

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	240
Land:	Somalia
Kilde:	British Home Office
Titel:	Country of Origin Information Report
Udgivet:	30. juli 2008
Optaget på baggrundsmaterialet:	15. september 2008



COUNTRY OF ORIGIN INFORMATION REPORT

SOMALIA

30 JULY 2008

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 4 July 2008. The 'Latest News' section contains further brief information on events and reports accessed from 4 July 2008 to 30 July 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UKBA as below.

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Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UK Border Agency's country of origin information material. The APCI welcomes all feedback on the UKBA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk
- xii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html
- xiii Please note: It is not the function of the APCI to endorse any UKBA material or procedures. Some of the material examined by the Panel relates to

countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information:

Email: apci@homeoffice.gsi.gov.uk

Website: www.apci.org.uk

Latest News

EVENTS IN SOMALIA, FROM 4 JULY 2008 TO 30 JULY 2008

- 30 July The BBC report announced that the Mayor of Mogadishu, Mohammed Dhere, has been sacked by the Prime Minister, Hussein Nur Adde, on the grounds of insubordination and adding to the city's insecurity. There are doubts as to whether President Yusef will support the removal of Dhere. Mogadishu is in a state of high tension.
BBC News, Hundreds of families displaced by fighting in Baidoa, 30 July 2008
<http://news.bbc.co.uk/1/hi/world/africa/7532674.stm>
- 25 July Fighting in Beletweyne, 350km north of Mogadishu, lead to insurgent forces taking the town from combined TFG / Ethiopian forces for over two days. 19 people were reported killed, there was fierce fighting over a bridge in the centre of the town, and most of the town's inhabitants were reported to have fled the town.
BBC News, Somalis flee town amid fighting, 25 July 2008
<http://news.bbc.co.uk/1/hi/world/africa/7525846.stm>
- 17 July Fierce fighting erupted in Mogadishu after insurgents attacked a TFG base.
BBC News, Fierce fighting in Somali capital, 17 July 2008
<http://news.bbc.co.uk/1/hi/world/africa/7512453.stm>
- 14 July After two fatal incidents in Mogadishu, international aid agencies considered suspending all operations in south and central Somalia and Mogadishu. Foreign aid workers have been targeted in recent months for kidnapping.
BBC News, Aid groups mull leaving Somalia, 14 July 2008
<http://news.bbc.co.uk/1/hi/world/africa/7505135.stm>
- 8 July The article has further details about the attacks in Biadoa.
IRIN News, Hundreds of families displaced by fighting in Baidoa, 9 July 2008
<http://www.irinnews.org/Report.aspx?ReportId=79143>
- 8 July "Insurgents in Somalia have launched a rocket and mortar attack on the southern town of Baidoa, seat of the transitional parliament. It was the first time Baidoa, the only town fully under government control, had been attacked since late 2006. A soldier was killed and six people wounded in the attack on the airport and presidential palace, witnesses say." The article continues that Al-Shabab have claimed responsibility.
BBC News, Somali government base attacked, 8 July 2008
<http://news.bbc.co.uk/1/hi/world/africa/7494904.stm>
- 6 July Osman Ali Ahmed, the head of the UN Development Programme in Somalia, was shot as he left a mosque in Bulohube district, south Mogadishu, and died of his injuries in hospital.
BBC News, Top UN official killed in Somalia, 6 July 2008
<http://news.bbc.co.uk/1/hi/world/africa/7492456.stm>

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REPORTS ON SOMALIA PUBLISHED OR ACCESSED SINCE 28 APRIL 2008

Freedom House

<http://www.freedomhouse.org/>

Freedom in the World, Annual Report 2008, Somalia

Reporters Without Borders, Somalia, Annual Report 2008

http://www.rsf.org/article.php3?id_article=25405

Date accessed 15 February 2008

International Crisis Group

<http://www.crisisgroup.org/>

"Will Djibouti Do the Trick?", 6 July 2008

An interview given by ICG's Daniela Kroslak on whether the peace conference arranged in Djibouti will be effective in reducing the current levels of violence in Somalia.

International Crisis Group, "Will Djibouti Do the Trick?",

Daniela Kroslak in Today's Zaman, 6 July 2008

<http://www.crisisgroup.org/home/index.cfm?id=5557&l=1>

Date accessed 11 July 2008

United States, Department of State,

<http://www.state.gov/>

Trafficking in persons report 2008, 4 June 2008

Under 'Special cases', Somalia is listed as a country of particular concern.

"Information regarding trafficking in Somalia remains extremely difficult to obtain or verify; however, the Somali territory is believed to be a source, transit, and destination country for trafficked men, women, and children."

US State Department, Trafficking in Persons Report 2008, 4 June 2008

<http://www.state.gov/g/tip/rls/tiprpt/2008/>

Date accessed 11 July 2008

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Background Information

GEOGRAPHY

- 1.01 As recorded in Europa Regional Surveys of the World online version, accessed 5 September 2007:

“The Somali Democratic Republic lies on the east coast of Africa, with Ethiopia to the north-west and Kenya to the west. There is a short frontier with Djibouti to the north-west...The national language is Somali, but Arabic is also in official use. English and Italian are widely spoken. The state religion is Islam, and the majority of Somalis are Sunni Muslims... Mogadishu is the capital.” [1a] (Location, Climate, Language, Religion, Flag, Capital)

- 1.02 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2007 noted that the population was 10.4m, and that the main towns were the capital Mogadishu, Hargeisa, Gaalka'yo, Kismayu, Bossaso [Bossaso, Bosaso], Laascaanood, Berbera, and Borama. [17a] (p3)

- 1.03 Somali society is characterised by membership of clan-families, which are sub-divided into clans, and many sub-clans; in addition there are a number of minority groups, many of which are also divided into sub-groups. The clan structure comprises the four major 'noble' clan-families of Darod, Hawiye, Isaaq and Dir. 'Noble' in this sense refers to the widespread Somali belief that members of the major clans are descended from a common Somali ancestor. Two further clans, the Digil and Mirifle (also collectively referred to as Rahanweyn), take an intermediate position between the main Somali clans and the minority groups. Large numbers of ethnic Somalis also live in neighbouring Ethiopia, Kenya and Djibouti. [7a] (p1-15)

For further information on geography, refer to Europa World online, source [1a].

MAP

1.04 Map of Somalia.



Further maps of Somalia are available from the following websites:

United Nations Cartographic Section,
<http://www.un.org/Depts/Cartographic/english/htmain.htm>

Date accessed 26 October 2006.

Reliefweb
<http://www.reliefweb.int/rw/rwb.nsf/doc404?OpenForm&rc=1&cc=som>

Date accessed 26 October 2006.

UN OCHA maps documenting flows of IDPS

Date accessed 1 July 2008.

Mogadishu Periphery – IDP settlements (25 April 2008) [47a]

<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1090291>

Date accessed 1 July 2008

Horn of Africa: Smuggling routes to Yemen (March 2008) [47b]

<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1090134>

Date accessed 1 July 2008

Food aid distributions (April-May 2008) [47c]

<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1090676>

Date accessed 1 July 2008

Health interventions in south and central (February 2008) [47d]

<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1086915>

Date accessed 1 July 2008

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ECONOMY

- 2.01 The CIA World Fact book, updated 19 June 2008, states that despite the lack of effective national governance, Somalia has "...maintained a healthy informal economy, largely based on livestock, remittance/money transfer companies, and telecommunications. Agriculture is the most important sector, with livestock normally accounting for about 40% of GDP and about 65% of export earnings. Nomads and semi-pastoralists, who are dependent upon livestock for their livelihood, make up a large portion of the population." [39a]

See [Drought and famine, 2008](#)

- 2.02 The CIA World Fact book, updated 19 June 2008, continues:
- "Livestock, hides, fish, charcoal, and bananas are Somalia's principal exports, while sugar, sorghum, corn, qat, and machined goods are the principal imports. Somalia's small industrial sector, based on the processing of agricultural products, has largely been looted and sold as scrap metal. Somalia's service sector also has grown. Telecommunication firms provide wireless services in most major cities and offer the lowest international call rates on the continent. In the absence of a formal banking sector, money exchange services have sprouted throughout the country, handling between \$500 million and \$1 billion in remittances annually. Mogadishu's main market offers a variety of goods from food to the newest electronic gadgets." [39a]
- 2.03 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2007, reported:
- "The economy has long been heavily dependent on livestock and agriculture. Stock rearing is practised throughout the country and accounted for about 40% of GDP [Gross Domestic Product] and 65% of export earnings in 2000, according to World Food Programme (WFP) estimates. Most of the farmland lies between the Jubba and Shabeelle rivers in the south of the country. The small manufacturing sector is based on the processing of agricultural products. In the south, the absence of a central government has meant that no economic data have been produced by national sources since 1990. In Somaliland, by contrast, the government collects tax and duties levied on trade." [17d] (p16)
- 2.04 The EIU in its 2007 profile added:
- "There is little formal economic policy beyond the collection of duties and tax. In southern Somalia, taxes are often levied by local warlords or clan leaders and used to pay militiamen. Some factions in the south have made attempts to manage various cities, in some cases using collected funds to restore schools and hospitals. Elsewhere, collection of taxes and duties is more like extortion by armed groups in the areas that they control." [17d] (p16)
- 2.05 The EIU in its 2007 profile added:
- "In Somaliland, duties levied at the port of Berbera generate an estimated 85% of government revenue, although these duties were depleted severely during the ban on livestock imports by Saudi Arabia and other Gulf states ...

Consequently, Somaliland's government revenue, which is mostly spent on the armed forces and civil service salaries, has been extremely modest in recent years. The US\$25m total for 2005 was an increase of 13% over the 2004 budget of US\$22m. In many areas, all over Somalia, duties on the import of a mild narcotic, khat, represent a significant source of income for those in power." [17d] (p16)

Currency change, 2008

- 2.06 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2007, reported:

"In Somalia at least two forms of Somali shilling circulate. Hussein Mohamed Aideed's administration imported several million dollars' worth of new bank notes in 1997 and 1999. The Puntland administration imported new notes in 2000 and 2006, and several similar deliveries arrived in Mogadishu under the Transitional National Assembly (TNA) from 2000 to 2003. In Somaliland the Somaliland shilling became legal tender in February 1995. Money-changers operate legally and freely, even though multiple currencies continue to circulate." [17d] (p16)

- 2.07 The EIU, in its Somalia Country Report, dated August 2007, reported:

"Increased insecurity caused the Somali shilling to depreciate by over 25% in some areas of the country in the first five months of 2007. Bakara market was closed for several days in July, effectively freezing economic activity in the capital." [17c]

- 2.08 The head of Somalia's Central Bank, Bashir Isse, has announced that the transitional federal government is in the process of printing new Somali Shillings to replace the old Shilling. He indicated that the new shillings, in contrast to those that are currently in circulation, will be difficult to duplicate. Mr Isse added that the Somali government is not responsible for the hyperinflation that has affected Somalia's economy over recent months. (Govt to introduce new currency – central bank chief, 15 April 2008) [35e]

- 2.09 Protests were held in Mogadishu on 5 May 2008 against rising food prices and the business community's refusal to accept 1,000 note Somali Shillings. Garowe Online, 5 May 2008, notes: "At least four people were killed and five others wounded during the violent protests, which affected many neighborhoods in Mogadishu. Some of the dead were killed by police gunfire, witnesses reported." [35n]

Drought and famine, 2008

- 2.10 The seasonal rains failed in the period April-June 2007 (the *Gu* rains) and were less than hoped for in the period October-December 2007 (the *Deyr* rains). (OCHA, Somalia Humanitarian Overview February 2008) [26p] By March 2008, OCHA reported that the drought had affected most of the country. [26q] The drought has been exacerbated by the lack of fuel, or money to purchase fuel, or the safe access to and deliver of fuel, to power water-pumps. (OCHA, Somalia Humanitarian Overview February 2008) [26p] The 2008 *Gu* rains were less than needed to replenish water levels, and by May 2008, "...pastoralists in many parts of the country are struggling to cope with three consecutive seasons of rain failure which have caused

rangelands conditions and livestock conditions to deteriorate.” (OCHA, Somalia Humanitarian Overview May 2008) [26s]

- 2.11 As a result of the drought, local food supplies have been exhausted, and many are reliant upon food imports and humanitarian relief. Humanitarian NGOs estimate that 2.6 million people in Somalia need assistance, with a projection of up to 3.5 million by the end of 2008. (IRIN, 26 June 2008) [10t]
- 2.12 In addition to local climatic problems, Horn of Africa countries have been adversely affected by rising prices on the world food market. This has been further exacerbated for the urban poor in Mogadishu with the change of currency crises in May 2008. (Garowe Online, 5 May 2008) [35n]

See [Currency change, 2008](#)

- 2.13 On 26 June 2008, IRIN reported that Médecins sans Frontières (MSF) considered the scale of the humanitarian crisis to far outstrip the response available. [10t] Distribution points are also points of conflict: the US State Department report on Human Rights Practices covering 2007 (USSD report for 2007) states: “Persons assembled at food distribution centers were killed and injured. In March [2007] TFG-allied militias injured two elderly women when they shot into the air to disperse a crowd gathered at a food distribution centre in Jilib, lower Juba.” [2a] (**Arbitrary or Unlawful Deprivation of Life**) The OCHA February 2008 food distribution point map at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1090676> gives details of locations of the main distribution points in early 2008. [47c]

Telecommunications

- 2.14 The EIU, in its Somalia Country Profile for 2007, noted:

“Small private companies linked to overseas satellite operators provide telecommunications in major towns. Mogadishu is served by three companies set up in 2002 following the closure of the Al-Barakat phone company in November 2001. Its international lines, operated by the US company AT&T, were cut following allegations of association with terrorist networks. Local calls within Mogadishu are free, whereas local cellular calls cost US\$0.11 per minute, cheaper than in neighbouring Kenya. Four firms serve Hargeisa, all offering mobile phones and direct international calls at cheaper rates than in neighbouring Djibouti and Kenya. A new gateway system has been installed in Somaliland following a five-year agreement signed between the Ministry of Telecommunications in Hargeisa and a US-based company, Transcom Digital (TDI). Somalia’s largest mobile-phone operator, Telsom Mobile, placed an order for products and services worth US\$1.4m with US-based AirNet Communications in July 2005 to upgrade its system within Somalia. The order brings the company’s total investment in AirNet equipment and services to more than US\$10m since 2000. Two new television companies, Horn Afrique and Somali Television Network, were set up in 2000. Several ISPs [Internet Service Providers] have opened in recent years and are servicing areas of the country, as well as Somaliland. Strangely, Somalia enjoys better Internet connectivity than some other African countries, including Eritrea.” [17d] (p15)

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HISTORY

COLLAPSE OF CENTRAL GOVERNMENT AND CIVIL WAR

3.01 Europa Online, when accessed on 3 April 2007, noted:

“A new Constitution came into force in September 1979. Elections were held in December for a new legislature, the People’s Assembly, which, in January 1980, elected Siad Barre as President of the Republic. Constitutional amendments, approved by the Assembly in November 1984, effectively transferred all powers of government to the President. Despite continuing internal unrest, at elections to the Assembly, in December, a single list of SRSP candidates was reportedly endorsed by 99.9% of voters.

“A presidential election, at which Siad Barre was the sole candidate, took place in December 1986, confirming his presidency for a further seven-year term by 99.9% of a reported 4.9m. votes cast. Although Lt-Gen. Mohamed Ali Samater was appointed to the newly created post of Prime Minister in February 1987, the President continued to dominate Somalia’s political life.

“In October 1981 the Somali Salvation Front formed the Democratic Front for the Salvation of Somalia (DFSS, later renamed the Somali Salvation Democratic Front—SSDF) with two other opposition groups. Together with another group founded in 1981, the Somali National Movement (SNM), and with substantial Ethiopian military support, DFSS guerrillas invaded the central border area of Somalia in July 1982. The invasion was contained by the Somali national forces but, despite US and Italian military aid, they failed to expel the rebel troops from the country. Following a meeting between Siad Barre and Lt-Col Mengistu, the Ethiopian leader, in January 1986, Ethiopian military support for the insurgent groups was reduced, particularly in respect of the DFSS.

“Anti-Government demonstrations in Mogadishu in July 1989, in protest at the arrest of several leading Muslim clerics, were violently suppressed by the armed forces, resulting in the deaths of more than 400 demonstrators. Two recently created opposition groups, the United Somali Congress (USC—composed of Hawiye clan intellectuals) and the National United Front of Somalia (allegedly dominated by disaffected army officers), were thought to have orchestrated the demonstrations. In August [1989], amid reports that the ruling Marehan clan had lost the crucial support of the Ogadeni clan, the President offered to relinquish power and announced that the next elections would take place in the context of a multi-party system. At the same time there were reports of fighting between government troops and members of the Ogadeni clan in southern Somalia, and Western sources claimed that the only areas of the country that remained under government control were Mogadishu, parts of Hargeysa and Berbera.

“Meanwhile, the USC gained support in the south, where its forces were fighting alongside those of the Somali Patriotic Movement (SPM). In the north the emergence of the Somali Democratic Alliance (SDA), led by Mohamed Farah Abdullah, intensified the challenge to Siad Barre’s authority. The President responded to these pressures by dismissing the Government in January 1990 and offering posts (which were refused) in a

successor administration to prominent opposition leaders. A new Government, headed by Samater, took office in February [1990].

“In July 1990 the Council of Ministers endorsed the proposals of August 1989 for the democratization of Somalia’s political system. It was decided that, following a review by the People’s Assembly, a new constitution would be submitted to a national referendum in October [1990], and that multi-party legislative and local government elections would be held in February 1991. In August 1990 the USC, the SNM [Somali National Movement] and the SPM agreed to co-ordinate their separate military campaigns to overthrow Siad Barre. In October the Government announced the immediate introduction of the new Constitution and a new electoral code. Siad Barre relinquished the post of Secretary-General of the SRSP [Somali Revolutionary Socialist Party], in accordance with the Constitution, which stipulated that the President should hold no responsibilities other than those of the presidency. Despite the apparent readiness of the new Government to hasten the process of political reform, the principal insurgent groups showed no signs of relaxing their military campaigns, and in November SPM forces seized control of Kismayu, in southern Somalia. On 25 December [1990] legislation was introduced to permit the establishment of political parties opposed to the Government.” [1a] (Recent History)

- 3.02 The Foreign and Commonwealth Office (FCO), in its Country Profile on Somalia dated 2 March 2007, stated:

“Barre fled the country in January 1991 when another rebel group, the United Somali Congress (USC) gained control of Mogadishu. A full-blown civil war developed in the capital when the USC fragmented into rival, clan based factions. This contest remains unresolved and control of Mogadishu is divided among a variety of principally Hawiye warlords.” [16a] (History)

- 3.03 The FCO in its profile dated 2 March 2007 added:

“In January 1992 the UN established a small Cease-fire Observer Force operation (UNOSOM I). It failed to make any impact and as civil war escalated a massive humanitarian crisis developed. In December 1992 a US-led task force (UNITAF) intervened to create a secure environment for relief operations. It succeeded in securing the main relief centres in the starvation area but did not attempt to disarm the Somali clan militias or the warlords. UNITAF handed over to UNOSOM II in May 1993. In response to militia attacks, the Security Council authorised UNOSOM to take all necessary measures against those responsible and to arrest General Aideed. In the confrontation that ensued, 18 US Rangers were killed, which prompted the departure of US troops in March 1994. The last UNOSOM troops withdrew in March 1995 after the loss of thousands of Somalis and 70 UN peacekeepers.” [16a] (History)

- 3.04 Clan elders and senior figures attempted to reconcile warring militias by setting up a transitional government in August 2000. However by April 2001 Somali warlords, backed by Ethiopia, had announced their intention to form a national government within six months, in direct opposition to the country's transitional administration. The fourteenth attempt to restore central government since 1991 was made in August 2004, when a new transitional parliament was inaugurated in Kenya. (BBC Timeline, April 2007) [8g]

- 3.05 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact Finding Mission report on human rights and security in central and southern Somalia, published August 2007 noted:

“The present Transitional Federal Government (TFG) in Somalia was formed in 2004, but internal and physical divisions within the TFG as well as insecurity in central and southern Somalia, and in Mogadishu particularly, hindered it from being a functioning, unified government. However, in early 2006 the TFG became physically unified for the first time in Baidoa. Insecurity in Mogadishu had forced the TFG to establish itself elsewhere in Somalia and for some time it was divided between Baidoa and Jowhar. This brief period of fragile optimism soon vanished as the Union of Islamic Courts (UIC) in Mogadishu suddenly took control of the capital. [The] UIC is a union of various Sharia courts, and the Hawiye clans in particular supported it. During the spring of 2006 the UIC fought against the warlords in central and southern Somalia and a number of former Mogadishu-based warlords founded a coalition that was named Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT). However, the UIC defeated ARPCT in May 2006 and from then on UIC gradually took control of most of central and southern Somalia, including Mogadishu. UIC never gained control of Baidoa, the seat of the TFG.” [7e] (p5)

- 3.06 The United Nations Secretary General, in his situation report on Somalia to the Security Council (UNSC) dated 28 February 2007, stated:

“The Union of Islamic Courts, which had gained control of 8 of the country’s 18 administrative regions, was dislodged between 24 December 2006 and early January 2007 by the military forces of the Transitional Federal Government and Ethiopia. Remnants of the Union of Islamic Courts militia were then pursued in southern Somalia by Transitional Federal Government and Ethiopian forces. Clashes between Union of Islamic Courts militia and forces allied to the Transitional Federal Government began on 21 October 2006 near the town of Buale in the Middle Juba region. Other clashes followed around the town of Burhakaba in the Bay region, 60 kilometres (km) south-east of Baidoa.

“... The adoption of resolution 1725 (2006) was welcomed by the Transitional Federal Government but rejected by the Union of Islamic Courts. The latter claimed that the deployment of foreign forces in the country was tantamount to an invasion of Somalia by Ethiopia. Intermittent clashes followed in the Bay region, and, on 7 December 2006, the Union of Islamic Courts took the town of Idale and arrived on the outskirts of Daynune, a Transitional Federal Government military training camp some 30 km south of Baidoa. The fighting soon dissipated, but on 12 December 2006, both sides elevated their verbal attacks, accusing each other of relying on support from foreign elements. Yusuf Mohamed Siyad Indhaade, the Defence Chief of the Union of Islamic Courts, gave Ethiopia seven days to withdraw its forces from Somalia or face a major conflict. On 20 December 2006, just one day after the Union of Islamic Courts deadline, heavy fighting broke out once more in the Bay region and soon spread to the central Galkayo, Hiran and Middle Shabelle administrative regions, where Union of Islamic Courts forces had been confronting warlords of the former Alliance for the Restoration of Peace and Counter-Terrorism, who were allied with the Transitional Federal Government.

“On 23 December 2006, the Union of Islamic Courts leaders called for jihad against the Ethiopian troops and appealed to foreign fighters for support. In an apparent response to those statements, the Ethiopian Government, on 24 December 2006, admitted that it had combat troops inside Somalia. In an official statement, Prime Minister Meles Zenawi said that his Government had taken self-defensive measures and started counter-attacking the aggressive extremist forces of the Islamic Courts and foreign terrorist groups. The Transitional Federal Government forces, supported by Ethiopian ground and air forces, engaged with the Union of Islamic Courts forces on a front stretching more than 400 km, from the lower Juba Valley in the south to the region of Galkayo in central Somalia. Within days, the towns of Bandiradley (Galkayo), Beletweyne (Hiran), Bullo-barde (Middle Shebelle), Burhakaba (Bay) and Dinsor (Bay) fell to the Transitional Federal Government/Ethiopian coalition. Mogadishu and the key port city of Kismayo also fell to the Transitional Federal Government coalition on 28 December 2006 and 1 January 2007, respectively.

“Remnants of the Union of Islamic Courts forces withdrew to the southern reaches of Ras Kamboni and Afmadow in the Lower Juba region, where they fought against the Transitional Federal Government/Ethiopian coalition. On 8 January 2007, the United States announced that it had carried out an air strike against suspected terrorists linked with Al-Qaeda, who were believed to be fighting alongside the Union of Islamic Courts forces near Afmadow. At the same time, the Transitional Federal Government announced the closure of Somalia’s borders, on security grounds, and called on the international community, particularly the neighbouring States, to help enforce this ban. Sheikh Sharif Sheikh Ahmed, the former head of the executive committee of the Union of Islamic Courts, reportedly surrendered to the Kenyan authorities on 21 January 2007. On 8 February 2007, Sheikh Sharif flew to Yemen.

“After the fall of the Union of Islamic Courts, the semblance of order and security that the Union of Islamic Courts had created in Mogadishu began to deteriorate. Roadblocks and checkpoints returned, together with banditry and violence, despite the efforts of the Transitional Federal Government to improve security in the capital. On 3 January 2007, Prime Minister Ali Mohamed Gedi announced a three-day moratorium during which armed groups in Mogadishu were to hand over their arms. He warned that if they did not comply, the Transitional Federal Government would carry out forced disarmament. Demonstrations against the plan followed on 7 January 2007, in south Mogadishu. Tensions subsided after the Transitional Federal Government announced the suspension of its forced disarmament programme. On the same day, the Prime Minister nominated a 30-member committee to work on modalities for restoring peace and stability in the capital, but violent incidents targeting Ethiopian and the Transitional Federal Government forces prompted the Transitional Federal Government, with parliamentary approval, to impose emergency laws, allowing President Yusuf to govern the country by decree for a period of three months.” [3b] (p1-3)

- 3.07 The report continues with information about the first insurgent attacks in January and February 2007 (such as the 19 January Villa Somalia attack; the 24 January Mogadishu International airport attack), adding: “In the course of February 2007, insecurity continued to increase dramatically in

Somalia, with almost daily gun, grenade and mortar attacks, most of them hitting the capital.” [3b] (p3-4)

- 3.08 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact-Finding Mission report on human rights and security in central and southern Somalia, published August 2007, noted:

“The United States (US) government has been deeply concerned about the potential threat of an Islamic state in Somalia... Over the course of the following months [post June 2006], the broader CIC [Union of Islamic Courts] organization was hijacked by al Shabaab (‘The Youth’), a small, extremist group affiliated with AQ [al-Qaeda] that consists of radicalised young men, between 20 and 30 years of age. The CIC began to pursue an increasingly hostile strategy of military expansion and aggression designed to provoke a broader regional conflict. Al Shabaab militia participated in CIC military offensives and served as something akin to a ‘special forces’ unit for the CIC. Although not formally a part of the CIC structure, members of al Shabaab held senior positions within the CIC, particularly in the security, finance, and education departments. The group was reputed to be extremely violent and brutal, and its members are suspected of murdering an Italian nun in Mogadishu in September [2006], targeted assassinations of dozens of Somali nationals inside Somalia, including the murder of peace activist Abdulqadir Yahya Ali in July 2005, and the murder of foreign aid workers in the self-declared Republic of Somaliland in late 2003 to early 2004. In late June [2006], the CIC elected Hassan Dahir Aweys chairman of the CIC Shura Council. Aweys is designated as a terrorist by the United States and the United Nations because of his links to AQ, the Taliban, or Usama bin Laden.” [7e] (p5)

- 3.09 OCHA, in its weekly Situation Report, dated 21 September 2007, noted:

“Insecurity persists in Mogadishu as anti-government elements target Ethiopian/TFG forces. Assassinations of those perceived to support the TFG continue.” [26f]

- 3.10 Global Terrorism Analysis (published by The Jamestown Foundation), in its weekly publication *Terrorism Focus*, dated 25 September 2007 noted:

“Violence in Somalia has spiraled [sic] in recent weeks (August – September 2007) to levels surprising even to Mogadishu’s war-weary residents, with almost daily bombings, mortar attacks or street fighting. Islamist insurgents as well as clan-based militias are increasing attacks, targeting Ethiopian troops sent to support the feeble Somali Transitional Federal Government (TFG).” [31a]

- 3.11 PINR in its report ‘Somalia’s President Yusuf Loses His Grip on Power’ dated 3 October 2007 noted:

“The insurgency in Mogdishu led by the jihadist Youth Mjahideen Movement (YMM) spiked [in late September 2007], with groups of several dozen fighters attacking police stations and TFG and Ethiopian military bases with heavy machine guns and rocket-propelled grenades, and fighting pitched battles with government and occupational forces. The attacks peaked on September 29 [2007] when three police stations and two Ethiopian bases came under fire, resulting, according to some reports, in the

deaths of 100 insurgents and 45 government forces, and the arrests of 700 people supporting the insurgency.” [15g]

- 3.12 OCHA, in its monthly Humanitarian Analysis for November 2007 noted:

“During the month of November [2007], security operations by Ethiopian/TFG forces intensified particularly in six districts within the city believed by the TFG to be harbouring anti-government elements. Fierce attacks ensued between the warring factions killing, wounding and terrifying civilians in indiscriminate shelling, roadside bombs and artillery attacks.” [26i]

- 3.13 In the same report OCHA noted that the violence in Mogadishu rose to such a level in November that it triggered the movement of more than 240,000 people out of the city. [26i] The report notes:

“Six of 17 districts in Mogadishu which have been the scene of almost daily confrontations between Ethiopian/Transitional Federal Government Forces (TFG) forces and anti-government elements have been nearly deserted for most of the month due to insecurity and forced eviction. Communities who returned to areas where troops had temporarily withdrawn witnessed the almost complete destruction of homes and public infrastructure. Religious places were desecrated, as well as other public areas ... Ad hoc roadblocks that charge taxes ranging from US\$70 – US\$500 to move in and out of Mogadishu have caused huge hindrances to the humanitarian community in accessing vulnerable people. In November, Non-Governmental Organisations (NGOs) reported delays and payment of taxes of up to US\$ 475 at eight roadblocks on the Mogadishu/Afgooye road – a major area of humanitarian operations. The highest number of roadblocks since the beginning of 2007 – 336 in total – was recorded in November [2007].” [26i]

See [Checkpoints](#)

PEACE INITIATIVES 2000-2007

- 3.14 The US State Department in its *Background note* of June 2008 noted:

“In early 2002, Kenya organized a reconciliation effort under IGAD auspices known as the Somalia National Reconciliation Conference, which concluded in October 2004. In August 2004, the Somali Transitional Federal Assembly (TFA) was established as part of the IGAD-led process. Abdullahi Yusuf Ahmed was elected Transitional Federal President of Somalia on October 10, 2004 and Ali Mohamed Gedi was approved by the Transitional Federal Assembly as Prime Minister on December 24, 2004 as part of the continued formation of a Transitional Federal Government (TFG), the components of which are known as the Transitional Federal Institutions (TFIs).” [2d] (**Political conditions**)

- 3.15 On 20 February 2007 the UN Security Council authorized the African Union to establish a peace keeping mission in Somalia for six months with the aim of supporting the planned National Reconciliation Conference. After opening on July 15 2007 and then adjourning after insurgent mortar fire targeted its venue, the conference resumed on July 19 and conducted regular sessions into the second week of August. (BBC Timeline, April 2007) [8g]

- 3.16 The National Reconciliation Conference ended on 30 August 2007 with mixed opinion on its success. Although organisers of the conference and the TFG praised the 'historic' results of the NRC, (Garowe Online, 17 September 2007) [35a], An article by IRIN notes that many analysts have expressed their doubts, with Timothy Othieno, Horn of Africa analyst at the Institute for Global Dialogue in Johannesburg describing the conference as "a total failure." [10p] This was due to the selective nature of the way the participants were chosen and the arbitrary tactics of the TFG. "The TFG determined who was going to attend and who wasn't. You cannot place conditions on participants if you are trying to reconcile a nation." The Hawiye clan and the Union of Islamic Courts (UIC) were left out of the process which "signalled the end of the 'conference' even before it began." [10p] IRIN also notes the opinion of Francois Fall, the UN Special Representative for Somalia, on behalf of the International Advisory Committee, said: "Whilst the conclusion of this Congress marks yet another milestone in the quest for peace and reconciliation in Somalia, it does not however, signify the end of the reconciliation process." [10p]
- 3.17 The Foreign and Commonwealth Office (FCO), in a letter addressed to the UK Home Office on 11 October 2007, added:
- "Whilst we recognise that the NRC [National Reconciliation Conference] did not, of itself, achieve a great deal, we are encouraged by the NRC having convened for its planned duration and concluded in an organised manner and by its having agreed a list of conclusions and action points that the TFG have committed to taking forward over the remaining transitional period. Although flawed in its own right, in the wider context the NRC still represents a significant first step in the Somali political reconciliation process." [16b]
- 3.18 *The Power and Interest News Report (PINR)*, after noting that reconciliation discussions broke down into clan disputes in the second week of August 2007, commented:
- "The fact that the clan-based conference is taking place at all and has not been disrupted by violence shows the limits of the insurgency and indicates that substantial sectors of Somali society have at least acquiesced in the reconciliation process and are willing to try to see if it can work. Although the political opposition to the T.F.G. has boycotted the N.R.C. and has its own clan support, the N.R.C. is not entirely composed of President Yusuf's allies. There has been genuine debate and the conference has not served as a rubber stamp for the T.F.G. executive." [15c]

'SOUTH WEST STATE OF SOMALIA' (BAY AND BAKOOL)

- 3.19 Europa Online, when accessed on 3 April 2007, reported:
- "The reconciliation process in Somalia was further endangered in early April 2002, when the Rahanwin Resistance Army (RRA) announced that it had established a new autonomous region in south-western Somalia, based in Baidoa, to be known as the 'State of South-western Somalia'. The Chairman of the RRA, Mohamed Hasan Nur, was elected as 'President' of the new region for a four-year period." [1a] (**Recent History**)

‘PUNTLAND’ REGIONAL ADMINISTRATION

3.20 Europa Online, when accessed on 3 April 2007, noted:

“In July 1998 Col Abdullahi Yussuf Ahmed, a former leader of the SSDF [Somali Salvation Democratic Front], announced the formation of ‘Puntland’, a new autonomous administration in north-eastern Somalia. In August [1998] Abdullahi Yussuf, as President of the new administration, appointed a cabinet, which was subsequently approved by the recently inaugurated 69-member parliament (empowered to act as the legislature for a three-year transitional period, prior to the holding of regional elections). A charter for ‘Puntland’, released shortly afterwards, precluded ‘Puntland’ from seceding from Somalia, while it envisaged the adoption of a federal system of national government, with similar regional governments emerging around the country. Hussein Aidid declared his opposition to the administration, accusing the Ethiopian authorities of encouraging ‘Puntland’ to secede. In late June 2001 Yussuf’s mandate was controversially extended for a further three years by the ‘Puntland’ parliament, at the behest of clan elders. The constitutionality of the decision was challenged by several opposition figures, and the ‘Puntland’ High Court issued a decree, effective from 1 July [2001], placing all security services and other government institutions under its supervision. The Chief Justice of ‘Puntland’, Yussuf Haji Nur, subsequently proclaimed himself President of the territory; senior clan elders confirmed Haji Nur as acting President until 31 August [2001]. However, Yussuf rejected this decision, and heavy fighting ensued between followers of Yussuf and Haji Nur. In late August [2001] a general congress, attended by representatives of all major ‘Puntland’ clans, opened in Garowe, the region’s capital, to elect a new President and Vice-President, as well as members to a new ‘Puntland’ assembly, and in mid-November [2001] Jama Ali Jama and Ahmad Mahmud Gunle were sworn in as President and Vice-President, respectively. Just days later violent clashes were reported to have taken place in Garowe between troops loyal to Yussuf and Ali Jama. In April 2002 Yussuf and Ali Jama met for talks in Ethiopia, but no agreement was reached. Fighting continued in ‘Puntland’ during 2002 and early 2003, with numerous casualties reported on both sides. In May 2003 Yussuf sought to stabilize ‘Puntland’ by concluding a power-sharing agreement with opposition forces, under the terms of which opposition members were granted a number of ministerial portfolios. In July 2004, following a presidential decree which reduced the Government’s term in office from two years to six months, Yussuf formed a new 15-member Government. In October [2004] Yussuf was elected President of Somalia (see above) and Mohamed Abdi Hashi succeeded him as President of ‘Puntland’ in an acting capacity. In early January 2005 Gen. Mohamud Muse Hersi ‘Adde’, a former Somali diplomat, secured the support of 35 members of the ‘Puntland’ parliament, thus defeating Hashi, who won 30 votes, and was elected President of ‘Puntland’. Hassan Dahir Afqurac was elected Vice-President. In late February 2006 an armed confrontation near the parliament building between security forces and a group loyal to the Minister for Planning, Abdirahman Farole, resulted in at least three deaths. Security forces had surrounded the building, which the group had occupied the previous day. In early March [2006] members of parliament approved a new Cabinet, in which incumbent ministers retained their portfolios, with the exception of Farole, whom Hersi had dismissed following the siege. Meanwhile, in October 2005 it emerged that ‘Puntland’ had issued mineral and oil exploration rights to Range Resources of Australia in an agreement

that included the regions of Sanaag and Sool, disputed by 'Puntland' and the neighbouring region of 'Somaliland', prompting vociferous criticism from the 'Somaliland' administration. From September 2004 troops from both regions had reportedly been engaged in heavy fighting near the border between the two self-declared states." [1a] (Recent History)

THE 'REPUBLIC OF SOMALILAND'

- 3.21 The Foreign and Commonwealth Office (FCO), in its Country Profile on Somalia dated 2 March 2007, noted:

"In May 1991, the north-western region of Somalia (ie: the former British Protectorate of Somaliland) declared unilaterally its independence as the 'Republic of Somaliland'. A government was elected for an initial 2-year period at a conference of elders and in May 1993 former Somali Prime Minister Mohamed Ibrahim Egal was elected President. Egal was re-elected for a five-year term by the National Communities Conference in Hargeisa in February 1997. A Parliament composed of members nominated by their clans was established, a new government was formed and a Constitution approved. A referendum on the Constitution took place on 31 May 2001. 97% of those voting supported the new constitution, which confirmed the region's unilateral secession from the rest of Somalia. Municipal elections were held in January 2003." [16a] (Somaliland)

- 3.22 The FCO profile, dated 2 March 2007, added:

"After the death of Egal in May 2002, Vice-President Dahir Riyale Kahim was sworn in as President. Presidential elections were held in May 2003 in which Riyale narrowly beat his opponent. Parliamentary elections were held on 29 September 2005. Somaliland's stability has been widely acknowledged but it has not received formal recognition from the international community. It has stood aside from wider reconciliation processes but indicated its readiness to discuss relations with Somalia on a basis of equality once a new government is established in Mogadishu." [16a] (Somaliland)

For further information on history, refer to Europa World online, source [1a].

