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World Report 2012

The year was marked by ongoing fighting in Somalia and abuses by the warring parties, including indiscriminate attacks harming civilians. While the armed Islamist al-Shabaab group continued to control more territory than any other group in South and Central Somalia, the Transitional Federal Government of Somalia (TFG)—with the support of the African Union Mission in Somalia (AMISOM) and militias aligned to the TFG, notably Ahlu Sunna Wal Jama'a (ASWJ) and Raskamboni—gained control over new areas in Mogadishu, the capital, and small areas along the border with Kenya and Ethiopia. On August 6 al-Shabaab withdrew from Mogadishu, citing tactical reasons, but has continued to attack the capital, including with suicide bombings.

Al-Shabaab continued to administer arbitrary justice in the areas it controls, including beheadings, beatings, and torture. TFG forces and TFG-aligned militias also committed serious abuses against civilians, and the TFG has largely failed to protect the basic human rights of the population in areas under its control. The war contributed directly to the worsening humanitarian emergency and famine that struck Somalia in mid-2011. Abuses by al-Shabaab and to a lesser extent the TFG restricted humanitarian aid from reaching intended beneficiaries in the country.

Violations of the Laws of War

Indiscriminate attacks were committed by all parties to the conflict during a series of military offensives led by the TFG, with the support of AMISOM and ASWJ, in late 2010 and between February and May 2011. Al-Shabaab regularly fired mortars indiscriminately from densely populated areas towards TFG/AMISOM positions, often unlawfully placing civilians at risk. TFG and AMISOM forces frequently responded with indiscriminate counter-attacks, notably in and around Bakara market. According to the World Health Organisation (WHO), between January and late September three hospitals in Mogadishu treated 8,430 casualties for weapon-related injuries. Hospital records show that a significant proportion of civilian casualties were women and children.

Indiscriminate fire on civilian areas has also occurred during offensives by TFG-affiliated militias in the border areas of Dhobley and Baardhere during clashes with al-Shabaab. An outburst of renewed fighting between Raskamboni and other TFG-affiliated militias against al-Shabaab in Dhobley in early October resulted in at least 11 civilian deaths, reportedly due to crossfire.

There have been no attempts to hold to account those responsible for indiscriminate attacks.

On October 4 a suicide bombing in Mogadishu, claimed by al-Shabaab, occurred outside a compound housing several government ministries, including the Ministry of Education. At least 100 civilians were killed, including students and parents awaiting exam results at the ministry.

Abuses in TFG-Controlled Areas

Many civilians were killed and wounded during fighting between TFG forces and insurgents and during TFG "law enforcement" operations. In an incident in late January TFG forces reportedly fired on civilians in Mogadishu, killing between 12 and 20 people and wounding at least 30.

TFG forces and aligned militias have committed a range of abuses against internally displaced persons (IDPs) in Mogadishu, including looting food aid in IDP camps, carrying out arbitrary arrests and detentions, and raping. Despite the TFG's public claims that it would consider a moratorium on the death penalty, the military court has tried and sentenced at least 17 TFG soldiers and one civilian to death since August, when TFG President Sheikh Sharif Sheikh Ahmed declared a state of emergency in areas of Mogadishu. On August 22 two TFG soldiers were executed.

In areas under the control of TFG-affiliated militias, civilians have been arbitrarily arrested and detained. In March in Bula Hawo ASWJ arbitrarily arrested hundreds of civilians, including women and children, after a bomb attack. Those fleeing to Kenya via Dhobley reported being arrested and accused of being al-Shabaab sympathizers by men in uniform they believed to be associated with the TFG. Individuals alleged or perceived to support al-Shabaab were also unlawfully killed. At least three civilians were summarily executed by ASWJ following their takeover of Bula Hawo in March; one was reportedly a 17-year-old boy. In May media quoted an ASWJ spokesperson as saying the group would execute those found spying for al-Shabaab.

Indiscriminate shooting by AMISOM has also resulted in civilian deaths; some incidents have led to internal investigations. On September 2, AMISOM forces in Mogadishu shot dead a Malaysian journalist and injured his colleague. An internal investigation found three Burundian soldiers responsible for the killing. The three have been returned to Burundi, reportedly to face trial.

