

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1029
Land:	Somalia
Kilde:	Jubilee Campaign
Titel:	Submission to the United Nations Human Rights Committee regarding the Federal Republic of Somalia for the 138th Session, 26 June - 28 July 2023
Udgivet:	maj 2023
Optaget på baggrundsmaterialet:	14. august 2023



**Jubilee Campaign
ECOSOC Special Consultative Status (2003)**

**Submission to the United Nations Human Rights Committee regarding the
Federal Republic of Somalia
For the 138th Session
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STATES PARTIES REPORTS**

Submission by
Jubilee Campaign

Jubilee Campaign is a non-governmental organization in consultative status with the Economic and Social Council since 2003. Our work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children - to protect them from bodily harm and exploitation.

I. Introduction

Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Federal Republic of Somalia as a contribution to the Consideration of State Party Reports in advance of the Human Rights Committee's 138th Session in June and July 2023.

II. International Covenant on Civil and Political Rights¹ - Articles Relevant to Present Submission

Article 6(1)

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

The Human Rights Committee in its General Comment No. 36 (2019)² further elaborates:

20. States parties must enact a protective legal framework that includes effective criminal prohibitions on all manifestations of violence or incitement of violence that are likely to result in deprivation of life, such as intentional and negligent homicide, unnecessary or disproportionate use of firearms, infanticide, "honour" killings, lynching, violent hate crimes, blood feuds, ritual killings, death threats and terrorist attacks. The criminal sanctions attached to these crimes must be commensurate with their gravity, while remaining compatible with all the provisions of the Covenant.

21. The duty to take positive measures to protect the right to life derives from the general duty to ensure the rights recognized in the Covenant, which is articulated in article 2 (1) when read in conjunction with article 6, as well as from the specific duty to protect the right to life by law, which is articulated in the second sentence of article 6. States parties are thus under a due diligence obligation to take reasonable, positive measures that do not impose disproportionate burdens on them in response to reasonably foreseeable threats to life originating from private persons and entities whose conduct is not attributable to the State. Hence, States parties are obligated to take adequate preventive measures in order to protect individuals against reasonable foreseen threats of being murdered or killed by criminals and organized crime or militia groups, including armed or terrorist groups

23. The duty to protect the right to life requires States parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. Such persons include [...] victims of domestic and gender-based violence [...] members of ethnic and religious minorities [...] States parties must respond urgently and effectively in order to protect individuals who find themselves under a specific threat, by adopting special measures such as the assignment of around-the-clock police protection, the issuance of protection and restraining orders against potential aggressors and, in exceptional cases, and only with the free and informed consent of the threatened individual, protective custody.

¹ UN General Assembly, [International Covenant on Civil and Political Rights](#), 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

² UN Human Rights Committee, *General Comment No. 36*, [CCPR/C/GC/36](#), 3 September 2019.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

The Human Rights Committee in its General Comment No. 20 (1992)³ further elaborates:

1. The aim of the provisions of article 7 of the International Covenant on Civil and Political Rights is to protect both the dignity and physical and mental integrity of the individual. It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7, whether inflicted by people acting in their official capacity, outside their official capacity, or in a private capacity.

4. The Covenant does not contain any definition of the concepts covered by article 7, nor does the Committee consider it necessary to draw up a list of prohibited acts or to establish sharp distinctions between the different kinds of punishment or treatment; the distinctions depend on the nature, purpose and severity of the treatment applied.

The Committee on the Elimination of All Forms of Discrimination against Women in its General Recommendation 19 (1992)⁴, states the following:

7. Gender-based violence, which impairs or nullifies the enjoyment of by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of the Convention. These rights and freedoms include: [...] (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;

Article 18

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

The Human Rights Committee in its General Comment No. 22 (1993)⁵ further elaborates:

³ UN Human Rights Committee, *General Comment No. 20*, [HRI/GEN/1/Rev.9 \(Vol. II\)](#), 10 March 1992.

⁴ UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), [General Recommendation No. 19: Violence against women](#), 1992.

⁵ UN Human Rights Committee, *General Comment No. 22*, [CCPR/C/21/Rev.1/Add.4](#), 30 July 1993.

The measures contemplated by article 20, paragraph 2 of the Covenant constitute important safeguards against infringement of the rights of religious minorities and of other religious groups to exercise the rights guaranteed by articles 18 and 27, and against acts of violence or persecution directed towards those groups. The Committee wishes to be informed of measures taken by States Parties concerned to protect the practices of all religions or beliefs from infringement and to protect their followers from discrimination.

Article 19 (1; 2)

Everyone shall have the right to hold opinions without interference.

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The Human Rights Committee in its General Comment No. 34 (2011)⁶ further elaborates:

48. Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant. Thus, for instance, it would be impermissible for any such laws to discriminate in favour or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for any such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.

