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Somalia

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Somalia¹ has been without a central government since its last president, dictator Mohamed Siad Barre, fled the country in 1991. In May 2000, in Arta, Djibouti, delegates representing all clans and a wide spectrum of Somali society participated in a "Conference for National Peace and Reconciliation in Somalia." The Conference adopted a charter for a 3-year Transitional National Government (TNG) and selected a 245-member Transitional National Assembly (TNA), which included 24 members of Somali minority groups and 25 women. In August 2000, the Assembly elected Abdiqassim Salad Hassan as Transitional President. Administrations in the northwest (Somaliland) and northeast (Puntland) of the country do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders. Serious interclan and intraclan fighting continued to occur in parts of the country, notably in Puntland, the central regions of Hiran and Middle Shabelle, the southern regions of Bay, Bakol, Gedo, Lower Shabelle, Middle Juba, Lower Juba, and in Mogadishu. In Baidoa, the Rahanweyn Resistance Army (RRA) which controls Bay and Bakol splintered, resulting in continued fighting by RRA leaders to assert control over Baidoa. No group controlled more than a fraction of the country's territory. The Inter-Governmental Authority for Development (IGAD) sponsored a reconciliation conference led by Kenya, in association with Ethiopia and Djibouti. All major political and military leaders attended as well as elders, religious leaders, and members of civil society. There was no national judicial system.

Leaders in the northeast proclaimed the formation of Puntland in 1998. Puntland's leader, Abdullahi Yusuf, publicly announced that he did not plan to break away from the remainder of the country; however, the Puntland Administration did not participate in the Djibouti Conference or recognize the TNG that emerged from it. In July 2001, Yusuf announced his refusal to abide by the Constitution and step down. This led to a confrontation with Chief Justice Yusuf Haji Nur, who claimed interim presidential powers pending elections. In November 2001, traditional elders elected Jama Ali Jama as the new Puntland President. Yusuf refused to accept the elders' decision, and in December 2001, he seized by force the town of Garowe, reportedly with Ethiopian support. Jama fled to Bosasso. In early May, Yusuf seized Bosasso and controlled Puntland in general. Forces loyal to Puntland president Jama Ali Jama withdrew from Bosasso without a fight. Both Yusuf and Jama continued to claim the presidency, and there were continued efforts to resolve the conflict at year's end. A ban on political parties in Puntland remained in place.

In the northwest, the Republic of Somaliland continued to proclaim its independence within the borders of former British Somaliland. Somaliland has sought international recognition since 1991 without success. Somaliland's government included a parliament, a functioning civil court system, executive departments organized as ministries, six regional governors, and municipal authorities in major towns. During the year, Somaliland continued to be stable. In January the House of Elders extended the life of the Parliament for 1 year and postponed elections. On December 15, municipal elections were held, and more than 440,000 voted out of a population believed to be 2.5 million. A total of 379 local councilors were elected. Presidential and parliamentary elections are expected to take place in mid-2003. In May President Egal died, and his vice-president, Dahir, was sworn in as president within a week.

Clan and factional militias, in some cases supplemented by local police forces continued to function

with varying degrees of effectiveness in the country. In Somaliland more than 60 percent of the budget was allocated to maintaining a militia and police force composed of former troops. The TNG had a 3,500-officer police force and a militia of approximately 5,000 persons. During the year, demobilization ceased due to lack of funding. Police and militia members committed numerous and serious human rights abuses throughout the country.

The country's population was estimated to be between 7 and 8 million. The country was very poor with a market-based economy in which most of the work force was employed as subsistence farmers, agro-pastoralists, or pastoralists. The principal exports were livestock and charcoal; there was very little industry. Insecurity and bad weather continued to affect the country's already extremely poor economic situation. A livestock ban by Saudi Arabia continued and seriously harmed an already devastated economy. The country's economic problems continued to cause severe unemployment and led to pockets of malnutrition in southern areas of the country.

The country's human rights record remained poor, and serious human rights abuses continued. Citizens' did not have the right to change their government because of the absence of an established central authority. Numerous civilians were killed in factional fighting, especially in Gedo, Bay, Bakol, Hiran, Lower Shabelle, Middle Shabelle, Middle Juba, Lower Juba, and in Mogadishu and Bosasso. Kidnaping remained a problem, particularly in Mogadishu where a number of Somali U.N. workers were kidnaped. Landmines resulted in several deaths. Prison conditions remained harsh and life threatening. Arbitrary arrest and detention remained problems. In most regions, the judicial system relied on some combination of traditional and customary justice, Shari'a (Islamic) law, and the pre-1991 Penal Code. Citizens' privacy rights were limited. There were restrictions on the freedoms of speech, press, assembly, association, religion, and movement. Violence and discrimination against women, including the nearly universal practice of female genital mutilation (FGM), continued. Abuse of children remained a problem. Abuse and discrimination against ethnic and religious minorities in the various clan regions persisted. There was no effective system for the protection of workers' rights, and there were isolated areas where local gunmen forced minority group members to work for them. Child labor and trafficking remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Political violence and banditry have been endemic since the 1991 revolt against Siad Barre. Since that time, tens of thousands of persons, mostly noncombatants, have died in interfactional and interclan fighting. The vast majority of killings throughout the year resulted from clashes between militias or unlawful militia activities; several occurred during land disputes, and a small number involved common criminal activity. The number of killings continued as a result of interclan and intraclan fighting between the following groups: The RRA and TNG; the TNG and warlord Muse Sudi in Mogadishu; warlord Hussein Aideed and the TNG; Abdullahi Yusuf's forces and those of Jama Ali Jama in Puntland; and the SRRC and Jubaland Alliance in Kismayu.