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RECENT DEVELOPMENTS

- 4.01 Amnesty International published a report, *Routinely targeted*, on 1 May 2008 that outlined the effect on the civilian population of the on-going conflict between TFG / Ethiopian and insurgent forces. [6b] The report, though welcomed by commentators, was held by one NGO to “barely scratch the surface of atrocities” suffered by civilians in Somalia. A Government spokesman told IRIN “that in a war situation ‘some people may get caught in a crossfire but no civilian is deliberately targeted’, insisting that neither the TFG forces nor their Ethiopian allies committed atrocities.” (IRIN, 7 May 2008) [10s] UN Security Council’s *Report of the Secretary-General on the Situation in Somalia*, 14 March 2008 also recounts civilian targeting. [3d](p3)
- 4.02 The UN Secretary-General’s report to the Security Council, dated 14 March 2008, (UNSC report, 14 March 2008) mentions a fact-finding team of UN protection experts that went to Somalia from 7 to 25 January 2008. [3d](p5) Its findings supplemented UN trend analysis of the violence in Mogadishu and southern and central Somalia.

See [Security situation, Mogadishu](#)

- 4.03 Kismayo has been an area of continuing conflict. The UN fact-finding team in Somalia in January 2008 were the first team of outsiders to enter Kismayo since 2006. [3d](p29,30)

See [Kismayo](#)

- 4.04 Roadblocks and checkpoints have increased in 2008. (USSD report for 2007) [2a] (**Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**) Amnesty International regarded checkpoints and roadblocks as being places of especial danger to IDPs. (Amnesty International, *Routinely Targeted*, 1 May 2008) [6b](p20)

See [Checkpoints](#)

- 4.05 IDPs are still leaving Mogadishu, as has been the trend since November 2007. OCHA has reported on the outflow of refugees from Mogadishu, but in May stated that, for the first time in the period, the numbers displaced in southern and central Somalia exceeded the monthly outflow from Mogadishu. (OCHA, Monthly Cluster report for May 2008) [26t]

See [IDPs, Mogadishu \(in 2008\)](#)

For more recent developments in Somalia, see [Latest News](#).

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CONSTITUTION

- 5.01 As recorded in Europa Regional Surveys of the World, online version, accessed on 3 April 2007:

“The Constitution promulgated in 1979 and amended in 1990 was revoked following the overthrow of President Siad Barre in January 1991. In July 2000 delegates at the Somali national reconciliation conference in Arta, Djibouti, overwhelmingly approved a national Charter, which was to serve as Somalia’s constitution for an interim period of three years. The Charter, which is divided into six main parts, guarantees Somali citizens the freedoms of expression, association and human rights, and distinctly separates the executive, the legislature and the judiciary, as well as guaranteeing the independence of the latter.” [1a] **(The Constitution)**

‘PUNTLAND STATE OF SOMALIA’ CHARTER

- 5.02 The US State Department report on human rights practices covering 2007 (USSD report for 2007) recorded that the autonomous ‘Puntland State of Somalia’ also has a Charter. As noted by the USSD, this prohibits torture except where this is imposed by Shari’a courts in accordance with Islamic law. [2a] **(Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)**

‘REPUBLIC OF SOMALILAND’ CONSTITUTION

- 5.03 The USSD report for 2007 mentions that the self-declared ‘Republic of Somaliland’ adopted a new Constitution based on democratic principles but continued to use the pre-1991 Penal Code. [2a] **(Denial of Fair Public Trial)**

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POLITICAL SYSTEM

- 6.01 The US State Department in its *Background note* of June 2008 noted:
- “A transitional government, the components of which are known as the Transitional Federal Institutions (TFIs) was formed in 2004 following the conclusion of a 2-year reconciliation process. The TFIs include a transitional parliament, known as the Transitional Federal Assembly (formed in August 2004), as well as a Transitional Federal Government (TFG) that includes a transitional President, Prime Minister and a cabinet known as the ‘Council of Ministers.’ For administrative purposes, Somalia is divided into 18 regions; the nature, authority, and structure of regional governments vary, where they exist.” [2d] (Government)
- 6.02 The Report of Secretary-General on the situation in Somalia, dated 14 March 2008, recorded changes in the TFG Government, with the appointment of Nur Hassan Hussein as Prime Minister on 22 November 2007. [3d](p1) Mr Hussein appointed a cabinet that was in line with the 4:5 power-sharing formula of the Transitional Federal Charter [3d](p2) After various changes, the Cabinet was approved by Parliament on 10 January 2008. [3d](p3)
- 6.03 On 20 January 2008, the Transitional Federal Government relocated to Mogadishu from Baidoa. (Garowe Online, 20 January 2008) [35b] Following this, the former leader of the Islamic courts (who now heads an opposition group to the TFG based in Asmara, Eritrea) called for reconciliation in Somalia. (The Nation - Nairobi, 1 February 2008) [36a] The article, titled “Radical Clerics Take a Softer Stance On New Premier,” also details the positive steps taken by the new Prime Minister to initiate dialogue between the TFG and anti-government elements and comments on the continuing violence in the city despite these efforts. (The Nation - Nairobi, 1 February 2008) [36a]
- 6.04 In written correspondence to COIS, on 29 January 2008, a Foreign Office representative stated:
- “Politically, and it is the political situation that underpins the security situation in Mogadishu, there have been improvements since January 2007. There is a new Prime Minister who has made recognisable progress towards better governance and reconciliation. He has vastly reduced the size of Cabinet (from the mid 40s to 18). The current Cabinet contains only one warlord. Of importance, was the PM’s [Prime Minister’s] decision two weeks ago to relocate him [sic – himself] and his Cabinet to Mogadishu.
- “The PM [Prime Minister] has just concluded a week-long series of consultations in Mogadishu which has resulted in the release of many anti-TFG detainees, including important political figures such as Ahmed Diriye, the spokesman of the (unarmed) Hawiye groupings opposing the TFG. Progress has also been made in addressing media harassment, establishing a fresh approach that involves mutual concessions from the security forces and the media houses. The PM [Prime Minister] also addressed security arrangements for traders in Bakhara market by reviewing the composition and mandate of a dedicated security committee.” [16c]

- 6.05 The mayor of Mogadishu, Mohamed Dheere, has also appealed for talks to sort out contention issues with those opposing his administration. (Shabelle Media Network, 31 January 2008) [37c]

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PUNTLAND

- 6.06 The US State Department in its Background Note of June 2008 noted:
- “The area of Puntland declared itself autonomous (although not independent) in 1998 with its capital at Garowe. General Mohamed Adde Muse was elected President by the Puntland parliament in January 2005. Puntland declared it would remain autonomous until a federated Somalia state was established.” [2d] (Political conditions)
- 6.07 The Foreign and Commonwealth Office (FCO), in its Country Profile on Somalia dated 2 March 2007, stated:
- “Puntland established a parliament and a Regional Government in 1998 and enjoys relative peace and stability. It defines itself as a federal state and has no aspirations to independence. A political crisis occurred in 2001 when President Colonel Abdullahi Yusuf (now TFG President) refused to stand down at the end of his constitutional term. Col. Jama Ali Jama won fresh elections but Yusuf refused to accept the vote. After clashes between their respective militias, Yusuf eventually triumphed and went on to consolidate his position. Gen Ade Musa has taken over the leadership in Puntland since Yusuf’s election as TFG President.” [16a] (Puntland)
- 6.08 PINR, in its report “The ‘Puntland State of Somalia’ comes into play”, (dated 2 August 2007) reported that Puntland experienced a “bout of unaccustomed political instability” in June – July 2007. PINR comments:
- “At the heart of Puntland's present instability is a failure of governance that spills over into a host of interrelated issues involving the economy, control of resources, security, governmental functioning and the de jure and de facto status of the sub-state.” [15d]
- 6.09 PINR further states:
- “The most pressing problem confronted by Muse's administration is hyper-inflation, which triggered the unprecedented July 26 [2007] protest demonstration in Garowe that was organized by civil society organizations and had the support of the business community.” [15d]

SOMALILAND

- 6.10 The US State Department in its Background Note of June 2008 noted:
- “In Somaliland, which is made up of the former British protectorate, Dahir Riyale Kahin was elected President in presidential elections deemed free and fair by international observers in May 2003. ...In 1991, a congress drawn from the inhabitants of the former Somaliland Protectorate declared withdrawal from the 1960 union with Somalia to form the self-declared Republic of Somaliland. Somaliland has not received international

recognition, but has maintained a de jure separate status since that time. Its form of government is republican, with a bicameral legislature including an elected elders [sic] chamber and a house of representatives. The judiciary is independent, and various political parties exist. In line with the Somaliland Constitution, Vice President Dahir Riyale Kahin assumed the presidency following the death of former president Mohamed Ibrahim Egal in 2002. Kahin was elected President of Somaliland in elections determined to be free and fair by international observers in May 2003. Elections for the 84-member lower house of parliament took place on September 29, 2005 and were described as transparent and credible by international observers.”
[2d] (Government)

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Human Rights

INTRODUCTION

- 7.01 The Foreign and Commonwealth Office (FCO) in its profile of 2 March 2007 stated:

“The human rights situation is defined by the absence of effective state institutions. Somalis enjoy substantial freedoms – of association, expression, movement – but live largely without the protection of the state, access to security or institutional rule of law. Institutions are emerging in some parts of the country, especially Somaliland. Islamic courts play a significant role in Mogadishu. Overzealous application of supposedly Islamic law in the aftermath of the ICU’s successful struggle to secure Mogadishu attracted widespread media attention. Women generally have difficulty making their voices heard in the political arena but are currently playing a very active role in civil society organisations, which are flourishing in the absence of government.” [16a] (Human Rights)

- 7.02 UN Security Council’s *Report of the Secretary-General on the Situation in Somalia*, 14 March 2008 notes:

“Violations of human rights and international humanitarian law continue unabated in Mogadishu. Civilians bear the brunt of indiscriminate shelling and shootings. For example, on 9 November, about 75 people died and 200 were reportedly wounded following heavy fighting. Members of civil society, particularly journalists and human rights activists, have been targeted for abuse and persecution. Public servants are also targets of political assassination.” [3d](p10)

“...Human rights monitors and organizations have very limited capacity to operate. In addition, they are confronted by threats and intimidation from the authorities, and access to independent information for the purposes of monitoring is therefore hampered.” [3d](p11)

- 7.03 UN Security Council’s *Report of the Secretary-General on the Situation in Somalia*, 25 June 2007, noted:

“For the past 16 years the human rights situation in Somalia has been a cause for serious concern. Within the past six months, a number of new developments have emerged and the existing dire human rights situation appears to have worsened. During the reporting period, there were reports of extrajudicial killings, arbitrary detention and forced disappearances. In addition, threats to the media and human rights defenders remained serious issues of concern. Unresolved land and property rights issues, which are often the root causes of clan-based conflicts, remained also unaddressed.

“Detailed information on, and verification of, allegations of human rights violations remain difficult to obtain owing to the prevailing security situation, in particular in southern and central Somalia, and to the lack of expertise of independent human rights defenders conducting fact-finding missions in the country.

“Allegations have been made that serious violations of human rights and international humanitarian law took place during the past few months of serious fighting. Non-military targets, such as hospitals and schools, have been attacked. It was also reported that some of the wounded were prevented from receiving medical treatment and protection and that urgent deliveries of food aid were hampered or blocked ... Discrimination and abuse of marginalized groups and minorities also appeared to continue unabated. Sexual and gender-based violence and exploitation of women and girls were also reported. Recruitment of child soldiers, as indicated in the recent report of the Secretary-General on children in armed conflict in Somalia (S/2007/259), persists throughout the country.” [3c]

- 7.04 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in its Monthly Analysis report, dated August 2007, stated:

“Violence permeated daily life in Mogadishu in August with civilians under fire as Ethiopian and TFG troops responded to attacks by firing indiscriminately. According to a human rights NGO in Somalia, more than 200 civilians were killed and 400 others wounded in the month of August, the highest death toll since the beginning of intense conflict in February 2007. Assassination of TFG officials, including the District Commissioner for Yaaqshid and his deputy, as well as other leaders also continued unabated; a prominent clan elder involved in reconciliation negotiations was also killed. Additionally, media continued to be targeted with the killing of two prominent journalists on 11 August [2007] within a space of hours.

“An estimated 63,000 people have fled ongoing insecurity and sporadic violence in Mogadishu since June [2007]. According to the UNHCR Population Movement Tracking (PMT) initiative, displacement was severe from Haliwaa and Yaaqshid districts, both sites of confrontations between Ethiopian/TFG troops and insurgents. In addition to IDPs fleeing insecurity and violence in Mogadishu, PMT reports indicate that over 6,000 residents and IDPs have been evicted from their homes in government and public buildings since June [2007].” [26e]

- 7.05 Human Rights Watch (HRW), in their report ‘Shell Shocked: Civilians under siege in Mogadishu’ dated August 2007, asserted that “successive political and military upheavals [in Somalia] generated a human rights and humanitarian crisis on a scale not seen since the early 1990s.” The report argues that the deployment of insurgent forces in densely populated neighborhoods and the deliberate bombardment of these areas by Ethiopian forces ‘strongly suggests’ the commission of war crimes. [30a] The report adds that the conflict was typified by insurgents using mortars, followed by heavy weapons response from TFG and Ethiopian forces in such a way as to disregard any distinction between military and civilian targets. Both sides executed prisoners. [30a]

See [Extrajudicial Killings](#)

- 7.06 Human Rights Watch, in their World Report 2008 noted the year 2007 as a “bleak and turbulent year” for Somali citizens. The report goes on to explain the various violations of international humanitarian law that occurred throughout the year, including the mistreatments of dozens of people detained in mass arrests:

32 This Country of Origin Information Report contains the most up-to-date publicly available information as at 30 July 2008. Older source material has been included where it contains relevant information not available in more recent documents.

“Many of those arrested have been transferred to known and secret detention centers [sic] where they are held without charge for long periods. The Ethiopian and TFG forces have not disclosed the number of people detained – believed to be in the hundreds – or their whereabouts. Although dozens of people were released in late June 2007 after the TFG offered an amnesty, hundreds more have been detained since then and many people have disappeared.” [30b] (p156)

- 7.07 The report continues to outline the “crippling” effect the ongoing fighting has had on the economy:

“Tens of thousands of displaced people remain in desperate circumstances without sufficient food, water, or medical supplies, and have become easy prey to extortion and abuse by the warring parties and by other armed groups outside the capital.” [30b] (p157)

- 7.08 OCHA, in its Humanitarian Overview dated January 2008, noted:

“There are now between 1.8 million and 2 million vulnerable people in need of humanitarian assistance, including rural populations, and new and protracted IDPs, according to the UN Food Security Analysis Unit’s latest assessment which was released on 30 January. The new figure, which estimates the vulnerable population in the January-June period, represents a 27% increase from 1.5 million during the previous six months. There are some 315,000 rural people in a state of humanitarian emergency – and in need immediate life-saving response – and a further 535,000 rural population who are considered to be in Acute Food and Livelihood Crisis and need immediate interventions to support their livelihoods.

“In terms of humanitarian space and movement, the relief effort in Somalia has rarely been so restricted. Roadblocks, increased taxation and banditry have also contributed to the increase in vulnerable population, exacerbating price increases and hindering the movement and transport of food According to OCHA’s latest figures, the number of checkpoints in January 2008 has more than doubled compared to a year ago.” [26f]

See [Checkpoints](#)

- 7.09 In a Reuters news article dated 26 June 2008, the Elman Peace and Human Rights Organization, based in Mogadishu, stated that it had recorded 2,136 civilian killed in the conflict in 2008, bringing the total from February 2007 to 8,636. [35h] The article also notes that whereas the United Nations estimate an IDP population of one million people, the Elmans Group estimate there are 1.9 million IDPs in Somalia. [35h]

See [IDPs](#)

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SECURITY SITUATION

Overview

- 8.01 The UN Secretary-General's report to the Security Council, dated 14 March 2008 (UNSC report 14 March 2008), summarised the security situation in Somalia as:

"The security situation remains volatile throughout the country, despite significant regional variations, the north being relatively more stable than southern and central Somalia. Given the limited capacity of the Transitional Federal Government to govern and enforce the law, criminal elements engage in a range of unlawful activities, from trafficking in human beings, weapons and drugs to unauthorized collection of taxes and levies and abduction, kidnapping and extortion." [3d](p4)

UN OCHA's summary in March 2008 was similar, but perceived an increase in violence ending with the statement "Overall, the absolute number of security incidents has increased as well as the number of locations." [26m]

- 8.02 PINR in its report 'Somalia falls into political collapse', dated 3 May 2007, sets the wider scene regarding security issues in early 2007:

"As the T.F.G. and Ethiopia concentrated their attention on Mogadishu, instability surfaced elsewhere in Somalia. The T.F.G. lost control of the key southern port city of Kismayo in a struggle between two sub-clans of the Darod clan family, armed conflict broke out in the north between forces of the sub-states of Puntland and Somaliland, a crime wave continued in the unpoliced Lower and Middle Shabelle regions, and there was unrest in the transitional capital Baidoa in the south-central Bay region, leading to the imposition of a curfew. The conflict spread to Ethiopia on April 24 [2007], when the Ogaden National Liberation Front (O.N.L.F.) attacked a Chinese oil exploration site in the country's Somali Regional State, leaving nine Chinese workers and 65 Ethiopian workers and guards dead.

"Although the T.F.G. and Ethiopia have expressed confidence that they have broken the insurgency and are on the way to stabilizing Somalia, the situation on the ground presents a less promising picture. It is far from clear that the insurgency has been neutralized, instability is increasing outside Mogadishu, and low-level conflicts beyond southern and central Somalia are intensifying." [15e]

- 8.03 The UK Border and Immigration Agency's fact finding mission report on Somalia dated 20 July 2007, noted:

"The fact-finding team received semi-conflicting information regarding the security situation for ordinary Somalis. One source told the delegation that although the security situation in Mogadishu is unpredictable, it is rare for an ordinary Somali to be randomly targeted in a shooting. A Somali researcher said that in his opinion, except for attacks on TFG and associated forces, and the often over-zealous retaliatory action on the part of those forces, in which civilians are often victims in the cross-fire, levels of violence in Mogadishu are currently fairly low. But there is still general insecurity and high levels of crime, so although people can and do move around, on the

34 This Country of Origin Information Report contains the most up-to-date publicly available information as at 30 July 2008. Older source material has been included where it contains relevant information not available in more recent documents.

whole they tend to stay in their home area. An NGO working in Somalia claimed that there is also the risk of arrest to ordinary Somalis as after a suspect insurgent attack, the security forces would arrest anybody near the scene, and also arrest ordinary citizens for extortion purposes as well, with ransom demands sent by phone. A native Somali researcher told the fact-finding team that, "if you are not from the Abgal (the Prime Minister's sub-clan) or from the Majerten (the President's sub-clan), then you are not immune from TFG attacks, and that if you are in anyway associated with the TFG, you are also not immune from the insurgent attacks.

"A Somali NGO stressed the unpredictability of the security situation for ordinary Somalis by explaining that because at the moment there is no central command, ordinary Somalis were being frequently oppressed by different agencies. This leads to a situation which is tense, with people mistrusting the security forces and fearing for their safety." [7f] (p17)

- 8.04 The UNSC report 14 March 2008 also emphasised the unpredictability of the security situation in Somalia:

"...Owing to the complex nature of the conflict, which is influenced by shifting alliances and extremist elements, the situation in southern and central Somalia can change daily, making any location that is safe one day potentially dangerous the next." [3d](p30)

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Southern and central Somalia

- 8.05 OCHA, in its Monthly Cluster report for March 2008 notes:

"The security situation in Somalia continues to deteriorate. Fighting between the Transitional Federal Government (TFG) supported by Ethiopian troops and anti-government elements is now taking place throughout central Somalia. In March, anti-government elements temporarily seized control of several major towns. In the past few months, they have taken at least ten towns, in a series of hit-and run attacks in which they voluntarily withdrew after capturing equipment and freeing prisoners. Overall, the absolute number of security incidents has increased as well as the number of locations. The deteriorating security situation is slowing down humanitarian deliveries and affecting humanitarian agencies' ability to support populations in need." [26m]

- 8.06 The UN Secretary-General's report to the Security Council, dated 14 March 2008, (UNSC report, 14 March 2008) mentions a fact-finding team of UN protection experts that went to Somalia from 7 to 25 January 2008. [3d](p5) On the security situation outside Mogadishu, in central and southern Somalia, the report noted:

"Hostilities over the past year [2007] have included targeted assassinations, hand and rocket-propelled grenade attacks, mortar attacks, small arms clashes, roadside bombs and the use of landmines. While some areas of Mogadishu are the epicentre of violence, there have also been attacks in Kismaayo, Jawhar, Beledweyne, Baidoa and Galkayo in southern and central Somalia. In those regions the targets of the attacks generally have

been Ethiopian armed forces, Government troops, police and police stations; and Government authorities. Some 12 District Commissioners have been assassinated since August 2007. Although suicide attacks have been rare in Somalia, the United Nations country team statistics indicate that seven body-borne and vehicular suicide attacks targeted Ethiopian troops and Government officials from April to October 2007.” [3d](p28-29)

- 8.07 The fact-find team were the first UN mission to visit Kismayo since mid-2006, and the UNSC report, 14 March 2008, states: “While the city was free of fighting on the day the team visited, the situation in the city remains volatile, particularly because of fighting for control over the port and airport. Although the team met with Government officials representing an alliance of clans who claim to control most of ‘Jubaland’, it was clear to the team that the security situation is fluid and far from stable.”[3d](p29) On Biadoa and Merka, “the situation is assessed to be more stable although underlying tensions remain.” [3d](p29)

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Mogadishu

- 8.08 The UNSC report, 14 March 2008, summarises analysis of the violence of 2007, stating:

“The Department of Safety and Security [UN DSS] has undertaken a trend analysis of the types of attacks against certain targets throughout Somalia, including Mogadishu, in 2007. The general security trend in Mogadishu appears proportional to the level of military effort undertaken by the coalition of Ethiopian armed forces and Transitional Federal Government troops to defeat the anti-Government elements or conduct forcible disarmament. From June to September 2007, there was a sharp increase in standoff attacks, improvised explosive device incidents, mine attacks and assassinations but a marked decrease in armed clashes. During this period, it was assessed that the more radical anti-Government elements were active, while the remainder were awaiting the outcome of the National Reconciliation Congress and the decision of the Transitional Federal Government to carry out the recommendations of the Congress. Since September, actions of the Ethiopian and Government forces have increased, with a concerted effort to eradicate the radical anti-Government elements within Mogadishu. Reported retaliatory fire by the Ethiopian armed forces, using field guns and heavy mortars against the anti-Government elements in heavily populated civilian areas, has caused significant loss of life and damage to civilian property. Moreover, it prompted the mass evacuation of civilians from Mogadishu in November, creating thousands of internally displaced persons. It is noteworthy that during the last quarter of 2007 attacks by the anti-Government elements have become more coordinated and have begun to be conducted during daylight hours.” [3d](p32)

- 8.09 Other sources have previously given details of incidents over 2007, which follow the UN DSS’s analysis. To begin with, despite efforts to broker a ceasefire after the main bombardments of March and April 2007, violence continued in Mogadishu during April 2007. There were estimates that over 1,000 people were killed in clashes between Ethiopian forces, and Hawyie/Islamist militias. UNHCR is reported to have estimated that 124,000

persons have left Mogadishu due to the violence. (BBC 10 April 2007) [8j] (p1-2) (*Agence France-Presse (AFP)* 11 April 2007) [18e] (p1-2) The BBC reported on 2 April 2007 that “Many used a lull in the fighting to flee the city on Monday, after four days of Ethiopian troop attacks on Islamist insurgents and local militias...Hospitals have reported scores of people killed, while residents have spoken of indiscriminate shelling.” [8h] (p1)

- 8.10 The UK Border and Immigration Agency’s fact finding mission report on Somalia dated 20 July 2007 (UK FFM 20 July 2007) noted:

“A journalist from an international news agency stressed to the delegation that Mogadishu is in effect ‘the centre of the [security] problem’ as it is the city in which the majority of fighting had taken place and where the TFG continues to focus its efforts. He stressed that the current conflict (post the heavy fighting during March – April 2007) is the worst time that the country has faced for sixteen years. This is due to the sheer volume of hostility and mistrust among officials and civilians alike.

“Seven sources stressed the unpredictability and volatility of the security situation in Mogadishu. Three sources explained that the north of the city is more dangerous than other parts of Mogadishu. A relevant department of the UN stated that although the north of the city is more volatile and dangerous than the south, in both areas a degree of relative normality has returned, more so in the south, but even in the areas in the north which are most unstable.” [7f] (p12)

- 8.11 UK FFM 20 July 2007 also noted that: “Six sources agreed that most of the violence in Mogadishu has become more sophisticated and political in nature, precisely targeting TFG and Ethiopian forces, high profile political targets, law enforcement agencies, Ethiopian troops and occasionally at African Union forces... However this contrasted with the information provided by one source who claimed that the TFG and Ethiopian troops were attacking anyone and any visible target that they perceive to be a threat to them. He told the delegation that “anyone who is remotely perceived to be anti-TFG, and anyone who is perceived to be Arabic, anyone who is perceived to be a radical Islamist (to give just three examples), are targets.” [7f] (p12)

- 8.12 The UNSC report, dated 25 June 2007, noted:

“The offices of the World Health Organization (WHO) in Mogadishu were attacked by armed gunmen, and one compound guard was shot and wounded on 16 May [2007]. On the same day, a roadside bomb killed four Ugandan troops and injured six others. Prime Minister Gedi survived two bomb attacks in less than a month, on 17 May and 3 June [2007]. The newly appointed Governor and Mayor of Mogadishu also survived a bomb attack against his convoy on 20 May [2007]. These and other recent events continue to raise concerns about security in Mogadishu.” [3c]

- 8.13 In July 2007, 25,000 people fled from Mogadishu as civilian deaths rose. (OCHA, Monthly analysis, July 2007) [26d] “According to a human rights NGO in Somalia, more than 200 civilians were killed and 400 others wounded in the month of August, the highest death toll since the beginning of intense conflict in February 2007.” (OCHA, Monthly analysis, August 2007) [26e] By late September, “...insecurity persists in Mogadishu as anti-

government elements target Ethiopian/TFG forces. Assassinations of those perceived to support the TFG continue” (OCHA, Weekly report, 21 September 2007) [26i] and in the words of another commentator, “Violence in Somalia has spiraled [sic] ...to levels surprising even to Mogadishu's war-weary residents.” (Global Terrorism Analysis, *Terrorism Focus*, 25 September 2007) [31a]

8.14 OCHA, in its monthly Humanitarian Analysis for November 2007 noted:

“During the month of November [2007], security operations by Ethiopian/TFG forces intensified particularly in six districts within the city believed by the TFG to be harbouring anti-government elements. Fierce attacks ensued between the warring factions killing, wounding and terrifying civilians in indiscriminate shelling, roadside bombs and artillery attacks.” [26i]

8.15 In the same report OCHA noted that the violence in Mogadishu rose to such a level in November that it triggered the movement of more than 240,000 people out of the city. [26i] The report notes:

“Six of 17 districts in Mogadishu which have been the scene of almost daily confrontations between Ethiopian/Transitional Federal Government Forces (TFG) forces and anti-government elements have been nearly deserted for most of the month due to insecurity and forced eviction. Communities who returned to areas where troops had temporarily withdrawn witnessed the almost complete destruction of homes and public infrastructure. Religious places were desecrated, as well as other public areas ... Ad hoc roadblocks that charge taxes ranging from US\$70 – US\$500 to move in and out of Mogadishu have caused huge hindrances to the humanitarian community in accessing vulnerable people. [26i]

See [Checkpoints](#)

8.16 Despite the ongoing reconciliatory efforts, fighting between the Transitional Federal Government and the insurgency continued throughout January 2008. OCHA's Humanitarian Overview, dated January 2008, noted:

“Fighting between the Transitional Federal Government/Ethiopian Forces and insurgents continues to gravely impact civilians. Reports indicate that fierce fighting in just one two-day period between 17-18 January [2008] in Mogadishu injured some 150 civilians and may have killed as many as 35 people. Violence and ‘security operations’ seem to be bleeding into areas previously considered safe or relatively safer – and consequently into which many IDPs have fled. For example, confrontation between TFG forces, backed up by Ethiopians, in Daynile on 8 January killed 12 and injured a further 30. Daynile is one of the sixteen districts in the Banadir region where thousands of IDP families have fled to from other areas of Mogadishu. An estimated 36,000 people have been displaced from and within Mogadishu during the month [January 2008].” [26i]

8.17 An article by the BBC, dated 29 January 2008, noted:

“At least 10 people have been killed and more than 55 injured in clashes between insurgents and government forces in a residential area of the Somali capital. The latest fighting came as the head of the country's UN

refugee agency said he has never felt so frustrated with Somalia's lack of political progress." [8l]

- 8.18 OCHA, in its Monthly Cluster report for March 2008 notes:

"Mogadishu continued to experience heavy fighting and attacks from the warring parties throughout the month of March [2008]. Sustained attacks on suspected TFG/Ethiopian bases, indiscriminate shelling and general lawlessness resulted in the death of many civilians and left many others with serious injuries. During the month of March [2008], 276 war-wounded were admitted to the two main hospitals in Mogadishu, Medina and Keyanney, bringing the total for the first quarter of the year to 848." [26m]

- 8.19 The UNSC report, 14 March 2008 also recounts, bringing information into a then current (early 2008) focus:

"The fact-finding team spent three days and two nights in Mogadishu, meeting officials and travelling in United Nations civilian armoured vehicles to many districts to assess the security situation in the city. Hostilities seem to be generally confined to five districts, including Yaqshid, Wardhigley, Hawl-Wadag, Hodan and Bondhere. While a number of districts were deserted, as an estimated 60 per cent of the population has temporarily fled the city, several other districts that were assessed to be safe at the time of the visit were seen to be populated: stores were open, transport was moving and the port was active.

"The three days of relative calm experienced by the team belie the volatility of the security situation. Before the team arrived, there was serious fighting in Mogadishu that killed more than 30 people and wounded 60. In the days after the team departed, fighting once again broke out. Mortars were fired at the airport, where the African Union Mission in Somalia (AMISOM) is based, one mortar exploding close to the United Nations common compound. Those attacks coincided with the completion of the Burundian battalion's deployment to AMISOM and illustrate how quickly the security situation can change." [3d](p29-30)

- 8.20 By 9 June 2008, the fighting was reported by IRIN "mostly concentrated in the districts of Wardigley in the south, and Yaqshid in north Mogadishu, according to a local journalist. He said Bakara market, the country's largest market, was hardest hit." [10u]

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Somaliland and Punt

- 8.21 The UNSC report, 14 March 2008, on the fact-finding team's findings in the northern parts of Somalia, January 2008, states:

"Security in the north of Somalia remains fragile, but the situation there is relatively better than in southern and central Somalia. The fact-finding mission attempted to visit Hargeysa in 'Somaliland' but was prevented from doing so by security concerns caused by a political rally. 'Somaliland' and 'Puntland' continue to dispute their border in the Sool and Sanag regions, centred on the city of Laascaanood. This issue is related to the

administrative border that allocates the region to Somaliland, although the people who live in the area belong to the Darod-Dolbohanta clan of 'Puntland'. The state identity of these two lands will require careful consideration in any future Somali federation. Although 'Somaliland' has officially indicated its desire to secede from Somalia, no country has recognized it as a separate State. The self-declared autonomous State of 'Puntland' has stated its desire to remain a part of Somalia as an autonomous region, but it has significant security problems, including piracy and kidnapping, as well as the border dispute with 'Somaliland'." [3d](p28)

- 8.22 OCHA, in its Humanitarian Overview dated January 2008, gives further details of the Sool and Sanag clashes, stating:

"[Clashes and troop movements] raised fears that another outbreak of fierce fighting was imminent and triggered minor new displacements. In response to the some armed clashes in Dhansabar, people started to move again from Laas Caanood. In addition to a possible new influx of IDPs, water shortage in many parts of Puntland is becoming a major humanitarian issue. The water situation in Galgaduud is becoming more serious due to the poor Deyr rains and drought is a threat in areas in the north from Hiraan to Mudug. In Buhoodle (Togdheer region), for example, meager water resources for the population are now having to be further stretched due to the influx of IDPs from Laas Caanood." [26f]

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POLICE AND SECURITY FORCES

Mogadishu and southern and central Somalia

TFG

- 8.23 The US State Department in its *Background note* of June 2008 stated:

"The Transitional Federal Government and other various groups throughout Somalia are estimated to control militias ranging in strength from hundreds to thousands. Some groups possess limited inventories of older armored vehicles and other heavy weapons, and small arms are prevalent throughout Somalia." [2d] (Defence)

- 8.24 UK FFM 20 July 2007 noted:

"Three sources confirmed that there were organisational problems within the structure of the TFG with 'no official chain of command', and power struggles and vested interests among its top officials. One source explained that due to this 'what many call the government in Somalia cannot really be classified as such'.

"All sources who were asked stated that there were at least four competing factions within the TFG:

- The regional government comprised of Mohamed Dheere and his forces; which one source described as 'the personal force of a very powerful warlord, and the worst dictator in Somalia'. Another source

40 This Country of Origin Information Report contains the most up-to-date publicly available information as at 30 July 2008. Older source material has been included where it contains relevant information not available in more recent documents.

stated that Dheere's police were based in 16 police stations in the city, mounting ad hoc mobile patrols.

- the Ethiopians with their own troops, which one source described as stationed strategically through out the city at main locations, mounting patrols, but not proceeding far from their bases [S11.2].
- the 'TFG' with its own forces
- 'other TFG collaborative forces'.

"There was discrepancy regarding the third and fourth groups detailed in the above list; namely as to what the TFG comprised and what the TFG and collaborative forces were. A relevant department of the UN claimed the TFG were in collaboration with Ethiopian forces and that this collaboration was mainly seen at joint checkpoints. However an academic researcher of Somali descent said that in addition to Dheere's police and Ethiopian troops, were the "presidential protection unit, who do not answer to anyone and are highly independent", and the national security service, under the Ethiopians and President Yusuf. The adviser to the EU institution claimed that in addition to Dheere's police and the Ethiopian troops were "the TFG troops trained in Puntland" and "the Federal police, run by the commissioner of police." A Somali NGO detailed the third, fourth, and fifth groups in the 'government' to be: the TFG troops trained in Puntland; the anti-terrorist unit of the TFG police; and the state intelligence service.

"...All sources asked agreed that not one of these four groups has complete control over Mogadishu, and there is little effective communication between the groups." [7f] (p14)

- 8.25 The US State Department report on Human Rights Practices covering 2007 (USSD report for 2007) stated:

"The police were generally ineffective, underpaid, and corrupt. With the possible exception of approximately 2, 000 UN-trained police known as the Somali Police Unit, members of the TFG titular police forces throughout the country often directly participated in politically based conflict and owed their positions largely to clan and familial linkages to government authorities. There were continued allegations that TFG security officials were responsible for extrajudicial killings, indiscriminate firing on civilians, arbitrary arrest and detention, rape, extortion, looting, and harassment." [2a] (**Role of the Police and Security Apparatus**)

- 8.26 Human Rights Watch (HRW), in their report 'Shell Shocked: Civilians under siege in Mogadishu' dated August 2007, added that:

"...The Transitional Federal Government forces failed to provide effective warnings when alerting civilians of impending military operations, committed widespread pillaging and looting of civilian property, and interfered with the delivery of humanitarian assistance." [30a]

- 8.27 UK FFM 20 July 2007 noted:

"A relevant department of the UN explained: 'At the moment it is unclear where real power lies in Mogadishu. It is difficult to identify exactly who is

behind the armed groups, the general opposition and the media shutdowns. There is a proliferation of government uniforms, with three different types of police or militias claiming to be police or government security forces. There is also no way for lay observers to tell the difference between TFG and Ethiopian troops’.” [7f] (p14)

- 8.28 “The fact-finding team received conflicting information regarding police presence in Mogadishu. A researcher for a major NGO claimed that the TFG does have its own police force: 2,000 have already been trained and a further 2,000 are currently in training. An advisor from an EU institution said that about 300 police recruits were being trained a month, in Puntland, however the training was very basic. A Somali NGO also stated that the security forces were given little training and added that most security operations were revenue-based, ‘legitimised looting’, starting from the Prime Minister down.