III. Freedom of thought, conscience, and religion; Freedom from arbitrary deprivation of life

The 2012 Constitution of Somalia⁷ in Article 2 asserts that “(1) Islam is the religion of the State”; that “(2) no religion other than Islam can be propagated in the country”; and that “(3) no law which is not compliant with the general principles of Shari’ah can be enacted”. Article 3 further doubles down on this provision, stating that Somalia “is based on the foundations of the Holy Quran and the Sunna of our prophet Mohamed (PBUH) and protects the higher objectives of Shari’ah and social justice”. Article 17 of the Constitution is misleading as it guarantees that “every person is free to practise his or her religion” but then it immediately reneges on a core component of religious freedom, stating that “no religion other than Islam can be propagated” in the nation. Article 18 of the International Covenant on Civil and Political Rights explicitly identifies the right of individuals to share their faith and beliefs with others.

Article 313 of Part IV of the 1962 Penal Code of Somalia stipulates a two-year prison term for any individual who “publicly brings the religion of Islam [1 Const.] into contempt”. The same punishment is prescribed to any individual who “publicly insults the religion of Islam [1 Const.] by bringing into contempt persons professing it or places or objects dedicated to worship”. The Penal Code does not include any provision prohibiting religious conversion or evangelism, but such activities are considered unacceptable according to the 2012 Constitution.⁸

In its report *Killing in the Name of God: State-Sanctioned Violations of Religious Freedom*, Monash University observes the following:

⁶ UN Human Rights Committee, *General Comment No. 34*, [CCPR/C/GC/34](#), 12 September 2011.

⁷ Constitute Project, [Somalia's Constitution of 2012](#).

⁸ [Somalia: Penal Code](#), 3 April 1964.

“The Provisional Federal Constitution of Somalia provides that the Shari’a is ‘the supreme law of the country’, trumping the Constitution itself (Article 4(1)). The Constitution also recognizes xeer (customary or traditional law). It is unclear how the Shari’a and xeer are to be reconciled with the Constitution and Penal Code [...] Accordingly, it is widely accepted that apostasy may, under either the Shari’a or xeer, be punishable by death.”⁹

The report additionally recognizes that within Somalia, there are multiple “self-declared independent jurisdictions (though not internationally recognised as such)” - Somaliland, Puntland, Galmadug, Hirshabelle, Jubaland, and South West, all of which have their own penal codes. “However, the existence of Federal and State laws is not indicative of their effective implementation: Somalia is controlled by various forces, many of which do not adhere to administer the laws ostensibly in force in the respective jurisdictions.” The constitution of the Federal Member State Somaliland adopts the federal constitution’s identification of Islam as the state religion and prohibition of evangelism. Also similar to its national counterpart, neither Somaliland’s constitution nor penal code explicitly prohibits religious conversion but instead dictates that all of the state’s laws must align with the Shari’a which does unequivocally forbid conversion away from Islam and stipulate the death penalty for such transgression. The constitution of Puntland “prohibits any law or culture that contravenes Islam, and demonstrations contrary to Islam” without explanation of what activities fall under that category. The remaining four identified Federal Member States uphold constitutions that similarly formally recognize Islam as the state religion and require legislation to comply with Shari’a provisions.¹⁰

Acts of religiously motivated intolerance and violence by state- and non-state actors

In May 2022, Somaliland authorities on separate dates arrested two Christian convert women, 21-year-old Hanna Abdirahman Abdimalik and 27-year-old Hoodo Abdi Abdillahi. Hanna’s ‘crimes’, in addition to her religious conversion, included “sharing her faith through a Christian Facebook group”, and it has been reported that authorities confiscated her cross necklace and interrogated her without the presence of a defense attorney. The police offered to release Hanna if she identified the person who encouraged her to convert to Christianity or otherwise returned to Islam herself, but she refused. The charges filed against Hanna in June 2022 include “crimes against the religion of the state”, and she was sentenced to five years’ imprisonment in Hargeisa where she has been prohibited from observing her faith. Less is known about Hoodo’s case except that she was sentenced to seven years’ imprisonment and has been detained since October 2022 in Gebiley.¹¹

In January 2021, Somaliland authorities arrested four Christian converts, including married couple Mohamed and Hamdi, their newborn baby, and an Ethiopian woman named Aster. The day after their initial detention, their homes were searched and any religious items were confiscated for investigation, and another Christian woman who resided with the couple was arrested. Three months later in April, Mohamed and Hamdi were charged with “offenses against the state religion” (blasphemy), apostasy, proselytism/evangelism, and “inciting others to disobey laws relating to public order”. There were no updates regarding what charges await Aster and the other detained Somali Christian woman.¹²

⁹ C. Alexander, M. Sato, N. Hosen, & J. McLaren, [Killing in the Name of God: State-Sanctioned Violations of Religious Freedom](#), Elios Justice & Monash University, 2021.

¹⁰ *Ibid.*

¹¹ Agnes Aineah, [“Catholic Charity Calls for Release of Somali Women Detained for Converting to Christianity”](#), *Aciafrica*, 10 May 2023.

¹² Barnabas Aid, [“Six Somaliland Christian Converts Charged With Offenses Against Islam”](#), 12 April 2021.