Security forces and police killed several persons; however, unlike in the previous year, there were no reports that they used lethal force to disperse demonstrators. For example, on June 22, TNG police killed Abdi Adam Jabey after he refused to pay a tax levy at Bakara market in Mogadishu. On September 22, 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 was taken in either case by the TNG authorities by year's end.

No action was taken against the responsible members of the security forces in the following 2001 cases: The February forcible dispersal of a demonstration in Bosasso by security forces and police who shot and killed 1 woman and injured 11 other persons; the August killing of a small child by Somaliland police; and the alleged August killing in Mogadishu of 2 young brothers by TNG police.

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.

In August 2001, Tanzanian police arrested three individuals who reportedly killed former Siad Barre army General Yusuf Tallan in 2000; they remained in custody in Tanzania at year's end.

Numerous deaths resulted from conflicts between security and police forces and militias during the year. For example, between May 24 and May 28, more than 60 persons were killed and hundreds injured in clashes between militia loyal to Mused Sudi and TNG forces. Hospital sources said most of the casualties were civilian noncombatants, including women and children, injured by indiscriminate fire.

There were no actions taken against those responsible for the killings that resulted from conflicts between security and police forces and militias in the following 2001 cases: The March killing in Mogadishu of 4 persons, including a deputy police inspector, during a gun battle between police and militia members; the May killing of more than 50 persons and the injuring of more than 100 during fighting between Somali National Alliance (SNA) militiamen and TNG security forces; the May killing of 13 persons in Libahel town during fighting between RRA militiamen and TNG forces; the June killing of 2 persons and the injuring of several others during fighting between TNG police and militiamen; the July killing of 4 persons during clashes between security forces belonging to Islamic Court Militia in Merka and clan militiamen from the area; and the August killing of at least 18 persons during fighting between a coalition of factions supported by the Government of Ethiopia and the TNG-supported Jubaland Alliance militia in the southern port city of Kismayu.

There was no action taken against the responsible members of militias in the following 2001 cases of killing of members and supporters of the TNG: The reported January attack by RRA militia members on a convoy of TNG officials in the Bakol region in which at least 9 persons were killed and a number of others were injured, and the February attack by troops from the Somali National Front (SNF) militia belonging to warlord Abdirizak Bihi on a TNG delegation in Garbaharre town in Gedo region during which 10 persons were killed.

Attacks against humanitarian and nongovernmental organization (NGO) workers resulted in at least one death during the year. In February gunmen killed Veren Karer, a Swiss national funded by a Swiss NGO who was running a primary school and clinic. TNG police arrested several men who were suspects. The killing was apparently related to an employment dispute and was not politically motivated. Police killed one of the suspects, possibly while he was resisting arrest; the other suspects were released for lack of evidence. On October 19, armed men attacked a Medecines Sans Frontieres (MSF) clinic in Adan Yabal in Middle Shabelle. One patient was killed and two persons were injured. MSF suspended operations after the attack. No action was taken against those responsible by year's end.

There were no actions taken by year's end against the militiamen loyal to warlord Osman Atto who in July 2001 ambushed a World Food Programme (WFP) relief convoy near Mogadishu that killed six persons.

Militia attacks resulted in deaths during the year. For example, on January 11, Garah Mohammed Said Gom'ad, a prominent businessman, reportedly was killed by forces of Abdullahi Yusuf in a deliberate attack. Yusuf's militia reportedly stopped his car and shot him. On August 17, Abdullahi Yusuf's bodyguards killed Sultan Ahmed Mohamoud Mohammed, a UK citizen, after respective convoys of Yusuf and Mohammed passed each other on the road approximately 2 miles south of the Puntland town of Garowe. Yusuf claimed the death was accidental and that his men only were trying to stop Mohammed to question him and fired to get the attention of the convoy. Witnesses claimed that the killing was intentional. According to the press reports, Mohammed was targeted by Yusuf for arrest as a religious extremist. No action was taken against those responsible by year's end.

No action was taken in the following 2001 cases of militia attacks that resulted in deaths: The February killing of one person during renewed border clan warfare between Somaliland and Puntland; the June killing of at least three persons in Mogadishu by armed militiamen; the June killing of five persons by unidentified heavily armed militiamen who shot at a passenger bus in

Mahadday area of Lower Shabelle region; the June killing of seven persons by militiamen who fired into a minibus in Mogadishu; and the August killing by Abdullahi Yusuf's militia of four men who attempted to stop them at a roadblock while retreating to Garowe from Bosasso.

