**Ilesky** - a political party in Somaliland, did not stand in the December 2002 civic elections and according to reports the same months planned to merge with the ruling UDUB. [11e]

**Juba Valley Alliance (JVA)** - pro-TNG grouping of Marehan, Ogadeni and Habr Gedir factions that controls Kismayo (formerly the ASF). [1a] Colonel Barre Shire Hiirale, of the Marehan Rer Dini clan and Aden Serrar, of the Habr Gedir Ayr were, as of mid 2002, reported to lead the JVA; by mid 2003 reports suggested Hiirale was the sole leader and chairman. [7][10bd][18e]

**Kulmiye** - (Solidarity party) Somaliland opposition political party; took the second largest share of votes in the civic elections of December 2002 after the ruling UDUP. [11e][10ai] In the course of its campaign for the 2003 presidential election the party said its candidate would clean up corruption and work harder for international recognition. [10ab] Ahmad Muhammad Silaanyo (Silano) is the party Chairman and candidate in the 2003 presidential elections. [10ab][11e]

**Muslim Youth Party** - political party formed in Mogadishu in November 2002; Party Chairman Ibrahim Muhammad Hasan was appointed at the inauguration ceremony. [11d]

**Northern Somali Alliance (NSA)** - founded 1997 as an alliance between USF and USP

**Rahanweyn Resistance Army (RRA)** - established 1995 to resist occupation of Rahanweyn-populated Bay & Bakool regions by Aideed's USC/SNA; captured Huddur 10/1998 and Baidoa 6/1999; set up autonomous State of Southwestern Somalia in 3/2002; backed by Ethiopia

**Sahan** - Opposition political party in Somaliland, polled the fourth largest number of votes (out of six contesting parties) in the civic elections in December 2002. [11e]

**Somali African Muki Association (SAMO)** - represents Bantu minority population; member of SSA. [1a] The

leader is Mowlid Ma'ane, also part of the G8 at the Nairobi peace talks. [10bc]

**Somali Democratic Alliance (SDA)** - founded 1989; represents Gadabursi (Dir) clan in north-west; fought with Siad Barre's forces against SNM and opposes secession of Somaliland; led by Mohamed Farah Abdullah; member of SSA

**Somali Democratic Movement (SDM)** - a militarily weak group representing Digil/Rahanweyn clan families; split in 1992 into 2 factions: pro-Ali Mahdi/SSA faction led by Abdulkadir Mohamed Adan and pro-Aideed/SNA faction led by Adam Uthman Abdi (Chairman) and Dr Yasin Ma'alim Abdullahi (Secretary-General)

**Somali Democratic Party (SDP)** - formed in 1993 in the Gedo region of Somalia but dormant until revived at the Eldoret peace talks in December 2002 with the apparent aim of securing better representation. It represents the Sede community (including the Marehan) and describes itself as a "non-violent political party". At its re-launch the SDP indicated that its focus was representation at Eldoret and similar conferences, it also warned that Sede in Somalia would reject the outcome of talks if the party was not properly represented. The SDP formally supported the SRRC. The SDP chairman is Abdi Barre Abdi. [11e]

**Somali Eastern and Central Front** - founded 1991; opposes SNM's secessionist policies in Somaliland; Chairman Hirsi Ismail Mohamed

**Somali National Alliance (SNA)** - coalition founded in 1992 by General Aideed comprising his faction of USC, a faction of SDM, Omar Jess' faction of SPM and SSNM (which withdrew in 1993); led by Hussein Aideed following Gen. Aideed's death. [1a] There is a Gedo based faction led by Col. Isak Bihi. [10bc]

**Somali National Democratic Union (SNDU)** - small group established 1992 representing two small Darod clans in Galgudud region of central Somalia; led by Ali Ismail Abdi; allied with Ali Mahdi's USC/SSA; participated in 1998 discussions with SSDF and USP to set up Puntland state

**Somali National Front (SNF)** - founded 1991 in southern Somalia by Siad Barre loyalists; represents Marehan clan; seeks restoration of SRSP government; controls most of Gedo region; member of SSA; leader General Omar Hadji Mohamed Hersi defected to Aideed and replaced by Colonel Abdirizak Issak Bihi in February 1998; backed by Ethiopia, particularly in its conflict with Al-Itihaad al-Islamiya