In October 2020, a group of 13 Muslim boys in Dhobley physically assaulted the seven-year-old son of an unnamed Christian convert who had for years been experiencing persecution and castigation for his acceptance of Christianity in 2012 which caused him to have to relocate his entire family - a wife and five children - multiple times between locations in Somalia and Kenya. The man reported that his son suffered injuries to his face, hands, and genitalia, as well as blood loss which required his recovery in hospital. He also explained that “it is not possible to get justice in this part of Somalia where almost everyone is a Muslim. We are being hunted down like wild animals because of putting our faith in /ssa [Jesus]. [...] This incident traumatized us as a family, which led to high blood pressure for my wife. I am sure that I will overcome all these persecutions with the help from Christ.”¹³

In September 2020, Somaliland police spokesperson Colonel Faisal Hiis Elmi informed the public that authorities had “arrested two apostates who had become preachers of Christianity”. The detention of the Christian evangelist couple, parents of three children, has heightened concern about potential future similar arrests. Colonel Elmi continued his incendiary remarks:

“[The Christians have been] trying to deceive and convince locals to quit their Islamic religion. Immediately the law enforcement officers started an investigation, and now it is complete. These guys have been doing this for a while. But we were waiting for evidence... Let this be a warning to those trying to mislead the public. Anyone who dares to spread Christianity in this region could be arrested [...] the spread of Christianity won't be allowed and is considered blasphemy.”¹⁴

Since March 2020, former professor of humanities and social sciences at the University of Hargeisa, Mahmoud Jama Ahmed, has been living in exile with his family in an undisclosed third country after being imprisoned and persecuted for his comments on religion. Mahmoud in March 2019 the following remarks on his Facebook profile: “1. If prayers are answered by God, why does every year drought happen to us? 2. Why do western countries get rain without praying, do they make ‘artificial rains’?” Immediately upon his posting such statements, he was accused of blasphemy and began receiving death threats. While in pre-trial detention which lasted for 40 days, Mahmoud was interrogated, physically assaulted, and threatened with violence and death if he did not return to Islam. The following month, a court sentenced Mahmoud to 2.5 years in prison; however, when the prosecution team requested that his sentence be increased to the death penalty, the appellate court upheld his original prison sentence. Mahmoud spent approximately ten months in jail before he was presidentially pardoned contingent upon his expulsion from his teaching position at university and a promise on his part to discontinue his “clerical activity”. Following Mahmoud’s release from prison, he faced persistent threats to his life and his family by a local imam who deemed him an apostate worthy of death. Under tremendous fear, Mahmoud and his family escaped Somalia and resettled in a safer country where they have remained since.¹⁵

In August 2019, the Muslim husband of an unnamed Christian convert woman beat her in front of the couple’s two young children before commenting *‘talaq’*, which nullifies marriages. The woman also explained that her husband “gave me a stern warning that I should not come close to the children, and that if I do, he will take the Bible to the Islamic court and I will be killed by stoning for becoming an apostate”. She additionally reported being subjected to violence at the hands of her brothers, including physical assault and forced starvation.¹⁶

¹³ Morning Star News, [“Muslim Boys in Somalia Beat Christian’s 7-Year-Old Son”](#), 30 October 2020.

¹⁴ Somaliland Sun, [“Somaliland: Christians Fear More Persecutions after Couple Detained For Evangelism”](#), 17 October 2020.

¹⁵ Humanists International, [Mahmoud Jama Ahmed](#), last updated 15 March 2022.

¹⁶ Morning Star News, [“Christian Mother in Somalia Divorced, Beaten”](#), 16 August 2019.

In August 2017, authorities closed the singular remaining Catholic church in Somalia after its temporary opening was met with backlash by the Muslim community. Then Minister for Religious Affairs, Sheikh Khalil, responded by stating “We have decided to respect the wishes of the people and their religious leaders and keep the church closed as it has been for the past 30 years”.¹⁷

In May 2017, The Voice of the Martyrs shared the story of Christian convert woman Amara. Originally a Muslim residing in rural Somalia, Amara and her elder brother were sent by their family to live with their uncle in an urban area. After Amara relocated, she learned that her uncle’s neighbors were Christians. “I’d always been taught that [...] the evil we see on TV and movies is because they are Christians. When I met my new neighbors, they were different. They called themselves Christians, but weren’t drunkards, adulterers or immoral like I was taught”. Amara began to spend more time with the Christian family and learned about God and the Bible. Amara slowly began to accept more and more principles of Christianity and even recieved her own Bible which she had to read secretly, as if her new faith was disclosed “I will be killed. I won’t have a life. I won’t be married. I will be without a family”. Amara’s uncle and brother were incensed over her disillusionment with Islam and the Quran, calling her an infidel and physically assaulting her. Amara escaped and returned to her home community, but after facing additional abuse and coercion to return to Islam, she moved to a new home in the city where she accepted Christianity, married a Christian man, and subsequently relocated to Kenya. After Kenyan authorities briefly detained the husband Jeremiah, the couple and their young children moved to a safe house provided by Voice for the Martyrs, and they now offer theological classes to Somali Christian woman refugees.¹⁸