Conflicts between rival militias resulted in deaths during the year. For example, on May 30, four persons were killed and seven injured in a clash between subclan militiamen loyal to Mohammed Dere and those loyal to Dahir Dayah, TNG Interior Minister in Mir Tuug village in Middle Shabelle; on June 18, 20 more persons were killed in a clash between Dere and Dayah militiamen. On August 2, forces loyal to Abdullahi Yusuf captured Gardo from Jama Ali Jama's forces, and more than 120 persons were killed and 100 others injured. No action was taken against those responsible by year's end.

No action was taken against the militia members responsible for any 2001 cases of killing.

Fighting within militia groups resulted in numerous deaths during the year. For example, on June 1 and 2, more than 10 persons were killed and 40 injured after fighting broke out between Marehan and Haber Gedir Ayr clans that form most of the Juba Valley Alliance (JVA) coalition. No action was taken against those responsible by year's end.

No action was taken against the militia members responsible for the February 2001 killing at the Balligdogle airstrip of four persons when they began to fight among themselves.

Mining of roads occurred primarily in Gedo region where Marehan factions of the SNF fought during the year and in Middle Shabelle where warlord Mohamed Dere was involved in intraclan warfare.

Landmine explosions caused several deaths and injuries during the year (see Section 1.c.). On January 30, a vehicle hit a landmine about 90 miles from Mogadishu on the road to Baidoa killing two persons and injuring three.

Unknown assailants killed persons during the year. For example, on April 28, gunmen killed Dr. Dahir Sheikh Ahmed, a well-known radiologist at Mogadishu's Mount Sinai Hospital. The apparent motive was robbery. On May 3, near Johwar, unidentified gunmen attacked a passenger bus, killing six persons and injuring six others. No action was taken against those responsible by year's end.

No action was taken against the unknown assailants responsible for the following 2001 cases: The February killing of a bystander during an attack on the Mogadishu police chief in Mogadishu; the February killing of three children in Mogadishu while returning from Koranic school; the March killing of 10 men in Jowhar in retaliation for the killing of a young girl; and the March killing of four persons at the police station in Qardho after complaining about police harassment.

Interclan fighting resulted in numerous deaths during the year. For example, on January 29, more than 40 persons were killed and 60 injured in interclan fighting in Mudug region of central Somalia. In April interclan fighting in Bula Hawa, across the border from Mandera, Kenya, resulted in numerous deaths and injuries. Approximately 7,000 refugees fled to Kenya; most returned after fighting subsided. In early October in Galkacyo, an interclan clash between Majerten and Haber Gedir resulted in 13 deaths and more than 20 injured. On December 25, at least 4 students were killed and 15 injured—all between the ages of 16 and 19—when gunmen opened fire on a school bus in Mogadishu, apparently because one clan thought the bus belonged to another clan. No action was taken in any of these incidents by year's end.

There was no action taken against those responsible for the following killings due to interclan fighting in 2001: The March killing of 6 persons in Hawl Wadag; the March killing of 40 persons during Marehan intraclan fighting; and the May killing of 7 persons in a clash between the Galjecel and Rahanweyn clans over camel rustling in Burhakaba.

There was no action taken against those responsible for the February 2001 killing of 3 persons and the burning of 13 villages in Jowhar during a land dispute.

Unlike in the previous year, there were no reports during the year that Ethiopian troops participated in fighting and killed persons.

There no further developments in the January 2001 report that Ethiopian soldiers killed 5 persons after they fired shots into a group of demonstrators in the south-west or the September 2000 reported killing of 2 persons by 30 Ethiopian soldiers during an alleged attack on Haji Salah village in Somaliland.

b. Disappearance

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 continued to be reports of kidnappings of NGO workers during the year. For example, on February 28, a Somali UNICEF employee in Mogadishu was kidnapped; he was released several days later after TNG, U.N., and elders' pressure. On April 28, a Somali U.N. Development Program (UNDP) employee in Mogadishu was kidnapped; he was released on May 25. On August 5, a Somali Foreign Agricultural Organization employee in Mogadishu was kidnapped; he was released on August 10.

There were numerous kidnappings by militia groups and armed assailants who demanded ransom for hostages. For example, on February 9, gunmen in Mogadishu abducted a Djiboutian citizen serving as a bodyguard to then TNG Foreign Minister Ismael Hurre. A ransom was demanded; however, it was unclear whether this was an act of extortion or an attempt to undermine the TNG. The hostage escaped 2 months later. In early August off the coast of Puntland, militia members loyal to Abdullahi Yusuf hijacked a Greek-owned North Korean-registered oil tanker and asked for \$600,000 in ransom. Yusuf intervened and the ship was released. The amount of ransom paid, if any, was unknown.

Between Sept 20 and 24, approximately 10 ethnic Arabs were kidnapped. The motive for the kidnappings and whether they have been released were unknown by year's end.

In late September, approximately 100 Ethiopian soldiers abducted 12 elders who were negotiating a ceasefire between subclans in Galgudud region. The reason for abduction was unknown; however, the elders subsequently were released.

