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Key Issues.

[Arms Control.](#)
[International Justice.](#)
[Displaced People.](#)
[Stop Violence Against Women.](#)
[Death Penalty.](#)

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Africa : **Somalia**

SOMALIA

Head of state of Transitional Federal Government: Abdullahi Yusuf Ahmed

Head of government of Transitional Federal Government: Ali Mohamed Gedi

Head of Somaliland Republic: Dahir Riyaale Kahin

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention and its Optional Protocol: not signed

Overview - Covering events from January - December 2005

[Background](#) : [Somaliland](#) : [UN arms embargo](#) : [Justice and rule of law](#) : [Journalists](#) : [Human rights defenders](#) : [Women's rights](#) : [Minority rights](#) : [Refugees and internally displaced people](#) : [Death penalty](#)

Thousands of civilians escaping human rights abuses fled the country or were displaced. There was no rule of law in the south. Journalists were arrested and human rights defenders threatened in several areas. Violence against women was widespread. In Somaliland, there were arbitrary detentions and unfair political trials and reports of torture. A 16-year-old girl imprisoned for espionage was released.

Background

Transitional Federal Government

In January, the Kenya-based Transitional Federal Parliament approved the appointment of a cabinet of ministers and assistant ministers by the Prime Minister, who had been appointed by the President of the Transitional Federal Government (TFG) in November 2004. The five-year TFG and other federal institutions were not, however, functional in Somalia by the end of 2005. This was the result of an internal division between, on the one hand, President Abdullahi Yusuf Ahmed and his associated clan-based factions, who mostly relocated from



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 (AI Index: AFR 52/001)

[All documents on Som](#)

Kenya to Jowhar town in central Somalia, and, on the other hand, faction leaders who had returned to their base in the capital, Mogadishu. Open fighting between the two groupings was narrowly averted. The UN Secretary-General called again in October for a comprehensive ceasefire agreement.

An African Union peace-support force, proposed in 2004 at the conclusion of a two-year peace and reconciliation conference in Kenya, was not deployed for security reasons, and there was very little demobilization of faction militias as required by the Transitional Federal Charter (the interim Constitution).

There were continuing periodic outbursts of faction fighting and clan-militia violence in most of the central and southern regions. Police General Yusuf Ahmed Sarinle was assassinated in Mogadishu in January, apparently for supporting the TFG. Generally, humanitarian access was severely impeded, humanitarian supplies were often looted, and employees of UN agencies and international aid organizations were at risk of being killed or kidnapped for ransom.

Several warlords and others who were alleged to have committed war crimes, crimes against humanity or gross human rights violations, either under the pre-1991 Siad Barre government or during the subsequent civil wars, were appointed as ministers in the TFG or to other federal posts and continued to benefit from impunity.

The international community suspended commencement of reconstruction aid to Somalia until the TFG was united and functional, although the UN and World Bank began a joint needs assessment. A humanitarian emergency affected up to a million people in need of urgent assistance.

Somaliland

The self-declared Somaliland Republic in the north-west continued to press its demand for international recognition after 14 years of de facto independence. It remained the only part of the former Somali Republic to have a government and functioning administration. Its dispute with neighbouring Puntland over the contested Sool and Sanaag border regions remained unresolved, but 36 "prisoners of war" on both sides who had been captured in 2004 were exchanged in December.

Parliamentary elections were held in September. President Dahir Riyaale Kahin's ruling United Democratic People's Party gained 33 seats, while the opposition Unity (Kulmiye) and Justice and Welfare parties gained 28 and 21 seats respectively.

UN arms embargo

In October the UN Security Council condemned increasingly serious violations of its 1992 international arms embargo on Somalia. The report by a panel of experts identified violations by the governments of Ethiopia and Yemen and a third unnamed government, and also by certain Somali warlords and businesspeople in the fishing, charcoal and drugs industries. The monitoring group's report expressed concern that these illegal flows of small weapons to the TFG and opposition factions contributed to general insecurity and problems in establishing the transitional government.