Al-Shabaab

Somalia, due to widespread political instability, is the base of the dangerously proliferous Salafi-jihadist militant group Al-Shabaab which originally started in the early 2000s as a more radical faction consisting of younger members of militant group al-Ittihad al-Islami (“Unity of Islam”) who wished to establish Islamic fundamentalist rule across the entirety of “Greater Somalia” by collaborating with the sharia-based Islamic Courts Union (ICU). Following the invasion of Ethiopia and subsequent dissolution of the ICU, al-Shabaab members began to practice more extremist terror tactics such as bombings and assassinations. Though intervention by member states of the African Union (AU) served to decrease al-Shabaab insurgency in urban and highly populated areas, they have regained power in much of central and southern Somalia and permissibility among civilians by providing better services to the people than the legitimate government. To this day, al-Shabaab commits acts of terror against nationals and foreigners who do not ascribe to their Islamist nationalist cause and alternatively align with other religious identities - including primarily Christianity - and western values. They have also expanded their heinous activities to neighboring Ethiopia and Kenya.¹⁹

(a) Domestic activities of al-Shabaab

2023	May: Al-Shabaab militants detonated multiple explosives and engaged in artillery fire in Bulamarer outside of an African Union Transition Mission in Somalia (ATMIS) base which had been the station for thousands of peacekeepers. Casualty statistics have yet to be reported.²⁰
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¹⁷ Tonny Onyulo, “[Christian workers in Somalia worship in secret, fear al-Shabaab](#)”, *Religion News Service*, 7 January 2019.
¹⁸ The Voice of the Martyrs, “[Somali Christian Flees Family, Serves Other Muslim Converts](#)”, 1 May 2017.
¹⁹ Claire Klobucista, Jonathan Masters, & Mohammed Aly Sergie, *Al-Shabaab*, last updated 6 December 2022.
²⁰ Al Jazeera, “[Al-Shabaab attacks AU peacekeeper mission base in Somalia](#)”, 26 May 2023.

	• <i>February:</i> Al-Shabaab militants ambushed a residential building in Mogadishu and shot indiscriminately at civilians; one militant detonated his suicide bomb. 10 individuals were killed.²¹ • <i>January:</i> One day after the Somali government claimed a “historic victory” against Islamist terrorism,, armed al-Shabaab militants ambushed a military base in a town just north of Mogadishu and detonated a bomb outside of the barracks. The number of casualties is unclear, with the lowest estimate being 5 and the highest being 10.²² • <i>January:</i> Al-Shabaab militants detonated a bomb on the side of a road near a government building in Buloburde City. Five civilians were killed on site and three succumbed to their wounds and died in the hospital. The bombing additionally damaged civilian structures and a local mosque.²³ • <i>January:</i> Al-Shabaab detonated two car bombs in Hiraan province, killing an entire family of nine and an additional 26 civilians. The targets were a local member of parliament and the district commissioner, though both were fortunately unharmed.²⁴ • <i>January:</i> Al-Shabaab attacked the village of Hilowle Gaab, which they had just recently been evicted from due to military counterterrorism efforts. Three bombs were detonated, and the number of casualties remains unclear.²⁵
2022	• <i>November:</i> An Al-Shabaab suicide bomber detonated just outside of a military training camp in Mogadishu, killing five and injuring eleven.²⁶ • <i>October:</i> Al-Shabaab launched two car bombs outside of the ministry of education building in Mogadishu which killed numerous children and elderly civilians located in the market area near the bombing.²⁷ The total tally is 121 casualties and 300 wounded. • <i>October:</i> Al-Shabaab drove a vehicle loaded with explosives into a hotel in Kismayo before entering the building and detonating another explosive, this one being attached to a suicide bomber. Nine civilians were killed and another 47 wounded.²⁸ • <i>October:</i> Al-Shabaab vehicles loaded with explosives drove into a government building in Hiran, killing 20 and wounding 36.²⁹ • <i>September:</i> Al-Shabaab attacked Baladweyne, central Somalia, by bombing multiple trucks carrying civilians and transporting relief food supplies.³⁰ • <i>August:</i> Al-Shabaab seized a hotel in Mogadishu for 30 hours, exchanging gunfire and bombings with the police. 21 individuals, including civilians, were killed and another 120 were injured.³¹ • <i>July:</i> South West State Minister of Justice, Hassan Ibrahim Lugbur, and his son were killed in a bomb attack upon a mosque in Baidoa.³²

²¹ Andalou Agency, [“10 killed, several injured in al-Shabaab terrorist attack on residential building in Somalia’s capital”](#), 22 February 2023.

²² Voice of America, [“Al-Shabaab Launches Deadly Attack on Somali Military Base”](#), 17 January 2023.

²³ World Is One News, [“Somalia: Eight killed in roadside bombing, Al-Shabaab claims responsibility”](#), 15 January 2023.