There were no investigations or action taken against the perpetrators of kidnappings that occurred during the year, in 2001, or in 2000.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Transitional National Charter, adopted in 2000 but still not implemented by year's end, prohibits torture, and the Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law;" however, there were some reports of the use of torture by the Puntland and Somaliland administrations and by warring militiamen against each other or against civilians. Observers believed that many incidents of torture were not reported.

Security forces, police, and militias also injured persons during the year. Acts of violence, including several killings, continued against supporters or members of the TNG (see Section 1.a.).

In July 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 domestic human rights group Dr. Ismael Jumale Human Rights Centre (DIJHRC) protested, and the sentence was under review at year's end.

In their annual report the DIJHRC reported that during the year there were 32 rape cases in Mogadishu, largely committed by militia members.

There were reports of numerous rapes of Somali women and girls in refugee camps in Kenya during the year. The majority of the rapes were perpetrated by Somali bandits who crossed over the border; a small number of the rapes were committed by Kenyan security forces and police. The U.N. High Commissioner for Refugees (UNHCR) documented more than 100 reported cases between February and August but estimated that the actual number was likely 10 times greater. The aid agency CARE estimated that approximately 40 women were raped every month in 4 refugee camps; other reports indicated that 10 percent of Somali women in the camps have been raped. The rapes usually followed looting attacks by bandits and occurred when women and girls left the camps to herd goats or collect firewood or at night when bandits enter the refugee camps. The victims ranged in age from 4 to 50 years of age, and many of the rapes reportedly resulted in pregnancies.

Unlike in the previous year, there were no reports that security forces killed and injured persons while forcibly dispersing demonstrations.

There were several attacks on humanitarian and NGO workers by militia and other groups, which resulted in deaths and injuries (see Section 1.a.).

There was at least one report of an attack with explosives during the year. In February two persons were injured seriously when unknown persons threw a grenade into the residence of TNG Prime Minister Hassan Abshir Farah.

There were no investigations or action taken against the perpetrators of numerous attacks with explosives in 2001.

No action reportedly was taken against TNG, Somaliland, and Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2001 or 2000.

Landmine explosions killed and injured persons during the year (see Section 1.a.).

Although reliable statistics were not available, a large number of persons were killed and injured as a result of interfactional and interclan fighting (see Section 1.a.).

Prison conditions remained harsh and life threatening. For example, Hareryale, a prison established between north and south Mogadishu, reportedly held hundreds of prisoners, including children. Conditions at Hareryale were described as overcrowded and poor. Similar conditions exist at Shirkhole prison, a prison in south Mogadishu, and at a north Mogadishu prison for Abgel clan prisoners run by warlord Musa Sudi. In September 2001, the U.N. Secretary General's Independent Expert on Human Rights, Dr. Ghanim Alnajar, visited prisons in Hargeisa and Mogadishu. Alnajar reported that conditions had not improved in the 3 years since his last visit.

Overcrowding, poor sanitary conditions, a lack of access to adequate health care, and an absence of education and vocational training characterized prisons throughout the country. Tuberculosis was widespread. Abuse by guards reportedly was 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. Ethnic minorities made up a disproportionately large percentage of the prison population.

Pretrial detainees and political prisoners were held separately from convicted prisoners. According to an international observer, men and women were housed separately in the Puntland prison in Bosasso; this was the case in other prisons as well. Juveniles frequently were housed with adults in prisons. A major problem continued to be the incarceration of juveniles at the request of families who wanted their children disciplined. The juveniles were held without charge, and they frequently spent long periods of incarceration with adults.

The Puntland Administration permitted prison visits by independent monitors. Somaliland authorities permitted prison visits by independent monitors, and such visits occurred during the year. The

DIJHRC visited prisons in Mogadishu during the year.

d. Arbitrary Arrest, Detention, or Exile

In the absence of constitutional or other legal protections, various factions continued to engage in arbitrary detention.

On September 15, Abdillahi Yusuf's Puntland authorities arrested a group of Muslim preachers, both foreign and local, who were on their way to Hargeisa to attend a religious gathering. They were released several days later.

In early August, 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 U.N. Independent Expert on Human Rights.

On August 27, Puntland forces raided the office of Ocean Training Promotion, a Bosasso NGO, removed equipment, and arrested seven officials. The officials were released 1 day later.

There were reports that authorities in Somaliland, Puntland, and in areas of the south detained local or foreign journalists (see Section 2.a.).

It was unknown whether persons detained in 2001 and 2000 were released during the year.

None of the factions used forced exile.

e. Denial of Fair Public Trial

There was no national judicial system.

The Transitional Charter, adopted in 2000, 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 year's end. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most regions relied on some combination of traditional and customary law, Shari'a, the Penal Code of the pre-1991 Siad Barre Government, or some elements of the three. For example, in Bosasso and Afmadow, criminals were turned over to the families of their victims, who then exacted blood compensation in keeping with local tradition. Under the system of customary justice, clans often held entire opposing clans or subclans responsible for alleged violations by individuals.

There were two functioning Shari'a-based entities--a new one in the Daynile area and one in the Beledweyne area; however, both largely acted as administrative units not courts.

In 2000 Somaliland adopted a new Constitution based on democratic principles but continued to use the pre-1991 Penal Code. 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.