“Executives of an internationally recognised NGO told the delegation that the police, though apparent, were not really implemented as a force. A relevant department of the UN said that the police do reportedly have a presence on the streets of Mogadishu however there are insufficient numbers of police to exert any effective control. He added that the police force has not been expanded yet and that little had been achieved other than basic initiative measures.

“An internationally regarded NGO told the delegation that the trained police are from a mixture of clans and most are ex police officers. Another executive of an internationally recognised NGO said that the police force was influenced by clan issues, with splits into clan-based sections.” [7f] (p16)

- 8.29 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact Finding Mission report on Human rights and security in central and southern Somalia, published August 2007 noted:

“Abdulle confirmed that the TFG’s police force is virtually non-existent on the ground and it cannot offer any kind of protection. The present environment in Somalia is not conducive for a police force as every police officer is a potential target for insurgents. An international organisation (C) and Lazzarini confirmed that the police force is a target like any other TFI.” [7e] (p10)

- 8.30 Amnesty International, in *Routinely targeted*, 1 June 2008, states, “Amnesty International received multiple reports indicating that among all parties to the conflict, the conduct of TFG forces had, until mid to late 2007, been widely perceived as comparatively more aggressive toward civilians, unprofessional, and prone to theft and looting.” [6b](p8) The AI report adds “No one is being held accountable for human rights and international humanitarian law violations committed by TFG forces. Forces of the TFG are frequently reported to act as if they believe they are immune from accountability, investigation or prosecution, including for crimes under international law.” [6b](p9-10)

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AMISOM (African Union Mission to Somalia)

- 8.31 AMISOM was set up by the UN Security Council under UNSC Resolution 1744, authorised February 2007, with the intention of providing a 'peace-support' force of 8,000 troops drawn from African Union member states. Since February 2007, Uganda has provided 1,600 troops and Burundi a small advance team. 350 Ghanaian and 850 Nigerian troops have not been scheduled as of January 2008 to join the force. The mandate for the force was extended in January 2008 by the African Union Peace and Security Council to July 2008. (AI, *Routinely targeted*, 1 June 2008) [6b](p5,6); (UN Security Council report, 14 March 2008) [3d](p3)
- 8.32 The UK FFM July 2007 noted that "there was some discrepancy [amongst sources] as to whether the AU could be classed as a fifth security force on the streets." [7f] (p14) Amnesty International adds further detail "Due to a severe lack of capacity, the AMISOM mission has been limited to providing VIP escort 'confidence-building patrols' within its area of operations, protection of the Mogadishu airport, seaport and Villa Somalia (presidential office), and providing some security during the National Reconciliation Congress (NRC) [July 2007]. It has neither the mandate nor the capacity to protect civilians in Somalia." [6b](p6)
- 8.33 Burundian troops have been placed at a new base at the former national university building in Mogadishu in order to continue peace keeping efforts in the city. (Shabelle Media Network, 31 January 2008) [37d] AllAfrica.com reported on 1 February 2008 that Uganda will be sending additional troops to Somalia for the AMISOM mission: "President Yoweri Museveni has said Uganda is ready to send thousands of additional troops to the volatile Somalia to help stabilise the struggling federal transitional government of the ailing president, Abdullahi Yusuf. Gen. Museveni, who is currently attending the African Union summit in the Ethiopian capital - Addis Ababa, told UN secretary-general, Ban Ki-Moon at a separate meeting on Wednesday [30 January 2008] that Uganda could raise as many troops to meet the required 8, 000-strong African Union Mission in Somalia (Amisom) force." [40a]
- 8.34 On 23 May 2008, the BBC reported that a report by the United Nations monitoring group on the Somali arms embargo cited incidents of African Union troops based in Mogadishu selling seized arms back to Islamist insurgents. [8o]
- 8.35 The ICG, in its report, outlined proposals for a multinational force to ensure stability after Ethiopians forces, and the practical difficulties that would face such a force in Somalia:

"The tasks envisioned in the plan are ambitious for such a small force. Fewer than 8,000 troops would be hard pressed to provide security for key institutional sites such as parliament and the presidency and strategic installations such as ports and airports, as well as keep the roads open. But the force is also expected, inter alia, to 'provide assistance to the TFG to consolidate its authority over the whole of Somalia', prevent illegal inflows of arms and assist in disarmament of all armed groups not under TFG control as well as in the training of TFG security forces. Unless a more limited and realistic set of objectives is assigned, the proposed force is likely to be stretched too thin to do any of this effectively. More to the point, without a political process that turns the TFG into a true government of national unity,

an AU force – while perhaps less provocative than the Ethiopians – would in time also be seen as an occupying army.” [24a] (Section E. Peace Operations)

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Ethiopian Forces

- 8.36 The Foreign and Commonwealth Office, in a letter dated 12 November 2007, stated:

“Ethiopian forces are relatively small in number – estimated at 12,000 for the deployment against the Islamic Courts in December 2006 and January 2007, and now between 5,000 and 6,000, in support of the TFG and mostly located in, around or near (within 50 kilometres) Mogadishu. The latest news reports [October 2007] suggest that Ethiopia has sent reinforcements into Mogadishu in October 2007, though the reports do not specify if the reinforcements are from stations in central and southern Somalia, or fresh from Ethiopia, and there is no corroboration, for example, independent monitoring, statements from Ethiopia to this effect. Ethiopia provides the TFG’s real military might, even though the TFG can muster in excess of 10,000 troops to mount specific offensive action. Therefore, such military offensives tend to be launched with the agreement and support of Ethiopia, who would play a decisive role. The TFG probably has designs on more action, but Ethiopian control keeps these aspirations in check.” [16d]

- 8.37 Human Rights Watch (HRW), in their report ‘Shell Shocked: Civilians under siege in Mogadishu’ dated August 2007, however, were critical of the Ethiopian forces’ conduct:

“Ethiopian commanders and troops used both means of warfare (firing inherently indiscriminate ‘Katyusha’ rockets in urban areas) and methods of warfare (using mortars and other indirect weapons without guidance in urban areas) that violated international humanitarian law. They routinely and repeatedly fired rockets, mortars, and artillery in a manner that did not discriminate between civilian and military objectives or that caused civilian loss that exceeded the expected military gain. The use of area bombardments in populated areas and the failure to cancel attacks once the harm to civilians became known is evidence of criminal intent necessary to demonstrate the commission of war crimes. The Ethiopian forces also appeared to conduct deliberate attacks on civilians, particularly attacks on hospitals. They committed pillaging and looting of civilian property, including of medical equipment from hospitals.” [30a]

- 8.38 Amnesty International has a slightly different account that pinpoints the Ethiopian forces altering their conduct towards civilians after the parading of Ethiopian troops’ bodies by insurgents in Mogadishu, in November 2007. (Amnesty International, *Routinely targeted*, 1 June 2008) [6b](p10) The AI report also states that: “Both survivors and civil society observers told Amnesty International that, prior to this time [November 2007], Somalis would frequently state that they ‘prefer’ Ethiopian troops’ conduct over that of TFG troops. However, since late 2007, there have been growing reports of increased violations against civilians by Ethiopian forces.” [6b](p8)

44 This Country of Origin Information Report contains the most up-to-date publicly available information as at 30 July 2008. Older source material has been included where it contains relevant information not available in more recent documents.

See [Extrajudicial killings](#)

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Somaliland

- 8.39 The US State Department report on Human Rights Practices covering 2007 (USSD report for 2007) stated:

“In Somaliland an estimated 60 percent of the budget was allocated to maintain a militia and police force comprised of former soldiers. Abuses by police and militia members were rarely investigated, and impunity was a problem. Police generally failed to prevent or respond to societal violence.” [2a] (Role of the Police and Security Apparatus)

Punt

- 8.40 The USSD report for 2007 stated:

“In May [2007] more than 800 Puntland militia members, who were employed as Puntland’s security force, reportedly abandoned their posts in protest over unpaid wages. In July [2007] police from Bossaso erected a roadblock to protest not receiving wages.” [2a] (Role of the Police and Security Apparatus)

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TORTURE

- 8.41 The USSD report for 2007 states:

“The Transitional Federal Charter (TFC) prohibits torture. The Puntland Charter prohibits torture ‘unless sentenced by Islamic Shari’a courts in accordance with Islamic law’. However, there were reports of the use of torture by the Puntland and Somaliland administrations and warring militiamen against each other or against civilians. Observers believed that many incidents of torture were not reported. The TFG, militias allied to the TFG, and various clan militias across the country tortured and abused detainees. Unlike in the previous year, there were no reports of public floggings; in 2006 such floggings were frequently ordered by the Council of Islamic Courts.

“...There were no reports of action taken against Somaliland or Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2006 or 2005. There also was no action taken against members of the defunct Council of Islamic Courts for torture and abuse committed in 2006.” [2a] (Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)

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EXTRA-JUDICIAL KILLINGS

8.42 The USSD report for 2007 stated:

“The government summarily executed persons during the year. For example, in July two former members of the TFG forces were executed at a police station in Hamar Jajab district for killing a TFG police officer at Ex Control Point Balad two months prior. Unconfirmed reports indicated that one of the men was executed for assisting anti-TFG militia.

“Use of excessive force by government forces, TFG militia, and ENDF troops resulted in the deaths of demonstrators during the year.” [2a] (**Arbitrary or Unlawful Deprivation of Life**)

8.43 The USSD report for 2007 also noted:

“Throughout the year government and ENDF forces and security forces killed street children. In at least two incidents, militia members or soldiers shot and killed shoe-shine boys in disputes over payment. In July [2007] TFG militia reportedly attacked and beat a 13-year-old boy on his way to a madrassa.” [2a] (**Arbitrary or Unlawful Deprivation of Life**)

8.44 AI in *Routinely targeted*, 1 June 2008, states, “There was a marked increase in reported extrajudicial executions of civilians by Ethiopian soldiers in November and December 2007.” [6b](p10) The AI report continues that the Ethiopian troops were disproportionate in their reaction to attacks; practicing killing by the slitting of throats; using snipers in residential areas; and where liable to attack civilians in the event of language difficulties. [6b](p10-11, *pace* 11-13) OCHA, in its monthly analysis report (November 2007), had previously noted such activities:

“The TFG and Ethiopian forces have been carrying out security operations including house-to-house searches and arbitrary arrests, instilling fear amongst the population with summary executions reported during these operations. Allegations of rounding up and executing civilians including slitting throats of men following attacks on their forces as collective punishment have been reported.” [26i]

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ABUSES BY NON-GOVERNMENT ARMED FORCES

- 9.01 Amnesty International, in *Routinely targeted*, 1 June 2008, summarised the armed groups in conflict with the TFG, Ethiopian and less directly, AMISOM, as:

“Armed groups in Somalia include remnants of the ICU, supporters of the ARS, and radical Shabab youth militia. They also include clan, sub-clan and local political leaders and militias who have acted as bandits, perpetrating raids, robberies and other abuses against civilians, including rape and other forms of sexual violence. For example, those called *Mooryaan* [‘bandits’] are described as ‘gun totting young men’ or ‘street kids,’ who behave as criminals against civilians. Armed group fighters and criminal elements are generally more difficult to identify by dress, vehicle or appearance. The command structures of these entities are opaque in most cases, but leaders whose identity is commonly known should be held accountable for the conduct of their forces.” [6b](p13)

INSURGENTS

- 9.02 The situation in June 2007, after the main assaults by the TFG / Ethiopian forces of March and April 2007, was that analysts posited that although the Shabab had been damaged, there were many more troops being trained and different sections of the insurgency were grouping together with the common aim of eliminating Ethiopian troops from Mogadishu. (UK FFM 20 July 2007) [7f] An article of 27 May 2008 talks of three rival factions amongst the insurgents. (Los Angeles Times, 27 May 2008) [48a]

- 9.03 PINR in its report ‘Somalia’s President Yusuf Loses His Grip on Power’ dated 3 October 2007 noted:

“The insurgency in Mogdishu led by the jihadist Youth Mujahideen Movement (YMM) spiked [in late September 2007], with groups of several dozen fighters attacking police stations and TFG and Ethiopian military bases with heavy machine guns and rocket-propelled grenades, and fighting pitched battles with government and occupational forces. The attacks peaked on September 29 [2007] when three police stations and two Ethiopian bases came under fire, resulting, according to some reports, in the deaths of 100 insurgents and 45 government forces, and the arrests of 700 people supporting the insurgency.” [15g]

- 9.04 The USSD report for 2007 reported that:

“Several deaths resulted from random shootings by Islamic extremists trying to impose strict social edicts. For example, a May explosion at a cinema hall in Bardera resulted in the deaths of three adults and two children. In June [2007] five persons were killed in a Baidoa cinema after Islamic extremists lobbed an explosive device inside the hall.” [2a] **(Arbitrary or Unlawful Deprivation of Life)**

- 9.05 The USSD report for 2007 stated:

“Fighting between TFG/ENDF forces and antigovernment groups resulted in more than 1,000 civilian deaths in south central Somalia, particularly Mogadishu; political killings and assassinations also occurred.

“Politically motivated killings by antigovernment groups and extremist elements resulted in the deaths of approximately 30 senior TFG officials.

“Prominent peace activists, clan elders, and their family members became targets and were either killed or injured for their role in peace-building. In March gunmen killed Issa Abdi Issa, a prominent Kismayo peace activist who was attending a workshop in Mogadishu. Like all previous killings of peace activists, the perpetrators were not arrested by year's end.”
[2a] (Arbitrary or Unlawful Deprivation of Life)

See [Kismayo](#)

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TERRORISM

- 9.06 The US State Department's *Country Reports on Terrorism*, published 28 April 2008, recounts the following with regard to Somalia:

“Somalia's fragile central government, protracted state of violent instability, long unguarded coastline, porous borders, and proximity to the Arabian Peninsula made the country an attractive location for international terrorists seeking a transit or launching point for conducting operations in Somalia or elsewhere. Despite the late 2006 defeat of the Council of Islamic Courts (CIC) in Mogadishu by Ethiopian and Transitional Federal Government (TFG) forces, the ensuing low-level conflict that engulfed Mogadishu and parts of south central Somalia for the remainder of the year continued to make Somalia a permissive operating environment and safe haven for both Somali and foreign terrorists. The extremist al-Shabaab (The Youth), the militant "shock troops" of the CIC whose radicalism and violent means led to the CIC's undoing, initially dispersed and fled south along the Kenyan border. Al-Shabaab, some of whom are affiliated with AQ, consists of radicalized young men, between 20 and 30 years of age. A few of its senior leaders are believed to have trained and fought with AQ in Afghanistan. Al-Shabaab extremists participated in attacks against Ethiopian and TFG security forces. Al-Shabaab and other extremists were also behind suicide bombings, the use of landmines, remote controlled roadside bombs, and targeted assassinations against Ethiopian and TFG security forces, other government officials, journalists, and civil society leaders. The African Union Peace Support Mission (AMISOM), which deployed in March to secure the air and sea ports and presidential compound, lost six soldiers to extremist attacks during the year.

“Among the foreign AQ operatives believed to have enjoyed protection by the former CIC and al-Shabaab leadership were individuals wanted for the 1998 embassy bombings in Kenya and Tanzania and a 2002 hotel bombing in Kenya, including Fazul Abdallah Mohammed (aka Harun Fazul), and Saleh Ali Saleh Nabhan. At the end of the year, Ethiopian and TFG forces remained nominally in control of Mogadishu and southern and central Somalia, though institutions of government remained weak and ineffective. Regional efforts to bring about national reconciliation and establish peace and stability in Somalia are ongoing. The capability of the TFG and other Somali local and regional authorities to carry out counterterrorism activities was limited.” [4e](Somalia)

- 9.07 On 3 March 2008 the US launched a missile strike in Dhoble, Somalia. The attack was aimed at an al-Queda suspect, Saleh Ali Saleh Nabhan. The BBC, in their article 'US names Somalia al-Qaeda wanted', dated 5 March 2008, reported: "At least four civilians were reportedly killed when the missiles hit Dhoble town early on Monday [3 March 2008]. ...The Pentagon has not said whether it believes Mr Nabhan was killed or wounded in the attack, which involved cruise missiles fired from a submarine." [8c] In May 2008, the US launched another unilateral attack. The US military confirmed that it carried out a pre-dawn missile attack on 1 May 2008 which killed a senior leader of an Islamist militant group in Somalia. The BBC article of 1 May 2008 notes: "The strike hit the home of Aden Hashi Ayro, the military head of al-Shabab, which controls much of Somalia. At least 10 other people, including another al-Shabab leader, also died. But local elders have said up to 30 bodies have been recovered from the scene, according to unconfirmed reports." [8n]

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CLAN-BASED MILITIAS

- 9.08 The Joint UK-Nordic Fact-Finding Mission Report of January 2004 (JFFMR March 2004) has previously noted that there were three types of militia operating in Somalia at that time: those that were supported and run by the business community; those that are controlled by warlords; and freelance militias. The basis for recruitment into all three was clan affiliation. [7c] (p31) According to the JFFMR July 2002, Musa Sude was the only faction leader who could effectively raise and maintain a militia. Musa Sude achieved this and thus retained the loyalty of his militia by distributing money fairly equitably across his forces. Ali 'Ato' and Hussein Aideed had militias that fought for them but they had to provide for themselves on a day-to-day basis. [7b] (p36)

- 9.09 The International Crisis Group (ICG) in a report dated 26 January 2007 outlined the demise of these militia arrangements, and states:

"One of the TFG's [Transitional Federal Government] first acts following the capture of Mogadishu [December 2006] was to issue a decree calling for disarmament of its population. Prime Minister Gedi gave the city three days to surrender weapons voluntarily before the government took coercive measures. Many Hawiye, however, would view such an act as capitulation and fear that disarmament would leave them vulnerable to reprisals by a hostile government.

"Somewhat surprisingly, two prominent faction leaders expected to oppose the disarmament efforts, Mohamed Qanyare Afrah and Musa Sudi Yalahow, surrendered vehicles and weapons on 17 January [2007] in exchange for posts in the national government. Omar Filish followed suit the following day. It was the first sign that the government might be prepared to approach disarmament as part of a broader, political process, but the imposition of a state of emergency and the removal of the speaker of parliament are unlikely to inspire confidence in the broader population that a political settlement is in sight.

“Successful disarmament – especially in Mogadishu – requires both a political settlement and enhancement of the government’s capacity to provide security. An aggressive, coercive program is likely to encounter violent resistance and create more problems that it resolves.” [24a] (Section C. Disarmament)

9.10 The USSD report for 2007 notes:

“During the year an estimated hundreds of civilians were killed in inter- or intra-clan militia clashes. Killings resulted from clan militias fighting for political power and control of territory and resources, revenge reprisals; criminal activities and banditry; private disputes over property and marriage; and revenge vendettas after such incidents as rapes, family disagreements, murders, and abductions. With the breakdown of law and order, very few of these cases were investigated by the authorities, and there were few reports that those cases resulted in formal action by the local justice system.

“In April [2007] seven persons were killed and an estimated 15 injured in fighting between Haber Gedir subclans of the Sa’ad and Saleban; fighting between the same subclans in May [2007] resulted in 10 deaths and a dozen other persons injured.” [2a] (Arbitrary or Unlawful Deprivation of Life)

Kismayo

9.11 Kismayo is the one place in Somalia where currently clan-issues are identifiably at the fore of security issues. The USSD report for 2007 reports “...in April [2007], in Lower Juba, clashes between Darood subclans of the Marehan and Majerten over revenue collection resulted in 12 deaths and 18 persons injured. Clashes in June [2007] between the Marehan and Majerten over control of Kismayo resulted in approximately 10 deaths and numerous injured.” [2a] (Arbitrary or Unlawful Deprivation of Life)

9.12 The conflict has been characterised by roadblocks around Kismayo which has limited access for observers since mid-2006: it has been a dangerous place for international agencies to work in, with a UN national staff member abducted in Kismayo, and three fatalities from a roadside bomb prompting Médecins sans Frontières to withdraw its international staff from southern Somalia. (UNSC report, 14 March 2008) [3d](p29,30) The first observers to break the cordon were of the 7-25 January UN fact-finding team who “met Government officials representing an alliance of clans”. [3d](p29) Garowe online, on 23 May 2008, added further detail about Kismayo’s power structure: “Islamist rebels spearheading a bloody insurgency against Somalia’s UN-endorsed Transitional Federal Government (TFG) have entered into a secretive agreement with the clan militia ruling the southern port of Kismayo, reliable local sources tell Garowe Online. Earlier this week [late May 2008], Kismayo’s ruling clan militia leaders met secretly with guerrilla commanders loyal to the Islamic Courts and al Shabaab, splinter groups within Somalia’s fractured Islamist movement.” [35f]

See [Checkpoints](#) on roadblocks around Kismayo

9.13 The IDP population in Kismayo was reported in June 2008 to be an estimated 35,000. (Garowe Online, 17 June 2008) [35i] “The IDPs [internally displaced persons] in Kismayo are of three categories: those who fled the recent upsurge of violence in Mogadishu, those who were displaced by

50 This Country of Origin Information Report contains the most up-to-date publicly available information as at 30 July 2008. Older source material has been included where it contains relevant information not available in more recent documents.

fighting in Jammame [55 km north of Kismayo], and the old ones from 1992,' [Mohamed Adan] Dheel [a civil society activist] said on 17 June." (Garowe Online, 17 June 2008) [35i]

See [IDPs](#)

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JUDICIARY

- 10.01 As noted in the US State Department's (USSD) report on human rights practices covering 2007, dated 11 March 2008:

"The TFC provides for an independent judiciary, but there was no functioning judicial system for the TFG to administer. The TFC outlines a five-year transitional process that includes the drafting of a new constitution to replace the 1990 constitution; however, for many issues not addressed in the charter, the former constitution still applies in principle.

"The TFC provides for a high commission of justice, a supreme court, a court of appeal, and courts of first reference; however, no such courts existed. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of elements from traditional and customary law, Shari'a, and the penal code of the pre-1991 government... .

"Clans and subclans frequently used traditional justice, which was swift. For example, in August [2007] Mohamed Madei, a member of the Galje'el subclan, was publicly executed for a killing allegedly committed by his uncle against a Marehan man in accordance with an execution agreement between the two subclans. In October [2007] Garane Noor Mohamed was publicly put to death in Kismayo by agreement of Sade clan elders the day after he allegedly killed a policeman in downtown Kismayo. In August [2007] Horarsame Marehan subclan elders apprehended and handed over one of their kin for execution to the elders of the Rer-Ahmed Marehan subclan for allegedly killing a Rer-Ahmed Marehan subclan member. Traditional judgments sometimes held entire opposing clans or sub clans responsible for alleged violations by individuals." [2a] (**Denial of Fair Public Trial**)

- 10.02 As noted in the US State Department's International Religious Freedom Report covering 2006 (USSDRF):

"The judiciary in most regions relies on some combination of Shari'a, traditional and customary law (*Xeer*), and the penal code of the pre-1991 Siad Barre government." [2b] (**Legal/Policy Framework**)

- 10.03 Garowe Online reported on 1 June 2008 that a new Islamic Court had appeared in the town of Jowhar, with the town's residents filing land dispute cases with the court. [351]

PUNTLAND

- 10.04 As reflected in the USSD Country Report for 2007:

"The Puntland Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The charter also provides for a Supreme Court, courts of appeal, and courts of first instance. In Puntland clan elders resolved the majority of cases using traditional methods; those with no clan representation in Puntland, however, were subject to the administration's judicial system." [2a] (**Trial Procedures**)

52 This Country of Origin Information Report contains the most up-to-date publicly available information as at 30 July 2008. Older source material has been included where it contains relevant information not available in more recent documents.

SOMALILAND

10.05 The USSD Country Report for 2007 stated:

“The Somaliland Constitution provides for an independent judiciary; the judiciary was not, however, independent in practice. The Somaliland Constitution is based on democratic principles, but the region continued to use pre-1991 laws. There was a serious lack of trained judges and of legal documentation in Somaliland. Untrained police and other unqualified persons reportedly served as judges. The UNIE [UN Independent Expert on Human Rights in Somalia] reported in 2006 that local officials often interfered with legal matters and that the Public Order Law in Somaliland was often to detain and imprison persons without trial.” [2a] (Trial Procedures)

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ARREST AND DETENTION – LEGAL RIGHTS

- 11.01 As reflected in the US State Department Report on Human Rights Practices covering 2007, dated 11 March 2008 (USSD report for 2007):

“Judicial systems were not well established, were not based upon codified law, did not function, or simply did not exist in most of the country. The country's previously codified law requires warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt judicial determinations; prompt access to lawyers and family members; and other legal protections for the detained. However, adherence to these procedural safeguards was rare. There was no functioning bail system or the equivalent.” [2a] (Arrest and Detention)

- 11.02 The USSD report for 2007 also states:

“Arbitrary arrest was a problem in southern and central Somalia, Somaliland, and Puntland. Authorities in each region arbitrarily arrested journalists during the year. [2007] TFG forces also arrested NGO and UN employees during the year.” [2a] (Arrest and Detention)

- 11.03 Human Rights Watch (HRW), in their report ‘Shell Shocked: Civilians under siege in Mogadishu’ dated August 2007, noted that “TFG security forces committed mass arrests and have mistreated persons in custody.” [30a]

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PRISON CONDITIONS

12.01 As reflected in the USSD report for 2007:

“Prison conditions remained harsh and life threatening in all regions of the country. The main Somaliland prison in Hargeisa, designed for 150 inmates, held more than 700 prisoners. Overcrowding, poor sanitary conditions, lack of access to health care, and inadequate food and water supply persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and pneumonia were widespread. Abuse by guards was common. Detainees' clans generally were expected to pay the costs of detention. In many areas prisoners depended on food received from family members or from relief agencies.” **[2a] (Prison and Detention Center Conditions)**

12.02 The USSD report for 2007 also notes that convicted juveniles continued to be kept in jail cells with adult criminals. The report also notes that “the incarceration of juveniles at the request of families who wanted their children disciplined continued to be a major problem.” **[2a] (Prison and Detention Center Conditions)**

12.03 The Independent Expert appointed by the Secretary-General to report on the situation of human rights in Somalia noted on 17 March 2008, that “...authorities had been unlawfully detaining people in hidden makeshift prisons, as well as notorious jails such as that reputed to lie underground near the State house, ‘Villa Somalia’ in Mogadishu. There were also allegations that detainees were being held by Ethiopian forces in Somalia.” **[4b]**

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DEATH PENALTY

- 13.01 The death penalty is retained in Somalia. Amnesty International, in its International Report on Somalia, dated 23 May 2007 noted:

“Despite local campaigns in all areas against the death penalty, death sentences were imposed by Islamic courts in the south and by ordinary courts in Somaliland. According to the Somali Islam-based custom of *diya* (compensation), death sentences were lifted by courts when the murder victim's family accepted compensation from the perpetrator's family.

“Three men were publicly executed in Mogadishu and a nearby town by Islamic court militias in June [2006].

“Omar Hussein was publicly executed in Mogadishu in May [2006] by the 16-year-old son of a man whose murder he admitted. An Islamic court ordered him to be knifed to death in the same manner as the murder.

“In Somaliland there were at least four people executed in 2006. Several others were under sentence of death and awaiting the outcome of appeals or presidential clemency decisions. These included seven men allegedly linked with al-Qa'ida who were convicted in November 2004 of killing three aid workers. Judgement on their appeal to the Supreme Court had not been delivered by the end of 2006.” [6a]

- 13.02 UN Security Council, in its Report of the Secretary-General on the Situation in Somalia, 25 June 2007 stated:

“On 3 May [2007], the Transitional Federal Parliament enacted an anti-terrorism bill introduced by the Transitional Federal Government three months earlier, which provides, *inter alia*, for the freezing of property of those suspected of carrying out terrorist acts. It also provides for the death penalty for those convicted of participating in the establishment of a terrorist organization and those carrying out or attempting to carry out terrorist acts. The law raises serious concerns about its direct implications on basic freedom. Close monitoring of its application will be required.” [3c]

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POLITICAL AFFILIATION

14.01 The USSD report for 2007 noted:

“The territory [Somalia], which was recognized as the Somali state from 1960 to 1991, was fragmented into regions led in whole or in part by three distinct entities: the Transitional Federal Institutions, with the Transitional Federal Parliament (TFP) in Baidoa, and the presidency and most of the Transitional Federal Government (TFG) in Mogadishu; the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast. The TFG was formed in late 2004, with a five-year transitional mandate to establish permanent, representative government institutions following national elections scheduled for 2009.” [2a] (p1)

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MOGADISHU

14.02 The International Crisis Group (ICG) in a report dated 26 January 2007 stated:

“The most formidable challenge for the TFG and Ethiopia is stabilisation of Mogadishu, a city of 1.5 million that defied all efforts at pacification until the arrival of the Islamic Courts in June 2006. The TFG’s inability to establish itself in the capital has undermined its credibility since it was formed in October 2004. In the aftermath of the Ethiopian victory, the TFG leadership has indicated that it intends to relocate the government to Mogadishu. Whether it can do so in safety depends not on the Ethiopian military or a future international force but on whether the predominantly Hawiye population is prepared to tolerate its presence.”

“Since 1991, Mogadishu has defeated successive attempts to build a stable, representative authority, including one of the most promising, the ‘Banadir Administration’, in early 2006, shortly before the Islamic Courts took power. Rather than trying to build a new municipal government from scratch, the TFG would be well-advised to revive that local government for several months, while consulting with local leaders on a more permanent solution.

“Unfortunately, the TFG’s first steps have not been promising. In early January 2007, Prime Minister Geedi announced new management for the Mogadishu port under a close relative. ‘He’s just naming his cronies to these positions’, a civil society leader from Mogadishu told Crisis Group. ‘If the government continues this way, it will lose public confidence and the opportunity to govern the capital’.

“In mid-January [2007], President Abdillahi Yusuf appointed several municipal officials: Mahamud Hassan Ali ‘Adde Gabow’, governor of the Banaadir Administration, who had been ousted by the Courts, was made mayor, with Ibrahim Shaaweeye, a mayor under the TNG, as his assistant for peace and reconciliation. Both are politicians of stature but in the absence of functional institutions their appointments are symbolic, not substantive. Moreover, the lack of a representative assembly increases the risk their nominations will be divisive.” [24a] (Section A. Mogadishu Administration)

14.03 The EIU in its report of February 2007 noted:

“On December 31st [2006], three days after the Islamists had fled Mogadishu, Somalia's interim prime minister, Ali Mohamed Ghedi, entered the capital, to be joined on January 8th [2007] by the interim president, Abdullahi Yusuf Ahmed. Mr Yusuf, who was setting foot in Mogadishu for the first time since taking office in 2004, established himself in Villa Somalia, the official residence of Somali presidents. One of Mr Ghedi's first decrees in the capital was to announce a weapons amnesty on January 2nd [2007], asking Mogadishu residents to hand in their arms within 72 hours at a series of special gun collection points or face being forcibly disarmed. The ultimatum did not meet with immediate success, reflecting people's concerns over whether interim government forces could provide adequate security, particularly given that some of the returned interim government officials – including the interior minister, Hussein Mohamed Aideed – are associated with the period of extortion and clan-faction violence that characterised Mogadishu before the Islamic courts briefly brought peace to the city's streets. However, Mr Ghedi's troops were conducting house-to-house searches for weapons in mid-January [2007] and Mr Aideed, along with Mohamed Qanyare Afrah and Muse Sude Yalahow, officially surrendered their arms to the interim government in a ceremony in Mogadishu on January 17th [2007], together with about 600 of their militiamen who were put under interim-government command for training and rehabilitation. Mr Afrah and Mr Yalahow are former members of Mr Ghedi's cabinet who were relieved of their positions in June [2006].

“Reports from Mogadishu in the first half of January [2007] described the capital as tense and divided in its reaction to the arrival of Mr Yusuf's regime. The arms section of Bakara market reopened (it was closed by the Islamic courts) and business for small arms and hand grenades has been brisk. The price of a Kalashnikov assault rifle at Bakara almost doubled, from US\$140 to US\$260, in the last 24 hours of the weapons amnesty. The mild narcotic, qat, which was also banned under the Islamic courts, was freely available on city streets once again.

“Several incidents involving gunfire have taken place in the capital since the arrival of interim-government forces. Many have been aimed at Ethiopian troops, and some are believed to have involved Islamists who remained in or have returned to the city. A mortar attack on Villa Somalia on January 19th [2007] was Interim government takes control of Mogadishu followed by an exchange of heavy machine-gun fire between Somali and Ethiopian troops protecting the presidential residence and Islamist fighters. The Federal Transitional Parliament (FTP), which was still meeting in its converted Baidoa warehouse in mid-January [2007], ratified Mr Ghedi's plan to restore order to the country on January 13th [2007] by 154 votes to two. The plan involves a three month state of emergency during which time public demonstrations are prohibited and the possession of weapons is banned. Under the emergency measures, four major media outlets were immediately sent letters, signed by Mogadishu's new security chief, Colonel Ahmed Hassan Ali, accusing them of pro-Islamist bias and ordering them to close. The decision sparked protests from local and international media watchdogs, and was reversed on January 16th [2007].” [17b] (p7-8)

‘SOUTH WEST STATE OF SOMALIA’ (BAY AND BAKOOL)

- 14.04 As reflected in the JFFMR July 2002, the South West State of Somalia (SWS) was established in late March 2002 at a meeting in Baidoa of the RRA’s central committee, and Elders from the Digil and Mirifle clans. RRA chairman, Colonel Hasan Mohammad Nur ‘Shatigadud’, was elected inaugural President for an initial four-year period. The SWS administration laid claim to the Bay, Bakool, Gedo, Middle Juba, Lower Juba and Lower Shabelle regions. However, in practice the administration only has effective control over Bay and Bakool. Compared to other areas of the country, as of May 2002, the administration in Bay and Bakool was reported to be least influenced by Al-Itihaad and free from infiltration by the business community. [7b] (p10-13)

PUNTLAND

- 14.05 As recorded in the USSD report for 2007:

“In 1998 Puntland declared itself a semi-autonomous regional government during a consultative conference with delegates from six regions who included traditional community elders, the leadership of political organizations, members of local legislative assemblies, regional administrators, and civil society representatives. Puntland has a single-chamber quasi-legislative branch called the Council of Elders, which has played a largely consultative role. Political parties were banned. General Mohamud Muse Hersi was elected president by the Puntland Parliament in January 2005. Some Puntland cabinet ministers had their own militias, which contributed to a general lack of security.” [2a] (Elections and Political Participation)

- 14.06 The EIU, in its Somalia Country Profile 2007, reported:

“The lack of progress towards a peaceful solution to differences among southern groups prompted north-eastern-based clan factions to declare regional autonomy for Puntland in July 1998, under the presidency of Abdullahi Yusuf Ahmed, following a 70-day conference at Garoe. Colonel Abdullahi stepped down from his post during the conference of reconciliation between Somali factions in Kenya in 2002-03. Representatives of Puntland’s 65 districts elected a new president, General Adde Muse Hirsi, for a three-year term in Garoe in January 2005. Puntland claims to comprise the Bari, Nugaal and Mudug regions and the Sanaag and Sool regions, which Somaliland also claims. Somaliland disputes any territorial claims made by the Puntland administration, and armed clashes between forces from Puntland and Somaliland continue to occur occasionally to the present day.” [17d] (p10)

SOMALILAND

- 14.07 The USSD report for 2007 stated:

“Somaliland has a constitution and bicameral parliament with proportional clan representation, and an elected president and vice president. Somaliland authorities have established functioning administrative institutions in virtually all of the territory they claim, which is the same as the Somaliland state that achieved international recognition briefly in 1960 before entering into a union

with the former Italian colony of Somalia. In a 2001 referendum, 97 percent of voters supported Somaliland independence.

“In May 2006 President of Somaliland Dahir Riyale Kahin postponed elections for the parliament's House of Elders and initiated a process to extend the mandate of the upper house for four years. Opposition parties declared the process illegal. In July authorities arrested three opposition politicians planning to form a new political party. The opposition figures-- Mohamed Abdi Gaboose, Mohamed Hashi Elmi, and Jamal Aideed Ibrahim--were affiliated with the Qaran political association and charged with founding an illegal organization and creating instability. As of October [2007] they remained in detention. In October [2007] the National Electoral Commission announced that local government and presidential elections scheduled for December 2007 and April 2008 had been postponed, respectively, to July and August 2008 by agreement of the three official political parties.” [2a] (Elections and Political Participation)

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FREEDOM OF POLITICAL EXPRESSION

- 15.01 As stated in the US State Department's (USSD) report on human rights practices covering 2007:

"The TFC and the Somaliland Constitution provide for freedom of assembly; however, ban on demonstrations continued, and the lack of security effectively limited this right in many parts of the country. Use by security personnel of excessive force to disperse demonstrators resulted in numerous deaths and injuries.