²⁴ BBC News, [“Somalia car bombs: Family of nine killed in Hiraan attack”](#), 4 January 2023.

²⁵ Al Jazeera, [“Armed fighters kill six during village raid in Somalia”](#), 6 January 2023.

²⁶ Omar Faruk, [“5 killed in attack at Somali military training camp”](#), *Associated Press*, 6 November 2022.

²⁷ Amnesty International, [“Somalia: Al-Shabaab must urgently stop carrying out attacks against civilians”](#), 31 October 2022.

²⁸ International Christian Concern, [“Al-Shabaab Kills Nine People in Another Hotel Attack”](#), 24 October 2022.

²⁹ Omar Faruk, [“Al-Shabaab attack kills 20, wounds 36 in town in Somalia”](#), *Associated Press*, 3 October 2022.

³⁰ International Christian Concern, [“18 Killed in Bloody Al-Shabaab Attack”](#), 5 September 2022.

³¹ International Christian Concern, [“21 Killed in Latest Attack by Al-Shabaab”](#), 29 August 2022.

³² CGTN Africa, [“Regional judicial official killed in mosque bombing in Somalia”](#), 29 July 2022.

	• <i>May</i>: Al-Shabaab drove a vehicle loaded with explosives into a military base for the African Union Transition Mission in Somalia (ATMIS) in El-Baraf, killing multiple Burundian peacekeepers.³³ • <i>May</i>: Al-Shabaab killed four in a suicide bomb mission near the Mogadishu airport.³⁴ • <i>April</i>: An al-Shabaab suicide bomber killed six civilians outside a coastal restaurant in Mogadishu, where a group of local Muslims gathered to share an Iftar meal, marking the end of Ramadan.³⁵ • <i>March</i>: An al-Shabaab suicide bomb upon a polling station in Beledweyne killed 48, predominantly civilians, and a female legislator campaigning for reelection. Two other attacks on the same day killed former legislator Hassan Dhuhul, countless more civilians, and a traditional elder.³⁶ • <i>March</i>: Al-Shabaab militants masqueraded as employees engaged in gunfire at Mogadishu's Aden Abdulle International Airport, targeting "a compound [within the facility] that is home to several diplomatic missions".³⁷ • <i>February</i>: A suicide bomber self-detonated at El Gaab junction in Mogadishu, killing six and injuring 13 others who were transported to hospital for treatment. It has not been confirmed whether the perpetrator was affiliated with al-Shabaab but previous similar attacks by the group indicate the likelihood.³⁸ • <i>February</i>: Al-Shabaab attacked police checkpoints just outside of Mogadishu, killing five and injuring 16.³⁹ • <i>February</i>: An al-Shabaab suicide bomber killed 15 civilians during lunch hour at a restaurant in Hiran.⁴⁰ • <i>January</i>: An al-Shabaab suicide bomber killed four and wounded 10 outside of a teashop in Mogadishu which was frequently patroned by Somali military recruits.⁴¹ • <i>January</i>: Al-Shabaab militants detonated a car bomb outside of Aden Abdulle International Airport in Mogadishu, killing eight and wounding nine.⁴²
2021	• <i>November</i>: Al-Shabaab detonated a car bomb outside of a school building in Mogadishu, killing eight civilians and injuring 17 others, some of which were children and students of the school.⁴³ • <i>September</i>: Al-Shabaab detonated a car bomb at a security checkpoint located near the presidential palace in Mogadishu, killing eight people including a soldier and a mother with her two children. One casualty was a woman human rights advisor for the prime minister.⁴⁴ • <i>September</i>: A suicide bomber associated with al-Shabaab killed eleven people after detonating in a tea shop in Mogadishu.⁴⁵

³³ Omar Faruk, "[Somalia's al-Shabaab rebels attack African Union base](#)", *Associated Press*, 3 May 2022.

³⁴ Omar Faruk, "[Police: 4 killed in Somalia blast ahead of presidential vote](#)", *Associated Press*, 11 May 2022.

³⁵ Omar Faruk, "[Somalia's extremists bomb restaurant in the capital; 6 dead](#)", *Associated Press*, 23 April 2022.

³⁶ Omar Faruk, "[Somali female lawmaker among scores killed by suicide bomber](#)", *Associated Press*, 24 March 2022.

³⁷ Omar Faruk, "[Al-Shabaab gunmen attack airport in Somalia's capital](#)", *Associated Press*, 23 March 2023.

³⁸ Xinhua, "[Six killed in suicide bombing in Somalia](#)", 10 February 2022.

³⁹ Associated Press, "[Somalia says al-Shabaab attack kills 5 outside capital](#)", 16 February 2022.

⁴⁰ Omar Faruk, "[Blast at busy restaurant kills 15, wounds 20 in Somali city](#)", *Associated Press*, 19 February 2022.

⁴¹ Hassan Barise, "[Al-Shabaab claims deadly bombing near Somali military camp](#)", 18 January 2022.