Abuses in Opposition Controlled Areas

Al-Shabaab remained in control of most of southern Somalia where every area of people's lives is regulated by an extreme form of Islamic law. Women and girls in particular have suffered from these harsh laws. Freedoms previously enjoyed by women in Somali culture have been severely curtailed to prevent them from mixing with men. This has also limited women's ability to engage in small-scale commercial enterprises. Harsh punishments—notably floggings, summary executions, and public beheadings—are common. Such punishments generally take place after summary proceedings without due process. On August 23 al-Shabaab publicly executed three men accused of spying for the TFG in the Daynile district of Mogadishu.

Children Associated with Armed Forces and Groups

Schools have featured heavily in al-Shabaab's combat operations. The group has fired on AMISOM and TFG forces from schools, deliberately exposing students and teachers to retaliatory fire and, in some cases, directly attacking students and school buildings and interfering with teaching. As a result of ongoing attacks, teachers have fled and—where schools have not shut down entirely—children, deprived of any meaningful education and afraid for their safety, have dropped out in large numbers. Forced recruitment of adults and children by al-Shabaab is widespread and ongoing. Al-Shabaab routinely uses children in its ranks. Children continue to also be found within the TFG armed forces and TFG-affiliated militias; the TFG has at this writing failed to ensure that all its recruits, including those formerly associated with aligned militias, undergo effective age vetting to prevent the recruitment of children.

Restrictions on Humanitarian Assistance

On July 20 the regions of South Bakool and Lower Shabelle were declared to be in a state of famine and by August the United Nations had declared six areas, primarily in southern Somalia, to be in a state of famine. As of August 2011 more than half of the Somali population—an estimated 4 million people—was in need of food aid.

Al-Shabaab restrictions on humanitarian assistance persisted despite the unfolding humanitarian disaster. It continued to prohibit over a dozen humanitarian organizations from working in areas under its control, with continued attacks on humanitarian workers.

Al-Shabaab has also imposed taxation, both monetary and on livestock, on the population under its control, causing significant hardship. It also severely restricted the movement of those in need of assistance, preventing people, particularly boys and young men, from fleeing to Kenya for assistance. In late September al-Shabaab prevented IDPs from reaching Mogadishu, stopping them in the Afgooye corridor on the outskirts of the city and transporting them back to their places of origin. It also returned IDPs from Baidoa to rural areas.

The diversion of humanitarian aid within Mogadishu and the perpetration of violence during food distribution by TFG forces and allied militias have further limited IDPs' access to greatly needed assistance. On August 5 at least three civilians were killed in a Badbado camp after militias reportedly allied to the TFG opened fire on a food distribution site. Newly appointed Prime Minister Abdiweli Mohamed Ali created a committee to investigate the incident. In addition, United States sanctions on terrorist groups have restricted US aid going into southern and central Somalia and support for certain humanitarian organizations.

Key International Actors

Western governments, the UN, the AU, and neighboring countries, with the exception of Eritrea, are united in supporting the TFG as the legitimate government of Somalia. Support for the TFG was forthcoming despite

concerns about political infighting and lack of progress on the basic priorities of the Djibouti agreement, such as the drafting of the constitution, the reformation of the parliament and addressing issues of corruption.

Eritrea uses Somalia as a convenient theater in its proxy war against Ethiopia. In July the UN Monitoring Group on Somalia and Eritrea reported Eritrea's continued support for al-Shabaab.

Kenya closed its border with Somalia in January 2007; it has forcibly returned Somalis, including asylum seekers, to their country and has repeatedly called for Somalis to receive assistance only within Somalia, and yet at this writing Kenya continues to accommodate the arrival of around 1,000 new Somali refugees daily in the sprawling refugee camps around the northern town of Dadaab.

Kenya and Ethiopia have trained and offered military support to TFG-affiliated militia groups, notably Raskamboni and ASWJ. Reports suggest that both Ethiopian and Kenyan forces have also entered Somalia for security operations near the border. On October 16, Kenyan military forces entered Somalia and declared war on al-Shabaab, following a series of kidnappings of foreigners in Kenya.

The US military has carried out targeted strikes using aerial drones on alleged al-Shabaab targets.

The UN Security Council has authorized an AU force of 12,000 peacekeepers for Somalia, but thus far only 9,000 Ugandan and Burundian troops have been deployed, despite calls by the AU for an increase in the number of troops.

The UN independent expert on Somalia and some other key international actors have recognized that accountability for past abuses in Somalia is crucial to establishing a meaningful and inclusive peace process, but they have not prioritized this issue. Such accountability efforts should include documenting abuses since the end of the Siad Barre regime in 1988 and, ultimately, a UN commission of inquiry into war crimes committed since then.