Justice and rule of law

There was no rule of law or justice system in the central and southern regions of Somalia, apart from a number of Islamic (Sharia) courts, which did not follow recognized international standards of fair trial.

- In September, Jama Aden Dheere, a pro-TFG faction-leader, was detained in Jowhar for political reasons and allegedly ill-treated.

In Somaliland there were cases of unfair political trials and detention without trial.

- In January, Zamzam Ahmed Dualeh, aged 16, was pardoned and allowed to return home to Puntland under the care of the UN Independent Expert on human rights in Somalia. She had been convicted in 2004 of espionage and sentenced to five years' imprisonment after a grossly unfair trial. The Somaliland authorities continued to reject her allegations of rape and torture by police officers.
- In September, dozens of people, including Muslim teachers, were arrested after a shoot-out between an armed group and police. They were accused of being part of an Islamist group linked to al-Qa'ida who were allegedly planning to attack government officials and foreigners. They were detained without charge or trial at the end of the year. Some were allegedly tortured.

- Twenty-nine elders of the Ogaden clan from Ethiopia who had been detained in November 2003 and convicted of armed conspiracy as alleged members of the Ogaden National Liberation Front (ONLF), which was in conflict with the Ethiopian government, were acquitted on appeal by the Supreme Court in 2005. However, they remained in detention in poor health in Hargeisa prison where two died in late 2005.

Journalists

Several journalists in Somalia (including Puntland) and also in Somaliland were threatened or detained, and two were killed. In August at a conference on Freedom and Rights of Journalists held in Mogadishu, despite death threats to the organizers, a National Union of Somali Journalists was established.

- A *British Broadcasting Corporation* (BBC) journalist, Kate Peyton, was assassinated in Mogadishu in February.
- In February, *HornAfrik* radio station in Mogadishu was bombed and a *HornAfrik* journalist, Duniya Muhyadin Nur, was killed by faction militias at a roadblock in June.
- In Puntland, Abdi Farah Nur, editor of the *Shacab* newspaper which had been banned by the Puntland authorities, was briefly detained in June in Garowe, his third arrest in the year.

Human rights defenders

Despite death threats, Somali human rights organizations continued to monitor and report on human rights violations, and to campaign for better protection of human rights, including the establishment of an independent National Human Rights Commission for Somalia, and similar human rights commissions in Somaliland and Puntland. Somaliland human rights defenders criticized prison conditions in Hargeisa, Berbera and Burao.

- A prominent peace activist, Abdulqadir Yahya Ali, director of the Centre for Research and Dialogue, was assassinated in Mogadishu in July by unidentified assailants.

The UN Independent Expert on human rights in Somalia reiterated concerns about human rights violations and welcomed the increasingly visible role played by civil society in promoting human rights.

Women's rights

Several women's rights organizations were active in reconciliation, militia disarmament, child rights protection and development initiatives. Women's organizations, including in Somaliland, also campaigned against violence against women, including female genital mutilation, rape – especially of internally displaced women – and domestic violence. There was deep concern that women's representation in Somalia's Transitional Federal Parliament fell short of an agreed quota of 12 per cent of seats.

Minority rights

Members of minorities continued to be subjected to social discrimination and abuses, including murder and rape, by clan members acting with impunity. Minority rights issues were debated publicly and minorities were allocated 31 seats in the Transitional Federal Parliament.

In Somaliland in May, dozens of minority rights activists and supporters were briefly detained at a demonstration in Hargeisa at the trial of a police officer, who was given a prison sentence for killing Khadar Aden Osman of the Gaboye minority.

Refugees and internally displaced people

Refugees continued to flee from faction-fighting, kidnappings, threats to human rights defenders and other human rights abuses. Conditions of 400,000 people in internal displacement camps were extremely poor. There were scores of deaths at sea of people trying to reach Yemen from Puntland in trafficking operations.

Death penalty

Eight men, including one tried in his absence, were sentenced to death in Somaliland in November for the murders of two British aid workers in 2003 and a Kenyan aid worker in 2004. They were alleged to be members of a group linked to al-Qa'ida. Their appeals were pending at the end of the year.

[Back to Top](#)

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