**Somali National Movement (SNM)** - founded in London 1981; represents Isaaq clan-family; guerrilla group, initially supported by Ethiopia, until 1991 when took control of north-west, proclaiming independence of Republic of Somaliland; leads government of Somaliland, led by Mohamed Ibrahim Egal

**Somali National Union (SNU)** - minor group representing non-ethnic Somalis; member of SSA

**Somali Patriotic Movement (SPM)** - founded 1989 by Colonel Omar Jess; represents Ogaden clan in the south; divided into 2 factions, one led by Adan Abdullahi Nur Gabeeyow and allied with General Morgan, and member of SSA, the other led by Gedi Ugas Madhar allied with USC in SNA

**Somali People's Democratic Union** - founded 1997; breakaway group from SSDF; led by Mohamed Jibril Museh

**Somali Reconciliation & Restoration Council (SRRC)** - a loose and changing coalition of nearly 20 clan-based political - military factions opposed to the TNG, established in March 2001 at a meeting in Ethiopia, five co-chairman, Hussein Aideed (USC/SNA) was chosen as the first chairman. [1a][6a][6b][10e] Others were to be Hilowle Iman Umar from North Mogadishu, General Adan Abdullahi Nur Gabyow of the SPM, Hasan Muhammad Nur 'Shatigadud' of the RRA and Abdullahi Shaykh Ismail of the SSNM. [10e] On 27 December 2002 it was reported that the chairmanship had again passed back to Hussein Aideed of the USC/SNA. [11e] Recent reports suggest the existence of a SRRC-Mogadishu faction. [3c]

**Somali Revolutionary Socialist Party (SRSP)** - from 1976 to 1991 the sole legitimate political party under Siad Barre's administration; SNF seeks restoration of SRSP government

**Somali Salvation Alliance (SSA)** - grouping of 12 anti-Aideed factions formed 1993, led by Ali Mahdi; USC/SSA, SAMO, SNU, USF, SDA, SDM, SPM, SSDF, SNDU, SNF, SSNM and the Ali Ato faction of the USC/SNA

**Somali Salvation Democratic Front (SSDF)** - founded 1981 as Democratic Front for the Salvation of Somalia (DFSS) as a coalition of 3 factions; represents Majerteen clans in north-east; has formed administration of north-east since 1991 & declared "Puntland State of Somalia" in 7/1998; smaller SSDF group operates in Kismayo in alliance with SNF against SNA; member of SSA; Chairman General Mohamed Abshir, deputy Colonel Abdullahi Yusuf Ahmed ('President' of Puntland from 7/1998)

**Somali Youth League (SYL)** - founded 1943 in former Italian Somaliland; dominated governments of independent Somali Republic 1960 to 1969; removed from power by Siad Barre's military coup

**Southern Somali National Movement (SSNM)** - based on southern coast mainly representing Bimal (Dir) clan; set up under Aideed's sponsorship to support Omar Jess' SPM against SNF; part of SNA 1992-93; allied with Ali Mahdi from 1993; member of SSA; Chairman Abdi Warsemeh Isar

**Transitional National Government (TNG)** - established as a result of the Arta peace conference in 2000; in process of establishing its authority in Mogadishu; led by interim President Abdiqassim Salad Hassan

**UDUB** - see Allied People's Democratic Party

**Ucid** (Justice and Welfare party) - Opposition political party in Somaliland, polled the third largest number of votes in the civic elections in December 2002. [10ab][11e] Presidential candidate in the 2003 elections, Faisal Ali Warabe, stated that the party believed in a modern state based on law and order. The party identifies gender equality, the environment, and building a healthy economy as issues it would focus on in government. [10ab]

**United Somali Congress (USC)** - founded 1989 in central Somalia; represents Hawiye clans; overthrew Siad Barre in Mogadishu in 1991 but subsequently divided into factions:

-**USC/SNA** [1a] - led by General Aideed and from 1996 his son Hussein; represents Habr Gedir clan; controls southern Mogadishu, Merka, Brava and large parts of Bay and Bakool regions

-**USC/SNA** [2] - dissident Habr Gedir USC/SNA faction expelled from SNA in 1995, led by Ali Ato; controls small part of southern Mogadishu; loosely allied with USC/SSA

-**USC/SSA** - led by Ali Mahdi; represents Abgal clan; controls northern Mogadishu; part of NSC