The Puntland Charter has been suspended since the infighting between Abdullahi Yusuf and Jama Ali Jama. The Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The Puntland Charter also provided for a Supreme Court, courts of appeal, and courts of first reference. In Puntland 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.

The Transitional Charter provides for the right to be represented by an attorney. The right to representation by an attorney and the right to appeal did not exist in those areas that apply

traditional and customary judicial practices or Shari'a. These rights more often were respected in regions that continued to apply the former government's Penal Code, such as Somaliland and Puntland.

There was no investigation or action taken against the more than 50 gunmen responsible for the January 2001 attack on an Islamic court in Mogadishu during which 48 prisoners were released and the premises looted;.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Transitional Charter provides for the sanctity of private property and privacy; however, looting and forced entry into private property continued in Mogadishu, although on a smaller scale than in previous years. The Puntland Charter and the Somaliland Constitution recognize the right to private property; however, the authorities generally did not respect this right.

Unlike in the previous year, there were no reports that militia members confiscated persons' possessions as punishment during extortion attempts.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Transitional Charter provides for freedom of speech and the press; however, the charter still was not implemented by year's end, and there were incidents of harassment, arrest, and detention of journalists in all areas of the country, including Puntland and Somaliland. The Puntland Charter provides for freedom of the press "as long as they respect the law;" however, this right was not respected in practice. The Somaliland Constitution also provides for freedom of the press; however, this right was restricted in practice.

In September the Transitional National Assembly (TNA) passed a Press Bill that requires all media to register with the Minister of Information and imposes penalties for false reporting. Critics alleged that if enforced the law would give the TNG powers of censorship; however, there were no reports that the law was enforced by year's end.

Unlike in the previous year, journalists were not banned from covering proceedings of the TNA.

In January TNG police arrested a newspaper reporter allegedly for reporting inaccurately on parliamentary proceedings. He was released 2 days later.

The print media consisted largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally were independent and were critical of the faction leaders.

Somaliland has two daily newspapers, one government daily, and one independent. There also was an English language weekly newspaper. The Government tolerated criticism by journalists during the year.

On March 17 in Somaliland, the editor-in-chief of the local daily Al-Jamhuriya newspaper was arrested for publishing an article that claimed that members of the House of Elders were bribed to extend the President's term for another year. He was released several days later.

In late August, a reporter for the Hargeisa-based Wartire newspaper was arrested for writing an allegedly false article that Somaliland had entered into a secret agreement to give land to Djibouti. He was released 3 days later at the request of the visiting U.N. Independent Expert on Human Rights.

The majority of the country's citizens obtained news from foreign news broadcasts, primarily the British Broadcasting Corporation (BBC), which transmitted a daily Somali-language program. The major faction leaders in Mogadishu, as well as the authorities of the self-declared Republic of Somaliland, operated small radio stations. The TNG recently began operating an FM station. In April 2001, a new radio station, funded by local businesses, began operating in the southern part of the country.

On May 22, after retaking power in Puntland, Yusuf's administration closed the privately owned Somali Broadcasting Corporation's (SBC) radio and television facilities in Bosasso, probably because the SBC had favored Yusuf's rival Jama Ali Jama.

In June Somaliland authorities banned all private radio stations; however, it subsequently permitted a BBC-funded FM station to broadcast. Government-run Hargeisa radio continued to broadcast.

On August 16, Puntland authorities prohibited two BBC correspondents from filing reports with the BBC.

Unlike in the previous year, several telephone companies and Internet providers operated and provided service throughout the country during the year.

There were restrictions on academic freedom; academics operated under restrictions similar to those imposed on members of the media. There was no organized higher education system in most of the country. There were two universities in Mogadishu and two in Somaliland.

b. Freedom of Peaceful Assembly and Association

There is no mention of freedom of peaceful assembly in the Transitional Charter, nor is there legal protection for freedom of assembly, and although citizens were free to assemble in public, the lack of security effectively limited this right in many parts of the country. The ban on demonstrations continued; however, demonstrations occurred throughout the country during the year. On a number of occasions during the year, women demonstrated for peace in Puntland despite the ongoing factional fighting.

Unlike in the previous year, there were no reports that the authorities in Somaliland, Puntland, and the south forcibly dispersed demonstrations or used excessive force, which resulted in deaths.

The Puntland Charter provides for freedom of association; however, the Puntland Administration banned all political parties. The Somaliland Constitution provides for freedom of association. In a referendum in May 2001, Somaliland voters approved legislation governing the formation of political parties. The law limits 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, was responsible for considering applications. The law provides that approved parties that win 20 percent of the vote in the next Somaliland elections would be allowed to operate.

Professional groups and local NGOs operated as security conditions permit.

c. Freedom of Religion

There was no national constitution and no legal provision for the protection of religious freedom, and there were some limits on religious freedom.

The Transitional Charter establishes Islam as the national religion. Some local administrations, including the Republic of Somaliland and Puntland, have made Islam the official religion in their regions.