⁴² Hassan Barise, "[Car bomb hits outside Mogadishu airport in Somalia: 8 killed](#)", *Associated Press*, 12 January 2022.

⁴³ Times of Israel, "[8 killed in bombing in Somali capital claimed by Al-Shabaab](#)", 25 November 2021.

⁴⁴ Al Jazeera, "[Suicide bomber kills at least eight in Somali capital](#)", 25 September 2021.

⁴⁵ Karen Faulkner, "[Al-Shabaab Suicide Bomber Kills 11 in Somalia; Christians in Danger](#)", *Worthy News*, 21 September 2021.

	• <i>August:</i> An al-Shabaab suicide bomber detonated in a Mogadishu coffeeshop, killing two Somali security forces and wounding five civilians.⁴⁶ • <i>July:</i> An al-Shabaab militant driving a vehicle laden with explosives intentionally crashed into a car transporting Somali police chief Farhan Mohamud. Mohamud survived, but there were five casualties and nine wounded.⁴⁷ • <i>April:</i> Al-Shabaab militants detonated bombs outside of two military bases near Mogadishu before bombing a military convoy. An undisclosed number of Somali troops perished.⁴⁸ • <i>March:</i> Al-Shabab launched mortars targeting the bases of the United Nations and African Union peacekeeping missions in Mogadishu, killing three civilians including a father and an infant child.⁴⁹ • <i>January:</i> An al-Shabaab militant riding a motorcycle detonated near a Turkish military base, killing five people, including two Turkish nationals.⁵⁰
2020	• <i>November:</i> An al-Shabaab suicide bomber detonated inside a Mogadishu restaurant, killing at least five and injuring no fewer than ten.⁵¹ • <i>September:</i> Al-Shabaab fired mortars loaded with bombs outside of a military base near Kismayu, killing three Somali special forces and injuring one American officer. The militant group released disputing claims that they had killed four American military officials, 16 Somali troops, and wounded an additional twelve.⁵² • <i>September:</i> A suicide car bombing near the presidential palace and the Blue Sky restaurant in Mogadishu killed three individuals and wounded seven others.⁵³ • <i>September:</i> An al-Shabaab suicide bomber detonated outside of Qaadim Mosque in Kismayo while people were exiting after attending Friday prayers. The militant group has stated that their primary target was a local politician. Six people were killed and twenty were injured.⁵⁴ • <i>September:</i> It was reported that a violent clash broke out between al-Shabaab militants and self-defending villagers of Shabeelow village, killing dozens of individuals on both sides.⁵⁵ • <i>August:</i> Al-Shabaab militants detonated a car bomb outside of a hotel in Mogadishu before storming the building and shooting indiscriminately. Seven people died and another 20 were wounded as a result of the attack.⁵⁶ • <i>August:</i> An al-Shabaab suicide bomber attacked a military base in Mogadishu, killing eight and wounding 14.⁵⁷ • <i>July:</i> An al-Shabaab suicide bomber targeted a Somali military vehicle convoy, killing one civilian.⁵⁸ • <i>June:</i> Al-Shabaab detonated bombs outside of a Turkish military base in Mogadishu, killing two.⁵⁹

⁴⁶ Al Jazeera, ["At least two killed in Mogadishu suicide attack"](#), 19 August 2021.

⁴⁷ Al Jazeera, ["Mogadishu police chief survives al-Shabaab attack, several killed"](#), 10 July 2021.

⁴⁸ Al Jazeera, ["Al-Shabaab fighters attack two Somali National Army bases"](#), 3 April 2021.

⁴⁹ Al Jazeera, ["Somali capital hit by deadly mortar attack"](#), 25 March 2021.

⁵⁰ Al Jazeera, ["Several people killed in attack on Turkish company in Somalia"](#), 2 January 2021.

⁵¹ Al Jazeera, ["Five dead, many wounded in suicide bomb attack in Somalia"](#), 17 November 2020.

⁵² Al Jazeera, ["Somalia soldiers killed: US officer wounded in al-Shabaab"](#), 7 September 2020.

⁵³ Xinhua, ["3 killed in suicide bombing near Somalia's presidential palace"](#), 10 September 2020.

⁵⁴ Al Jazeera, ["Several killed in suicide bombing outside mosque in Somalia"](#), 11 September 2020.

⁵⁵ Al Jazeera, ["Dozens dead in central Somalia as villagers battle al-Shabaab"](#), 5 September 2020.

⁵⁶ Abdi Sheikh, ["At least seven dead after gunmen attack Mogadishu hotel"](#), *Reuters*, 16 August 2020.

⁵⁷ Al Jazeera, ["Eight soldiers killed by al-Shabaab suicide bomber in Mogadishu"](#), 8 August 2020.

⁵⁸ Al Jazeera, ["Somalia army chief survives suicide bombing in Mogadishu"](#), 13 July 2020.

⁵⁹ Al Jazeera, ["Al-Shabab claims suicide attack outside Turkish base in Somalia"](#), 23 June 2020.