"In January [2007] TFG forces shot into a crowd of approximately 100 demonstrators, killing one person and injuring another. The protestors had staged violent demonstrations in Beletweyne against the ENDF's arrest of Colonel Mukhtar, the Hiran regional commander; Mukhtar had refused to arrest Sheikh Farah Moalim, a former chairman of the Council of the Islamic Courts.

"In the same month ENDF forces in Mogadishu opened fire on a group of demonstrators, killing five and injuring seven. The demonstrators, who had set bonfires and hurled stones, were protesting the TFG's call for disarmament.

"Also in January [2007], Somaliland authorities arrested four students who were peacefully demonstrating against the arrest of the three Haatuf journalists arrested earlier in the same month. The students were detained in Mandera Prison and then sentenced to six months' imprisonment after a secret emergency court hearing in Hargeysa. The students were denied the right to appeal the sentence. In February Ali Dool Ahmed, a writer, and Bo'aud, an activist, were arrested for distributing leaflets demanding the release of the same three journalists." [2a] (Freedom of Assembly)

CHARTER PROVISIONS IN PUNTLAND

- 15.02 As noted by the USSD report: "The Puntland charter provides for freedom of association; however, the Puntland administration continued to ban all political parties." [2a] (Freedom of Association)

CONSTITUTIONAL PROVISIONS IN SOMALILAND

- 15.03 The USSD report for 2007 stated:

"The Somaliland Constitution provides for freedom of association, and this right was generally respected in practice; however, in July [2007] Somaliland authorities arrested three opposition politicians who were planning to form a new political party. In July [2007] the Somaliland minister of interior warned that any person from Somaliland who participated in the NRC in Mogadishu would be accused of treason and punished. Police were instructed to monitor the borders for such individuals.

"Legislation governing the formation of political parties in Somaliland limits the number of parties allowed to contest general elections to three. An ad hoc commission nominated by the president and approved by the legislature was responsible for considering applications. The law provides that

approved parties obtaining 20 percent of the vote are allowed to operate. There were three approved political parties.” [2a] (Freedom of Association)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

16.01 The USSD report for 2007 stated:

“The TFC and the Somaliland Constitution provide for freedom of assembly; however, a ban on demonstrations continued, and the lack of security effectively limited this right in many parts of the country. Use by security personnel of excessive force to disperse demonstrators resulted in numerous deaths and injuries.

“In January [2007] TFG forces shot into a crowd of approximately 100 demonstrators, killing one person and injuring another. The protestors had staged violent demonstrations in Beletweyne against the ENDF's arrest of Colonel Mukhtar, the Hiran regional commander; Mukhtar had refused to arrest Sheikh Farah Moalim, a former chairman of the Council of the Islamic Courts.

“In the same month ENDF forces in Mogadishu opened fire on a group of demonstrators, killing five and injuring seven. The demonstrators, who had set bonfires and hurled stones, were protesting the TFG's call for disarmament.

“Also in January [2007], Somaliland authorities arrested four students who were peacefully demonstrating against the arrest of the three Haatuf journalists arrested earlier in the same month. The students were detained in Mandera Prison and then sentenced to six months' imprisonment after a secret emergency court hearing in Hargeysa. The students were denied the right to appeal the sentence. In February Ali Dool Ahmed, a writer, and Bo'aud, an activist, were arrested for distributing leaflets demanding the release of the same three journalists.

“In October [2007] Somaliland forces allegedly used excessive force to disperse demonstrators opposed to their military presence in Las Anod.

“The use of excessive force, by security forces in south central Somalia, resulted in the deaths and injuries of persons assembled at food distribution centers.” [2a] (Freedom of Assembly)

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FREEDOM OF SPEECH AND MEDIA

- 17.01 The US State Department (USSD) Report on Human Rights Practices covering 2007 states:

“The TFC and the Somaliland Constitution provide for freedom of speech and press. However, there were instances of harassment, arrest, and detention of journalists in all regions of the country, including Puntland and Somaliland. The Puntland Charter provides for press freedom ‘as long as they respect the law’; however, this right was not respected in practice. Freedom House has ranked the country as ‘not free’ every year from 1972 to 2007. Reporters Without Borders also gave the country a low rating for press freedom. Journalists engaged in rigorous self-censorship in order to avoid reprisals.

“In September [2007] the leader of the opposition Ramaas political party was arrested and held for 12 days in Puntland for leading a demonstration against the political situation in Puntland.

“The print media consisted largely of short, photocopied dailies published in the larger cities and often affiliated with one of the factions. Several of these dailies were nominally independent and published criticism of prominent persons and political leaders.

“In Somaliland there were six independent daily newspapers: Jamhuuriya, Haatuf, Ogaal, Geeska, Saxansaxo, and Maalmaha. There was also one government daily, Maandeeq, and two English language weeklies, Somaliland Times and the Republic. There were two independent television stations, Hargeysa TV and Hargeysa Cable TV, and one government-owned station, Somaliland National TV. Although the Somaliland constitution permits establishment of independent media, the Somaliland government has consistently prohibited the establishment of independent FM stations. The only FM station in Somaliland is the government-owned Radio Hargeysa.” [2a] (Freedom of Speech and Press)

MEDIA INSTITUTIONS

- 17.02 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2007, noted:

“Radio is the principal form of mass communication, drawing on the longstanding Somali oral tradition. Political factions or Islamist groups control stations, with Mogadishu being serviced by four stations. In Somaliland, Radio Hargeisa is government-run, as is Radio Gaalcakyo in Puntland. Radio Kismayu began broadcasting in March 2000. The BBC World Service also has a Somali language service broadcast from London and is widely relied on for information. Newspapers, many of which are allied to political factions, circulate in most towns. Print runs are small because of antiquated equipment and the inability of the poor population to buy newspapers.” [17a] (p15)

- 17.03 The BBC Country Profile in March 2007 reported that there were four main newspaper titles in Mogadishu and three in Somaliland. [8f] (p3) The profile

also noted that Somaliland's third weekly newspaper is produced in the English language. [8f] (p3)

- 17.04 The BBC Country Profile also stated that the authorities in Somaliland operated their own radio station. *HornAfrik* was well respected as one of Somalia's main independent radio stations and one of two independent TV stations. [8h] (p3)

- 17.05 The USSD report for 2007 stated:

"Most citizens obtained news from foreign radio broadcasts, primarily the BBC, which transmitted a daily Somali-language program. There were reportedly eight FM radio stations and one short-wave station operating in Mogadishu. A radio station funded by local businessmen operated in the south, as did several other small FM stations in various towns in the central and southern parts of the country. There were at least a half dozen independent radio stations in Puntland and one government-owned FM radio station in Somaliland. In February [2007] the Voice of America Somali Service began Somali-language daily broadcasts." [2a] (Freedom of Speech and Press)

JOURNALISTS AS TARGETS OF VIOLENCE

- 17.06 The Observatory for the Protection of Human Rights Defenders noted in its report *Steadfast in protest*, published 19 June 2008:

"The parties to the conflict are clearly bent on silencing human rights organisations. In such a situation, independent journalists try to fill the gap by denouncing human rights violations, becoming in turn the subjects of serious exactions. Consequently, most of those responsible for independent media have left the country. For instance, according to the Somalia Press Freedom Observer, eight journalists were killed in 2007, half of them in targeted assassinations carried out by contract killers." [49a](p81)

- 17.07 The USSD report for 2007 stated:

"Opposition elements, many affiliated with the ousted Council of Islamic courts and other extremists, continued to harass journalists. Journalists reported that antigovernment groups threatened to kill them if they did not report on antigovernment attacks conducted by al-Shabaab. Journalists added that publishing criticism of the opposition ingratiated them with the TFG, but subjected them to opposition threats, and vice versa.

"Journalists and media organizations in all regions reported harassment including killings, kidnappings, detention without charge, and assaults on persons and property. Most of the experienced field reporters and senior editors have fled the country due to direct threats from both the TFG security forces and antigovernment groups." [2a] (Freedom of Speech and Press)

- 17.08 UN Security Council's Report of the Secretary-General on the Situation in Somalia, 14 March 2008,

“Threats to independent media and journalists based in Somalia have increased. In 2007, eight journalists were killed in southern and central Somalia and 47 media professionals were reportedly arrested in the course of their work. A significant number of journalists have been arbitrarily detained and media outlets are intermittently shut down for allegedly disseminating false and hostile information against the Transitional Government. New regulations were enacted preventing independent media from reporting military operations conducted by the Transitional Federal Government and Ethiopian forces.” [3d](p10)

- 17.09 BBC News, in an article dated 17 September 2007 reported a governmental attack on Shabelle Media House:

“Shabelle reporters said soldiers deliberately targeted their office, firing shots through the windows...Government troops had previously raided Shabelle Radio and detained 18 journalists after a grenade was thrown.

“Both Shabelle and HornAfrik have been critical of the Ethiopian-backed transitional government and the Islamic militants who have been trying to topple the administration. Shabelle and two other independent outlets, HornAfrik and IQK Koranic Radio, were briefly banned and taken off air in January and in June, prompting criticism from press freedom watchdogs.

“Last month, the owner and a radio presenter of Horn Afrik were killed in separate attacks by unidentified gunmen. The Committee to Protect Journalists has accused the transitional government of intimidating and persecuting Somali reporters.” [8k]

- 17.10 UN Security Council’s Report of the Secretary-General on the Situation in Somalia, 25 June 2007 noted:

“The National Union of Somali Journalists and Reporters sans frontières reported that several journalists were killed or injured as a direct consequence of the conflict in Mogadishu. During the reporting period, shells hit the television and other radio stations in the capital. In ‘Puntland’ and ‘Somaliland’, cases of harassment towards journalists continue to be reported. The British NGO, Article 19, expressed its concerns regarding a draft Government law on the media on 14 May [2007]. According to Article 19, the draft law would seriously affect freedom of expression, which is already jeopardized, as it would require that every media outlet be registered and would demand newspapers to vet their publications with Government authorities.” [3c]

- 17.11 Garowe Online reported on the 27 November 2007 that the mayor of Mogadishu, Mohamed Dheere, is attempting to take measures to seriously censure independent reporting on the humanitarian and security situation in Somalia. The article summarises the various clauses Dheere makes in the proposal:

“Local media are prohibited from publishing reports on counterinsurgency operations being jointly carried out by Somali-Ethiopian soldiers, in Mogadishu or elsewhere. Another clause in the document stated that media organisations cannot interview members of the armed opposition, namely the al-Shabaab guerrillas who have claimed responsibility for many attacks targeting the government and its Ethiopian backers. All reports regarding

counterinsurgency operations and ongoing fighting will be released by the government's information ministry official, according to Mayor Dheere's stringent rules." [35c]

- 17.12 The CPJ (Committee to Protect Journalists), in its report entitled 'Attacks on the Press, 2007', summarised the situation for journalists in Somalia during 2007:

"Attacks had become so pervasive in this conflict-riven state that the National Union of Somali Journalists described 2006 as 'the most dangerous year for press freedom for more than a decade.' Then came 2007—a year in which conditions grew dramatically worse.

"With seven journalists killed in direct relation to their work, Somalia was the deadliest place for the press in Africa and second only to Iraq worldwide." [12a]

- 17.13 OCHA, in its Humanitarian Analysis, dated January 2008, noted:

"The Somali media continue to be targeted with arrests, beatings, death threats and other forms of harassment. Several international advocacy groups raised the alarm in January. The New York based freedom of expression advocacy group, Committee to Protect Journalists (CPJ) wrote to the Somali Prime Minister to express their concern about the 'ongoing pattern of arbitrary arrests and threats by government officials against Somali journalists' which the group noted were 'contrary to international standards of press freedom.' Earlier in the month Reporters Without Borders called the Somali government's indifference to the safety and freedom of the press 'astounding' and noted 'the authorities not only refuse to protect them from targeted murders but also continue to let the security forces carry out arbitrary arrests without any explanation.' In a positive move, the new Prime Minister announced from Mogadishu, where his cabinet relocated during the month, that 'violations against press freedom are over.' Even so, January [2008] was a month of turmoil for Somali journalists." [261]

- 17.14 Reporters Without Borders (RWB) reported in RWB's annual report 2008, published 13 February 2008,

"The heavy toll for the Somali press reads as follows : Eight dead, four injured, some 50 journalists in exile, and others holed up at home after abandoning their work in fear. To this terrible toll, must be added 53 journalists arrested while doing their job, either in southern Somalia, where the capital Mogadishu is sited, in semi-autonomous Puntland in the north or in the self-proclaimed state of Somaliland in the north-west." [14a]

LEGAL POSITION AND ACTUAL PRACTICE

- 17.15 The CPJ's (Committee to Protect Journalists), Attacks on the Press, 2007, noted:

"Politically motivated attacks, arrests, harassment, and threats came from both sides in the conflict. In October [2007], for example, insurgents targeted Mogadishu-based Radio Simba with threatening telephone calls and e-mails because of the station's anti-violence programming. That same month, government officials detained two Radio Simba journalists for broadcasting

an interview with an ICU military leader. Many of the reprisals were triggered by the media's reporting on human rights abuses by both rebels and government forces. Nationwide, CPJ documented the arrests of at least 60 journalists in 22 separate cases, the vast majority of which were conducted without warrants or even formal charges." [12a]

- 17.16 During 2007, the USSD noted that there were incidents of harassment, arrest and detention of journalists throughout Somalia:

"Numerous journalists were arrested and detained during the year [2007]. In January [2007] Somaliland authorities arrested journalists Yusuf Abdi Gabobe and Ali Abdi Dini at the offices of Haatuf Media Network in Hargeysa. The police originally came to arrest Dini and investigative reporter Muhamad Rashid Farah, who escaped. Later in January security forces arrested Haatuf correspondent Mohammed Omar Sheikh Ibrahim.

"In March [2007], at Mandera Prison, trials took place against the three detained journalists and the fugitive Farah; their lawyers failed to appear. Gabobe was sentenced to two years in prison, Dini and Ibrahim to 29 months, and Farah was sentenced in absentia to 29 months. Amnesty International characterized the imprisoned journalists as "prisoners of conscience" and declared their arrest and trial a clear violation of human rights. Following local and international pressure, the government released the three journalists in late March [2007]. In March [2007] Hasan Sade Daqane of Radio HornAfrik and Abdirahman Yusuf Al-Adala, from Shabelle Media Network, were detained by the TFG in Mogadishu for two weeks before being released. In April TFG security forces arrested Universal TV crew members Abdulkadir Nadara, Bashir Naleye, and Hamid Mohamed, who were held for 40 days and released after significant international pressure." [2a] (Freedom of Speech and Press)

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

LOCAL HUMAN RIGHTS ORGANISATIONS

18.01 The USSD report for 2007 noted:

“A number of domestic and international human rights groups generally operated throughout the country investigating and publishing their findings on human rights cases. The Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC), Isha Baidoa Human Rights Organization in the Bay and Bakol regions, KISIMA in Kismayo, and other local human rights groups were active during the year. The DIJHRC investigated the causes of the continuing conflict in the Mogadishu area and conducted human rights monitoring. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, several women's NGOs, and other civil society organizations also played a role in promoting intra-clan dialogue, national reconciliation, and dialogue between the TFG/Ethiopians and elders of the dominant Hawiye clan in Mogadishu.

“Somaliland human rights organizations accused authorities of meddling in its internal affairs and promoting conflict among them. In October [2007] SHURONET, an umbrella organization for human rights organizations in Somaliland, accused authorities of supporting a parallel state-supported organization that convened a workshop in the name of SHURONET. There were reports that Somaliland authorities subsequently deported Livia Hadorn, a UNDP official in charge of human rights activities in Hargeisa, for declining to provide funding for the parallel government-convened workshop.” [2a] (**Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**)

INTERNATIONAL HUMAN RIGHTS ORGANISATIONS

18.02 The USSD report for 2007 stated:

“Attacks and incidents of harassment against humanitarian, religious, and NGO workers resulted in numerous deaths. TFG officials accused NGOs and civil society organizations of siding with opposition groups and exaggerating human rights abuses committed by TFG forces. The TFG intimidated and arrested NGO workers, who also received death threats from regional administrators, clan militias, and criminals.

“There were numerous occurrences of looting, hijacking, and attacks on convoys of WFP [World Food Programme] and other humanitarian relief shipments during the year [2007].

“In May [2007] in the Boosaaso area gunmen kidnapped two foreign employees of CARE International, who were subsequently released through the efforts of clan elders. In June TFG forces arrested Raha Jinaqow, a well-known aid worker and civil society activist, and raided the offices of her organization, SAACID-Somalia. Jinaqow was released a day after her arrest following international and local intervention on her behalf.

“In August [2007] Puntland presidential guards allegedly fired at the car of a local aid worker and assaulted and briefly detained him at the presidential villa.

“In September [2007] gunmen killed a World Health Organization employee who was conducting an immunization campaign in Mudug region.

“In October [2007], in Puntland, a group of armed bandits stopped a WFP team traveling on a monitoring and evaluation mission at gunpoint and robbed them of their belongings and communication equipment. According to the UN, there were no investigations or arrests in connection with any of these cases.

“In December [2007], in Boosaaso port, unknown persons with machine guns seized two foreign employees of Medecins Sans Frontieres when their car was ambushed.” [2a] **(Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)**

18.03 On 1 February 2008, Médecins sans Frontières announced that it was withdrawing its entire international staff out of Somalia after three of its workers were killed by a roadside bomb. A statement issued by the organisation noted that eighty-seven international staff have been withdrawn from 14 projects across Somalia. An article by the Mail and Guardian Online explained: “The MSF action comes as Somalia is facing a critical emergency with escalating violence, massive displacement and what the aid group described as ‘acute unmet medical needs’. MSF said the majority of the international staff being withdrawn would go to neighbouring Kenya, with no specific date for their return to Somalia.” [38e]

18.04 Two markets have just been built in Mogadishu as part of an initiative run by UN-Habitat (United Nations Human Settlement Programme) and the local NGO SAACIID. The article by UN-Habitat, accessed via Reliefweb, dated 24 April 2008, notes:

“For the first time, district authorities gathered traditional and religious leaders, business people, women and youth representatives as well as internally displaced persons (IDPs) leaders to agree on the priority actions, which could be undertaken with limited external support. Action Plan Teams were formed, turning the dialogue into concrete partnerships thanks to UNHCR-funded community grants. The first two markets have just been completed in the districts of Shibis and Hamar Weyne.” [22a]

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FREEDOM OF RELIGION

- 19.01 Freedom House, in its *Freedom in the World* report covering 2006, published 2007, notes:

“Somalia is overwhelmingly Sunni Muslim, but there is a small Christian community and some followers of traditional African religions. Even before the ICU’s [Union of Islamic Courts] rise to prominence, religious freedom was limited, and it dwindled further after the Islamists took power in most of the country. While some of the ICU leaders stressed that their aim was to restore law and order in Somalia and not to impose a strict interpretation of Sharia (Islamic law), the courts acted with varying degrees of conservatism, and the overall effect on personal freedoms—particularly those of non-Muslims and secular Muslims—was negative.” [19a]

- 19.02 The US State Department’s (USSD) Report on Human Rights Practices covering 2007 noted:

“There were no legal provisions for the protection of religious freedom, but there were limits on religious freedom in practice. The TFC, Somaliland Constitution, and Puntland Charter establish Islam as the official religion.

“In Puntland only *Shafi’iyyah*, a moderate Islamic doctrine followed by most citizens, is allowed. Puntland security forces closely monitored religious activities. Religious schools and places of worship must receive permission to operate from the Ministry of Justice and Religious Affairs, but such permission was granted routinely.

“In Somaliland religious schools and places of worship must obtain the Ministry of Religion’s permission to operate. Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Apart from restrictions imposed by the security situation, Christian-based international relief organizations generally operated freely as long as they refrained from proselytizing.

“In May [2007] TFG forces confiscated face veils from women in Mogadishu and subsequently burned the veils. TFG authorities stated that hooded criminals disguised as women had participated in attacks against security forces, which warranted banning of the face veil within the capital. Following a public outcry, the mayor of Mogadishu denied any responsibility for the ban and called for its immediate suspension.

“In September [2007] police in Belet-Weyne reportedly arrested and detained an estimated 15 persons found eating during the daytime at a local restaurant during Ramadan. Those arrested were each ordered to pay \$25 (34, 000 Somali Shillings) in fines.” [2a] (Freedom of Religion)

- 19.03 The US State Department’s Report on Religious Freedom released in 2007 stated:

“Extremist groups and individuals previously affiliated with the Union of Islamic Courts (UIC), particularly Hassan Abdullah “al-Turki” in the lower

Jubba region, at times attempted to impose a strict interpretation of Shari'a law that conflicted with cultural traditions."

19.04 The same report reflected that:

"Citizens are overwhelmingly Sunni Muslims of a Sufi tradition. There also is a small, extremely low-profile Christian community, in addition to small numbers of followers of other religions. The number of adherents to strains of conservative Islam and the number of Islamic schools funded by religiously conservative sources continue to grow." [2b] (Religious Demography)

19.05 The report noted:

"Non-Sunni Muslims were often viewed with suspicion by members of the Sunni majority. Non-Muslims who practiced their religion openly faced occasional societal harassment. Although not legally prohibited, conversion from Islam to another religion is socially unacceptable. Those suspected of conversion faced harassment or even death.

"On May 11, 2007, Islamist websites attributed the kidnapping of two aid workers in Puntland to the aid workers having allegedly used the provision of assistance as a pretext for proselytizing. Similar claims were made against Ethiopians who the Islamists have stated were attempting to Christianize the country as part of their military occupation.

"Local Shari'a courts, which often implement a combination of Shari'a and Somali customary law, continued to operate throughout the country in the absence of a national judicial system operated by a central government. In 2006 the UIC and the Shari'a courts throughout Mogadishu and areas southeast of Mogadishu asserted their authority and enforced a conservative interpretation of Islamic practices and Shari'a. In October 2006 the UIC called for jihad against Ethiopia for supporting the TFG and appealed to international jihadists to come to its aid.

"Media reports indicate that on December 6, 2006, Sheikh Hussein Barre, then chairman of the UIC in Bula Burte, a town approximately 130 miles northeast of Mogadishu, threatened to behead any residents who failed to pray five times a day. Hussein also decreed that all shops should close, and he warned people against idling on town streets during prayer times. There were no reports that this declaration was enforced.

"On September 17, 2006, Leonella Sgorbati, an Italian nun, was killed at a hospital in Mogadishu by gunmen, hours after a leading Muslim cleric, Sheikh Abukar Hassan, condemned Pope Benedict XVI for his remarks on Islam and violence. Hassan declared, 'Whoever offends our Prophet Muhammad should be killed on the spot by the nearest Muslim.'

"Some residents in Mogadishu objected to strict interpretations of Islamic law imposed by the UIC that forbid many forms of entertainment, such as the screening of movies or soccer matches. In one instance a Shari'a court reportedly ordered one group of youths to have their heads shaved and be flogged for protesting a ban on public broadcasts of World Cup soccer matches. The UIC imposed media restrictions and warned the media against disseminating information critical of Islam. There is strong societal pressure

to respect traditions which reflect the traditional Somali interpretation of Sufi Islam.” [2b] (**Societal Abuses and Discrimination**)

UNION OF ISLAMIC COURTS (UIC)

- 19.06 The UN Integrated Regional Information Networks (IRIN) in a report dated 6 July 2006 noted the success of the UIC [Union of Islamic Courts]:

“Key to the military success of the UIC was the fact that it was already an established and accepted presence in local communities, with a demonstrated social welfare policy. Apart from bringing security to areas under its control, through its own militia and justice system, it had also set up farms, schools, water points, health clinics and orphanages. Some key businessmen in Mogadishu worked with the Courts. Although the UIC did not initially have strong popular support – some were suspicious of its agenda – there was a feeling that it upheld moral standards and discipline and had a uniting and familiar ideology in Islam. This ensured the UIC received popular backing during the battle for Mogadishu.” [10g] (**How was victory achieved?**)

- 19.07 The *Power and Interest News Report* (PINR), in an article dated 1 January 2007, stated:

“In retrospect, the cause of the I.C.C.'s [Islamic Courts Council] aggressive moves around Baidoa in mid-December [2006], which were initially successful and emboldened its leadership, was the passage by the United Nations Security Council (U.N.S.C.) on December 6 of Resolution 1725 authorizing a partial lifting of the frequently flouted U.N. arms embargo on Somalia for the purpose of introducing an African Union (A.U.) peacekeeping mission that would protect the T.F.G. in Baidoa and train the transitional authority's armed forces. Sponsored by the United States and backed most strongly by Addis Ababa and the T.F.G., the Resolution was anathema to the I.C.C.” [15a] (p3)

- 19.08 The article stated:

“The turning point came on December 13 [2006] when the I.C.C. issued an ultimatum to Addis Ababa that if it did not withdraw its forces from Somalia, they would face intensified attacks from the I.C.C.'s militias. During the week that followed, the Courts' forces engaged in probing attacks around Baidoa, encircled the town, expanded into the Bakool region on the border with Ethiopia and met with resistance from their adversaries.

“However, when the ultimatum's deadline came on December 20 [2006] without Ethiopian withdrawal, the I.C.C. backtracked, saying that it had not meant that it would mount its major offensive immediately and that the ultimatum was aimed at showing Addis Ababa the I.C.C.'s determination. Nonetheless, the probing attacks initiated by both sides escalated, resulting finally in Ethiopia's full-scale operation utilizing air power and heavy armor that crushed the Courts movement.

“In making its move, Addis Ababa had the tacit backing of Washington, which announced that Ethiopia had genuine security concerns and derailed a nonbinding draft resolution at the U.N.S.C. presented by Qatar that called for immediate withdrawal of foreign forces from Somalia. The other external

actors – regional states, the A.U. and the Arab League (A.L.) – were reduced to espousing the Qatari position without being willing to exert any but rhetorical pressure.” [15a] (p4)

19.09 The article added:

“As a result of the I.C.C.'s defeat, Somalia's political future is more uncertain than ever, as the country devolves back to its fractious clan structure, the warlords who fought with the Ethiopian forces and were supported by Addis Ababa reappear and attempt to reclaim their former turf, and the hard line I.C.C. elements prepare to mount a guerrilla war in the deep south as Ethiopian forces and their allies pursue them. Addis Ababa has succeeded in installing the T.F.G. in Mogadishu for the first time, but has made it clear that it is not prepared to superintend state building, leaving the divided, warlord riven and generally unpopular and militarily weak transitional institutions to fend for themselves after a brief occupation.” [15a] (p4)

19.10 The *International Herald Tribune*, in an article dated 2 January 2007, stated:

“By Sunday [31 December 2006], the last remnants of the Islamist forces, which just a few weeks ago controlled a large swath of Somalia, were cornered in Kismayo, a port city on the south Somali coast. Thousands of Ethiopian and transitional government troops were closing in on them, and on Sunday night, the Ethiopians began pounding away with heavy artillery.

“At the same time, Kismayo clan elders were pleading with the Islamists to leave. The elders said the Islamists did not stand a chance, and they were worried that their city was about to be flattened. Clan elders in Mogadishu similarly decided last week that the Islamists were a losing cause and pulled their troops and weapons out of the movement.

“As in Mogadishu, the Islamists in Kismayo, after many fiery speeches about fighting to the death, simply fled. By Monday morning [1 January 2007], many of the Islamists' fighters in Kismayo had shed their uniforms and melted back into the population while others headed south toward a thickly forested area along the Kenyan border.” [25b] (p1)

19.11 The article added:

“As soon as the Islamists left, looters rushed into the streets and smashed up stores and ran away with televisions and cellphones. But by midafternoon, the brief burst of anarchy was over and transitional government troops had arrived on the outskirts of town.

“Residents of Kismayo said the remaining Islamists were heading toward Ras Kamboni, a small town in an isolated area on the Kenyan border that the Islamists had used before as a hide-out. Ethiopian intelligence officials say operatives of Al Qaeda, invited by the Islamists, planned the 1998 attacks on American Embassies in Kenya and Tanzania from Ras Kamboni.

“Kenyan officials say they have increased border security to keep the Islamists from escaping. ‘Anyone who ventures to enter Kenya will have to go through a very serious vetting process,’ Alfred N. Mutua, a Kenyan spokesman, said in a statement on Monday [1 January 2007].

“Gedi has acknowledged that he needs a lot of outside help. Security in Mogadishu is still uncertain, with just a light presence of soldiers.

“Mogadishu's ports and airport remain closed, strangling the flow of goods and sending prices for rice, sugar, oil and gasoline through the roof. The schools remain closed.

“One of the Islamists' first steps after beginning their ill-fated attack on the transitional government was to close all schools to funnel more teenagers to the front. Their move backfired both militarily and politically after countless teenage soldiers were summarily mowed down by better-trained Ethiopian troops.” [25b] (p1-2)

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ETHNIC GROUPS

- 20.01 As reflected in the Report of the Joint British, Danish and Dutch Fact-Finding Mission (JFFMR) of December 2000, Somali society is characterised by membership of clan-families. These are sub-divided into clans, and many sub-clans (clan members are classified as ethnic Somali), or minority groups (minority groups are usually defined as those of non-ethnic Somali origin). Any political affiliation generally follows clan lines. [7a] (p6-7) A longer explanation of the role of clan affiliation is given in the LandInfo (Norwegian Country Information Center), *Security and human rights in southern Somalia*, published November 2007: the statements made in the clan section of the report include:

“According to the delegation's interview partners, the concept of protection is complex, and an individual's vulnerability or opportunity to win protection and support is dependent on a number of factors. The UNHCR explained that the situation is complicated and unclear with regard to whether a person will find safety or protection in a clan's traditional home area. Conflicts over scarce resources have complicated the situation and made it unpredictable.” [45a](p20)

“[Philippe] Lazzarini [UN OCHA] added that internal refugees have no clan protection because they are by definition outside their native clan areas. Nor do they receive any compensation if a kinsman is injured or killed.” [45a](p22)

SOMALI CLANS

- 20.02 As reflected in the JFFMR December 2000, the clan structure comprises four major ‘noble’ clan-families of Darod, Hawiye, Isaaq and Dir. [7a] (p6-7)
- 20.03 The US State Department’s (USSD) Report on Human Rights Practices covering 2007 stated:

“More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-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.” [2a] (National/Racial/Ethnic Minorities)

- 20.04 As reflected in the JFFMR December 2000, two further clans, the Digil and Mirifle collectively referred to as Rahanweyn, took an intermediate position between the main Somali clans and the minority groups. [7a] (p56)

- 20.04 The USSD report stated:

“Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. The UNIE estimated that minority groups may constitute 22 percent of the population. Inter-marriage between minority groups and mainstream clans was restricted. Minority groups had no armed militias and continued to be disproportionately subject to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and to suffer

from numerous forms of discrimination and exclusion.”
[2a] (National/Racial/Ethnic Minorities)

20.06 The JFFMR March 2004 noted:

“... that in general Somalis would be safe within his or her own sub-clan’s area as long as the sub-clan is not involved in any conflict. It was added that civilians are not normally targeted by armed clan conflicts and very often they will know either how to escape or how to avoid being involved in such conflicts.” [7c] (p11)

20.07 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact Finding Mission report on Human rights and security in central and southern Somalia, published August 2007 noted a difference in opinion regarding clan protection:

“An international organisation (A) explained that individual persecution per se does not take place in Somalia. Any Somali has the opportunity to attain security within his or her own clan. This is even applicable if a person does not have any close relatives in the country. As long as a person is living inside the traditional area of the clan he or she enjoys the protection of that clan.” [7e] (p29)

20.08 However, the report also notes:

“An international organisation (C) stated that it is too broad to say that everyone upon return to Somalia from abroad will have access to protection from his or her clan in Somalia. The clan may try to assist and protect a person at the initial stage but not in the long term.” [7e] (p29)

20.09 The report goes on to note:

“Lazzarini explained that in general clan protection is better in northern Somalia than in the south. In central and southern Somalia the situation is very complex when it comes to clan protection. In these areas there is no guarantee that a person will enjoy protection from his or her own clan. Many clans are rather dispersed and the mixture of clans is much more blurred. Lazzarini, however, acknowledged that in principle one could expect to be protected by one’s own clan if he or she is living among clan members. Lazzarini emphasized that it is not possible to say something reasonable as to whether a person will be certain to enjoy clan protection in central and southern Somalia. It was added that many Somalis living abroad or as IDPs would not be able to return safely to central and southern Somalia. The IDPs experience no clan protection and accordingly there is no negotiation of compensation if an IDP is a victim of a crime.

“Yassin considered that ‘clanism’ is generally no longer an issue in Somalia. This has been the situation during the last three to four years. No one is being persecuted or targeted solely because of their clan affiliation and in principle anyone can expect to enjoy protection by his or her own clan.” [7e] (p30)

RAHANWEYN CLANS

- 20.10 As reflected in the JFFMR December 2000, the Rahanweyn clans, comprising the Digil and Mirifle, are considered as a minority group by some experts and related to the major Somali clans by others, though considered as less 'noble' by others. However, the Digil and Mirifle were included as one of the major Somali clan-families and allotted 49 seats distinct from the recognised official minorities who formed a separate grouping when seat allocations for the TNG were decided upon at the Arta conference of 2000. [7a] (p56)

See also [Annex C – Somali clan structure](#).

MINORITY GROUPS

- 20.11 As reflected in the Joint Fact-Finding Mission Report (JFFMR) of December 2000, minority groups within Somalia included the Bajuni, Bantu, Benadir, Bravanese, Eyle, Midgan (Gaboyle), Tumul and Yibir. As with the majority clans several of these individual groups are divided into sub-groups. The minority groups were the only people in Somalia who, when Siad Barre was overthrown in 1991, did not have their own armed militia to protect them. During the civil war minority groups were among the most vulnerable and victimised populations in the country. [7a] (p20-22) [26a] (p1) As reflected in the JFFMR December 2000 certain minority groups, most notably the Benadiri and Bravanese, were particularly disadvantaged and targeted by clan militia since the collapse of central authority in 1991. [7a] (p48)
- 20.12 As reflected in the JFFMR December 2000: "Minority groups are not evenly distributed throughout Somalia; there is a higher concentration in the central and southern parts of the country." [7a] (p21) However, some groups, such as those with special occupational skills (Midgan, Tumul and Yibir), are more likely to be found in different parts of the country. [7a] (p87) The USSD report for 2006 and the JFFMR December 2000 reflect that politically weak social groups are less able to secure protection from extortion, rape and other human rights abuses by the armed militia of various factions. [2a] [7a] (p21) As stated in the UN Office for the Coordination of Humanitarian Affairs (OCHA) Minorities Study of August 2002: "In a country where there is no national Government that would be responsible for safeguarding and upholding the rights of minority groups, Somalia minorities are truly in a vulnerable position." [26a] (p1)
- 20.13 During the JFFM of January 2004, the delegation asked the UN High Commissioner for Refugees (UNHCR) branch officer for Somalia about the discrepancy which seems to exist between the information collected on the 2004 mission and previous missions, regarding the situation in Somalia for persons belonging to minority groups, and the information provided during refugee status determination interviews in some European countries:
- "[The UNHCR source] firstly stated that she obviously did not know whether the case profiles of the persons referred to by the delegation were the same profiles as the ones who approach UNHCR in the region. With this reservation in mind, and presuming that the persons referred to are in fact coming from minority clans, the UNHCR source said that the discrepancy could to some extent be caused by the difference in conception between the person interviewing the asylum-seeker and the asylum-seeker him/herself

as to what, for example, constitutes forced labour. If an asylum seeker has been used to working for example two hours every day for someone (belonging to a 'noble' clan) without being paid, the asylum-seeker may consider this normal and would not define it as forced labour if asked. It was suggested that the interviewer would have to ask specifically about all the small details of the asylum-seekers daily life in order to assess whether the person had in fact been subjected to forced labour or other human rights violations. Specifically with regard to sexual abuse including rape, she stated that pride and status might often prevent an asylum-seeker from coming forward with this information during an asylum interview or elsewhere." [7c] (p37)

- 20.14 The United Nations Commissioner on Human Rights (UNHCHR), in its report by its independent expert Ghanim Alnajjar dated 13 September 2006, stated:

"It is estimated that minority groups living in Somalia may constitute up to one third of the Somali population, approximately 2 million people. These groups, including the 'African' Bantu/Jarir, the Benadir/Rer Hamar and the Midgan (Gaboeye), are most often landless and unarmed in Somalia. These labourers, metalworkers, herbalists and hunter-gatherers continue to live in conditions of great poverty and suffer numerous forms of discrimination and exclusion. They are prohibited from inter – marrying and often face discrimination in accessing the limited social services that exist in Somalia, and are as well targeted for all forms of harassment and violence. The women members of the Bantu ethnic group are particularly at risk of rape and sexual assault." [4a] (Minorities)

- 20.15 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact Finding Mission report on Human rights and security in central and southern Somalia, published August 2007 noted:

"Hibo Yassin, Regional Coordinator, Cooperazione per lo Sviluppo dei Paesi Emergenti (COSPE) explained that minority populations in Somalia, i.e. members of ethnic minority groups and members of clans being in a minority position are no longer victims of targeted looting and other targeted human rights violations. However, it was added that any person in Somalia who does not enjoy strong clan protection because he or she is from a weak clan or minority group has to keep a low profile. Such a person should never be outspoken or express political opinion openly or he or she will have to go into hiding or conceal his/her identity. During the period of UIC control members of minority populations were in a much better position and some were even able to reclaim property, however today this is no longer so. Everyone is now under threat and many are afraid, not least members of minority groups. ... Regarding blood-compensation (Diya) Yassin explained that minority groups cannot expect to obtain compensation from major clans such as the Hawiye or the Darod, and to obtain compensation from the Abgal clan is also very difficult since this clan is dispersed over a large area. However, if blood-compensation is being negotiated on a lower, sub-sub clan level it is very likely that compensation may take place. Even the Reer Hamar, Shekhal and other ethnic minority groups today have profiled elders who can negotiate blood compensation." [7e] (p18)

- 20.16 The report notes that OCHA and NOVIB continue to regard minorities in Somalia as vulnerable and targeted. The report continues:

“Jabril Ibrahim Abdulle, Director, Center for Research and Dialogue – Somalia (CRD-Somalia) explained that ‘social capital’ in Somalia is not for members of minorities. The minority groups are vulnerable, but on the other hand as they do not have access to the same resources as the rest of the population they are often not involved in direct conflicts. However, Abdulle acknowledged that members of minority groups and clans are often victims of human rights violations.