Local tradition and past law make it a crime to proselytize for any religion except Islam. Proselytizing for any religion except Islam is prohibited by law in Puntland and Somaliland and

effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operated without interference, as long as they refrained from proselytizing. In early March, three Christian Ethiopian nationals were arrested in Hargeisa allegedly for proselytizing. A search of their home uncovered Bibles and tapes on Christianity. They were deported to Ethiopia.

In Puntland Abdallahi Yusuf decreed that only Shafi'iyyah, a moderate Islamic doctrine followed by most Somalis, would be allowed in Puntland. Several days later, Puntland security forces entered several mosques in Bosasso to compel compliance.

Under the regulations in Somaliland, religious schools and places of worship were required to obtain the Ministry of Religion's permission to operate. The Ministry must approve entry visas for religious groups, and certain unspecified doctrines were prohibited. In Puntland religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. There was strong social pressure to respect Islamic traditions. Organized Islamist groups whose goal was the establishment of an Islamic state included Al-Islah, which openly operated primarily in Mogadishu, and Al-Itihaad, which during the mid-1990's organized and operated training camps, continued to have adherents throughout the country but did not appear to have a central structure during the year. There was a continued influx of foreign Muslim teachers into the country to teach in private Koranic schools; 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.

There was a small, low-profile Christian community. Christians, as well as other non-Muslims who proclaimed their religion sometimes faced societal harassment.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Transitional Charter and the Puntland Charter provide for freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints manned by militiamen loyal to one clan or faction inhibited passage by other groups. In the absence of a recognized national government, most citizens did not have the documents needed for international travel.

On April 2, a TNG minister was detained in Hargeisa and 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.

In 2001 in the Qoryoley district, militia members reportedly created checkpoints along the river where residents obtained water and charged them to take water from the river. The militia members also reportedly charged money from persons who were going into or out of the town. Persons who refused to comply with the extortion attempts reportedly were punished by having their belongings taken or were killed by militia members.

There are approximately 300,000 IDPs in the country, representing approximately 4 percent of the population. The majority of IDPs in the country reportedly lived in old schools and former government buildings.

As security conditions continued to improve in many parts of the country, refugees and IDPs returned to their homes. During the year, 50,216 Somali refugees 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. The U.N. Independent Expert on Human Right 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 U.N. authorities have taken responsibility for the camps.

Despite the relative stability in many parts of the country, many citizens continued to flee to neighboring countries, often for economic reasons. Most migrants left from the northeast and traveled via boat to Yemen. There were reports that hundreds of such migrants drowned in accidents at sea during the year.

The U.N. estimated that approximately 305,000 Somalis were living as refugees in neighboring countries, including approximately 139,000 in Kenya at year's end, a decrease from more than 400,000 at the height of the humanitarian crisis in 1992. There were approximately 60-70,000 Somali refugees in Ethiopia and 23,872 Somali refugees in Djibouti at year's end.

As there was no functioning central government, there was no policy of first asylum, nor were there any laws with provisions for the granting of asylum or refugee status. A small number of Ethiopian refugees remained in the country, mostly in the northeast near Bosasso. The authorities in Somaliland have cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees.

In October 2001, approximately 106 Tanzanian refugees arrived in Mogadishu from Kenya. Some of the refugees were living in an open yard at the Hamar School at year's end, and some of the refugees returned to Tanzania. Also in October 2001, a second group of approximately 93 Tanzanian refugees arrived in Mogadishu; the group moved to another location until the TNG's National Refugee Agency was able to renovate abandoned buildings in the city for their use.

There were numerous reports of rapes of Somali women and girls in refugee camps in Kenya (see Section 1.c.).

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In the absence of a fully functioning national government, citizens cannot exercise the right to change their government. In most regions, local clan leaders function as de facto rulers. Although many such groups derived their authority from the traditional deference given clan elders, most faced opposition of varying strength from clan groups and political factions.

With the fall of the Barre regime in 1991, fighting among rival faction leaders resulted in the killing, displacement, and starvation of thousands of persons and led the U.N. to intervene militarily in 1992. Following the U.N. intervention, periodic attempts at national reconciliation were made, but they did not succeed.

In 2000 in Arta, Djibouti, more than 900 delegates representing all clans and a wide spectrum of Somali society were selected for a "Conference for National Peace and Reconciliation in Somalia." The Conference adopted a charter for a 3-year Transitional National Administration and selected a 245-member Transitional Assembly, which included 24 members of Somali minority groups and 25 women. The assembly elected Abdiqassim Salad Hassan as Transitional President. Ali Khalif Gallayr was named Prime Minister, and he appointed the 25-member Cabinet. In October 2001, the TNA passed a vote of no confidence in the TNG, and Gallayr was dismissed as Prime Minister. In November 2001, Abdiqassim appointed Hassan Abshir Farah as the new Prime Minister.

The Transitional Charter, adopted in 2000, but still not implemented by year's end, provides for universal suffrage. Both of the Puntland and Somaliland administrations provided for universal suffrage.