**United Somali Congress/Peace Movement (USC/PM)** - based on Hawadle (Hawiye) clan; controls most of Hiran region and a very small area around Benadir Hospital in Mogadishu; allied with Ali Mahdi and Musa Sude; member of SSA; led by Colonel Omar Hashi Aden

**United Somali Congress** - small Murosade (Hawiye) clan faction which controls the Wardhigley district of northern Mogadishu, independent of both Ali Mahdi's and Hussein Aideed's USC factions; led by Abdullahi Moalim

**United Somali Front (USF)** - founded 1989; a marginal group representing Issa (Dir) clan in north-west and opposed to SNM; member of SSA; led by Abd ar-Rahman Dualeh Ali (Chairman) and Mohamed Osman Ali (Secretary-General); allied with USP in 1997 to form NSA

**United Somali Party (USP)** - represents Darod clans who oppose SNM's secessionist policies in Somaliland; led by Mohamed Abdi Hashi; allied with USF in 1997 to form NSA; participated in 1998 discussions with SSDF and SNDU to set up Puntland state

## ANNEX D

### PROMINENT PEOPLE

- Adam Uthman Abdi - Chairman of SDM/SNA; Rahanweyn clan

- **Abdiqassim** Salad Hassan - elected interim President of Somalia for three years by Transitional National Assembly (TNA) following Arta conference in Djibouti 5-8/2000, former Minister of Interior & Deputy Prime Minister under Siad Barre, Habr Gedir (Hawiye) clan, sub-clan Ayr
- Mohamed Farah **Abdullah** - leader of SDA; Gadabursi (Dir) clan
- Dr Yasin Ma'alim **Abdullahi** - Secretary-General of SDM/SNA; Rahanweyn clan
- General Mohamed **Abshir** - SSDF leader (Chairman); Majerteen (Darod) clan
- Abdulkadir Mohamed **Adan** - leader of SDM/SSA, one of 5 co-chairmen of NSC; Rahanweyn clan
- Hussein Mohamed **Aideed** - son of General Aideed who succeeded him as Chairman of USC/SNA, and self-styled 'President' of Somalia, in 1996; first chairman of SRRC 2001; Habr Gedir (Hawiye) clan
- General Mohamed Farah **Aideed** - military commander of USC, Chairman of SNA; declared himself 'President' of Somalia 1995; died 1996; Habr Gedir (Hawiye) clan
- Abd Ar-Rahman Dualeh **Ali** - Chairman of USF; Issa clan
- Mohamed Osman **Ali** - Secretary-General of USF; Issa clan
- Osman Hassan Ali '**Ato**' ('Ali **Ato**') - former aide of General Aideed and leader of breakaway USC/SNA faction, loosely allied with Ali Mahdi's USC/SSA, heads administration in small area of southern Mogadishu; one of 5 co-chairmen of NSC; Habr Gedir (Hawiye) clan
- Colonel Hassan Dahir **Aweys** - commander of Al-Ittihaad al-Islamiya fundamentalist militia
- Major-General Mohamed Siad **Barre** - military ruler 1969-80, Chairman of SRC 1969-76, Secretary-General of SRSP 1976-91, President of Somali Democratic Republic 1980-91; died in exile in Nigeria in 1995; Marehan (Darod) clan
- Colonel Abdirizak Issak **Bihi** - SNF leader from February 1998, replacing General Omar Hadji Mohamed Hersi
- Hossein Haji **Bod** - North Mogadishu 'warlord' and former deputy of Ali Mahdi; declared his support for the TNG in 12/2000
- Mohamed Ibrahim **Egal** - Prime Minister of British Somaliland before independence, Prime Minister of Somali Republic 1967-69, President of "Republic of Somaliland" 5/1993 until his death in office 5/2002; Habr Awal (Isaaq) clan
- Hassan Abshir **Farah** - TNG Prime Minister 11/2001 to present (replaced Ali Kalif Galayadh); former Puntland interior minister
- Omar Mohamoud Mohamed '**Finish**' - chairman of the USC/SSA [3d] Formerly a right hand man to Musa Sude, now a faction leader in his own right his forces have come into conflict with those of Sude in the Medina district of Mogadishu several times since 2002. [2a][3c][11k]
- General Adan Abdullahi Nur '**Gabeeyow**' - SPM/SSA, Kismayo-based, one of 5 co-chairmen of NSC; Ogaden (Darod) clan
- Ali Kalif **Galayadh** - appointed interim Prime Minister of Somalia by interim President Abdiqassim Salad Hassan 10/2000 but removed from office 10/2001 following no-confidence vote in TNA, Dulbahante (Darod) clan
- Mohamed Abdi **Hashi** - leader of USP; Darod clan
- Ahmed Billie **Hassan** - leader of Al-Ittihaad al-Islamiya