“Regarding the land issue Abdulle explained that there have always been land disputes and that there has always been inequality at all levels of society. Looting of property still takes place and the minorities are still targeted, but there is not much land anymore to take away from these populations. However, looting of humanitarian aid from minorities still continues. ... Members of minority groups are also more vulnerable during armed conflicts as they do not have the same access to medical treatment and hospitals as many others have. Member of minority groups also find it harder to flee and move around to escape the fighting, as they are not as easily accepted in new surroundings, as is the case for many other IDPs from major clans. IDPs from more influential clans often have a better chance of being tolerated in the area to which they have fled.

“According to Abdulle the UIC provided the minorities with some kind of protection and freedom. There was an enormous relief among the minorities when the UIC took over in June 2006. Many members of minorities were accorded prominent or high positions in the UIC administration, in the education and health sectors.” [7e] (p20)

20.17 However, the report also notes:

“On the other hand Abdulle also pointed to the fact that there are members of minority populations that have strong positions in society. The deputy speaker of the Transitional Federal Parliament (TFP) is a *jarrer*, i.e. Bantu.” [7e] (p19)

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GENERAL SECURITY POSITION FOR MINORITY GROUPS

20.18 As noted in the JFFMR March 2004, the delegation asked a number of UN and NGO sources whether the security and human rights situation of the minority groups and minor clans in southern and central Somalia had undergone any significant change since the situation described in the JFFMR of December 2000:

“The response from all sources consulted was that no change for the better had taken place, either with regard to their security or human rights situation.” [7c] (p36)

20.19 The International Crisis Group (ICG) in a report dated 26 January 2007, reflected the rapidly developing situation, and these factors that may have an indirect effect on the security of minority groups. (ICG 26 January 2007) [24a]

20.20 The ICG report, 2007, stated

“The Courts’ defeat signals the return of clan-based politics to southern Somalia. Whereas the Courts drew their support predominantly from the Hawiye clan, the TFG is widely perceived as dominated by Darod clan interests. TFG leaders reinforced this perception by pursuing policies that further alienated the Hawiye, notably an appeal for foreign troops and the government’s relocation to Jowhar and then Baidoa, instead of Mogadishu. Hawiye alienation and TFG inadequacies left a vacuum into which the Courts expanded between June and December 2006, bringing a degree of peace and security unknown to the south for more than fifteen years. Mogadishu was reunited, weapons removed from the streets and the port and airport reopened. By December [2006], the Courts had expanded from their Mogadishu base to control most of the territory between the Kenyan border and the autonomous region of Puntland in the north east, while the TFG was confined to Baidoa, protected by its Ethiopian backers. Communities seemed prepared to tolerate a strict interpretation of Sharia law in return for peace and security.

“Politically, Somalia has now been returned roughly to where it was when the TFG was formed in October 2004. The government is weak, unpopular and faction ridden, and the power vacuum in southern Somalia is rapidly being filled by the same faction leaders and warlords the Courts overthrew less than a year ago. Many Mogadishu residents resent the Courts’ defeat, feel threatened by the TFG and are dismayed by the presence of Ethiopian troops in the capital. Mogadishu is awash with weapons, and there have already been hit-and-run attacks on TFG and Ethiopian troops. The potential for serious violence is just below the surface.

“Ethiopia’s military victory has dismantled only the most visible part of the Courts: the regional administrative authority in south central Somalia (including Mogadishu), which served essentially as a political platform for Hawiye clan interests. Other elements, including the militant Shabaab leadership, remain largely intact and have dispersed throughout the country, threatening to wage a long war. A U.S. air strike on 8 January 2007 apparently wounded Aden Hashi ‘Ayro, a prominent Shabaab commander, and killed some of his guards but failed to destroy any top targets. A second U.S. airstrike was launched on 23 January [2007], but information on the targets and impact was not immediately available. The grassroots network of mosques, schools and private enterprises that has underpinned the spread of Salafist teachings and their extremist variants remains in place and continues to expand thanks to generous contributions from Islamic charities and the private sector.” [24a] (Section I. Overview)

BAJUNI

20.21 As noted in the JFFMR December 2000, the Bajuni are mainly sailors and fishermen who live in small communities on the coast south of Kismayo and on islands between Kismayo and the border with Kenya. The Bajuni are of mixed Arabic, Bantu, Somali and possibly Malay ancestry. Their principal language is Kibajuni, a dialect of Swahili. Bajuni Elders who met with the delegation of a joint British-Danish-Dutch Fact-Finding Mission on Somali minority groups to Nairobi in September 2000 informed the delegation that most Bajuni also speak Somali. Bajuni Elders stated that the Bajuni do not

regard themselves as Benadiri people, although they had some trading links with the Bravanese people. [7a] (p26-28)

20.22 As reflected in the JFFMR December 2000, and the OCHA minority groups report of August 2002, the Bajuni had traditionally held a low status in Somalia. As Siad Barre's administration collapsed in the early 1990s, the Bajuni were attacked by groups of Somali militia who wanted to force them off the islands. Many Bajuni left Somalia for Kenya, the majority having fled during 1992. Some Bajuni earned money by transporting refugees out of towns such as Brava and Kismayo to Kenya. In Kenya the Bajuni went to the Jomvo refugee camp in Mombasa. When the Jomvo camp was closed in 1997 many Bajuni were returned by the UN High Commissioner for Refugees (UNHCR) to the Bajuni islands, which at the time were considered safe. However, with the fall of Kismayo in 1999 to the allied forces of the Somali National Front (SNF) and Aideed's Somali National Alliance (SNA), and subsequent attacks on the Bajuni islands, the UNHCR suspended returns. [7a] (p28-30) [26a] (p5-6)

20.23 As noted in the OCHA Minorities Study of August 2002, though recent Marehan settlers still have effective control of the islands, Bajuni can work for the Marehan as paid labourers. This is an improvement on the period when General Morgan's forces controlled Kismayo and the islands, when the Bajuni were treated by the occupying Somali clans as little more than slave labour. The position of the Bajuni is more one of denial of economic access by Somali clans than outright abuse. [26a] (p4)

20.24 As reflected in the JFFMR March 2004, the Bajuni population is estimated to number 11,000. Clan militias routinely occupy parts of the islands and force the Bajuni to work for them, demanding 50 per cent of the revenue. [7c] (p38) The JFFMR March 2004 also noted:

"When asked what languages are spoken and understood by the Bajuni in the Lower Juba, Abdalla Bakari stated that the Bajuni in Kismayo and the outlying islands speak their own dialect. He estimated that 50% of these are also able to speak Somali, but noted that the vast majority of those that can understand Somali are from the mainland (the Kismayo coast, rather than the islands). ... When asked what proportion of the younger generation of the mainland-based Bajuni was able to understand Somali, Abdalla Bakari confirmed that all such persons were able to understand and speak Somali."

It was highlighted that the island-based populations tended not to be able to speak Somali due to their social isolation from the mainland. [7c] (p37-38)

BANTU

20.25 As reflected in the US State Department's (USSD) Report on Human Rights Practices covering 2007 and the JFFMR July 2002, the Bantu, the largest minority group in Somalia, are an agricultural group found in small groups, usually in the river valleys of southern Somalia in Hiran region (the Reer Shabelle and Makanne groups), Gedo (the Gobaweyne), Lower and Middle Shabelle (the Shidle and "Jereer") and Lower Juba (the Gosha). [2a] (National/Racial/Ethnic Minorities) [7b] (p59) The JFFMR July 2002 stated: "Some Bantu have adopted Somali clan identity while others maintain their East African tribal identity. Some Bantu are descendants of pre-Somali Bantu populations while others are descendants of slaves taken from East

Africa to Somalia.” [7b] (p56) The JFFMR December 2000 noted that other Somalis, including those of Bantu origin commonly refer to Bantu as “*Jarer*.” [7a] (p29)

- 20.26 As reflected in the JFFMR December 2000, the Bantu mainly occupy the territory between the two main rivers in Somalia, the Shabelle and the Juba, the so-called inter-riverine area of Somalia. The area covers eight regions in southern and central Somalia. The Elders stated that in the regions of Middle and Lower Shabelle, Middle and Lower Juba, Bay, Benadir and former Upper Juba (parts of which are now in Gedo region) the Bantu population was still [in 2000] actually a majority. [7a] (p31) As noted in a UN Integrated Regional Information Networks (IRIN) article of 25 June 2003, the Bantu are represented by Somali African Muki Organisation (SAMO), which is aligned to the Somali Salvation Alliance (SSA) that aligned itself with the G8 group at the Eldoret/Nairobi peace talks. [10b]
- 20.27 The JFFMRs December 2000 and July 2002, noted conditions for Bantu reportedly vary according to the region in which they live. [7a] (p35-37) [7b] (p56-57) As stated in the JFFMR July 2002 and the OCHA minorities report of August 2002, Bantu have been largely displaced along the Juba and Shabelle rivers. They are usually able to remain in their home areas, to work mainly as labourers for the Somali clans (mainly the Marehan, Ogadeni and Habr Gedir) that have taken their traditional land. They can usually retain about 10 per cent of their land for their own use. [7b] (p57-58) [26a] (p4) However, the JFFMR December 2000 noted that in some cases Bantu work as plantation labourers in what Bantu Elders describe as situations of near slavery. [7a] (p35)
- 20.28 The JFFMR July 2002 noted that in Bay and Bakool Bantu had largely been incorporated into the Rahanweyn clan structure and were able to retain their land. Bantu that had assimilated themselves with the indigenous clans they live with were reportedly known as “*sheegato*”, which means they were not bloodline clan members, but adopted. [7b] (p28-29) As noted in the JFFMR March 2004:
- “The Somali Bantu population is now the best known of these minorities; representing about 5% of the total population, the Bantu are prone to theft of their land, rape, forced labour, and a range of discriminatory behaviour. Minority and low status groups such as the Bantu are afforded little protection under customary clan law and have virtually no recourse to a system of justice when victimized. Those who do bring complaints to clan, legal, or religious authorities place themselves at great risk of intimidation and assault.” [7c] (p17)
- 20.29 The USSD report for 2007 stated:
- “There were 31 members of the minority Bantu or Arab ethnic groups in the TFP and four in the TFG cabinet. There were no members of minority groups in the Somaliland parliament and cabinet.” [2a] (Elections and Political Participation)

BENADIRI AND BRAVANESE

- 20.30 As reflected in the JFFMR December 2000, the Benadiri are an urban people of East African Swahili origin, living mainly in the coastal cities of

Mogadishu, Merka and Brava; and the Bravanese are a people long established in the city of Brava, believed to be of mixed Arab, Portuguese and other descent. These groups suffered particularly badly at the hands of armed militia and bandits as their home areas were fought over by competing United Somali Congress (USC) factions and the Somali Patriotic Movement (SPM). USC/SNA (a sub-group of the USC) forces in particular singled out the Benadiri and Bravanese, with a campaign of systematic rape of women. Members of the minority populations, such as the Reer Hamar, the original Benadiri population of Mogadishu (known in Somali as Hamar) living in the Hamar Weyne and Shingani districts found themselves particularly exposed at times of heavy fighting. Most homes belonging to the Benadiri and Bravanese in Mogadishu had been taken over by members of clan militias, although sometimes the clan occupants allowed them to reside in one room. [7a] (p28, 38-41, 44-45)

- 20.31 Information obtained by a British-Danish fact-finding delegation in May/June 2002 suggested that Bravanese have mostly fled from the coastal town of Brava, although some are still living in the town, which is controlled by the Habr Gedir. Information suggested that Bravanese who remained faced abuses including forced labour, sexual slavery and general intimidation. [7b] (p57) As reflected in the JFFMR March 2004, it was estimated that 90% of the Rer Hamar population in Mogadishu have left the city as a consequence of civil war and lack of security. The majority of Rer Hamar who are still in Mogadishu are older people who live in Mogadishu's traditional Rer Hamar district, Hamar Weyn, which is controlled by militias of the Habr Gedir sub-clan, Suleiman. As to how those Rer Hamar families still living in Mogadishu were able to cope with the situation in the city, it was explained that some of the families have agreed, or have been forced to marry off their daughters to members of the majority clans such as Habr Gedir. Such a marriage can provide a Rer Hamar family with some degree of security but the alliance is not an even one, as the Habr Gedir son-in-law (nicknamed "Black Cat") to a large degree controls the economy of his family-in-law. [7c] (p39)

HAMAR HINDI

- 20.32 As noted in the JFFMR July 2002:

"Informed sources from an international organisation in Baidoa stated that the Indian community in Somalia had numbered, at the most, 200 families. They were mainly engaged in cloth dying in Mogadishu and, in fewer numbers, Merka. The Indians came to Somalia to establish businesses in the 1940s and 1950s. There were also some Indians recruited by the Italians in the 1940s and 1950s to run plantation farms as foremen, mainly around Qoryoley (the plantations begin past Afgoi, where the Shabelle flood plains lie). The Indians were mainly from the Bohora community, which is also present in Mombasa, Kenya, and were mostly Muslims. One source stated that there had been approximately 200 Indians in Kismayo at one time but they had left the city, mostly for Mogadishu, by the early 1980s. The Indians were recruited directly from India rather than from the established Indian community in British East Africa. Traditionally, Indians and Somalis were business rivals. Virtually all Indians had left Somalia by the time that Siad Barre's regime fell in 1991, mostly relocating to Mombasa, although one source had met two Indians, who had married Somalis, in Mogadishu recently.

“The above-mentioned sources stated that the name ‘Hamar Hindi’ has been applied to the Indian community in Somalia, meaning ‘Mogadishu Indians’. The area where Indian businesses were concentrated was also known as Hamar Hindi, a small area near the fish market and national museum, close to the Hamar Weyne district. District names in Mogadishu tend to relate to the original home of the inhabitants, e.g. Shingani is named after an area in Tanzania from where the original inhabitants, brought as slaves from Tanzania, had come.

“The same sources stated that all Indians in Somalia could speak the Somali language, usually to a good standard but at the very least all would have had a basic command of the language. In the cities, the Indian businessmen would have had to speak Somali to be able to engage in business activities. Likewise, the Indian foremen on the Italian plantations, who each managed between 100 and 150 plantation workers, had to speak Somali in order to communicate with their men. Also, under Siad Barre’s rule, society was much regulated and a good command of Somali would have been essential for Indians to be able to deal with official bureaucracy.” [7b] (p58)

MIDGAN, TUMAL, YIBIR AND GALGALA

- 20.32 The JFFMRs of December 2000 and July 2002, noted the Gaboye/Midgan (usually referred to as the Midgan but also known as the Madhiban), Tumul and Yibir (a group said to have Jewish origins) traditionally lived in the areas of the four main nomadic clan families of Darod, Isaaq, Dir and Hawiye in northern and central Somalia. In the last few decades many of them migrated to the cities. These groups are now scattered throughout the country but are mainly found in northern and central regions. Midgan have been able to settle in Puntland. [7a] (p49-50) [7b] (p57-58)
- 20.34 The JFFMR December 2000 noted that these groups are called ‘occupational castes’ as they traditionally perform specialist services and settle in areas where they obtain protection from a clan and build up an economic activity. [7a] (p49)
- 20.35 The OCHA Minorities Study of August 2002 noted that the Midgan, or Madhiban, have always been placed at the lower end of Somali society. In Hargeisa there are five telephone companies, six money transfer companies, and several light industries, transportation and construction companies, all of which create hundreds of job opportunities. The minorities claim that these jobs are offered according to the ethnic identity of the individual. The Gaboye, Tumul and Yibir have no access to those jobs because of their ethnicity. Midgan can trade freely, although they are usually unable to own property and livestock. [26a] (p4) The JFFMR July 2002 noted that the position of the Midgan/Gaboye improved at times of stability and recovery. [7b] (p57-58)

OROMOS

- 20.36 The Norwegian Country Information Centre, LandInfo, stated in their report *Security and human rights conditions in southern Somalia*, published November 2007:

“Phillipe Lazzarini, the OCHA representative, estimated the number of Oromos in Mogadishu at 20,000 to 30,000 and said they have been more vulnerable to arrest than other non-Somali groups since the TFG and its Ethiopian military backers took control of the capital.” [45a] (4.6.1, p27)

See also [Annex D: Main minority groups](#).

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

21.01 A report by the International Lesbian and Gay Association (ILGA) in 1999, and the African organisation “Behind the Mask” in 2004, noted that sexual intercourse with a person of the same sex is punishable under Article 409 of the Somali Penal Code by imprisonment from three months to three years. An “act of lust” other than sexual intercourse is punishable by imprisonment from two months to two years. Under Article 410 of the Somali Penal Code, a security measure, which normally means police surveillance to prevent re-offending, may be attached to a sentence for homosexual acts. It was not clear whether the laws on homosexual acts applied to lesbian sexual acts. The ILGA and “Behind the Mask”, both drew the conclusion that the law probably does not apply to lesbian acts. The basis for this view was that the Somali Penal Code was based on the Indian Penal Code that applied in the former British Somaliland protectorate. Therefore, Articles 409 and 410 of the Somali Penal Code would not apply to lesbian acts, as the Indian laws that they were based upon do not. (ILGA, 1999) [28a] (Behind the mask, 2004) [29a]

21.02 In May 2004, ‘Behind the Mask’ reported on the activities of ‘Queer Somalia’ (a community group based in Ethiopia), which indicated that the problems for homosexuals in Somalia relate to the lack of central government, loosely applied Islamic law and pressures from families. [29b] ‘Behind the Mask’ reported a story from *Huriyahmag*, dated 22 October 2004, which stated:

“A queer rights group called *Qaniisiinta Soomaaliyeed* (Queer Somalis) held talks with a newly-elected president of Somalia. The group’s Executive Director, Hadiyo ‘Boston’ Jimcale, said the new president promised to her that under his government all Somalis would be safe, over a telephone conversation she had with the president on Wednesday [20 October 2004]. She stated that the country’s new laws (put in the books in 2000 by a worldwide recognized temporary national government in Mogadishu) call for all Somalis to be treated equal under the law, regardless of their sexualities or religious beliefs.” [29c]

21.03 However, the article also noted:

“But in 2001, a lesbian couple in northwest Somalia was executed after the local Islamic government found out they were to be married. ‘We are confident this government will help us as people of sexual minority,’ said Jimcale. Back in July [2004], the group had its 4th international conference in London with more than 200 participants from all over the world.” [29c]

21.04 The ‘Behind the Mask’ article of May 2004 stated:

“Whether through suicide following pressure from families or via loosely applied Islamic law that is uncontrolled due to the lack of a central government, their [homosexuals] greatest fear is death – a sentence that can be brought upon them just for being homosexual, or for being perceived to be homosexual. ... The situation for queer people in Somalia is very dangerous. Without official recognition and without a government to lobby, Queer Somalia can do little more than report on the plights of individuals and to host meetings with small groups, acting as a link to the outside world. There are a lot of people who are queer [in Somalia] but they are afraid they will miss their basic rights if they express themselves.” [29b]

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DISABILITY

- 22.01 The United Nations Commissioner on Human Rights (UNHCHR), in its report by its independent expert Ghanim Alnajjar dated 13 September 2006, noted:

“The expert met with members of the Somaliland National Disability Forum (SNDF), a Hargeisa-based organisation that campaigns for the rights of disabled people. (Estimates indicate that 10 per cent of Somalilanders are disabled.) Both in general terms, as well as in relation to the parliamentary elections, they claimed that discrimination was evident against persons with disabilities. For instance, they said that the ‘Somaliland’ constitution requires that to be eligible to contest for the offices of President and Vice-President, a person ‘must be physically and mentally fit to fulfil his duties’. Further, legislation does not take into consideration the special needs of the disabled and there were concerns that persons with disabilities would not be able to access polling stations. Likewise, Article 8 of the Civil Service Commission Law deprives disabled persons of employment opportunities in the public sector and civil society groups have repeatedly, but unsuccessfully, called on relevant authorities to repeal this article. The expert encouraged them to assist lawmakers through the preparation of a draft law enshrining the rights of disabled persons. Such a law, it was noted, would take precedent over any previous laws with clauses considered to be discriminatory.” **[4a] (Visit to “Somaliland”)**

- 22.02 As reflected in the US State Department’s (USSD) Report on Human Rights Practices covering 2007:

“In the absence of functioning governance institutions, the needs of persons with disabilities were not addressed. Several local NGOs in Somaliland provided services for persons with disabilities. Associations of disabled persons reported numerous cases of discrimination to the UNIE [UN Independent Expert on Human Rights in Somalia].

“There was widespread abuse of persons with mental illness. It was common for such persons to be chained to a tree or within their homes.” **[2a] (Persons with disabilities)**

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WOMEN

- 23.01 The US State Department's (USSD) Report on Human Rights Practices covering 2007 noted:

"Women have suffered disproportionately in the country's civil war and inter-clan fighting.

"Prostitution is illegal and there were no statistics on its prevalence. In the country's overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated. Polygamy was permitted. Under laws issued by the former government, female children could inherit property, but only half the amount to which their brothers were legally entitled. Similarly, according to the Shari'a and local tradition of blood compensation, anyone found guilty in the death of a woman must pay half the amount paid to the aggrieved family if the victim was male.

"Women's groups in Mogadishu, Hargeisa (Somaliland), Bossaso (Puntland), and other towns actively promoted equal rights for women and advocated the inclusion of women in responsible government positions, and observers reported some improvement in the profile and political participation of women in the country." [2a] (Women)

- 23.02 The UN Office for the Coordination of Humanitarian Affairs (OCHA), in their Protection Factsheet, dated May 2006, summarized:

"Somali women are systematically discriminated [against] and subordinated... [They face] limited inclusion in decision making structures and leadership roles, limited access to reproductive health, higher rates of stigmatization from HIV/AIDS and sexually transmitted diseases, denial of due process rights, abuse of women's rights in divorce cases, denial of custody of children [and] denial [of] women's rights of property ownership and inheritance under customary law." [26j]

- 23.03 Amnesty International (AI) in its annual report covering events in 2006, stated:

"Several women's rights organizations, grouped in coalitions such as the Coalition of Grassroots Women's Organizations (COGWO) based in Mogadishu, and Nagaad women's coalition in Somaliland, campaigned actively, particularly against female genital mutilation, rape and domestic violence. The UIC, however, refused to meet or recognize women's NGOs." [6a] (Women's rights)

- 23.04 An article by Afrol, dated 22 January 2007, noted that Somali women are now more involved in household decision making than before the civil war started in 1991. The article explains:

"The new socio-economic survey of Somalia, the first such report in over two decades, earlier this week was released by the World Bank and the UN's development agency (UNDP). While mapping the participation of Somali women in decision-making processes, the UN agencies found that more than one decade of political chaos had left women with some more powers, although still very limited.

“Traditionally, Somali women been ‘considered to play a passive role in both family and public spheres’, the survey notes. However, it is now thought that they are becoming more active in the economic and social front after the civil war.

“The survey schedule therefore had incorporated a section to assess the role of women in household decision-making and their participation in various economic and social activities. These questions were administered only to the female members of the households.

“Women are either consulted or they make decisions on purchasing durable/semi-durable household items (73 percent), entertaining guests (68 percent), supporting relatives (77 percent), spending on ceremonies (71 percent), managing the family budget (79 percent), educating children (81 percent) and selling household produce (50 percent), the survey found.

“On the other hand, Somali women were left to make final decision only in very few issues. When it came to spending and budgeting, only around 20 percent of the surveyed women said they were left to ‘make decisions’. Only 8 percent were left to decide on selling household produce.” [32a]

- 23.05 However, the article also noted that while women's participation in decision-making processes was increasing, general social conditions for Somalia's women have ‘rapidly deteriorated’ during the years of no central government:

“Social services are close to non-existing as there is no central or regional government. As a result of this, only 13 percent of Somali girls are now enrolled in primary schools. Further, access to medical aid has severely deteriorated. For birth-giving women, the decay of social services has been extra hard, as almost two in every 1000 women die giving birth.

“The survey results show that most childbirth takes place without adequate medical facilities. ‘In fact, for the country as a whole, 88.2 percent of childbirths during one year prior to the survey took place at home; only 8.8 percent were in hospitals or other health facilities’, the UN report says.

“Medical assistance is usually absent during childbirth in rural and nomadic areas as only about 0.5 percent deliveries are handled at hospitals or other health facilities, the survey says. ‘This appears to be mainly due to lack of access to adequate health facilities. Only 2.9 percent of the rural and nomadic households confirmed the availability of a hospital’.

“The main sources of assistance during childbirth are traditional birth attendants. About 43 percent of all childbirths in urban and 61 percent in rural and nomadic areas are attended by these attendants.

“Health facilities however exist. About 95 percent of the urban population and 60 percent of the rural and nomadic population had confirmed the availability of at least one health facility within an average distance of 1.3 km and 2.4 km respectively. Half of the households also found the affordable.” [32a]

- 23.06 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact Finding Mission report on Human rights and security in central and southern Somalia, published August 2007, noted:

“An international organisation (B) explained that there are powerful women in Somalia, but socially such women may be treated badly and their own community may marginalize them. Powerful women of minority origin may even be treated worse than powerful women from major clans.

“An international organisation (B) added that women are not vulnerable just because they are women. A woman’s vulnerability depends on particular circumstances and it is not right to state that all women in Somalia are vulnerable.

“Abdulle considered that women are still victims of human rights violations throughout Somalia, and they are exposed to all the usual abuses and violations ... In addition the majority of all those being killed and wounded in the recent fighting are women and children.” [7e] (p31)

- 23.07 Further:

“An international organisation (C) acknowledged that there are many really strong women in Somalia, but stated that there are a number of cases where even such women have been victims of human rights violations, even from persons within their own family. Women with good jobs in many families are regarded as bringing shame onto the family and can become targets for their own family members. For example, a father may not tolerate that his wife or his daughter has gained a strong position. On the other hand some women know how to manage even if they have been threatened.

“An international organisation (C) added that even local NGOs in Somalia, that defend the rights of women, put themselves at risk and such NGOs can be attacked.

“An international organisation (C) explained that if a woman is left without a husband’s protection she is in concrete danger, especially if she is an IDP, and belongs to a minor or weak clan or an ethnic minority group.” [7e] (p32)

- 23.08 The United Nations Development Fund for Women (UNIFEM), in their ‘Gender Profile of the Conflict in Somalia’, last updated 1 March 2007, added:

“Africa News reported [23 June 2003] that militias and other gunmen reportedly rape women and girls of opposing clans and other vulnerable groups, particularly internally displaced people and the severally underprivileged Somali minorities such as Bantu, Midgan, Tumul, Yibir, Bravanese and also wealthier Benadiri community.” [33a]

LEGAL RIGHTS

- 23.09 The USSD report noted:

“In the country’s overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated. Polygyny was

permitted. Under laws issued by the former government, female children could inherit property, but only half the amount to which their brothers were legally entitled. Similarly, according to the Shari'a and local tradition of blood compensation, anyone found guilty in the death of a woman must pay just half as much to the aggrieved family as for the death of a male." [2a] (Women)

- 23.10 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact Finding Mission report on Human rights and security in central and southern Somalia, published August 2007 added:

"NOVIB explained that there is almost general impunity for violence against women in Somalia. Traditional law is not focused on the victim as an individual and women as victims are normally not covered by the compensation system. Even in Hargeisa, Somaliland it is the male who decides whether or not a case should be tried according to traditional law or the legal system." [7e]

POLITICAL RIGHTS

- 23.11 The United Nations Development Fund for Women (UNIFEM), in their "Gender Profile of the Conflict in Somalia" last updated 1 March 2007 noted:

"Despite factional fighting, famine and general chaos in their country, Somali women achieved a great success at the Arta Conference in 2000 when women were allowed to represent themselves as a 'sixth clan' at the negotiations, joining four major clans and a coalition of smaller ones. Two years later, UNIFEM helped women delegates prepare for the IGAD sponsored Somalia National Reconciliation Conference in Nairobi, which are ongoing. However, these achievements in the political sphere underscore the need to improve the basic well-being of Somali women who continue to face continuous 'complex emergencies', pervasive violence and harmful traditional practices so women can continue to participate in the stabilization and reconstruction of Somalia at all levels." [33a]

- 23.12 The US State Department (USSD) Report on Human Rights Practices covering 2006, dated 6 March 2007 noted:

"There were 23 women in the 275-seat Transitional Federal Parliament; the number fell short of the requirement stipulated in the TFC that at least 12 percent of parliamentary seats be reserved for women. The minister for gender and family affairs was a woman, as were one state minister and three deputy ministers. In the Somaliland government, a woman held the post of gender and family minister and two women were elected to the lower house of Parliament. There were four women in the 69-seat Puntland Council of Elders, and a woman held the position of minister of gender and family. There were no women in the governing council of the Islamic Courts." [2a] (Elections and Political Participation)

- 23.13 The UNHCR's position paper of January 2004 noted that women face particular challenges upon return to Somalia after a long stay in exile, which may have changed some of their habits and affected their ability to speak Somali without an unfamiliar accent. [23a] (p10)

23.14 The USSD report stated that:

“Women's groups in Mogadishu, Hargeisa (Somaliland), Bossaso (Puntland), and other towns actively promoted equal rights for women and advocated the inclusion of women in responsible government positions, and observers reported some improvement in the profile and political participation of women in the country.

“Women's groups were active in efforts to promote peace and reconciliation between the Islamic Courts and the TFG. For example, women's groups were part of numerous civil society delegations that visited both the TFG and Islamic Courts to urge a return to the Khartoum talks.” [2a] (Women)

23.15 Freedom House, in its *Freedom in the World* report covering 2006, published 2007, notes:

“Women's groups were instrumental in galvanizing support for Somalia's peace process. The country's new charter prohibits sexual discrimination, but women experience intense discrimination under customary practices and variants of Sharia. The ICU's advances in 2006 threatened to amplify the influence of the latter. UN agencies and NGOs are working to raise awareness about the health dangers of female genital mutilation.” [19a]

23.16 An article by Afrol, dated 22 January 2007, recounting a socio-economic survey of Somalia by the World Bank and UNDP dated January 2004, noted:

“Female members of the household were also questioned on their participation in women's group and local councils. A popular community based women's group is uruurka haweenka, normally formed at district level by female representatives from different communities.

“Only 6.4 percent and 16.8 percent of the urban households and 3.6 percent and 13 percent of the rural and nomadic households confirmed regular and occasional participation in women's groups respectively.

“Women from 71.2 percent of the households in urban and 78 percent from non-urban areas stated that they had ‘never participated in any women's group.’ Similarly, their participation rates in local councils were reported to be ‘quite low’, according to the UN survey.

“Even though comparative figures are not available for the pre-war period, the general impression is that these rates represent an upward trend, the survey nevertheless found.” [32a]

VIOLENCE AGAINST WOMEN

23.17 The JFFMR July 2002 noted that there were no laws that specifically address domestic violence. This was treated through traditional means rather than as a legal issue, although both customary law and Shari'a law addressed the resolution of family disputes. [7b] (p59)

23.18 As noted in the JFFMR March 2004, the number of reported violations against women in the capital increased considerably in 2003. A UNHCR source stated that there were serious human rights violations in Mogadishu

94 This Country of Origin Information Report contains the most up-to-date publicly available information as at 30 July 2008. Older source material has been included where it contains relevant information not available in more recent documents.

towards women. These violations included savage killings and mutilation. It was stressed that these incidents were unusual given that women and children are not overtly targeted in clan conflict. When commenting on the killings of women in Mogadishu (and in Baidoa) in the second half of 2003, a further source suggested that such incidents might have happened before but that they had not been reported. An international NGO suggested that women and children had become a new target of human rights violations in Mogadishu. The source added that there was a tendency that women in general had become much more cautious about their movements. Many women did not dare to go to the market or other public places, especially those belonging to minority groups or minor clans. [7c] (p20-21)

- 23.19 The United Nations Secretary General, in his situation report on Somalia to the Security Council (UNSC) dated 28 February 2007, noted the following:

“UNFPA [United Nations Population Fund], the United Nations Development Fund for Women and UNDP [United Nations Development Programme] initiated a joint programme with the aim of developing a national gender policy framework for Somalia, including for gender mainstreaming of the Transitional Federal Government and the ‘Somaliland’ and ‘Puntland’ administrations. A 16 – day campaign of activism to end violence against women was held from 25 November to 10 December 2006, for the first time spearheaded by the ministries responsible for gender. The campaign advocated for women’s human rights issues and for more technical support to the ministries of gender in such areas as gender budgeting.

“To mobilize support against the severe violation of women’s human rights that comprise female genital cutting/female genital mutilation, and to advocate for the eradication of the practice, UNFPA facilitated a series of round tables in ‘Somaliland’ and ‘Puntland’ for experts, community and religious leaders and high-level officials from the two administrations. UNFPA also supported awareness – raising among journalists in ‘Somaliland’ on sexual- and gender-based violence and strengthened their capacity to monitor and report on violations of women’s human rights in Somalia.” [3b] (p14)

- 23.20 The Danish Joint Fact Finding Mission report on Somalia, published August 2007 noted:

“An international organisation (A) explained that rape is no longer widespread in Somalia. Generally it is only members of militias and bandits who would rape a woman. They will do this with impunity.

“AI reported in May 2007 that refugees interviewed in Dadaab refugee camp in Kenya ‘were particularly concerned about sexual and gender based violence against women and girls.’ According to AI these concerns are reflected in reports from NGOs working with IDPs in Somalia. AI reported about the mother of two teenage daughters who were both raped by members of an armed group who were manning a road block that they encountered while fleeing. The mother explained that rape by members of armed groups (mainly clan-based) manning road blocks was common.

“Lazzarini referred to a network called Protection Monitoring Network (PMN), which undertook a research of Sexual Gender-Based Violence (SGBV). The research covered 600 reported cases of rape. After a period of six months

10% of the assaulted women had committed suicide and 25% had disappeared. The culprits were typically militiamen at check points or individual militiamen who would approach their victims when they went to fetch water or went on their own to the toilet during the night. The women are fairly safe inside the settlement where they are together with many other people. The culprits are not prosecuted and enjoy impunity.

“Women who have been sexually abused or raped are stigmatised, according to NOVIB. An unmarried and raped woman will typically meet a demand from her own family and clan to marry the rapist as she will not have a chance to marry anyone else. As a consequence many rapes go unreported by the women. An unmarried woman who gets raped and refuses to marry the rapist may face severe consequences from her own family and clan, and she may be excluded from the clan. A married woman who has been the victim of rape may also risk being divorced by her husband. NOVIB added that divorced women might be stigmatised, depending on their particular situation. NOVIB added that even though rape of women and killings comprise the majority of the reported human rights violations in Somalia many rapes go unreported.” [7e] (p32)

23.21 The Danish fact-finding mission report continued:

“Dr. Bourzat explained that the UIC permitted its Jihad-fighters to spend the night with a girl before they were sent off to fight against the Ethiopian troops and the TFG. This was very dishonourable for the families of these girls and Bourzat described it as rape. This abuse has serious consequences for the victims and their families, especially since the UIC has been defeated.” [7e] (p33)

23.22 There have been accusations of rape made against Ethiopian soldiers since their occupation in Somalia [41a] (**Hiraan Online, Somali woman accuses Ethiopian soldiers of rape and torture, 13 March 2007**), with the UN asserting that rape is becoming an 'instrument' of war used by both Ethiopian-backed government troops and insurgents. [21a] (**Monster and Critic, UN: Rape is now "part of the game" in brutal Somali conflict, 7 December 2007**) USSD Report for 2007 states “Police raped women, and there continued to be reports of rape by militias, which used rape to punish and intimidate rivals. Rape was commonly perpetuated in inter-clan conflicts.” [2a] (Women)

23.23 An article published by UNHCR News, dated October 25 2007, highlighted that “sexual violence remains part of daily life in many settlements where internally displaced people (IDPs) gather. “ The article explains:

“In a society where rape is taboo, perpetrators are rarely brought to justice. Cases are usually dealt with through traditional means, with the attacker having to pay compensation to the victim's father or husband, but never to her. ‘When raped women come, they are so ashamed that they feel as if they were already dead,’ the nurse explained.