	• <i>March</i>: An al-Shabaab suicide bomber ran towards a vehicle transporting governor Abdisalan Hassan Hersi, killing him.⁶⁰ • <i>February</i>: Al-Shabaab drove an explosive-laden vehicle into two Somali military bases, killing twelve.⁶¹ • <i>January</i>: Al-Shabaab militants drove a vehicle loaded with explosives into a building where Somali police officers and Turkish engineers were eating lunch. Four individuals were killed and another 15 wounded.⁶²
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In August 2021, an al-Shabaab militant court in Galgaduud sentenced 83-year-old man Hassan Tohow Fidow to death for allegedly committing blasphemy and insulting the Prophet. Upon delivering the sentence, the judge asserted that “anyone who insults the Prophet Muhammad or Allah will face a punishment of death”. Al-Shabaab militants then executed Hassan by firing squad near Elbur.⁶³

In April 2020, a spokesperson for al-Shabaab, Ali Dhere, in a voice recording claimed that contracting COVID-19 was a punishment “visited by Allah upon the disbelievers” and urged Somali Muslims to rejoice and brag about coronavirus’ “painful torment” of non-Muslims and harbor no sympathy for those who have contracted the disease. His message concluded with him calling on his followers and ordinary civilians to “join the war against the believers” and further the initiative to dismantle democracy and implement Islam in Somalia.⁶⁴

(b) Transnational activities of al-Shabaab and Somali nationals

Al-Shabaab has also been engaged in numerous transnational attacks, predominantly in Kenya, against Christian communities. Though these terror activities occur outside of the national territory, the majority of militant perpetrators are Somali nationals. Therefore, it falls within the purview of Somalia to combat terrorist activities and transnational crime committed by its nationals abroad. This accountability originates from both globally-accepted humanitarian standards as well as Somali’s obligation according to the ICCPR to protect the inalienable human right to freedom from arbitrary deprivation of life. Furthermore, the United Nations Office on Drugs and Crime in 2009 published responses to *Frequently Asked Questions on International Law Aspects of Countering Terrorism*⁶⁵, which makes the following observations:

“There are a number of bases on which national courts may establish jurisdiction over crimes of international concern, including terrorism. These are principally: [1] when the crimes were committed in the territory of the State or on board vessels flying the flag or aircraft registered in the State (territorial jurisdiction); [2] when the suspects are nationals of the State (active personality jurisdiction); [3] when the victims are nationals of the State (passive personality jurisdiction); [4] when the conduct amounts to a serious international crime such as crimes against humanity or war crimes (universal jurisdiction).”

⁶⁰ Al Jazeera, [“Somali governor killed in al-Shabaab suicide bomb attack”](#), 30 March 2020.

⁶¹ Al Jazeera, [“Somalia: Al-Shabab fighters attack military bases”](#), 19 February 2020.

⁶² Al Jazeera, [“Somalia: Turkish workers wounded in deadly al-Shabaab car bombing”](#), 18 January 2020.

⁶³ The Horn Observer, [“Al-Shabaab executes old Man for alleged Blasphemy”](#), 5 August 2021.

⁶⁴ Barnabas Aid, [“Al-Shabaab Call Muslims to Rejoice in “Punishment” of Covid-19 Infected Non-Muslims. as Virus Survey Highlights Somali Religious Divisions”](#), 28 April 2020.

⁶⁵ United Nations Office on Drugs and Crime [UNODC], [Frequently Asked Questions on International Law Aspects of Countering Terrorism](#), 2009.

“An effective counter-terrorism strategy designed to prevent terrorist attacks and to minimize the impact on human life and suffering in the event of an attack is a prerequisite of any State to fulfil its international human rights obligations.”

“Security Council resolution 1373 (2001), [] was adopted in the wake of the 11 September 2001 terrorist attacks and, inter alia, obliges all United Nations Member States, to take the necessary steps to prevent the commission of terrorist acts, [...] and to ‘afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings’”.