- General Omar Hadji Mohamed **Hersi** - former leader of SNF, realigned behind Hussein Aideed February 1998; replaced as SNF leader by Colonel Abdirizak Issak Bihi
- Colonel Barre Shire **Hiirale** (Barre Adan Shire) of the Marehan Rer Dini clan, chairman of the JVA [7][10bd] [18e]
- Abd ar-Razak **Hussein** - Prime Minister of Somali Republic 1964-67; Darod clan
- Seyyid Abdullah **Issa**, SYL leader - 1st Prime Minister of Somali Republic
- Jama Ali **Jama** - elected President of Puntland by traditional Elders 11/2001, opposed by Abdullahi Yusuf
- Colonel Ahmad Omar **Jess** - set up SPM in 1990, allied his faction of SPM with General Aideed 1991 onwards
- Gedi Ugas **Madhar** - Chairman of SPM/SNA; Darod clan
- Ali Mahdi Mohamed ('Ali **Mahdi**) - temporary President appointed by USC 1991, leader of faction of USC, chairman of SSA and one of 5 co-chairmen of NSC; Abgal (Hawiye clan)
- General Omar Haji **Masalle** - SNF leader, defected to Hussein Aideed February 1998 and replaced by Abdirizak Issak Bihi
- Abdullahi **Moalim** - leader of small Murosade (Hawiye) United Somali Congress in northern Mogadishu, independent of Ali Mahdi's and Hussein Aideed's USC factions
- General Mohamed Siad Hersi '**Morgan**' - son-in-law of the late Siad Barre, led campaign against SNM in Somaliland in late 1980s and responsible for the destruction of Hargeisa, former leader of SNF, allied to General Adan Abdullahi Nur Gabeeyow's faction of SPM; Majerteen (sub-clan Abdirahim)
- Yusuf Haji **Nur**, Chairman of the Puntland Supreme Court, assumed position as interim President of Puntland 6/2001 to 11/2001 after Abdullahi Yusuf removed from office in constitutional crisis
- Dr Aden Abdullah **Osman** - 1st President of Somali Republic 1960-67
- Dahir **Riyale** Kahin - President of Somaliland 5/2002 to present; succeeded President Egal upon the latter's death; formerly Egal's Vice-President
- Yusuf Haji **Sa'id** - elected as speaker of Puntland's 'parliament' 9/1998
- Colonel Hassan Mohamed Nur '**Shaatigaduud**' - leader of the RRA; Rahanweyn clan (Harin sub-clan); elected as President of South West State of Somalia 3/2002
- Dr Abd ar-Rashid Ali **Shirmarke** - 2nd Prime Minister of Somali Republic 1960-1964, President 1967-69, assassinated; Darod clan
- Ahmed Muhammad **Silaanyo** (**Silano**), formally a senior minister in Siad Barre's government before he quit in the 1980s to join the SNM and eventually became its leader. [10ab] From 1991, when Somaliland declared its independence, he held various senior ministerial posts until 2001 when he resigned from the government of the late president Egal and was a founder member of the Kulmiye party. [10ab][11e] Observers rated him as a leading contender in the 2003 presidential election. [10ab]
- Musa Sude '**Yalahow**' (Musa Sude) - Deputy Chairman of USC/SSA, heads administration in Medina district of southern Mogadishu; Abgal (Hawiye) clan (Wabudan sub-clan).
- Abd ar-Rahman Ahmed Ali '**Tur**' - SNM Chairman and 1st President of "Republic of Somaliland" 1991-93, later allied with Aideed administration; Habr Yunis (Isaaq) clan
- Colonel Abdullahi Yusuf Ahmed (Abdullahi **Yusuf**) - SSDF deputy leader, one of 5 co-chairmen of NSC,

President of Puntland 1998 until removed from office in constitutional crisis 6/2001, but still claims to be the legal President; Majerteen (Darod) clan

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