“To ensure survivors of sexual violence receive support, a network of UN agencies – including UNHCR, UNFPA and UNICEF – has launched a Sexual and Gender-Based Violence (SGBV) prevention and response plan. It is meant to be implemented with local partners, such as medical providers and civil society organizations, to strengthen health-care capacities, train local psycho-social counsellors and raise awareness about sexual violence

in Galkayo. Awareness-raising is being further strengthened to support local efforts to prevent SGBV from occurring in the first place. The plan will build upon local NGOs, where fully committed Somali men and women intend to put an end to sexual violence.” [23f]

23.24 The USSD Report (2007) summarised:

“Laws prohibiting rape exist; however, they were not generally enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year [2007]. NGOs documented patterns of rape of women with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans. Police and militia members engaged in raped, and rape was commonly practiced in inter-clan conflicts. Traditional approaches to dealing with rape tended to ignore the victim's situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator's and victim's clans. Victims suffered from subsequent discrimination based on attributions of ‘impurity.’ Women and girls in IDP camps were especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS. Criminal elements attacked and raped some IDPs fleeing from Mogadishu in March and April [2007]. In Somaliland there was an increase in gang rape in urban areas, primarily by youth gangs, members of police forces, and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and rural displaced populations. Many cases were not reported.

“Domestic violence against women remained a serious problem. There are no laws specifically addressing domestic violence; however, both Shari'a and customary law address the resolution of family disputes. No statistical information was available on the extent of domestic violence. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination.” [2a] (Women)

FEMALE GENITAL MUTILATION (FGM)

23.25 The USSD report noted:

“The practice of FGM is widespread throughout the country. There were estimates that as many as 98 percent of women have undergone FGM; the majority were subjected to infibulation, the most severe form of FGM. In Somaliland FGM is illegal; however, the law was not enforced. Puntland also has legislation prohibiting FGM, but the law was not effectively enforced. UN agencies and NGOs have made intensive efforts to educate the population about the dangers of FGM; there are no reliable statistics to measure the success of their programs.” [2a] (Women)

23.26 As reflected in the JFFMR March 2004:

“Gary P. Jones, Country Director, Somalia, Kenya and Djibouti, Norwegian People's Aid (NPA), Horn of Africa Programme stated that, until recently, no NGOs worked with FGM in Somalia. Presently there are several NGOs that are addressing the issue of FGM. Jones explained that NPA is one of a small number of NGO's in Somalia, which attempts to educate people with the purpose of eradicating FGM. NPA seeks to change the culture of FGM by educating young girls. However, Jones explained that it is very difficult for

girls in primary schools to complete their education due to them being kept at home to undertake domestic duties. It was suggested that boarding schools might be the only way to enable girls to focus on their education without their parents interfering.

“According to Jones, FGM is still the norm in Somalia. The main mode of the FGM is the ‘pharaonic’ form, but still many would claim that they only practice ‘Sunna’ which is a lighter version of FGM. Jones stated that this was done from a business point of view, explaining that people promoting ‘Sunna’ would receive financial support. In reality, however, girls are circumcised in the same manner as usual, i.e. ‘Pharaonic’ style. Circumcision usually takes place when a girl is between four and seven years of age. Nearly 100% of women are affected by FGM in Somalia. Jones did not expect that any significant change would emerge in this respect during the next 15 years, even though some modest progress has been made in some areas. It was emphasised that it is extremely difficult to change the attitude towards FGM, and providing education and information to young girls might be the only way to make any impact on the issue.” [7c] (p33)

- 23.27 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact Finding Mission report on Human rights and security in central and southern Somalia, published August 2007 noted:

“In case the father or brother (in the father’s absence) decides not to go through with the FGM of the daughter/sister the father/brother will be attacked by family or clan members. Anti-FGM is in Somali translated into ‘anti-purity’ ... However, an international organisation (C) explained that the only change or tendency that can be recorded is a slight trend in some urban areas towards the use of the less extreme form of FGM, namely the Suna form. However normally girls are circumcised according to the extreme Pharaonic form. It was added that a girl who has not undergone FGM would be very difficult to marry off.” [7e] (p32)

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CHILDREN

- 24.01 As noted in the US State Department (USSD) report on human rights practices covering 2007:

“Child abuse was a serious problem, although no statistics on its prevalence were available. A 2003 UNICEF report noted that nearly a third of all displaced children reported rape as a problem within their family, compared to 17 percent of children in the general population.

“Children remained among the chief victims of continuing societal violence. Child protection monitors verified that at least 40 children were killed or wounded during the year [2007] as a direct result of conflict.

“Militia members raped children during the conflict and departure of civilians from Mogadishu. In May, for example, militias stopped a minibus at a checkpoint and raped five children and eight women.” [2a] (Children)

- 24.02 UNHCHR, in its report dated 13 September 2006, noted:

“The human rights of Somalia’s children are threatened and violated on many fronts. Infant mortality is the highest in the world and enrolment for school-age children is about 22 per cent, according to UNICEF figures. Children in IDP camps are malnourished and often at risk of assault, abuse, exploitation and rape. Children are imprisoned (often with adults); children of minority groups and clans face discrimination and abuse, child labour is rampant, and the basic needs of children with physical and mental disabilities are not met. There are reportedly scores of homeless and orphaned children on the streets and in the camps in Somalia. The recent upsurge of fighting between rival militias in Mogadishu has resulted in the loss of lives of innocent civilians, including many children and an increase in the number of IDPs. This militia also recruit children from schools and the streets for their militias.

“Again on this mission, the Independent Expert addressed the issue of the custom and practice of *asi walid*, where some parents place their children in prison for disciplinary purposes and without any legal procedure. During discussions, authorities in Somalia, ‘Somaliland’ and ‘Puntland’ stated that they were aware of this custom, and committed themselves to working towards its eradication.

“In these discussions and on the matter of child protection and the human rights of children, the expert noted the importance of calling on the TFP to sign and ratify the Convention on the Rights of the Child.” [4a] (The human rights of children)

- 24.03 The UNHCR’s paper of January 2004 stated that children and adolescents face particular challenges upon return to Somalia after a long stay in exile, which may have changed some of their habits and affected their ability to speak Somali without an unfamiliar accent. The same source referred to a 2003 UN-OCHA report about the experience that stated that ‘Bi-cultural separated Somali minors who are returned to their homeland under duress or through deception are in danger of harassment, extortion, rape and murder.’ Perceived unacceptable and culturally insensitive behaviour by girls results in harsher discrimination and punishment than for boys. [23a] (p10)

24.04 IRIN, in an article dated 15 December 2005, reported:

“UNICEF said the lack of a functioning national administration since 1991 had further constrained human development in Somalia, which according to the 2004 under-five mortality rate, has the sixth worst under-five mortality rate in the world.

“Some 26 percent of Somali children are moderately or severely underweight, while 133 out of every 1,000 children will die in infancy, UNICEF said.

“‘An estimated 5.6 million Somali children continue to live without or with limited access to basic services and are highly vulnerable to preventable disease,’ UNICEF noted in its humanitarian action plan for Somalia in 2006.

“The agency said despite continued conflict, efforts by local and international partners ensured that Somali children benefited from greater access to healthcare, education, clean water and an enhanced protective environment.

“‘Increasing national stability presents us with an opportunity to include all children in the formulation of the country’s development agenda,’ said Christian Balslev-Olesen, UNICEF country representative for Somalia.

“‘Putting children at the centre of that agenda aims to ensure that we plan for the education, health and protection of every Somali child: including the poorest, most vulnerable pastoralist child in the remotest rural village,’ he added.” [10e] (p1)

EDUCATION

24.05 As recorded in Europa regional surveys of the world, online version, accessed 3 April 2007:

“All private schools were nationalized in 1972, and education is now provided free of charge. Primary education, lasting for eight years, is officially compulsory for children aged six to 14 years. However, in 2002 enrolment at primary schools was equivalent to only 16.9% of the school-age population (boys 20.8%; girls 12.7%). Secondary education, beginning at the age of 14, lasts for four years, but is not compulsory. In 1985 the enrolment at secondary schools included 3% of children (boys 4%; girls 2%) in the relevant age-group. Current expenditure on education in the Government’s 1988 budget was 478.1m. Somali shillings (equivalent to 1.9% of total current spending). Following the overthrow of Siad Barre’s Government in January 1991 and the descent of the country into anarchy, Somalia’s education system collapsed. In January 1993 a primary school was opened in the building of Somalia’s sole university, the Somali National University in Mogadishu (which had been closed in early 1991). The only other schools operating in the country were a number run by Islamist groups and some that had been reopened in ‘Somaliland’ in mid-1991.” [1a] (Education)

24.06 The US State Department Report on human rights practices, Somalia, covering 2007 (USSD report for 2007) reported:

“An estimated 28 percent of the school-age population attended school, according to a recent UNICEF school survey: 34 percent of boys and 22 percent of girls. Due to the increased level of insecurity in Mogadishu, school enrollment rates in the city dropped to 18-20 percent, a 50 percent reduction from 2006. Since the collapse of the state in 1991, education services have been revived in various forms, including: a traditional system of Koranic schools; public primary and secondary school systems financed by communities, foreign donors, and the administrations in Somaliland and Puntland; Islamic charity-run schools; and a number of privately run primary and secondary schools, universities, and vocational training institutes. Few children who entered primary school completed secondary school. Schools at all levels lacked textbooks, laboratory equipment, toilets, and running water. Teachers were poorly qualified and poorly paid; many relied entirely on community support for payment. The literacy rate was estimated at 25 percent. There was a continued influx of foreign teachers to teach in private Koranic and Madrassa schools. These schools were inexpensive and provided basic education; however, there were reports that they required veiling of small girls and other conservative Islamic practices not traditionally found in the local culture.” [2a] (Children)

24.07 IRIN, in an article dated 15 December 2005, reported:

“Only one out of every five children in Somalia is enrolled in primary school, the UN Children’s Fund (UNICEF) said in its State of the World’s Children report for 2006.” [10e] (p1)

24.08 The report added:

“‘The net primary attendance ratio is lower than anywhere in the world, at just 12 percent for boys and 10 percent for girls,’ the report said. ‘Years of underinvestment have left Somalia lagging behind the rest of the developing world in education’.” [10e] (p1)

24.09 The US State Department’s International Religious Freedom Report released in 2007 notes:

“In Somaliland religious schools and places of worship are required to obtain the Ministry of Religion’s permission to operate. There are a significant number of externally funded madrassahs throughout the country. These schools provide inexpensive basic education but adhere to conservative Islamic practices. Mogadishu University, the University of East Africa in Bosaso, Puntland, and many secondary schools in Mogadishu are externally funded and administered through organizations affiliated with Al-Islah, an Islamic organization.” [2b] (Legal/Policy Framework)

24.10 The USSD report for 2007 noted:

“There were two universities in Mogadishu, two in Somaliland, and one in Puntland; however, there was no organized higher education system in most of the country. There were restrictions on academic freedom, and academicians practiced self-censorship. In Puntland a government permit was required before conducting academic research.” [2a] (Academic Freedom and Cultural Events)

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CHILD CARE

- 24.11 An IRIN report published in June 2001, principally focusing on Somaliland, noted there were very few orphans in Somali society. Few children were abandoned, even during the hardest of times. It is explained that before the introduction of the modern nation state, the clan structure effectively prevented the very concept of 'orphan' – relatives would take in a child who had lost its parents. Within Somalia a case of pregnancy outside of marriage is almost unthinkable; however, the report refers to a Somaliland social worker's comment that 'Urbanisation, prostitution and drugs are the most common reason now for unwanted pregnancies.' [10a]
- 24.12 The IRIN report of June 2001, noted that after reaching 15 years of age Somali children were considered to have reached the age of independence, and were unlikely to be kept in orphanages; this left orphaned teenagers with very little support. With regard to the possibility of adoption the report suggested that the clan structure worked prohibitively against adoption, a practice that was not regarded as a 'cultural norm.' In the self-declared independent 'Republic of Somaliland' the Hargeisa Orphanage Centre had been run by the local administration since 1991. Since 2001 the centre had come under the auspices of the Ministry of Education which provided for the running costs; the Ministry of Justice and the prison service had formerly operated it. As of June 2001, the centre had a total of 355 children, approximately 60 full and part-time staff, and received some support from the UN World Food Programme and the international NGO Hope World Wide. [10a]
- 24.13 In February 2004 IRIN reported that the Islamic aid agency-sponsored orphanages formally closed down, leaving around 3,000 orphans homeless. [10c]

CHILD SOLDIERS

- 24.14 During the fighting in December 2006, it was reported that the Union of Islamic Court [UIC] closed schools and recruited children and teenagers into its militia. There are reports that these suffered a high level of casualties, as they opposed the professional army of Ethiopia. This led, indirectly, to clan leaders withdrawing their support from the UIC. (IRIN, 2 January 2007) [10i] (p1-2) (New York Times, 28 December 2006) [25a] (p2)
- 24.15 As noted in the US State Department (USSD) report on human rights practices covering 2007:
- "The recruitment and use of children in militias and other fighting forces was a longstanding practice in the country and continued during the year. Children continued to be recruited into militias on both sides of the conflict by the TFG and its related forces, as well as by clan militias and antigovernment groups. This recruitment was on occasion forced. Local human rights organizations reported that antigovernment groups paid children \$20 (400, 000 Somali shillings) to lob grenades and other explosives at TFG-allied militias and international peacekeepers."

The report added:

102 This Country of Origin Information Report contains the most up-to-date publicly available information as at 30 July 2008. Older source material has been included where it contains relevant information not available in more recent documents.

“In July the UN Security Council Working Group on Children and Armed Conflict called on all parties to stop recruiting children and demobilize those serving as soldiers. In some administrations in Somalia, like that of Jowhar, authorities committed to demobilize child soldiers with UNICEF’s assistance.

“The TFG pledged to address the issue of child recruitment when ministers signed the Paris Commitments in February; however, all parties to the conflict continued to recruit child soldiers during the year, including the TFG. UNICEF implemented a public outreach program with radio broadcasts to highlight the problem of child soldiers.

“The Somaliland Constitution contains no minimum age for recruitment into the armed forces, but there were no reports of minors in its forces; however an inadequate system of birth registration made it difficult to establish the exact age of recruits.” [2a] (Children)

24.16 OCHA, in its Protection Factsheet dated December 2007, notes:

“The recruitment of children into armed militia has been a reality in Somalia for the last several years. It escalated in Mogadishu and other urban centres of south/central Somalia during the recent conflict [post October 2007]. Eyewitnesses, child protection monitors and media have reported armed children, mostly between the ages of 14 and 18 (though some as young as 12), working checkpoints and visible on the back of militia vehicles. Recruitment has been carried out by all parties to the conflict.” [26h]

HEALTH ISSUES

24.17 UNICEF, in an article (undated), outlining the background of health care in Somalia, stated:

“Infant and maternal mortality rates are among the world’s highest. The under five mortality rate is a staggering 225 per 1,000 live births. The main causes of death are diarrhoeal diseases, respiratory infections and malaria (an estimated 87 per cent of Somalis are at risk of malaria).

“Less than 30 per cent of the country has access to safe water. Malnutrition is rampant; acute malnutrition afflicts 17 per cent of children.

“The nomadic lifestyle of Somalia’s rural population makes regular immunization programmes difficult to implement. Measles and cholera are serious threats against which few have been vaccinated.

“Net primary school enrolment is estimated at only 13 per cent for boys – and only 7 per cent for girls.

“Clan rivalries have internally displaced 375,000 people, forcing them into tenuous living situations where they face hunger and human-rights abuses.” [27a] (p1-2)

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TRAFFICKING

- 25.01 As stated in the US State Department report on human rights practices, Somalia, covering 2007, published 11 March 2008, (USSD report for 2007):

“The pre-1991 law prohibits trafficking. The TFC does not explicitly prohibit trafficking. Information regarding trafficking in the country's territory was extremely difficult to obtain or verify; however, the Somali territory was known to be a source, transit, and possibly destination country for trafficked women and children, and there were reports of trafficking during the year. Ethiopian women were believed to be trafficked to and through the country to the Middle East for forced labor or sexual exploitation. Armed militias reportedly also trafficked Somali women and children for forced labor or sexual exploitation, and some of those victims also may have been trafficked to the Middle East and Europe. Trafficking networks were reported to be involved in transporting child victims to South Africa for sexual exploitation.

“Puntland was noted by human rights organizations as an entry point for trafficking. The UNIE reported that trafficking in persons remained rampant and that the lack of an effective authority to police the country's long coastline contributed to trafficking. Various forms of trafficking are prohibited under some interpretations of Shari'a and customary law, but there was no unified policing in the country to interdict these practices, nor any effective justice system for the prosecution of traffickers.

“There continued to be reports that children were sent 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.

“At various times, political authorities in the regional administrations of Somaliland and Puntland expressed a commitment to address trafficking, but corruption and lack of resources prevented the development of effective policies and programs. Many officials in these administrations were known to condone human trafficking. No resources were devoted to trafficking prevention or to victim protection. There were no reports of trafficking-related arrests or prosecutions. Somaliland and Puntland officials were not trained to identify or assist trafficking victims. NGOs worked with IDPs, some of whom may have been trafficking victims.” [2a] (**Trafficking in Persons**)

- 25.02 The USSD Trafficking in Persons Report (TPR) of June 2008 states:

“Information regarding trafficking in Somalia remains extremely difficult to obtain or verify; however, the Somali territory is believed to be a source, transit, and perhaps destination country for trafficked women and children. During the year [2007], warlord militias, the Islamic Courts Union, and the TFG conscripted and recruited child soldiers for armed conflict. In September, for example, the Islamic Courts Union summoned headmasters from Mogadishu's schools and required them to each commit a quota of school children to attend a military training program. In early 2007, the TFG reportedly recruited children unlawfully in central Somalia to supplement its army in Mogadishu. Armed militias purportedly traffic Somali women and children for sexual exploitation and forced labor internally. There are anecdotal reports of children engaged in prostitution, but the practice is culturally proscribed and not publicly acknowledged. Somali women are

trafficked to the United Arab Emirates, and perhaps other destinations in the Middle East, for commercial sexual exploitation. Somali children are reportedly trafficked to Djibouti for commercial sexual exploitation. Ethiopian women are trafficked to and through Somalia to the Middle East for forced labor and sexual exploitation. In past years, trafficking networks were also reported to be involved in transporting child victims to South Africa for sexual exploitation; continuation of this practice could not be confirmed.”
[2c] (Somalia)

25.03 As noted in the TPR 2007:

“There are laws in the Republic of Somaliland explicitly prohibiting forced labor, involuntary servitude, and slavery, but no specific laws exist against these practices in other parts of Somalia. Trafficking for sexual exploitation may be prohibited under the most widespread interpretations of Shari'a and customary law, but there is neither a unified police force in the territory to enforce these laws, nor any authoritative legal system through which traffickers could be prosecuted. Government officials are not trained to identify or assist trafficking victims and took no known action against the practice. In the absence of effective systems of revenue generation, as well as any legal means to collect resources and then distribute them for some common good, no resources are devoted to preventing trafficking or to victim protection across the majority of the Somali territory. Somalia has not ratified the 2000 UN TIP Protocol.” [2c] (Somalia)

HUMAN SMUGGLING

25.04 OCHA, in its Human Smuggling and Human Trafficking Factsheet dated December 2007, defines human smuggling:

“The United Nations Protocol Against the Smuggling of Migrants by Land, Sea, and Air defines the smuggling of migrants as ‘the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.’ In most cases, individuals will contact smugglers themselves in the hope of crossing a border illegally in search of a better life and improved economic prospects.” [26i]

25.05 OCHA, in its Human Smuggling and Human Trafficking Factsheet, dated December 2007, notes:

“Human smuggling continues unabated from the northeast coast of Puntland, to Yemen, resulting in the death of hundreds, mostly Somalis and Ethiopians ... According to UNHCR, tragic incidents involving people crossing the Gulf of Aden have been consistently increasing since 2005. Since the start of 2007 until the end of October, with the smuggling season at its pick in September and October, already an estimated 23,532 people had arrived at the Yemen shores (13,796 Somalis and 9,713 Ethiopians) while at least 838 people have died during the crossing and 524 are known to be missing, with twice as many Ethiopians deaths compared to Somalis. The overall estimated figure for last year was around 26,000 people (about 14,250 Somalis and 11,750 Ethiopians) crossed the Gulf of Aden, with at least 330 deaths and another 300 reported missing (and now believed to be dead). The main reason of these deaths is smugglers forcing Somalis and Ethiopians into stormy seas off the coast of Yemen. Survivors

reported that those who resisted were stabbed and beaten with wooden and steel clubs, then thrown overboard. Some were then attacked by sharks. Recovered bodies showed signs of severe mutilation. Upon arrival to the Yemeni shore, some passengers reportedly had their money confiscated by security forces.

“Passengers also frequently report that some travellers are being tied up and/or thrown overboard by the smugglers in an attempt to lighten their load and avoid capsizing. Others drift for days at a time with little food or fresh water on board. Both during the journey and en route to Bossaso, women report having been sexually abused, exploited and/or raped by the smugglers, police and the multitude of militias operating illegal checkpoints on the roads to Bossaso. When the boats reach Yemen’s coast, passengers – including children – are routinely forced to swim the last kilometres so that the boats are not detected by the Yemen authorities. Some never make it to the coast. Fatality figures are difficult to verify as the trade is secret and many bodies are never found.” [261]

25.06 OCHA, in its Humanitarian Analysis, dated January 2008 noted:

“The ‘mixed migration’ – the smuggling and trafficking of Somalis to other countries – has also been on the rise. In 2007, more than 29,500 people arrived on the shores of Yemen and 1,400 people died while making the perilous journey or are missing and presumed dead. The number of deaths was a sharp increase nearly fourfold from 2006 where at least 330 deaths and another 300 reported missing and presumed dead. The trend looks likely to continue in 2008. As of 19 January, at least 2,252 people were recorded arriving at the Yemen coast, majority of them were Somalis. On 18 January, 116 people from one boat died after smugglers ordered passengers to jump overboard, a large wave capsized the boat, killing all 114 passengers and two the crew (smugglers).” [261]

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MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

26.01 As stated in the Report of the Joint British-Nordic Fact-Finding Mission of January 2004 (JFFMR March 2004), *Doctors Without Borders/Médecins Sans Frontières* (MSF) officials noted that the overall level of healthcare and possibilities for treatment in central and southern Somalia were very poor. There was a lack of basic medical training amongst the personnel (doctors and particularly nurses) operating at the limited number of hospitals and clinics in the region. It was estimated that up to 90 per cent of the doctors and health staff in hospitals were insufficiently trained. It was stated that for those with sufficient funding to pay for treatment, primary healthcare was available in all regions. MSF indicated that women and children had a better chance of receiving treatment on the grounds that they were less likely to be the target of militias. It was explained that women and children were in a position to move more freely because they could cross clan borders more easily than single men whose clan affiliation may hinder their freedom of movement. It was added that single men, without the financial backing of their clan, would find it very difficult to access medical treatment. It was also noted that, due to the distance, security situation, and poor road networks in most regions, referral cases were difficult to arrange without sufficient financial support from clans. [7c] (p47-49)

26.02 The JFFMR of March 2004 noted an interview with Ayham Bazid, Representative of MSF:

“It was stated that for those with the sufficient funding to pay for treatment, primary healthcare was available in all regions. Bazid indicated that women and children had a better chance of receiving treatment on the grounds that they are less likely to be the target of militias. It was explained that women and children are in a position to move more freely in Somalia, because they can cross clan-borders much easier than single men whose clan affiliation may hinder their freedom of movement. Querol and Bazid added that single men, without the financial backing of their clan, would find it very difficult to access medical treatment. It was also noted that, due to the distance, security situation, and poor road networks in most regions, referral cases are difficult to arrange without sufficient financial support from clans.” [7c] (p47)

26.03 MSF in its report of January 2007, entitled ‘Top ten under-reported humanitarian stories of 2006’, gave the following overview:

“The current conflict in Somalia may generate fleeting worldwide attention, but the abysmal day-to-day living conditions faced by Somalis remains largely forgotten. For the past 15 years, Somalia has been in the grip of internal conflict that has had catastrophic consequences on the health of its people. Somalia has some of the world's worst health indicators: it is estimated that life expectancy is 47 years and more than one quarter of children die before their fifth birthday.

“The conflict in 2006 was characterized by intense bursts of violence in the capital, Mogadishu and outlying regions.

“In July [2006], a coalition under the umbrella of the Islamic Courts wrested control of Mogadishu from the militias that had preyed on the local population for years, and quickly gained influence in the country's central and southern areas. Then in late December, the Western – and Ethiopian – backed Transitional National Government drove the Islamic Courts from areas they controlled.

“Against this backdrop of political insecurity, Somalia was hit by torrential rains in November [2006] that flooded the Shebelle and Juba rivers, leaving tens of thousands of families homeless and destroying their sustenance crops ... This occurred just six months after the Bay region, nestled between the two rivers, endured a drought that saw MSF admit more than 600 severely malnourished children to its hospital in Dinsor.

“MSF teams are trying to fill some of the huge gaps in medical care through primary care and surgical hospitals and clinics, as well as treatment programs for malnutrition, tuberculosis and kala azar in several regions, including Bakool, Bay, Galguduud, Lower Juba, Mudug, Middle Shabelle and Mogadishu. Few aid agencies choose to work in Somalia, though, because violence is so widespread and the country's clan structure so complex. But with no state medical services, there is a desperate need for increased assistance.” [11a] (Somalis trapped by war and disaster)

26.04 The EIU, in its Somalia Country Profile for 2007, noted:

“Health standards are amongst the worst in Africa, not least because of a series of famines. Cholera is rife in the southern regions and is prevalent in the capital, Mogadishu. Conditions are better in the refugee camps, where relief agencies have set up medical centres.” [17d](p14)

26.05 IRIN, in its ‘The Somali Democratic Republic humanitarian country profile’ dated February 2007, stated:

“The status of health in Somalia is among the poorest in the world, with much of the population lacking access to basic healthcare and an acute shortage of trained medical personnel.

“In the past 10 years, considerable resources have been invested by the international community in rehabilitating the water and sanitation systems damaged during the civil war.

“However, extensive contamination of surface supplies remains a problem, with only 29 percent the population having access to clean drinking water, according to UNFPA [United Nations Population Fund].

“After being Polio-free for almost three years, Somalia became re-infected in 2005. There were a total of 215 confirmed cases of polio by November 2006. Fourteen of Somalia's 19 regions have been infected, according to the WHO.” [10m] (Health)

26.06 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Somalia, in its situation report covering February 2007, provided an overview of recent health care issues within the country:

“Between 30 December [2006] and 2 March 2007, a total of 3,633 Acute Watery Diarrhea (AWD) cases have been reported throughout southern Somalia, including 143 deaths. The upsurge of cases is linked to post-flooding conditions coupled with a lack of access to safe drinking water and poor hygiene and sanitation practices.

“The situation is most critical in Hiran region, with the heaviest case load of AWD in Somalia: a total of 1,229 cases and 30 deaths between 30 December 2006 and 23 February 2007 in Beletweyne, Jalalaqsi and Buloburti districts. That said, adequate supplies have been dispatched to Beletweyne and the number of new reported cases has decreased with increasing water and sanitation interventions. Partners are conducting hygiene promotion and chlorination activities, and UNICEF [United Nations International Childrens Fund] and the Hiran Water Supply authority are rehabilitating thirteen shallow wells and repairing nine existing water sources. In total, nine hygiene promotion sessions were organized for 270 participants.

“Similar decreasing trends were also noted among IDPs in Galkayo (Mudug) owing to humanitarian interventions such as water chlorination, hygiene promotion, rehydration and treatment of the affected people.

“In Middle Shabelle, between 15 January [2007] and 2 March [2007], 974 cases were reported with 18 deaths. Similar activities are ongoing and adequate supplies have also been dispatched to Jowhar, including a full diarrhoeal disease kit (for 100 severe and 400 moderate patients) by WHO. In total, 360 hygiene promoters have been trained by the Somalia Red Crescent Society (SRCS) and UNICEF from Balad, Mahadey and Jowhar. According to a recent report, communities around Jowhar are using river water for drinking and cooking purposes because water from the functional wells is too saline. The water from the wells is instead used for bathing and washing. A total of 43 shallow wells are in the process of being constructed/rehabilitated through local NGOs WOCA and Farjano.

“In Lower Shabelle, the number of cases of AWD is increasing with the influx of IDPs from Mogadishu, especially in rural areas. A total of 687 cases and 56 deaths were reported from this region between 2 February [2007] and 2 March [2007]. WHO [World Health Organization] is sending a full diarrhoeal disease kit, while UNICEF is sourcing required supplies. Water and sanitation activities (such as chlorination) and hygiene promotion require special attention although security and access remain a challenge. UNICEF and CEFA hosted hygiene promotion training sessions in five different villages targeting 320 people.

“In Lower and Middle Juba regions, Kismayo and Jamame registered a total of 352 cases and 30 deaths between 30 January [2007] and 26 February [2007]. The two localities have received adequate supplies, including two full diarrhoeal disease kits in Kismayo by WHO, and health partners continue to monitor developments carefully.

“A total of 391 cases were reported from Mogadishu, between 24 February [2007] and 2 March [2007], with nine deaths. Partners are dispatching necessary supplies, including WHO that has sent one full diarrhoeal disease kit, and UNICEF that is sending thirty extra diarrheal [sic] kits by boat and plane. Chlorination and sanitation activities also carry-on. While Mogadishu

has not reported the largest number of cases, insecurity in the city gives rise to serious concerns over how conditions will evolve. On the one hand, increasing numbers of people fleeing the capital increase the risk of AWD spreading to other locations. On the other, limited mobility within the city to target beneficiaries also poses logistical and security concerns for aid workers. Aside from scaling up supplies and services within Mogadishu to the extent possible, pre-positioning of supplies in accessible hubs is also being done to provide services and assistance in other locations. The response will likely continue into April [2007] and May [2007], particularly in the Juba regions where access remains limited and coverage is thus the most challenging. WHO is coordinating outbreak task forces in all affected regions.

“The sub-National Immunization Days (SNIDs) campaign conducted between 22 and 24 January 2007 in Togdhere and Sool regions, and Burtinle district of Nugal region reached more than 90% percent of the 1.7 million children targeted for polio vaccination. Complete coverage data for the 20-25 February [2007] NIDs campaign is pending since start-up was delayed in a number of zones. The next NIDs campaign, synchronized with Kenya, is scheduled between 25 and 27 March 2007.

“For the last seven months, the poliovirus circulation has been limited to Togdhere region of Somaliland. The total number of confirmed polio cases reported continues to decline markedly from 185 cases in the last six months of 2005, to 36 cases in 2006 (over an 80% case reduction). Around 80% of the 2006 cases were reported in the first half of the year with only seven cases reported in the last six months of 2006 (last case reported in December [2006] in Burao district, Somaliland). Since the beginning of 2007, two polio cases have been reported from Togdhere region. Aggressive and intensified efforts to curb the circulation of the wild poliovirus which broke out in July 2005 continue with support of all polio eradication partners and donors. So far, seventeen polio vaccination campaigns have been conducted in Somalia.

“Somalia suffers from a paucity of Reproductive Health (RH) care services. Emergency obstetric care and ‘safe motherhood services’ in particular are a recognized gap in the provision of basic social services. Somalia has one of the highest maternal mortality ratios in the world (estimated at around 1,013 deaths per 100,000 live births – preliminary results from Multiple Indicator Cluster Survey 2006, UNICEF), and the situation risks getting worse (particularly in South/Central) as abnormally high levels of stress caused by growing insecurity and lack of protection result in increased miscarriages and complicated deliveries. Furthermore, endemic diseases in the area place pregnant and lactating women at higher risk.

“To identify gaps in existing health facilities that provide RH services in South/Central (mainly MCHs), during January and February 2007, UNFPA in cooperation with Muslim Aid–UK conducted an assessment in 23 MCHs in the Benadir, Lower and Middle Shabelle, Hiran, Lower and Middle Juba regions, as well as in three hospitals in Benadir and Lower Shabelle, to review RH skills and knowledge. The data is currently being analyzed and will serve as guidance for RH responses in the future. UNFPA is meanwhile training staff of the same health facilities on how to provide RH services, and has provided RH kits for clean deliveries assistance and Post-Exposure

Prophylaxis (PEP) to prevent HIV infections, as well as medical equipment and drugs to these facilities.

“To meet some of the basic needs of women’s reproductive health among IDPs in Mogadishu, UNFPA in partnership with Muslim Aid-UK and the SRCS have, since January 2007, established mobile health teams to service the ‘Coca Cola’, ‘21 October’, and ‘Polytechnic’ IDP sites. The teams consist of midwives, community health workers, Traditional Birth Attendants, and community mobilizers who can provide on the spot services or referrals to the SOS hospital in Mogadishu. UNFPA coordinates closely with WHO, UNICEF, and ICRC [International Committee of the Red Cross] on all activities.” [26b] (Health)

- 26.07 The Report of the Secretary-General on the situation in Somalia, 25 June 2007, noted:

“For the first time in Somalia, a household survey of maternal mortality was conducted. Preliminary results show a significant decline in the estimated child and infant mortality rates, down from 224 and 133 per 1,000 live births, respectively, for the period 1996-1999, to 156 and 96 per 1,000 live births, respectively, for 2003-2006. Data also shows evidence of a peace dividend for the northern zones, where the decline in the mortality rate has been much more significant.” [3c]

- 26.08 Further:

“From January to March [2007], over 100,000 children were vaccinated against measles in several districts of the central and southern zone that had poor coverage or were inaccessible during the nationwide measles campaign in 2006 due to the deteriorating security situation late in the year. This brings the total number of children vaccinated in the zone to 1.9 million. Since January 2007, seven cases of wild polio virus have been reported in Somalia, five in the Togodher region in ‘Somaliland’ and two recent cases in the central and southern zone.

“A reproductive health skills assessment was undertaken with the support of the United Nations Population Fund (UNFPA) in 23 maternal and child health clinics and two hospitals in south-central Somalia. Basic reproductive health kits were provided to maternal and child health centres, and advanced reproductive health supplies for safe deliveries to referral hospitals in south-central Somalia, including in Mogadishu and Galkayo.” [3c]

HIV/AIDS

- 26.09 The JFFMR March 2004 referred to a representative of Médecins Sans Frontières (MSF) who highlighted that there was no social recognition of the virus in southern and central regions. It was stated that MSF did not provide treatment for the virus. It was emphasised that there was no availability of anti-retroviral medicine in Somalia. According to United Nations High Commissioner for Refugees (UNHCR), medical facilities in all parts of Somalia were not equipped to render the necessary assistance for HIV/AIDS sufferers. Except for those few who could afford to import the drugs, anti-retroviral treatment was not available in Somalia. Accordingly the UNHCR

recommended that the involuntary removal of persons with HIV/AIDS should be strictly avoided. [7c] (p36)

- 26.10 IRIN, in its 'The Somali Democratic Republic humanitarian country profile' dated February 2007, noted:

"The HIV/AIDS prevalence rate among adults aged 15 to 49 is estimated at 0.9 percent, with 44,000 people living with HIV, according to UNAIDS.

"At least 3.3 percent of pregnant women are receiving treatment to reduce mother-to-child transmission while only one percent of HIV-infected women and men are receiving antiretroviral therapy.

"UNAIDS has AIDS Commissions in the three Somali entities: Somaliland, Puntland and areas of south-central Somalia. A roadmap is also being developed to scale up the work of the commissions and form a tripartite Somali AIDS Coordination Body.

"Other issues of concern include addressing gaps in the response related to universal access to prevention, treatment care and support; and focus on the most vulnerable women and girls.

"The major impediments to the AIDS response are insecurity and lack of capacity among government departments and other service providers. There is little effective Somali institutional and human capacity to develop resource-mobilisation strategies, making the response dependent on Nairobi-based international community leadership." [10m] (HIV/AIDS)

- 26.11 The EIU, in its Somalia Country Profile for 2007, noted:

"Data on HIV/AIDS are limited; according to UNAIDS (the international body co-ordinating the fight against AIDS), two studies conducted in Hargeisa and Bossasso in 1997 found that around 2 percent of women in antenatal clinics were HIV positive." [17d](p14)

- 26.12 IRIN, in an article dated 5 December 2006, reported:

"Somalia's HIV prevalence of about one percent is low, but the cross-border movement of people is causing an increase in infection rates, according to Dr Fernando Morales of the UN Children's Fund's Somalia office. Northwestern Somalia, which shares a frontier with Ethiopia, is particularly at risk.

"Leo Kenny, UNAIDS country coordinator for Somalia, told PlusNews: 'The prevalence rate is very high for a Muslim society and it is heading towards a generalised epidemic. Somalia is at the same stage that South Africa was 10 years ago.'