In the Republic of Somaliland, a clan conference led to a peace accord in 1997 that demobilized militia groups, established a constitution and bicameral parliament with proportional clan representation, and elected a president and vice president from a slate of candidates. The Hargeisa

authorities have established functioning administrative institutions in virtually all of the territory they claim, which equaled the boundaries of the Somaliland state that achieved international recognition in 1960. Nine new political parties were formed in Somaliland during the year. In May 2001, a referendum was held with 97 percent of voters supporting Somaliland independence; voters also ratified the political party legislation approved in 2000 by Parliament. Parliamentary and presidential elections were scheduled for January 2003. President Egal died in May; however, there was a peaceful transition, and Vice-President Dahir was sworn in as President.

In 1998 Puntland was established as a regional government during a consultative conference with delegates from six regions, including traditional community elders, the leadership of political organizations, members of legislative assemblies, regional administrators, and civil society representatives. Representatives of Puntland-based subclans chose Abdullahi Yusuf as President. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which played a largely consultative role. Political parties were banned in Puntland. Regional elections in Puntland were held during 2001; however, President Yusuf refused to step down, and Chief Justice Nur assumed powers as interim president. In November 2001, elders elected Jama Ali Jama as the new President of Puntland, and he assumed power in Garowe. Yusuf refused to accept the decision, and, in December 2001, he militarily seized Garowe, reportedly with Ethiopian support, which forced Jama to flee to Bosasso. In May Abdullahi Yusuf, who claimed that Jama was elected president illegally, occupied Bosasso by force and declared himself President of Puntland.

The Somaliland and Puntland administrations do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders.

Somaliland and Puntland continued to contest the Sanaag and Sol regions and the Buhodle district during the year. Both governments sent administrators to the Sanaag and Sol regions, and both governments exerted influence in various communities. In December the Somaliland president traveled to Las Anod in Sool to assert Somaliland authority. A battle with Puntland forces took place and several persons were killed.

On October 15, a reconciliation conference in Eldoret, Kenya, that brought together political and military leaders, as well as civil society representatives, from throughout Somalia with the exception of Somaliland, which refused to attend. The conference was ongoing at year's end.

No women held prominent senior public positions; however, several women were important behind-the-scenes figures in the various factions. There were 5 female members of the 69-seat Puntland Council of Elders. In the TNA there were 25 women in the 245-seat Assembly.

Minorities were allocated 25 seats in the TNA.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several local human rights groups were active during the year, including the Mogadishu-based DIJHRC, Isha Baidoa Human Rights Organization in Bay and Bakol regions, and the Hargeisa-based Horn of Africa Human Rights Watch Committee (Horn Watch). The DIJHRC investigated the continuing causes of conflict in the Mogadishu area, conducted effective human rights monitoring, protested the treatment of prisoners before the Islamic Shari'a courts, and organized periodic demonstrations for peace. The Horn of Africa Human Rights Watch Committee monitored human rights in Somaliland. Women's NGOs also played an important role in galvanizing support in the country for the Djibouti process.

In August, with funding from foreign embassy in Kenya, the DIJHRC and Horn Watch sponsored a human rights training workshop in Hargeisa attended by more than 25 human rights activists from throughout the country. A seven-member advocacy committee was established.

NGOs and aid agencies operated freely throughout the country, except in Puntland. After resuming power in Puntland in May, Abdullahi Yusuf refused access to the U.N., EU, and NGO agencies

claiming many of their employees had sided with his rival Jama Ali Jama.

Numerous international organizations operated in the country during the year, including the Red Cross, CARE, Save the Children, and various demining agencies such as the Halo Trust. The TNG and Somaliland authorities permitted visits by U.N. human rights representatives during the year. Sporadic security problems complicated the work of some local and international organizations, especially in the south. There were reported incidents of harassment against NGOs, resulting in at least one death and some injuries (see Sections 1.a., 1.b., and 1.c.). Several attacks on NGOs disrupted flights and food distribution during the year. For example, on September 2, local militia that were hired to guard U.N. vehicles opened fire on the plane carrying U.N. Resident and Humanitarian Coordinator while it was on the ground in Garbaharrey in Gedo region. No one was injured and the plane was not hit, but the U.N. temporarily closed Gedo to U.N. flights and international staff.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Transitional Charter, adopted in 2000 but not implemented by year's end, contains provisions that prohibit discrimination on the basis of sex and national origin; however, societal discrimination and violence against women and widespread abuse of children continued to be serious problems. The Somaliland Constitution also contains provisions that prohibit discrimination on the basis of sex and national origin; however, these rights were not respected in practice.

Women

Domestic violence against women existed. Women suffered disproportionately in the civil war and in the strife that followed. There was no information available on the prevalence of domestic violence in the country. There were no laws that specifically address domestic violence; however, both Shari'a and customary law address the resolution of family disputes (see Section 1.e.). Rape commonly was practiced in interclan conflicts. There was a reported marked increase in the number of rapes in Mogadishu, most perpetrated by militia members. Laws prohibiting rape exist; however, they generally were not enforced. There were no laws against spousal rape. A few rapes were prosecuted during the year. There were reports of numerous rapes of Somali women and girls in refugee camps in Kenya during the year (see Section 1.g.).