2022	• <i>October:</i> Somali al-Shabaab militants armed with AK-47 assault rifles ambushed two mosques in Madera, Kenya during worship services and called on Muslim worshippers to “join the fight” to establish Islamic rule and a Greater Somalia, stating that “[they] were at war with non-Muslims”.⁶⁶ • <i>January:</i> Suspected Somali nationals who are members of or affiliated with al-Shabaab joined with local Muslim extremists in Kenya’s Lamu County to kill six Kenyan Christians. Initially they ambushed a private home where three Christians - John Murimi, Peter Maingi, and Peter Musyoka - were praying and set the house on fire, killing the men inside. The assailants then visited the home of Christian man Joseph Mwangi Maina, criticizing him for refusing to be Muslim and for allegedly “propagating bad religion”, before shooting and killing him at point blank range. Joseph’s wife Joyce witnessed the murder and recalled that the perpetrators were speaking Somali and Kiswahili. The militants subsequently set fire to the home of and therefore killed Christian man Maina Jigi. Finally, the assailants took Christian agricultural salesman Francis Kubari - who they had abducted earlier in the day - back to his home where they locked him inside and burned the building to the ground.⁶⁷
2021	• <i>December:</i> A group of Somali Muslims physically assaulted an anonymous Somali-born pastor who had previously relocated to Kenya. They carried out their attack on the side of a road near Wajir shortly after the pastor had led a prayer service for 13 Somali Christian converts. The pastor had his leg fractured during the attack but survived. Recalling the incident, he reported that he had been receiving threatening text messages in the weeks earlier which warned: “We are getting reports that you are now a Christian. You have been missing our Friday prayer meeting[s]. If this is true, then you are risking your life”. The pastor is reluctant to press charges against his attackers, citing that “I know that if I report this case to the police, then the attackers can easily find a way of killing me and my family”. He is a father of three young children, 8 years old, 5 years old, and three years old, respectively.⁶⁸
2020	• <i>July:</i> A group of seven Somali-born Muslims in Isiolo, Kenya physically assaulted 21-year-old Christian woman Fozia, her 19-year-old sister Asha, and their 18-year-old brother Aden while the three were running an errand to fetch water. All three victims survived, and Fozia recalled that their assailants called them infidels and exclaimed “We know you do not belong to us. We have got hold of you today - we have no mercy on you people. You need to return to where you came from”. The younger sister Asha had two of her teeth broken from the assault and alongside her brother fetched a taxi to take the beaten-unconscious Fozia to the nearest hospital. Fozia presented local police with the medical examinations, and two suspects - Jarson and Musambir Adullai - were arraigned the following day. The victims’ mother stated that they have continued to receive threats should they continue with the legal process, but that “we demand compensation for my three ailing children and medication for them. Three weeks have now gone by, and my children are constantly on painkillers”. Fozia, Asha, and Aden’s older brother Hassan had previously been attacked by Somali Muslims in Kenya in both 2011 and 2016 as revenge for his and his family’s Christian faith.⁶⁹ • <i>January:</i> A group of Somali al-Shabaab militants attacked and killed three Christian teachers [identities and nationalities withheld] employed at a primary school in Kamuthe, northeast Kenya. The assailants attacked in the middle of the night, according to one survivor, and told the victims “We cannot allow infidels to teach our children.” The militants additionally

⁶⁶ Cyrus Ombati, [“Al shabaab raid mosques, lecture faithfuls in Madera”](#), The Star Kenya, 23 October 2022.

⁶⁷ Morning Star News, [“Muslim Extremists Kill Six Christians in Coastal Kenya”](#), 7 January 2022.

⁶⁸ Morning Star News, [“Ethnic Somali Muslims in Kenya Break Pastor’s Leg”](#), 23 December 2021.

⁶⁹ Morning Star News, [“Radical Muslims Beat 21-Year-Old Christian Woman Unconscious in Kenya”](#), 9 July 2020.

	abducted a fourth Christian teacher before retreating. Another survivor, a woman, lamented: "We are killed like wild animals. It is sad that when you are enjoying God's given sleep, merciless attackers decide to take the life of innocent teachers who are serving the community's children". ⁷⁰
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IV. Suggested questions for the Federal Republic of Somalia

1. We would like to reiterate the following request for information raised by the Committee in its List of Issues prior to submission of the initial report of Somalia⁷¹:

"16. In the light of the volatile situation and attacks carried out at several locations in the State party, please specify all measures taken to strengthen the protection of the civilian population against acts committed by Al-Shabaab, which have included: (a) killings and abductions; (b) the targeting of protected civilian objects; (c) the use of children in hostilities; (d) rape and other forms of sexual violence; and (e) torture or ill-treatment. Please describe all measures taken to ensure that all perpetrators of violations of human rights and international humanitarian law are held accountable for their actions and provide victims with appropriate and effective remedies."

2. Please provide information on steps taken to reevaluate the non-compliance of national legislation with obligations pursuant to international conventions and covenants. This includes Article 313 of Part IV of the Penal Code of Somalia, which stipulates imprisonment as a sanction for alleged blasphemy and therefore is in contravention of Article 19 of the present Covenant (see General Comment No. 34; para 48.). Furthermore, provide information on any steps taken, if any, to align national legislation with international humanitarian obligations, whether it be via repeal, amendment, revision, etc.
3. Please clarify what measures have been taken, if any, to eliminate the practice of unjustly arresting and sentencing individuals for their expressions of religious belief or non-belief, which contravenes both Article 18 and 19 of the present Covenant.
4. Please clarify what steps Somalia has taken in implementing a moratorium on the death penalty and restricting the death penalty to only the most serious crimes and ensuring the death penalty is not a sanction for apostasy. [During the Committee Against Torture consideration of Somalia's initial report the Government of Somalia said it was discussing implementing a moratorium on the death penalty]

⁷⁰ Morning Star News, ["Three Christian Teachers Killed in Northeast Kenya, Sources Say"](#), 14 January 2020.

⁷¹ UN Human Rights Committee, *List of issues prior to submission of the initial report of Somalia*, [CCPR/C/SOM/QPR/1](#), 5 May 2020.