"The country is divided into three distinct regions: the self-declared republic of Somaliland in the northwest, the self-declared autonomous region of Puntland in the northeast, and south-central Somalia. According to a 2004 study by the UN World Health Organisation, HIV prevalence in Somaliland was 1.4 percent, hitting 2.5 percent in the port city of Berbera – the highest in the country – compared to 0.6 in south-central Somalia.

112 This Country of Origin Information Report contains the most up-to-date publicly available information as at 30 July 2008. Older source material has been included where it contains relevant information not available in more recent documents.

“Prevalence in neighbouring Ethiopia is about 3.5 percent, but in some border areas that figure can jump to 10 percent, said Morales.

“Somalia has had no legitimate government for the past fifteen years and suffers from chronic food insecurity. Hundreds of thousands of Somalis live and work in the neighbouring countries of Kenya and Ethiopia, and often travel to and from their homeland for economic or social reasons, while thousands more are refugees.

“A 2006 UNAIDS report on cross-border mobility in the Horn of Africa found it was not uncommon for men who were away from home, such as truckers and traders, to have unprotected sex with commercial sex workers. For displaced and vulnerable women, transactional sex was often a coping mechanism that placed them at increased risk of infection.

“Among mobile populations, various social, cultural, and linguistic barriers increased the difficulty of accessing HIV/AIDS services. The problem in Somalia was being compounded by the general unavailability of condoms and lack of adequate healthcare, said Kenny of UNAIDS.

“Regional governments have begun recognising the importance of confronting the issue of migration as a factor in the spread of HIV/AIDS. At a meeting in November in Somaliland, representatives of national AIDS commissions from Djibouti, Eritrea, Ethiopia, Kenya, Somalia and southern Sudan cited greater cooperation between governments in the Horn of Africa as the key to winning the regional fight against the pandemic.

“‘We have a long history of movement across borders in our region, and we know that mobile population groups may have limited access to HIV prevention and treatment services,’ Muse Kassim, executive director of the Somaliland AIDS Commission, told delegates. ‘This is a challenge to the region in its entirety, and cannot be solved through national responses alone.’” [10] (p1)

- 26.13 IRIN, in an article dated 22 November 2006, outlined some of the difficulties of addressing HIV/AIDS in Somalia:

“In the two years since the first voluntary counselling and testing (VCT) centre opened up in Somalia, HIV treatment, care and support has come a long way, but renewed violence threatens those gains.

“‘The whole of south-central Somalia, the area most in need, is a no-go area. This means that they are missing out on half-a-million US dollars [Global Fund financing],’ said Dr Fernando Morales, HIV/AIDS technical advisor for the UN Children’s Fund (UNICEF) Somalia office. ‘Training and supervision cannot take place, as no UN and most NGO expatriates and experts cannot enter.’

“After 15 years without a functioning government, a transitional authority was set up in 2004 to restore law and order. But its legitimacy has been challenged by a new group, the Union of Islamic Courts, which took control of the capital, Mogadishu, in June [2006], and has continued to extend its authority over much of southern and central Somalia.

“Even before the resurgent fighting conditions were difficult for AIDS service providers. ‘There are not enough trained personnel in Somalia; this causes delays in programmes. We have to train lab staff, clinical staff and counsellors,’ Malweyi Inwani, health director for the medical charity, Merlin, said. ‘Setting up training courses is difficult, as we have to bring in external consultants’.

“Non-existent road networks and insecurity also required the air freighting of equipment, an expensive undertaking. That has now been made all the harder by a ban on flights to Somalia by neighbouring Kenya, the regional hub for humanitarian organisations.

“Nevertheless there have been notable achievements in Somalia in the last few years. Financing from the Global Fund to Fight AIDS, Tuberculosis and Malaria has allowed the expansion of HIV services; people are being trained as VCT counsellors, blood is now checked before transfusion and life-prolonging antiretrovirals are being given to 80 patients in Hargeisa, the capital of Somaliland.

“A VCT centre managed by Merlin in Bosasso, capital of the northeastern self-declared autonomous region of Puntland, has been running for the past six weeks. So far, only 24 people have walked through the door – five of whom were found to be HIV-positive – but in highly conservative Somalia, that could be considered a success.” [10i] (p1)

26.14 IRIN, in an article dated 22 November 2006, added:

“‘People are reluctant to come ... there is quite a lot of stigma. Only one year ago did someone say publicly that they were HIV-positive, and they were like a hero to us,’ said Inwani.

“The most recent survey by the United Nations World Health Organization in 2004, estimated a national HIV prevalence rate of 0.9 percent, with variations between south-central Somalia at 0.6 percent, Puntland at 0.9 percent and the self-declared republic of Somaliland, in the northwest, at 1.4 percent.

“‘HIV prevalence is low compared to surrounding countries, but being an Islamic country there is lots of denial. We are working to ensure that the rate stays low,’ Inwani said.

“Morales suggests protective factors have been at work. The country's unrest since 1991 reduced mobility to high prevalence areas such as Kenya, with a 5.9 percent infection rate, while a combination of religious and cultural conservatism has also had an impact.

“However, Morales said there were several risk factors, such as widespread ignorance around issues of HIV/AIDS, and gender inequality. The latest fighting has also sent nervous refugees spilling across the country's borders where, uprooted and vulnerable, they face increased risk of HIV exposure.” [10i] (p1-2)

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HOSPITALS

- 26.15 The International Committee of the Red Cross (ICRC) report on Somalia covering 2005 stated:

“The ICRC remained one of the few humanitarian organizations operational in Somalia. As conflict intensified, the delegation stepped up its relief operations throughout central and southern Somalia. In May, it appealed for additional funds to assist the growing number of conflict victims. Together with the Somali Red Crescent Society, the ICRC distributed relief goods to some 866,000 IDPs (nearly three times the budgeted number) and food rations to some 456,600 IDPs and near-destitute farmers (over seven times the budgeted number). The majority of IDPs were women and children, as many men had stayed behind in Mogadishu to protect their homes against looters. Alongside the emergency distributions, the ICRC ran 60 scheduled water and livelihood-support projects aimed at helping the worst-off resident communities boost food production and income and reduce health risks. ICRC-supported medical facilities treated over 5,000 weaponwounded, compared with some 3,600 in 2006. Hospitals, clinics and first-aid posts received 206 tonnes of medical supplies (40% more than in 2006). An ICRC surgical team helped out at four key Mogadishu and district hospitals, and a Qatar Red Crescent Society surgical team, working in partnership with the ICRC, joined Keysaney referral hospital in Mogadishu from August [2007]. Free primary health care was available to some 260,000 IDPs and residents through 24 ICRC-supported Somali Red Crescent clinics in the countryside. The ICRC also helped contain a cholera epidemic by assisting the National Society in running five rehydration centres and chlorinating wells and by improving access to clean water for some 500,000 people.” [5a]

- 26.16 The ICRC report for 2007 added more detail regarding the operation of hospitals in relation to weapon-wounded patients in southern and central Somalia:

“ICRC-supported hospitals and clinics in and outside Mogadishu treated over 5,000 weapon-wounded, 40% more than in 2006. A total of 206 tonnes of ICRC medical supplies, compared with 140 tonnes in 2006, were distributed to help facilities cope. Over 4,000 weapon-wounded were admitted to the hospitals of Keysaney (run by the Somali Red Crescent) and Medina (community-run) in Mogadishu, the two main referral facilities for central and southern Somalia. As in past years, both hospitals received ICRC funds for salaries and running costs, as well as medical supplies, equipment, training, on-the-job supervision and help with general maintenance. During heavy fighting, the two hospitals set up tents to accommodate an extra 300 patients and hired more staff. A two-person ICRC surgical team helped out at both hospitals over seven days in May to relieve staff who had been working around the clock. From August, two surgeons and an anaesthetist from the Qatari Red Crescent, working in partnership with the ICRC, joined Keysaney hospital. Most of the other ICRC-supported hospitals were located far from the capital, lacked the resources to perform war surgery and faced security and logistic constraints in transferring wounded patients to Mogadishu. ICRC surgical staff worked briefly, for example, at Baidoa and Galkayo district hospitals, while Garowe and Las Anod hospitals and Hargeisa health officials received medical supplies following fighting in September between Puntland and Somaliland forces. In the 11 ICRC-supported hospitals that provided data:

- 7,602 patients (including 1,419 women and 946 children) admitted: of whom 5,143 weapon-wounded (including 799 women, 432 children, and 134 people injured by mines or explosive remnants of war),
- 1,673 other surgical cases,
- and 740 medical and 46 gynaecological/obstetric patients
- 10,255 surgical operations performed
- 12,813 outpatients given consultations, including
- 12,805 attending surgical or medical consultations and
- 8 attending gynaecological/obstetric consultations

“People with injuries, including weapon wounds, also had access to treatment at five first-aid posts situated in the regions of Bay, Galgudud, Lower Juba and Middle Shabele, which regularly received ICRC supplies. A small number of other first-aid facilities were given ad hoc supplies to meet demand. In the 6 ICRC-supported first-aid posts that provided data: 4,910 patients with injuries (including 1,268 women and 1,673 children) treated.”
[5a] (Treating the weapon-wounded)

- 26.17 The head of ICRC operations in Somalia, Pascal Hundt, stated in an interview dated 30 June 2008, that the ICRC operations in Somalia had changed significantly since 2005 (when he took office), stating:

“Three and a half years ago we could work on a daily basis almost anywhere in central and southern Somalia. Now, the worsening security situation and the unpredictability of the conflict have made it a lot more difficult for us to maintain that level of presence on the ground. We are still present, but we have had to adapt our operations. In 2005, we were able to implement large-scale community projects whereas today we are mainly involved in carrying out major relief operations.” [5c]

- 26.18 The ICRC Somalia operations page, accessed 11 July 2008, states:

“The ICRC supports the two surgical referral hospitals in Mogadishu, namely Medina and Keysaney. Since August 2007, an ICRC-backed team of surgeons from the Qatar Red Crescent Society has been working at Keysaney Hospital, which is managed by the Somali Red Crescent Society.

In 2007, the two hospitals treated more than 4,000 people who had been wounded in the conflict – twice the number of war-wounded admitted to the two hospitals in 2006. One third of these were women and children under 15 years of age.” [5b]

- 26.19 IRIN reported on 13 May 2008 that the hospital in Kismayo had suspended services since January 2008. [10r]

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PROVISION OF HOSPITAL CARE BY REGION AS REFLECTED IN JFFMR

- 26.20 The JFFMR for Somalia of March 2004 gave the following breakdown by region for medical provision:

116 This Country of Origin Information Report contains the most up-to-date publicly available information as at 30 July 2008. Older source material has been included where it contains relevant information not available in more recent documents.

“Southern Mudug and Galgadud. It was emphasised that the vastness of the region greatly limited the scope for the provision of medical facilities. Bazid referred to two areas: Galkayo (where there is a functioning hospital supported by the International Committee of the Red Cross (ICRC) and the coastal districts around Hobyo where Coordinating Committee of the Organisation for Voluntary Service (COSV) until recently supported the provision of basic medical care. It was noted that this region is particularly susceptible to cholera epidemics. There are no hospitals in Galgadud where other sources of basic healthcare are even more limited due to the prevalence of major clan conflict. Clan conflict severely hampers the freedom of movement in the conflict area and under such circumstances the availability of treatment is closely related to clan affiliation.

“Hiran. The hospital in Belet Weyne has been closed for a considerable length of time. There are very few private clinics. Save the Children Fund (SCF) and International Medical Corps (IMC) have established small dispensary posts in the region.

“Middle Shabelle. It was indicated that this was the most stable of regions in terms of the provision of medical facilities. Basic treatments are available at the large hospital in Jowhar, where surgeons operate. A number of INGOs administer dispensary posts in the region.

“Benadir (Mogadishu). It was stated that most medical facilities in the capital are expensive, private clinics that provide a variable standard of treatment. It was noted that the Islamic community usually establishes these clinics, with Al Islah being the dominating donor. There are two hospitals in Mogadishu; Medina and Keysane. The majority of the patients in the two hospitals are victims of clan conflicts. Bazid suggested that Keysane hospital operated more effectively than Medina, as it is located outside the centre of the city. It was also noted that maternity facilities in these hospitals are limited.

“Lower Shabelle. It was emphasised that access to this strategically important region is obstructed by clan conflicts. COSV provide basic dispensary posts in Merka, though these provide very basic treatments. Persons in this region mainly rely on medical facilities in Mogadishu. The region is also susceptible to cholera epidemics.

“Bay and Bakool. The hospital in Baidoa has been closed since August 2002 but MSF has a basic operation in Bay and ICRC has issued health kits in the region. However, the prevalence of high profile security incidents since 2002 has prevented these INGOs from maintaining a permanent presence. In Bakool there are a number of small clinics with surgery provision that are supported by MSF and the region has relatively good provision of basic healthcare. It was underlined of those people who have undergone an operation, 50% do not survive the immediate post-operation period.

“Gedo. IMC operates dispensary posts in the region, providing basic medical treatments. Bazid also referred to malnutrition treatments provided by CARE International. It was noted that most persons requiring medical treatment travel to Mandera in Kenya.

“Middle and Lower Juba (Kismayo). Bazid confirmed that Kismayo hospital was open and provides basic treatments and MSF operates in Marere (on the border between Middle and Lower Juba) where basic healthcare is available. Other INGOs such as ICRC provide similar treatments and TB programmes in Jamame and Kismayo. ICRC operates two to three health dispensaries in Kismayo. A number of doctors operate in private clinics in Kismayo and some are also able to perform surgery.” [7c] (p48-49)

PRIVATE SECTOR AND NGO PROVISION

- 26.21 MSF sources stated in the JFFMR of March 2004 that the Somali private health sector had grown considerably in the absence of an effective public sector. Of the population who get any care at all, about two-thirds of them get it from the private health sector. Such growth had thrown up a range of problems. These have included the dispensing of out-of-date drugs, over-the-counter drug prescriptions and inadequately trained staff, which has led to misdiagnoses. Private health care is characterised by high charges for services, pricing the poor out of healthcare. [7c] (p47)

MENTAL HEALTH CARE

- 26.22 In its 2005 Somalia Country Profile, the World Health Organization (WHO) reported:

“The whole mental health set-up of Somalia is based on the efforts of NGOs – GRT-UNA of Italy and General Assistance and Volunteer Association (GAVO), a local Somali NGO. They help in the provision of services to mental patients and street children and provide training for primary health care personnel.” [9a] (p2)

- 26.23 The report added:

“There are only three centres for psychiatry, the mental hospital in Berbera and the general psychiatric wards in Hargesia and Mogadishu. Until the arrival of the NGO from Italy, the condition of the mental hospital was appalling. Patients were kept in chains, and supply of food was largely dependent on charity. UNDP [United Nations Development Programme] is supporting the psychiatric ward in Hargesia in terms of structural facilities and supplies. There is no private psychiatric inpatient facility though there are a few private clinics in Mogadishu and Hargesia. There is no specialized drug abuse treatment centre and there is no mental health training facility in the country. Only limited data about one area of Somalia, Somaliland is available. Psychiatrists have private clinics.” [9a] (p1)

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FREEDOM OF MOVEMENT

- 27.01 The United States Department Report on human rights practices, Somalia, covering 2007 (USSD report for 2007) stated:

“The TFC and the Puntland Charter provide for freedom of movement within the country; however, this right continued to be restricted in some parts of the country.” [2a] (**Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**)

Checkpoints

- 27.02 For a detailed analysis concerning the possibility of Somali citizens travelling safely in central and southern Somalia, see the UK Border and Immigration Agency's Fact Finding Mission report on Somalia, 11 – 15 June 2007. [7f] (p22-26)
- 27.03 The USSD report for 2007 summarised the situation in late 2007 as “Checkpoints operated by the TFG, TFG allied militias, and armed clan factions inhibited passage and exposed travellers to looting, extortion, rape, and harassment, particularly of civilians fleeing conflict.” [2a] (**Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**) The Amnesty International report, *Routinely targeted*, published 1 May 2008 noted that multiple checkpoints and road blocks operated on the roads out of Mogadishu, with “...displaced persons from southern and central Somalia frequently reported being attacked on the road from Mogadishu to several destinations to the north and the southwest where they sought safety.” [6b](p20) Violence was reported to have escalated in the period September to November 2007. (Amnesty International, 1 June 2008) [6b](p21)
- 27.04 “According to the UN, there were 235 checkpoints in south and central Somalia, with 13 alone on the road between Baidoa and Mogadishu.” (USSD report for 2007) [2a] (**Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**) AI's *Routinely targeted* notes a source that mentions in November 2007 there were 88 check points between Mogadishu and Bossasso, and 150 from Mogadishu to the southwest. [6b](p21) OCHA reported in its November 2007 *Monthly Analysis* that “Ad hoc roadblocks that charge taxes ranging from US\$70 – US\$500 to move in and out of Mogadishu have caused huge hindrances to the humanitarian community in accessing vulnerable people. ...In November, Non-Governmental Organisations (NGOs) reported delays and payment of taxes of up to US\$ 475 at eight roadblocks on the Mogadishu/Afgooye road – a major area of humanitarian operations. The highest number of roadblocks since the beginning of 2007 – 336 in total – was recorded in November.” [26i] A March 2008 UN Country Team in Somalia news release stated that “On the Mogadishu to Afgooye road, eight separate checkpoints are set up and convoys were being charged from \$50 to \$150 for every 35 metric tons of cargo.” [42a]
- 27.05 “Until September 2007, some drivers had been able to travel relatively safely through areas by virtue of their clan affiliation, but this changed in November and December 2007” [6b](p21) Clan militias have been particularly active around Kismayo, with reports of 24 January 2008 noting that all roads to the town had been blocked in January by militias demanding back pay from clan

elders. (UNSC, 14 March 2008) [3d](p29) IRIN reported on 13 May 2008 that access to the city was still beset with roadblocks. [10r] A western journalist gave an account on 3 May 2008 of travelling south of Mogadishu to a point where clan territories abutted and militia guards were to change: there was a tense situation between militia and TFG forces described, with confusion as to who had been paid off for safe passage. [44a]

See [Kismayo](#)

- 27.06 Other than incidents at checkpoints, travellers and displaced persons may experience illegal road blocks and attacks on the road. The AI report *Routinely targeted* states that AI “received reports of violations committed against IDPs on the road in Somalia by all parties to the conflict, as well as common bandits and clan militias. Sometimes perpetrators covered their faces to mask their identity, but often survivors believed that they could still identify them by language or appearance.” [6b](p20) A Somali journalist, fleeing Mogadishu in December 2007, paid US\$ 220 for a place on a minibus going south to the Kenyan border: it was stopped twice for payment at roadblocks in the towns of Afmadow and Young Hargeisa, where the fighters “wore long white robes or camouflage, and their faces were covered – sure signs of Islamist militiamen.” [43a] The 14 March 2008 UN Secretary-General’s report to the Security Council on Somalia notes: “The number of roadblocks significantly increased during the last quarter, with a total of 336 roadblocks countrywide reported by the United Nations. In November [2007], non-governmental organizations reported forced payments of up to US\$ 475 at eight roadblocks spread along the Mogadishu-Afgooye road – a major area of humanitarian operations.” [3d](p9) OCHA reported on 6 June 2008 that “incidents of carjacking targeting humanitarian aid organizations continue to increase along the Afgooye-Mogadishu road, hindering the aid operations ...in the area.” [26n](p1) AI’s *Routinely targeted* states that one of the most dangerous routes is the road between Jowhar and Beletweyne, the main road north out of Mogadishu; the attacks were particularly close to Beletweyne town, and may have a clan-based element, though victims were unsure of who their attackers were. [6b](p20-21)

Landmines

- 27.07 The Somalia section of the 2007 Landmine Monitor Report notes that though landmines have been used extensively in Somali conflicts, the reports of use of landmines in 2006 and 2007 “most if not all appear to refer to use of antivehicle mines, command-detonated antipersonnel mines or command-detonated improvised explosive devices (IEDs).” [20a](p4)
- 27.08 The 2007 Landmine Monitor Report however reports that a UN group monitoring the arms embargo on Somalia reported transfers of antipersonnel mines from Eritrea and Ethiopia to Somalia; the sale of such mines in Mogadishu, in Bakara market in July 2006; and notable people in Mogadishu had stocks of such weapons. [20a](p3) also (BBC, 23 May 2008) [8o] Demining, summarising the report, was effectively limited to Somaliland and Punt, through the activities of the Somaliland Mine Action Center and the Puntland Mine Action Center; in Mogadishu, the AMISOM Ugandan contingent had detonated collected matériel in mid-2007. [20a](p4,5) Landmine casualties were recorded as being 401 casualties in 2006; 276 in 2005; and 102 in 2004. [20a](p6)

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EXTERNAL MOVEMENT

- 27.09 In the absence of effective governance institutions, few citizens had the documents needed for international travel. There is little information on the present availability of passports and other documents. See section [Citizenship and Nationality](#) for information on the new passports issued by the TFG on 1 July 2007.

Airports

- 27.10 The EIU, in its Somalia Country Profile for 2007, reported:
- “Private and chartered aircraft use an estimated 61 airports, most with unpaved runways. Ethiopian Airways began twice-weekly flights between Addis Ababa and Hargeisa in March 2001, and the private carrier, Daallo Airlines, links Hargeisa, Mogadishu, Burao, Bossasso and Kismayu with Asmara (Eritrea) and Djibouti. Construction of a new US \$9m runway at Bossasso international airport began in November 2006. Control of Somali air space has been conducted from Nairobi since the UN pulled out of Somalia in 1995.” [17d] (p15)
- 27.11 OCHA, in its Situation Report, dated 21 September 2007, noted:
- “All airfields are accessible except for Bardera, Garbahare (Gedo), Buloburti (Hiran), Dinsor (Bay) which are closed due to constant insecurity, while Galkayo (Mudug – Puntland) and Merka (Lower Shabelle) are open but subject to UNDSS security clearance.” [26f]
- 27.12 Aden-Adde International Airport (renamed July 2007) is the international airport for Mogadishu. (Aviation safety network, n.d.) [46a] The UK Border and Immigration Agency, in its Fact Finding Mission report on Somalia, 11 – 15 June 2007 noted: “All sources who were asked agreed that Mogadishu International Airport (MIA) was operational with flights regularly arriving and departing.” [7f] (p22)
- 27.13 Mogadishu airport was attacked by insurgents on 1 June 2008, with several mortar shells hitting the airport as the President’s plane left for talks in Djibouti. (Garowe, 1 June 2008) [35m] Three more mortar shells were fired at the presidential convoy at the airport on 12 June 2008, as the President prepared to fly to Addis Ababa. (Agence France Presse, 13 June 2008) [18f]; (Garowe, 12 June 2008) [35j] There have been previous attacks, such as the attack described by a journalist on 27 January 2008 as the chartered flight of the African Union Commissioner arrived at the airport: “Airport staffers shrug. ‘Al-Qaida’, they explain, matter-of-factly. ‘It’s just al-Qaida letting us know they are still here’.” (VOA, 27 January 2008) [34c] Two incidents of aircraft were downed by missiles in March 2007, as they respectively flew in on 9 March 2007 and out of on 23 March 2008 the airport. (Aviation safety network, n.d.) [46a] The airport is one of the facilities patrolled by AMISOM (African Union) troops. (Amnesty International, *Routinely targeted*, 1 June 2008) [6b](p6)

Seaports

- 27.14 “Because Mogadishu and Kismayu ports have operated only sporadically during the civil war, Berbera and Bossasso in the north have become the focus for maritime activity. Both have undergone some modernisation in recent years. Ships near the Somali coast are vulnerable to attack by pirates.” (EIU, in its Somalia Country Profile for 2007) [17d] (p15)
- 27.15 UN OCHA, in May 2008, noted: “Somalia’s coastal and offshore waters are becoming more dangerous for seafarers. Commercial vessel traffic and foreign fishing vessels as well as vessels transporting humanitarian assistance operating in Somali waters are at increased risk of piracy compared to the past few months. Militiamen operating from speedboats and posing as coastguards are involved in hijacking of vessels and holding crews for ransom.” [26s](p3)

SOMALI REFUGEES’ EXIT POINTS

Yemen

- 27.16 Somalis have used long-established sea routes over the Red Sea to migrate out of Somalia to the Yemen, though the numbers in 2008 have increased: “More than 15,000 refugees have arrived in the Yemeni port city of Aden since January [2008], compared with 7,166 people in the first four months of 2007, according to a spokesperson for the United Nations High Commissioner for Refugees.” (CNN News, 7 May 2008) [50a]
- 27.17 The UN OCHA *Somalia Humanitarian Overview* of January 2008 quotes a figure of more than 29,500 arrivals in Yemen from “the ‘mixed migration’ – the smuggling and trafficking of Somalis to other countries”, with 1,400 deaths reported. [26o](p3) The number of IDPs amassing along the northern Somali coast has led to tension: the OCHA *Somalia Humanitarian Overview* of February 2008 reported an explosion in an IDP camp near Bossasso on 5 February 2008, killing 24 people and wounding 55 others. [26p](p3) The Puntland authorities were reported to have begun moving IDPs hoping to be “mixed migrants” along, with OCHA and UNHCR attempting to intervene on behalf of the sick and injured. [26p](p3)
- 27.18 The United States Department Report on human rights practices, Somalia, covering 2007, (USSD report for 2007) stated:
- “The authorities in Somaliland cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.” [2a] (Protection of Refugees)

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Kenya

- 27.19 The Kenya border has been closed by the Kenyan authorities to Somali refugees since January 2007. (USSD report for 2007) [2a] (Protection of Refugees); (UN Security Council report, 25 June 2007) [3c]; (BBC, 3 April 2007) [8i] (p1) However, 14,000 asylum seekers made their way to Dadaab camp (USSD report for 2007) [2a] (Protection of Refugees); (UN Security

Council report, 25 June 2007) [3c], though the UN Security Council report of 25 June 2007 states “Kenyan authorities have agreed to their registration on the condition that asylum-seekers be transferred to the Kakuma refugee camp in north -western Kenya.” [3c] The USSD report for 2007 notes “There continued to be reports that Somali women, girls, and in isolated cases men, were raped in refugee camps in Kenya during the year.” [2a] (**Protection of Refugees**) The UN OCHA *Somalia Humanitarian Overview* of May 2008 stated that so far in 2008 (up to May 2008), 17,000 refugees had managed to cross the Kenyan border and arrive at Dadaab, as opposed to 18,000 in total in 2007. [26s](p3)

- 27.20 On the Somali side of the Somalia / Kenya border, IDPs have amassed around Doble (about 30 km from the border), and in early 2007 were mainly women and children. (IRIN, 3 January 2007) [10k] (p1) Conditions were reported to be poor, in a BBC article of 3 April 2007, with six children having died from diarrhoea. [8i] (p1) In May 2008, over 10,000 people were displaced by fighting in the Lower Juba region. (OCHA, Somali humanitarian Overview, May 2008) [26s](p3)

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INTERNALLY DISPLACED PEOPLE (IDPs)

- 28.01 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2008 – Somalia profile, published 1 June 2008, estimated that there were 750,000 IDPs in Somalia, 400,000 having originated from Mogadishu; and the number of IDPs had risen by 350,000 people during 2007. [23d](p151) The Elman Peace and Human Rights Organization, based in Mogadishu, was reported in June 2008 to have estimated the IDP population to number 1,9 million. (Reuters, 26 June 2008) [35h]

General conditions for IDPs

- 28.02 The UN Secretary Council's Report of the Secretary-General on the Situation in Somalia, 25 June 2007, noted "As they moved, internally displaced persons suffered threats, intimidation, looting and rape." [3c] "Many of the IDPs who traveled long distances to Hiran and Puntland reported harassment at illegal road blocks and attempted robberies as they traveled to their destination. The vast majority of those who left Mogadishu moved to areas where they benefit from clan support, or moved in with host communities. Those who left Mogadishu mostly also had the resources to do so. With fewer assets and nothing to pay their way, IDPs in Mogadishu primarily moved to safer areas in the northern districts of the city. Due to restricted mobility stemming from insecurity, these movements are hard to quantify and ascertain." (OCHA, Situation Report, 16 March 2007) [26b] (protection)

IDPs by location

Mogadishu IDP population

- 28.03 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact Finding Mission report on Human rights and security in central and southern Somalia, published August 2007, noted:

"United Nations High Commissioner for Refugees (UNHCR) reported in May 2007 that over 394,000 persons – more than one third of Mogadishu's estimated population – fled the city between 1 February 2007 and the end of April 2007." [7e] (p6)

- 28.04 The UN Secretary Council's Report of the Secretary-General on the Situation in Somalia, 25 June 2007, noted this large scale movement of civilians from Mogadishu as the "largest new population displacement anywhere in the world this year [2007]." [3c]

- 28.05 United Nations Office for the Coordination of Humanitarian Affairs (OCHA-Somalia), in its situation report covering February 2007, stated:

"Despite the violence in Mogadishu, the IDP profiling exercise in the capital was completed in all sixteen districts in February [2007]. In a joint initiative involving various partners, including local actors, over 4,000 household surveys were collected from IDP sites in Mogadishu, representing a 10% sample of the estimated IDP population in the city (250,000). The data is now being processed and analysed to provide much needed information on some of the IDPs living in the capital." [26b] (protection)

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- 28.06 The UK Border and Immigration Agency's fact finding mission report on Somalia dated 20 July 2007 noted:

"In the worst affected areas the IDP population can exceed the locals by as much as 250 percent. This dramatic increase in the population has affected local resources such as agriculture, and has increased the number of human rights abuses. [S4.14] Instances of rape, of IDPs in particular, increased greatly during the recent hostilities, when it was used as a weapon of war, and have remained high since. The problem now is greatest outside Mogadishu, but instances do happen in the city as well.

"The IDPs who had been settled since 1991 have been particularly badly affected by the latest conflict, with their livelihoods gone and assets now running out due to the increased number of new IDPs using their resources. One source explained that waves of IDPs will go back to wherever they feel secure, in most cases back to clan areas, where 'the first safety net is the sub-clan.' On the question of whether clans were disrupted by such movement, one source said that this was not the case, adding that people moved as clans, and were received as families with the sub, sub-clan structure. However, two security advisers on Somalia said that clan maps cannot be used any longer even as a guideline, because groups have been displaced and are now disputing who is the original occupant of various lands." [7f] (p35)

- 28.07 The UN Secretary Council's Report of the Secretary-General on the Situation in Somalia, 25 June 2007, added:

"As they moved, internally displaced persons suffered threats, intimidation, looting and rape. Urban internally displaced persons in Mogadishu were also affected by the fighting. The proximity of internally displaced person sites to buildings targeted by mortar attacks led to loss of life and the wounding of civilians. According to WHO, between 1 March and mid-May, an estimated 2,000 war-wounded were admitted to Mogadishu's main hospitals.

"The current lull in the hostilities and increased collaboration of the Transitional Federal Government have resulted in a slight improvement in humanitarian access. To date, some 366,000 people have been assisted with food and non-food supplies in Afgoye, Merka, Mudug and Galgaduud.

"According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as of mid-May some 90,000 people had returned to Mogadishu. However, specific protection concerns have arisen as returnees have reportedly been prevented from returning to their homes. Tension is also rising over the fate of some public buildings that until recently were occupied by urban internally displaced persons and are now being claimed by the Transitional Federal Government without providing the internally displaced persons with an alternative durable solution for their resettlement." [3c]

- 28.08 However, after the violence in Mogadishu in November 2007, OCHA, in its Humanitarian Analysis dated January 2008, noted:

"One of the most striking changes has been the more than doubling of the number of people fleeing Mogadishu which has increased the number of

vulnerable IDPs from 325,000 to 705,000 in the past six months (see related box on population figures). Most – or some 82% – of the newly displaced have concentrated in the worst-off regions: Lower and Middle Shabelle, Hiraan and the Central regions. In short, the largest numbers of IDPs are moving to areas where host communities are already in a food and nutrition crisis and cannot support them. The increase is attributed to a variety of factors, including poor Deyr-season (October-December) rains leading to a deepening drought and ever worsening civil insecurity and consequent displacement. The Shabelles remain the epicenter of rising insecurity, and conflict has also played a role in Hiraan and Laas Caanood in the North.” [26o]

- 28.09 OCHA reported in January 2008 that IDPs were leaving areas of Mogadishu hitherto considered relatively safe, such as the large northern suburb of Daynille. [26o] IRIN reported on 9 June 2008 that IDPs were fleeing from heavy fighting in the Wardhigley and Yaqshid areas of northern Mogadishu, and with Bakhara market particularly hard-hit. [10p] The UN OCHA map of IDP settlements around Mogadishu, dated 25 April 2008, shows conflict reported in parts of Heliwa, Kaaraan, and Hawi-Wadaay districts of northern Mogadishu as well. [47a] UN OCHA estimates of IDPs leaving Mogadishu in 2008 are “more than 50,000” estimated in February 2008 [26p]; and 68,000 estimated in March 2008 [26q]. In April, OCHA reported that 2,900 IDPs returned to Mogadishu, but may have left again as fighting intensified as part of the 22,000 person outflow from the city by the end of April. [26r] No estimates were given in the May 2008 *Humanitarian Overview*, [26s] but the May 2008 *Monthly Cluster Report*, states: “For the first time since February 2007 IDP movement because of violence in Mogadishu is not the major reason for movement in Somalia. Of the estimated 40,000 IDPs displaced during the month of May ‘only’ 9,000 were displaced because of Mogadishu-related insecurity.” [26t]

Agfooye- Mogadishu road

- 28.10 This area, identified by UN OCHA as ‘Afgooye corridor’, stretches north-west of K10 up to Agfooye town, and has 221 camps of 306,000 IDPs. [47a] Though the Agfooye corridor is the main cluster of IDPs directly outside Mogadishu, the OCHA map dated 25 April 2008 also shows clusters at Kax-Shiiqaai (due west of the city) of 4 camps, and Daynille (due north) of 11 camps, numbers of which are not given. [47a] UN OCHA reported on 6 June 2008 that aid to these IDPs had been severely hampered by hijackings of NGO vehicles. [26n]

IDPs north of Mogadishu

- 28.11 IRIN reported on 20 June 2008 that “Unlike the hundreds of thousands who fled southwards, the internally displaced persons (IDPs) in the northern areas have generally received much less attention and assistance.” [10o] The report reports the conditions in Ceel Ma’an camp, located 35km north of Mogadishu, referring to scarcity of food, absence of medical care, and poor shelter that has been badly affected by heavy rains. [10o]

Central and southern Somalia

- 28.12 OCHA estimated in January 2008 there to be 315,000 people in “a state of humanitarian emergency” in the rural areas of southern Somalia; and that of

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those fleeing Mogadishu, 82 percent have migrated to areas of southern Somalia that are in dire need. [26o] In its February update, OCHA noted that 170,000 IDPs were among the 850,000 plus people in the upper central regions directly affected by drought from the failure of the 2007 rains. [26p]

See [Drought and famine, 2008](#)

- 28.13 OCHA reported on 6 June 2008 a particular crisis arising around influxes of IDPs to Buroa town. [26n]

Kenyan border

- 28.14 IRIN reported on 5 June 2008 that roughly 15,000 IDPs, mainly women and children, had arrived at Doble town near the Kenyan border over the past two months, equalling the population of the town. A camp has been set up to accommodate the IDP influx. [10q]

See [Freedom of Movement](#), [External movement](#), [Kenya](#)

Punt

- 28.15 OCHA, in its Humanitarian Analysis, dated January 2008 noted:

“Some renewed clashes and troop movements in the Sool and Sanaag in Somalia’s North East area in mid-January raised fears that another outbreak of fierce fighting was imminent and triggered minor new displacements. In response to the some armed clashes in Dhansabar, people started to move again from Laas Caanood.