FGM was a near-universal practice. Estimates placed the percentage of women who have undergone FGM at 98 percent. The majority of women were subjected to infibulation, the most harmful form of FGM. In Somaliland FGM remained illegal under the Penal Code; however, the law was not enforced. In Puntland legislation banned FGM in northeastern areas of the country; however, in practice the law was not enforced strictly. U.N. agencies and NGOs have made intensive efforts to educate persons about the danger of FGM; however, no reliable statistics were available on the success of their programs.

Trafficking in women for the purposes of sexual exploitation continued to be a problem (see Section 6.f.).

Women were subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny was permitted, but polyandry was not. Under laws issued by the former government, female children could inherit property, but only half of the amount to which their brothers were entitled. Similarly according to the Shari'a and Somali tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family than if the victim were a man.

Several women's groups in Mogadishu, Hargeisa (Somaliland), Bosasso (Puntland), and Merka (Lower Shabelle) actively promoted equal rights for women and advocated the inclusion of women in responsible government positions. During the year, the local NGO "Save Somali Women and Children" held a workshop in Mogadishu to discuss human rights and Shari'a.

Children

Children remained among the chief victims of the continuing violence. Boys as young as 14 or 15 years of age have participated in militia attacks, and many youths were members of the marauding gangs known as "morian," "parasites," or "maggots." Even in areas with relative security, the lack of resources has limited the opportunity for children to attend school. Approximately 10 to 20 percent of the school-age population attended school; more boys than girls were enrolled in school. There were three secondary schools in Somaliland and more than three secondary schools in Mogadishu; however, only 10 percent of those few children who entered primary school graduated from secondary school. Parents generally paid fees for their children's education. Schools at all levels lacked textbooks, laboratory equipment, and running water. Teachers were trained poorly and paid poorly. The literacy rate was estimated at 25 percent throughout the country; however, reliable statistics did not exist. There was a continued influx of foreign Muslim teachers into the country to teach in private Koranic schools. These schools were inexpensive and provide basic education; 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.

During August and September, the U.N. Independent Expert on Human Rights visited Bosasso, Puntland, and Hargeisa, Somaliland. He reported that children were recruited as soldiers in Puntland and that many juveniles were incarcerated with adults by their parents for disciplinary problems (see Section 1.c.).

Medical care was rudimentary, and only a small percentage of children had access to adequate medical facilities.

There was no information available on the prevalence of child abuse in the country.

There were reports of numerous rapes of Somali girls in refugee camps in Kenya during the year (see Section 1.c.).

FGM was performed on approximately 98 percent of girls (see Section 5, Women).

Trafficking in children for forced labor reportedly was a problem (see Section 6.f.).

Persons With Disabilities

In the absence of a functioning state, the needs of persons with disabilities were not addressed. There were several local NGOs in Somaliland that provided services for persons with disabilities.

National/Racial/Ethnic Minorities

More than 80 percent of citizens shared a common ethnic heritage, religion, and nomadic-influenced culture. In most areas, members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumal, Yibir, Yaxar, Madhiban, Hawrarsame, and Faqayaqub. Inter-marriage between these groups and mainstream clans was restricted. These groups had limited access to whatever social services were available, including health and education. Members of minority groups continued to be subjected to killings, harassment, intimidation, and abuse by armed gunmen of all affiliations.

Section 6 Worker Rights

a. The Right of Association

The 1990 Constitution provided workers with the right to form unions, but the civil war and factional fighting negated this provision and broke up the single labor confederation, the then government-

controlled General Federation of Somali Trade Unions. In view of the extent of the country's political and economic breakdown and the lack of legal enforcement mechanisms, trade unions did not function freely.

The Transitional Charter, the Puntland Charter, and the Somaliland Constitution established the right of freedom of association, but no unions or employer organizations existed.

b. The Right to Organize and Bargain Collectively

Wages and work requirements in the traditional culture were established largely by ad hoc bartering, based on supply, demand, and the influence of the worker's clan.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The pre-1991 Penal Code prohibited forced or bonded labor, including by children; however, local clan militias generally forced members of minority groups to work on banana plantations without compensation. There are reports that in Middle and Lower Juba, including the port of Kismayu, Bantus were used as forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment

The pre-1991 Labor Code prohibited child labor; however, there were reports that child labor occurred, and that there were child soldiers (see Section 5). Formal employment of children was rare, but youths commonly were employed in herding, agriculture, and household labor from an early age. Substantial numbers of children worked. In 1999 it was reported that 42 percent of children between the ages of 5 and 14 years worked; however, the percentage of children engaged in labor was believed to be higher than 42 percent during the year. The lack of educational opportunities and severely depressed economic conditions contributed to child labor.

e. Acceptable Conditions of Work

There was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year.

f. Trafficking in Persons

The pre-1991 Penal Code prohibited trafficking; however, there were reports of trafficking during the year. 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. The number of women being trafficked from the country appeared to be small.

Trafficking in children for forced labor was a serious problem. There were reports of an increase in the smuggling of children out of the country to relatives and friends in western countries where they worked or collected welfare and sent money back to family members in the country.

¹The United States does not have diplomatic representation in Somalia. This report draws in part on non-U.S. Government sources.