“In its final figures for 2007, the United Nations estimates that 700,000 people fled from or within Mogadishu due to the ongoing and increasing levels of violence in the city during the year. In addition to new IDPs, there are some 400,000 protracted IDPs who have been displaced since the early 1990s due to Somalia’s longstanding conflict. The definition of a ‘protracted IDP’ is an individual in need of assistance and/or protection, living in a temporary settlement without the benefit of clan protection.” [26l]

- 28.16 OCHA, in its Monthly Cluster report for March 2008 noted:

“The humanitarian situation in Somalia is deteriorating faster than expected. The Food Security Analysis Unit (FSAU) has revised upwards the number of people in state of humanitarian emergency from 315,000 to 425,000 and the number of newly displaced people from 705,000 to 745,000.” [26m]

The report notes that despite the recent deterioration of the humanitarian situation in Somalia, UN agencies and NGO’s were able to respond to the needs of victims and vulnerable groups by providing aid and relief over this period (January – March 2008). [26m]

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RETURNING REFUGEES

29.01 As noted in the JFFMR March 2004:

“[UNHCR representative] stated that UNHCR arranges facilitated returns only. She stated that the numbers of returnees to southern and central Somalia vary according to region but estimated that the return of 2-3 persons is facilitated each month to all of southern and central Somalia. She emphasised that less than 100 persons return annually.” [7c] (p44)

29.02 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2008, referring to Somalia, estimated that 7,000 Somali refugees had returned to Somalia in January 2008. In addition, the UNHCR estimated there were 5,000 refugees and asylum seekers from other countries in Somalia in January 2008. [23d] (p152) The USSD report for 2007 notes: “Unlike in the previous year [2006], there were no organized repatriations to any region of Somalia during the year [2007].” [2a] (**Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**)

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UNHCR POSITION ON THE RETURN OF REJECTED ASYLUM SEEKERS

29.03 The following are extracts from the UNHCR’s position paper of January 2004:

“Although the levels of faction and large-scale inter-clan conflicts may have reduced in southern Somalia, insecurity continues to be a significant problem. Lives continue to be threatened by violence, crime, clan feuds, lack of justice as well as poverty. Furthermore, humanitarian agencies have real problems gaining access to many areas. Militia loyal to different strongmen succeed one another in a perpetual move to establish a sustainable control on certain areas. There is a constant fear of abrupt change in clan balance shaking up fragile territorial power bases. This often leads to conflicts between clans and factions. Mines have been laid in many areas as part of current conflicts to either mark territorial control or prevent the movement of people. Moreover, the lack of any effective governing administration may render it impossible for countries with rejected Somali asylum seekers to embark on any comprehensive and coordinated dialogue aiming at removing such cases. Consequently, UNHCR considers that persons originating from southern Somalia are in need of international protection and objects to any involuntary return of rejected asylum-seekers to the area south of the town of Galkayo.” [23a] (p9)

“Despite the fact that security, stability and governance prevail in Somaliland and to an increasing extent in Puntland, the conditions are not generally favourable for the forced return of large numbers of rejected asylum-seekers. While the restoration of national protection, in line with protection standards applicable to all other citizens, is not likely to be a problem for persons originating from these areas, the weak economy, which offers few employment opportunities, and the lack of sufficient basic services, result to [sic] an environment which is not conducive to maintaining harmonious relations among the population. Therefore, UNHCR advises against indiscriminate involuntary returns. It is recommended that cases be reviewed

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individually, and that States take into consideration the particular circumstances of each case (age, gender, health, ethnic/clan background, family situation, availability of socio-economic support), in order to determine whether possible return of the individuals/families in question can be sustainable, or whether they should be allowed to remain on their territory on humanitarian grounds.” [23a] (p10)

“In this regard, it should also be noted that women, children and adolescents face particular challenges upon return to Somalia after a long stay in exile, which may have changed some of their habits and affected their ability to speak Somali without an unfamiliar accent. While it is not a policy of the authorities in Somaliland and Puntland, returnees and deportees from further afar than the immediate region, or even from urban areas within the region, often face severe discrimination by their community on account of not being sufficiently Somali. A 2003 UN-OCHA report entitled *A Gap in their Hearts: the experience of separated Somali children* concludes: ‘Bi-cultural separated Somali minors who are returned to their homeland under duress or through deception are in danger of harassment, extortion, rape and murder.’ Perceived unacceptable and culturally insensitive behaviour by girls results in harsher discrimination and punishment than for boys. While this study focuses on child smuggling and its consequences, the findings related to the treatment of returning youths to Somalia are relevant also for other young Somalis who are involuntarily returned to their homeland, after having been exposed and to a certain extent adapted to another culture. As some of the rejected asylum-seekers considered by host countries for deportation may in fact be victims of child smuggling (up to 250 children are sent out of the Somali capital alone every month), the detailed findings of this study are highly relevant to decision makers on involuntary return of Somalis.” [23a] (p10)

“Somali women who unsuccessfully but credibly based their asylum claims on issues related to gender-based persecution should not be subject to involuntary return to any part of Somalia. While authorities in Somaliland and Puntland are to varying degrees prepared to work towards reducing harmful traditional practices and enhancing respect for the rights of women, they have as yet no real means to enforce such slowly emerging policies for the tangible benefit of women.” [23a] (p10)

“Persons suffering from HIV/AIDS are stigmatized in their communities to the extent that they are outcasts and abandoned by their clans and families. They cannot count on the support by those usually expected to ease the period of reintegration upon their return. Medical facilities in all parts of Somalia are not equipped to render the necessary assistance. Except for those few who can afford to import the drugs, anti-retroviral treatment is not available in Somalia. The involuntary removal of persons with HIV/AIDS should thus be strictly avoided. Furthermore, even if HIV-negative, AIDS orphans or relatives of persons who suffer from HIV/AIDS will face the same stigmatization and discrimination, if returned to Somalia. Accordingly, the deportation of AIDS orphans or relatives of persons known to be living with HIV/AIDS is highly inadvisable.” [23a] (p10)

“States considering the involuntary return of rejected asylum-seekers to Somaliland and Puntland should take careful account of the potential impact of their actions in relation to the already over-stretched community coping mechanisms and basic services, coupled with a weak economy. Forced

returns, particularly if implemented in large numbers, could jeopardize the on-going peace, reconciliation and recovery efforts of the administrations and people, which are only modestly being supported by the international community.” [23a] (p11)

29.04 In November 2005, in the ‘UNHCR Advisory on the Return of Somali Nationals to Somalia’, it stated:

“UNHCR issued its current position concerning returns to Somalia in January 2004. By way of this additional advisory, which complements and should be read alongside the position of January 2004, UNHCR re-confirms that this position remains valid. Indeed, prevailing problems in Somalia only support its continued validity and application.” [23b] (p1)

29.05 The UNHCR stated in the same document:

- “5. In this connection, UNHCR underlines that an internal flight alternative is not applicable in Somalia, as no effective protection can be expected to be available to a person in an area of the country, from where he/she does not originate. In this regard, considerations based on the prevailing clan system are of crucial importance.
- “6. Therefore, international protection should not be denied on the basis of the internal flight alternative. Such a denial would effectively condemn the persons in question in a form of internal displacement, which brings along a high risk of denial of basic human rights and violation of socio-economic rights, exacerbating the already high levels of poverty and instability for both the individual and the community. It is especially important to note the likely weakened position of the women, children, elderly and physically and/or mentally disabled, whose overall exploitative circumstances could be expected to increase.
- “7. UNHCR acknowledges that not all Somali asylum-seekers may qualify for refugee status under the 1951 Convention. However, UNHCR considers that asylum-seekers originating from southern and central Somalia are in need of international protection and, excepting exclusion grounds, should be granted, if not refugee status, then complementary forms of protection.
- “8. Correspondingly, UNHCR re-iterates its call upon all governments to refrain from any forced returns to southern and central Somalia until further notice.
- “9. As regards forced returns to northern Somalia, while some returns are possible under certain conditions, notably where there are clan links within the area of return and effective clan protection, large-scale involuntary returns should be avoided. Persons not originating from northern Somalia should not be forcibly returned there.” [23b] (p2)

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CITIZENSHIP AND NATIONALITY

- 30.01 The requirements for Somalian citizenship are given in Law No 28 of 22 December 1962 – Somali Citizenship. [23c] As this legislation is not being applied, we can provide no information on the acquisition of citizenship.

Passports

- 30.02 Prior to 2007, there were reports that Somali passports could be readily acquired, and the BBC, in an article dated 18 November 2004, stated:

“Similarly, the printing of passports has been privatised. For just \$80 and in less than 24 hours, I became a Somali citizen, born in Mogadishu. As I had omitted to travel with any passport-sized photos, my supplier kindly left the laminate for that page intact, for me to stick down at home. For a slightly higher fee, I was offered a diplomatic passport, with my choice of posting or ministerial job.” [8a]

- 30.03 The Economist Intelligence Unit (EIU), in its Country Report, dated August 2007, noted:

“The new passport issued by the TFG took effect on July 1st, when the head of the immigration department, Abdullahi Gafow, said that the use of the former Somali passport would no longer be recognised at the country’s airports. The new document, which is designed to be computer-readable, is often referred to as an ‘e-passport’ because it incorporates the latest contactless chip technology, incorporating facial and fingerprint biometrics. It is unclear how immediately useful the new document will be in practice, given its high price ‘US\$100 if bought within Somalia or US\$150 outside’ and the small number of places where it will be sold (the TFG does not control the whole country and has fewer than a dozen diplomatic missions abroad).” [17c]

- 30.04 An Awdal news report of 28 March 2008 reported that from 1 April 2008, Somalis living in the United Arab Emirates (UAE) would be able to be issued with the new passports. [32b] The report continues:

“Earlier, the UAE press reported that the Somali government had selected the UAE-Emirate of Sharjah as the main centre for issuing electronic passports and electronic identification cards for its citizens around the globe. ...Mr Gafow, however, affirmed that new immigration officers to be based in Somali Embassies would issue the Somali passport while the database will be kept with the passport-printing centre in the Sharjah Airport Free Zone. ...But Mr Gafow affirmed that the Immigration Centre would later move to Mogadishu after ensuring safety and security in all parts of the country. New e-passports will be designed as per international standards defined by the International Civil Aviation Organisation (ICAO), using the latest ‘contact less chip technology’, incorporating Facial and Fingerprints Biometric Security Recognition. Passports were to be issued in four colours to various categories - red for diplomatic missions, brown for services, black for the public and light blue for travel documents only. ...’Inside the country we have already opened offices in Baidoa, Bossasso, Garowe and Laas Anod,’ he said, underlining that there will be no need for people to come to Mogadishu for a passport as the case used to be under the previous government. Answering a question on whether any foreign visas have been

issued to the holders of the new passports, Mr Gafow said: 'I have entered the UAE with the new passport and a visa has been issued to me, and the American Embassy in Nairobi has been the first to issue visas to the holders of the new Somali passports.' New passports with electronic national identity cards will cost US\$ 150 for Somalis outside Somalia and US\$ 100 for Somalis residing within Somalia, making it one of the most expensive passports issued by foreign embassies in the UAE. Passport fees for other nationalities living in the UAE range between US\$ 30-50." [32b]

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EMPLOYMENT RIGHTS

TRADE UNIONS AND THE RIGHT TO STRIKE

- 31.01 The United States Department Report on human rights practices, Somalia, covering 2007, (USSD report for 2007) stated:

“The 1990 constitution allows workers to form and join unions, and the TFC respected this right; however, due to the civil war and clan fighting, the only partially functioning labor union in the country was the NUSOJ. The Puntland Charter and the Somaliland Constitution also protect workers' freedom of association. Labor laws were not enforced in all parts of the country, resulting in an absence of effective protection for workers' rights.

“The TFC allows unions to conduct their activities without interference and grants workers the right to strike. Wages and work conditions in the traditional culture were established largely on the basis of ad hoc arrangements based on supply, demand, and the influence of the worker's clan. There are no export processing zones.

“The Somaliland Trade Union Organization (SOLTUO), formed in 2004, claimed to have 26,000 members representing 21 individual unions. SOLTUO claimed to be democratic and independent, but there were no activities undertaken by the SOLTUO during the year [2007].” [2a] (**The Right of Association**)

EQUAL EMPLOYMENT RIGHTS

- 31.02 The USSD report for 2007 stated:

“Although the TFC and the Somaliland Constitution both include provisions for acceptable working conditions, there was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year [2007]. There is no national minimum wage. With an estimated 43 percent of the population earning less than \$1 (approximately 1,344 Somali shillings) per day, there was no mechanism to attain a decent standard of living for workers and their families.” [2a] (**Acceptable Conditions for Work**)

FORCED LABOUR

- 31.03 The USSD report for 2007 noted:

“The pre-1991 Penal Code and the TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. It could not be confirmed whether, as had been reported in 2005, local clan militias or other armed militia forced members of minority groups to work on banana plantations without compensation. It also could not be confirmed if in Middle and Lower Juba, and Lower Shabelle Bantus were used as forced labor, as in previous years.” [2a] (**Prohibition of Forced or Compulsory Labor**)

- 31.04 As noted in the Report of the Joint British-Nordic Fact-Finding Mission (JFFMR) of March 2004, members of minority groups were subjected to forced labour by majority clans in southern and central regions, though the

prevalence of the practice could not be confirmed. Members of majority clans were dependent on the farming skills of minority groups. They are promised either food or money for their work; however, usually no payment is given. Minority clans are not in a position to object to this practice. If they refuse to work, or if they demand payment, they could be killed. [7c] (p32-33)

CHILD LABOUR

31.05 The USSD report for 2007 noted:

“The pre-1991 labor code and the TFC prohibit child labor; however, child labor was widespread.

“The recruiting and use of child soldiers was a problem. Young persons commonly were employed in herding, agriculture, and household labor from an early age. Children broke rocks into gravel and worked as vendors of cigarettes and khat on the streets. UNICEF estimated that from 1999 to 2005, 36 percent of children between the ages of five and 14 were in the workforce--31 percent of males and 41 percent of females. The actual percentage of working children was believed to be even higher. The lack of educational opportunities and severely depressed economic conditions contributed to the prevalence of child labor.”

[2a] (Prohibition of Child Labor and Minimum Age for Employment)

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Annex A - Chronology of major events

- 1925** Territory east of the Jubba river detached from Kenya to become the westernmost part of the Italian protectorate.
- 1936** Italian Somaliland combined with Somali-speaking parts of Ethiopia to form a province of Italian East Africa.
- 1940** Italians occupied British Somaliland.
- 1941** British occupied Italian Somalia.
- 1950** Italian Somaliland became a UN trust territory under Italian control.
- 1956** Italian Somaliland renamed Somalia and granted internal autonomy.
- 1960** British and Italian parts of Somalia became independent, merged and formed the United Republic of Somalia; Aden Abdullah Osman Daar elected president.
- 1964** Border dispute with Ethiopia erupted into hostilities.
- 1967** Abdi Rashid Ali Shermarke defeated Aden Abdullah Osman Daar in elections for president.
- 1969** Muhammad Siad Barre assumed power in coup after Shermarke was assassinated.
- 1970** Barre declared Somalia a socialist state and nationalised most of the economy.
- 1974** Somalia joined the Arab League.
- 1975** Severe drought caused widespread starvation.
- 1977** Somalia invaded the Somali – inhabited Ogaden region of Ethiopia.
- 1978** Somali forces pushed out of Ogaden with the help of Soviet advisers and Cuban troops.
- 1981** Opposition to Barre's regime emerged after he excluded members of the Mijertyn and Isaq clans from government positions, which were filled with people from his own Marehan clan.
- 1988** Peace accord with Ethiopia.
- 1991** Opposition clans ousted Barre who was forced to flee the country.
- 1991** Former British protectorate of Somaliland declared unilateral independence.
- 1992** US Marines landed near Mogadishu ahead of a UN peacekeeping force sent to restore order and safeguard relief supplies.
- 1995** UN peacekeepers left, having failed to achieve their mission.

- 1996** Warlord Muhammad Aideed died of his wounds and was succeeded by his son, Hussein.
- 1998** Puntland region in northern Somalia declared unilateral independence.
- 2000** **August:** Clan leaders and senior figures met in Djibouti and elected Abdulkassim Salat Hassan president of Somalia.
- 2000** **October:** Hassan and his newly-appointed prime minister, Ali Khalif Gelayadh, arrived in Mogadishu to heroes' welcomes.
- 2000** **October:** Gelayadh announced his government, the first in the country since 1991.
- 2001** **April:** Somali warlords, backed by Ethiopia, announced their intention to form a national government within six months, in direct opposition to the country's transitional administration.
- 2004** **August:** A new transitional parliament was inaugurated at ceremony in Kenya. In October the body elected Abdullahi Yusuf as president.
- 2004** **December:** Prime Minister Ali Mohammed Ghedi was approved in office by parliament. Large waves generated by an undersea earthquake off Indonesia hit the Somali coast and the island of Hafun. Hundreds of deaths were reported; tens of thousands of people were displaced.
- 2005** **May:** An explosion killed at least ten people and injured many more at a rally in Mogadishu where Prime Minister Ali Mohammed Ghedi was giving a speech.
- 2005** **February – June:** Somali government began to return to Somalia from Kenya, but there are bitter divisions over where in Somalia the new parliament should sit.
- 2005** **November:** Prime Minister Ali Mohammed Ghedi survived an assassination attempt in Mogadishu. Gunmen attacked his convoy, killing six people.
- 2006** **February:** The transitional parliament met in Somalia – in the central town of Baidoa – for the first time since it was formed in Kenya in 2004.
- 2006** **March and May:** Scores of people were killed and hundreds injured during fierce fighting between rival militias in Mogadishu. It was the worst violence in almost a decade.
- 2006** **June-July:** Militias loyal to the Union of Islamic Courts (UIC) took control of Mogadishu and other parts of the south after defeating clan warlords. A political stand-off emerged between the Islamic Courts and the transitional government based in Baidoa.
- 2006** **July-August:** Mogadishu's air and seaports are re-opened.
- 2006** **September:** The transitional government and the Union of Islamic Courts began peace talks in the Sudanese capital, Khartoum. President Yusuf was the target of Somalia's first known suicide bombing targets outside parliament in Baidoa.

- 2006 October:** About 35,000 Somalis escaping drought, strict Islamist rule and the possibility of war have arrived in Kenya refugee camps since the start of 2006, according to the UN refugee agency UNHCR.
- 2006 December:** UN Security Council endorsed African peacekeepers to help prop up the interim government. Islamist leaders said they will treat any foreign forces as invaders. Ethiopia confirmed it is engaged in fighting against the Islamists in Somalia, and Ethiopian troops, and TFG forces routed the Islamist militias.
- 2007 January:** Islamists abandoned their last stronghold, the port town of Kismayo. President Abdullahi Yusuf entered Mogadishu for the first time since taking office in 2004. US carried out air strikes in southern Somalia which it says targeted al-Qaeda personnel sheltering there; Somali president defended the attack. Interim government imposes three-month state of emergency.
- 2007 February:** UN Security Council authorized a six-month African Union peacekeeping mission for Somalia.
- 2007 March:** African Union troops landed at Mogadishu airport amid pitched battles between insurgents and government forces backed by Ethiopian troops.
- 2007 March-April:** During March – April 2007, heavy fighting between the insurgents and the government forces, described by the UN as the worst fighting the country had seen for sixteen years, displaced approximately 390,000 people from the city. More sophisticated, targeted attacks by the insurgents have continued since that period of the heaviest fighting, including an attempted suicide car bomb attack on Somali Prime Minister Ghedi. Many civilians have been killed in the retaliatory spray shooting by TFG/Ethiopian forces when there have been suspected insurgent attacks.
- 2007 June:** A US warship shells suspected Al-Qaeda targets in Puntland. Prime Minister Ghedi escapes a suicide car bomb attack on his compound. Ethiopian Premier Meles Zenawi visits Mogadishu, pledging to withdraw his troops once peace takes hold.
- 2007 July:** National reconciliation conference opens in Mogadishu and comes under mortar attack. Islamist leaders stay away from the talks. Refugee exodus grows amid an upsurge in violence.
- 2007 August:** Human Rights Watch accuses Ethiopian, Somali and insurgent forces of war crimes, and the UN Security Council of indifference during the recent conflict. The National Reconciliation Conference ended on 30 August 2007 with mixed opinions of its success.
- 2007 September:** Opposition groups form a new alliance to campaign for a military and diplomatic solution to the Somali conflict. They meet in Asmara, Eritrea.
- 2007 October:** Ethiopian forces fire on demonstrators in Mogadishu protesting at the presence of what they call foreign invaders. The heaviest fighting in Mogadishu since April 2007 occurred during this month. Ethiopians moved

reinforcements into the city. Prime Minister Ghedi resigned. Aid agencies have warned of a catastrophe unfolding in Somalia.

- 2007 November:** The Transitional Federal Government shuts down Radio Shabelle, Radio Simba and Radio Banadir. The UN special envoy Ahmedou Ould-Abdallah describes Somalia's humanitarian crisis as the worst in Africa, and suggests using international justice to curb the violence. Nur Hassan Hussein, also known as Nur Adde, was sworn in as the new Prime Minister. The number of Somali refugees hits one million, with nearly 200,000 fleeing the capital in the past two weeks.
- 2007 December:** Ethiopian troops leave key central town of Guriel.
- 2008 January:** Burundi becomes the second nation to contribute troops to the African Union peacekeeping force, sending 440 soldiers to Mogadishu.
- 2008 March:** The United States launches a missile strike on the southern town of Dhoble targeting a suspected al-Qaeda member wanted for 2002 bombing of Israeli-owned hotel in Kenya. The Islamist-led insurgency continues to spread.
- 2008 April:** The European Union calls for international efforts to tackle piracy off the Somali coast after a series of hijackings and attacks on vessels. A United States air strike kills Aden Hashi Ayro, a leader of the Al-Shabaab insurgent group.

Source: (BBC News timeline, 2 April 2007)[8g]

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Annex B - Political organisations

Islamic Union Party (al-Ittihad al-Islam)

Islamist group which aims to unite ethnic Somalis from Somalia, Ethiopia, Kenya and Djibouti in an Islamic state. Despite being virtually decimated following Ethiopian attacks, the group has been perceived as attempting to spread fundamentalism and was subject to international attention following the terrorist attacks in the US in September 2001. The group has in fact dropped its radical agenda and poses no terrorist threat. [17a] (p11) [1a] (Political Organizations)

DSA (Digil Salvation Army)

Clan-based group created in 1999 and allied to Mr Aideed in fighting the RRA in the Shabeellaha Hoose region. [17a] (p11)

JVA (Juba Valley Alliance)

Grouping of Ogaden, Marehan and Abar Gedir clans. Placed their territory under the control of the TNA in May 2002. Founded 2003, its President is Bare Adan Shire. [17a] (p11) [1a] (Political Organizations)

RRA (Rahawayn Resistance Army)

Clan-based group, allied to the SRRC; behind the self-proclaimed south-western Somalia administration. Its Chairman is Mohamed Hasan Nur. [17a] (p11) [1a] (Political Organizations)

RSA (Rahawayn Salvation Army)

Clan-based group opposed to RRA administration in the Bay and Bakool regions. [17a] (p11)

SDM (Somali Democratic Movement)

Hawiye group operational in Mogadishu and the Bay and Bakool regions. The SDM appears to have formed an alliance with the SNA. [17a] (p11)

SNA (Somali National Alliance)

Founded in 1992, as an alliance between the Southern Somali National Movement (which withdrew in 1993) and the factions of the United Somali Congress, Somali Democratic Movement and Somali Patriotic Movement. Its Chairman is Hussein Mohamed Aidid. A splinter group of the United Somali Congress (USC), it is itself divided into two AbarGedir/Hawiye political factions, one led by Mr Aideed and one by Mr Osman "Ato." The SNA appears to have formed an alliance with the SDM. [17a] (p11) [1a] (Political Organizations)

SNF (Somali National Front)

Founded 1991; guerrilla force active in southern Somalia, promoting Darod clan interests and seeking restoration of Somali Revolutionary Socialist Party (SRSP) Government. A rival faction (led by Omar Haji Masaleh) is active in southern Somalia. Its leader is Gen Mohamed Siad Hersi 'Morgan'. [1a] (Political Organizations)

SNSC (Somali National Salvation Council)

Alliance of 12 political groups, headed by Musa Sude Yalahow. Formed in 2003 to oppose the Nairobi peace talks. [17a] (p11)

SPM (Somali Patriotic Movement)

Darod group formed in 1989 to oppose the Siad Barre regime. Ousted from Kismayu, its base since 1993, in June 1999. Represents Ogadenis (of the Darod clan) in

southern Somalia; this faction of the SPM has allied with the SNF in opposing the SNA. Its Chairman is Gen Aden Abdullahi Noor ('Gabio'). [17a] (p11) [1a] (Political Organizations)

SPA (Somali Peace Alliance)

Political and military coalition formed in Garoe in August 1999, comprising the armed forces of Puntland, the RRA, the SPM and a faction of the SNF. [17a] (p11)

SRRC (Somali Reconciliation and Restoration Council)

Alliance of factions created to oppose the TNA in March 2001 at Awasa, Ethiopia. [17a] (p12)

SRSP (Somali Revolutionary Socialist Party)

Founded in 1976 as the sole legal party; overthrown in January 1991. Conducts guerrilla operations in Gedo region, near border with Kenya. Secretary General position is vacant; Assistant Secretary General is Ahmed Suleiman Abdullah. [1a] (Political Organizations)

SSA (Somali Salvation Alliance)

Ali Mahdi Mohamed's Abgal/Hawiye political grouping, a splinter group of the USC. [17a] (p12)

SSDF (Somali Salvation Democratic Front)

Originally a Majerteen-Darod resistance group formed in 1978 to operate against the Siad Barre regime in the north-east. It is now the political organisation behind the self-proclaimed Puntland administration. Founded in 1981, as the Democratic Front for the Salvation of Somalia (DFSS), as a coalition of the Somali Salvation Front, the Somali Workers' Party and the Democratic Front for the Liberation of Somalia. Operates in central Somalia, although a smaller group has opposed the SNA around Kismayu in alliance with the SNF. Chairman is Mohamed Abshir Monsa. [17a] (p12) [1a] (Political Organizations)

USC (United Somali Congress)

Founded in 1989; in central Somalia. Overthrew Siad Barre in January 1991. Party split in 1991, with this faction dominated by the Abgal sub-clan of the Hawiye clan, Somalia's largest ethnic group. The USC is led by Abdullahi Ma'alin, and its Secretary General is Musa Nur Amin. Initially included the Aideed faction, it is now more commonly allied with the SSA or the SNA. [17a] (p12) [1a] (Political Organizations)

UIC (Union of Islamic Courts also referred to as Islamic Court Union)

Founded in 2003 by Sheikh Sharif Sheikh Ahmed. Its main body is the Islamic Supreme Consultation Council of Islamic Courts, known as the *Shura* (council). It is made up of 91 members, and functions as an advisory body for the local courts. The Council is headed by Sheikh Hassan Dahir Aweys. The UIC has also established a 15-member executive council, with Sheikh Sharif as its Chairman, which acts as an executive branch of government and implements decisions. The UIC was expelled from Mogadishu in December 2006, and its organisation within Somalia has been effectively shattered; in light of this, there is little information on its present make up or organisation. [10g] [8d]

USP (United Somali Party)

North-eastern group involved in the creation of Puntland. [17a] (p12)

SAMO (Somali African Muki Organisation)

Represents Bantu minority population. The leader is Mowlid Ma'ane. Also part of the G8 at the Nairobi peace talks. [10b]

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Annex C - Somali clan structure

Clan family	Sub-clans/groupings	Residential location
DIR	Issa (Ise) Gadabursi Bimal	All regions of Somalia. Also Ethiopia, Djibouti, Kenya
ISAAQ	<i>Habr Awal:</i> Saad Muse Issa Muse Ayub <i>Habr Garhadjis:</i> Habr Yunis Aidagalla Arab <i>Habr Jaalo (Habr Toljaalo):</i> Mohamed Abokor Ibrahim Muse Abokor Ahmad (Toljaalo)	Ethiopia, Djibouti W/Galbed, Togdheer Sanag
DAROD	Marehan Ogaden <i>Harti division:</i> Majerteen Dulbahante Warsangeli	All regions of Somalia. Also Kenya and Ethiopia
HAWIYE	Hawadle Waadan Habr Gedir Abgal Murasadde Gaalgale (Galjael, Galje'el)	Hiran and Gedo Also Kenya, Ethiopia
DIGIL	Dabarre Jiddu Tunni Geledi Garre	Mainly Lower Shabelle, also Middle Juba, Bay, Hiran, Gedo and Mogadishu. Also Kenya and Ethiopia
RAHANWEYN	<i>The "Eight":</i> Maalinweyna Harien Helleda Elai, and others	Bay, Bakool, Gedo. Also Kenya and Ethiopia
	<i>The "Nine":</i> Gassa Gudda Hadama Luwai Geledi, and others	Bay, Bakool, Gedo, Middle Juba, and Hiran. and Ethiopia

Adapted from sources [7a] and [7d]. For more detailed information on the Somali clan structure, refer to the 'Genealogical table of Somali clans' at Annex 3 of the JFFMR December 2000. See also Section 20.02 Somali clans. [7a]

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Annex D - Main minority groups

Minority group:	BANTU
Ethnic origin:	Bantu communities in East and Central Africa
Est. pop:	15% (of the 7m total)
Location:	In the riverine areas across the Juba and Shabelle rivers: Jilib, Jamame, Buale, Sakow, Merka, Qoryoley, Afgoye, Jowhar, Balad, Buloburte, Beletweyne
Language:	Somali (both Maay and Mahatiri; Mushunguli)
Religion:	Islam and small percentage of Christian (about 300 people) mainly from the Mushunguli communities in Kakuma refugee camp
Clan affiliation:	Some Bantu sub-clans in the Lower Shabelle region identify themselves with Digil and Mirifle in the Lower Shabelle region
Traditional skill:	Small scale – farming and labourers
Minority group:	RER HAMAR
Ethnic origin:	Immigrants from Far East countries
Est. pop:	0.5%
Location:	Shangani and Hamarweyne districts in Mogadishu; and Merka
Language:	Somali (Rer-Hamar Dialect)
Religion:	Islam
Clan affiliation:	Some sub-clans have patron clans within Hawadle
Traditional skill:	Business, fishing
Minority group:	BRAWAN/BRAVANESE
Ethnic origin:	Arab immigrants mainly from Yemen
Est. pop:	0.5%
Location:	Mainly in Brava
Language:	Bravanese
Religion:	Islam
Clan affiliation:	No patron clans
Traditional skill:	Business, fishing
Minority group:	BAJUNI
Ethnic origin:	Kiswahili people from Kenya Coast
Est. pop:	0.2%
Location:	Kismayo, and islands off coast: Jula, Madoga, Satarani, Raskamboni, Bungabo, Hudey, Koyama, and Jovay islands.
Language:	Bajuni
Religion:	Islam
Clan affiliation:	No patron clans
Traditional skill:	Mainly fishing
Minority group:	GALGALA
Ethnic origin:	Samale
Est. pop:	0.2%
Location:	Mogadishu and Gedihir in the Middle Shabelle region
Language:	Somali (Mahatiri)
Religion:	Islam
Clan affiliation:	Identify themselves as Nuh Mohamud; Clan patrons – Osman Mohamud and Omar Mohamud sub-clans of Majerteen
Traditional skill:	Wood craft making, pastorals
Minority group:	GAHEYLE

Ethnic origin: Samale
 Est. pop: 0.1%
 Location: Erigabo (Sanag)
 Language: Somali (Mahatiri)
 Religion: Islam
 Clan affiliation: Warsengeli (Darod)
 Traditional skill: Pastoralists

Minority group: **BONI**
 Ethnic origin: -
 Est. pop: 0.1%
 Location: Along the border between Kenya and Somalia
 Language: Somali (Mahatiri)
 Religion: Islam
 Clan affiliation: No patron clan
 Traditional skill: Hunters

Minority group: **EYLE**
 Ethnic origin: Sab
 Est. pop: 0.2%
 Location: Mainly in Burhakaba, Jowhar and Bullo Burte
 Language: Somali (Some use May, and others Mahatiri)
 Religion: Islam
 Clan affiliation: Rahanweyn
 Traditional skill: Hunters and Gatherers

Minority group: **MIDGAN (GABOYE)**
 Ethnic origin: Samale
 Est. pop: 0.5%
 Location: Scattered in the north and central Somalia, Hiran, Mogadishu and Kismayo
 Language: Somali (Mahatiri)
 Religion: Islam
 Clan affiliation: Isak in Somaliland, Darod in Puntland Hawadle, Murasade and Marehan in Galgadud region [26a] (p3)
 Traditional skill: Shoemakers

Minority group: **TUMAL and YIBIR**
 Ethnic origin: Samale
 Est. pop: 0.5% and 0.5%
 Location: North and Central Somalia, Hiran, Mogadishu and Kismayo
 Language: Somali dialect of the clan to which they are attached [7a] (p58)
 Religion: -
 Clan affiliation: Isak in Somaliland, Darod in Puntland Hawadle, Murasade and Marehan in Galgadud region [26a] (p3)
 Traditional skill: Blacksmiths/Hunters

Minority group: **ASHRAF**
 Ethnic origin: Arab immigrants from Saudi Arabia
 Est. pop: 0.5%
 Location: Merka, Brava, Bay and Bakool
 Language: Mainly May, some Mahatiri
 Religion: Islam
 Clan affiliation: Rahanweyn
 Traditional skill: Farmers and Pastoralists

See also Section 20.08 Minority groups.
[26a] (p11-12)

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Annex E - Prominent people

Col Barre “Hiirale” Aden

Leader of the Juba Valley Alliance (JVA), which controls the surrounding Juba valley area. He is a member of the TFP and was named in the cabinet but has so far declined to be sworn in as a minister. He is from the Marehan sub-clan of the Darod clan. [10d]

Mohamed Qanyare Afrah

Mogadishu faction leader allied to Mr Aideed and Minister of National Security in Mr Ghedi's cabinet. A member of the SRRC (Somali Reconciliation and Restoration Council). [17a] (p9)

Abdullahi Yussuf Ahmed

Interim president in the Federal Transitional Parliament (FTP). Mr Abdullahi is a former Somali Salvation Democratic Front (SSDF) leader and a former President of Puntland. [17a] (p9)

Sheikh Sharif Sheikh Ahmed

Head of the Union of Islamic Courts' (UIC) 15-member executive committee. [8b] [10g] The UIC was expelled from Mogadishu in December 2006, and its organisation within Somalia has been effectively shattered. [8d] In February 2007, he was reported to have been allowed to leave Kenya, where he had been detained, for the Yemen, where he had been granted refuge. [8e]

Hussein Mohamed Aideed

Son of General Aideed. Mr Aideed is Minister of Internal Affairs in the cabinet of Mr Ghedi. A member of the SRRC, his USC/SNA forces control much of south Mogadishu and large tracts of southern Somalia. [17a] (p9)

Abdirahman Mohamed Ali

A former general in the Somali army, appointed as Defence Minister in the cabinet of Mr Ghedi. [17a] (p9)

Sheikh Hassan Dahir Aweys

A leader of the Islamist group which controlled much of southern Somalia, including the capital, Mogadishu. The United States says it will refuse to deal with him, as he has been on the US list of people “linked to terrorism” since shortly after the 9/11 attacks in 2001. He is the head of the UICs' Shura, a consultative body, while Sheikh Sharif Sheikh Ahmed, previously Chairman, now heads the executive committee. [8b] [10g] The UIC was expelled from Mogadishu in December 2006, and its organisation within Somalia has been effectively shattered. [8i] There is no reliable information as to his present whereabouts.

Aden Hashi Ayro

Military head of al-Shabab reported killed in a US missile strike on 1 May 2008. [8n]

Hassan Abshir Farah

A former Prime Minister of the TNA and former Interior Minister of Puntland. [17a] (p9)

Ali Mohamed Ghedi

Interim Prime Minister in the FTP. Mr Ghedi has taught at Mogadishu University and worked for the AU. He has no formal links to armed groups. [17a] (p8)

Abdikassim Salat Hassan

Former interim President in the Transitional National Assembly (TNA). Mr Hassan has close ties with the Islamic courts and the business community in Mogadishu. [17a] (p9)

Gen Ade Muse Hirsi

President of the self-declared autonomous region of Puntland. Lived in exile in Canada but returned to Somalia in 2001 to lead opposition forces against Abdullahi Yusuf, then leader of Puntland, until 2003 when they signed a peace deal. He is from the Majeerteen sub-clan of the Darod clan. [10d]

Gen Muhammad Said “Morgan” Hirsi

Siad Barre’s son-in-law and former Defence Minister. He controlled Kismayo until his forces were defeated by forces led by Hiirale and Serar in 1999. He is a member of the Majeerteen sub-clan of the Darod clan. A member of the SRRC. [10d] [17a] (p9)

Nur Hassan Hussein

Appointed Prime Minister of the TFG on 22 November 2007. [3d](p1)

Dahir Riyale Kahin

President of the self-styled Somaliland Republic. Relatively new to politics, before being appointed Vice-President in 1997 his only experience of public administration was a 15-year stint as a secret police officer under the Siad Barre regime. [17a] (p9)

Ali Hassan “Ato” Osman

Construction Minister in the cabinet of Mr Ghedi. A former chief financier of General Aideed, his United Somali Congress (USC)/Somali National Alliance (SNA) forces control parts of south Mogadishu. He also belongs to the SRRC. [17a] (p9)

Mohamed Ali Aden Qalinleh

Former RRA spokesman. Appointed Governor of the RRA administration in the Bay region in 1999. [17a] (p9)

Mohamed Nur Shatigudud

President of the self-declared regional administration of south-western Somalia: one of five co-chairmen of the SRRC, and Minister of Agriculture in Mr Ghedi’s cabinet. [17a] (p9)

Ahmed Mohamed Mohamoud Silanyo

Presidential candidate for the Kulmiye party in the Somaliland elections. A former Chairman of the Somali National Movement (SNM). [17a] (p9)

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Annex F - List of abbreviations

AI	Amnesty International
AWD	Acute Watery Diarrhoea
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EBRD	European Bank for Reconstruction and Development
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
FTP	Federal Transitional Parliament
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organization for Migration
MSF	Médecins sans Frontières
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation in Europe
STC	Save The Children
STD	Sexually Transmitted Disease
TB	Tuberculosis
TFA	Transitional Federal Assembly
TFG	Transitional Federal Government
TI	Transparency International
UIC	Union of Islamic Courts (also referred to as Islamic Court Union, Supreme of Islamic Courts Council and Islamic Courts Council)
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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