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SOMALIA COUNTRY REPORT

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Country Information & Policy Unit

**IMMIGRATION AND NATIONALITY DIRECTORATE
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1. SCOPE OF DOCUMENT

1.1 This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office 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. It is not a detailed or comprehensive survey.

1.2 The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum / human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

1.3 The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

1.4 The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

1.5 All sources have been checked for currency, and as far as can be ascertained, contain information which remained relevant at the time this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

1.6 This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

1.7 It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

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2. GEOGRAPHY

2.1 As reflected in Africa South of the Sahara 2004 (ASS 2004), the Somali Republic (Somalia) has an area of 637,657 sq. km and borders Kenya, Ethiopia and Djibouti. In mid 2000 the UN estimated the population to be 8,778,000. [1a] (p 989) Somalia is divided into a total of 18 administrative regions or provinces; the largest city is the capital Mogadishu (population estimated in 2000 as 1,219,000). [1a] (p 989) [1b] (p. 501) Other important towns include Hargeisa (capital of the self-declared independent "Republic of Somaliland" in the north-west), Kismayo, Baidoa, Berbera, Bossaso, Garowe (the "Puntland" capital), Merka (Merca) and Brava (it should however be noted that there are frequently variations in the spelling of place names in Somalia). [1a] (p 989) [50a] As noted in the Europa World Year Book 2003 (EWYB 2003), the majority of the population is Sunni Muslim; there is also a small Christian community, mostly Roman Catholic. [1b] (p 3745)

2.2 As stated in the report of the joint Danish-British fact finding mission based in Nairobi, Kenya, published December 2000 (JFFMR December 2000), 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. [7a] (p 80-7) 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, in many aspects, an intermediate position between the main Somali clans and the minority groups. [1a] (p 989) [7a] (p 80-7) Large numbers of ethnic Somalis also live in neighbouring Ethiopia, Kenya and Djibouti. [7a] (p 80-7)

2.3 The national language is Somali; it was adopted as the official language in 1972 at which time it was without a written form, its alphabet was adapted in 1973 using a modified Roman alphabet. [1a] (p 989) [1b] (p 501-502) The EWYB 2003 states that Arabic is also in official use and both English and Italian are widely spoken. [1b] (p 3745) The JFFMR 2000 and a further joint Dutch, Danish and British mission undertaken in May-June 2002 (JFFMR July 2002) indicates that in addition to these languages some minority groups speak their own language, the Bajuni for example speak Ki-Bajuni. However in all contacts with the Somali speaking population there would additionally be a need to speak at least some Somali. [7a] (p 29) [7c] (p 1)

For further information on Geography refer to Africa South of the Sahara 2004 (ASS 2004) [1a] (p 989)

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3. ECONOMY

3.1 Somalia is very poor with a market-based economy in which most of the work force is employed as pastoral nomads (an estimated 80%) or subsistence farmers. [1a] (p 1000) [2a] (p 1) [50c] (p 24) According to ASS 2004, the economy is primarily agricultural and is based mainly on herding camels, sheep, goats and cattle. The principal exports are livestock and charcoal in the fertile area between the Juba and Shabelle rivers in the

south bananas are the principal cash crop; there is very little industry. [1a] (p 1000)
According to the US Department of State's Report on Human Right Practices covering 2003 (USSDR 2003), insecurity and adverse weather have affected the already poor economic situation. [2a] (p 1)

3.2 Economic problems have severely limited employment opportunities giving rise to serious unemployment problems. [2a] (p 1) [3c] (p 6) As noted in the UNDP's Socio economic survey 2002 (UNDP 2002), only a total of 56.4% of the population is estimated to be economically active [50c] (p 20) According to a UN Security Council Report of February 2003 (UNSCR February 2003), with Mogadishu and Kismayo ports remaining closed other ports, such as Bossaso in Puntland, have benefited from an increase in trade. [3b] (p 3) According to the African Research Bulletin (ARB), the private sector has thrived in "Somaliland" with shops in the capital Hargeisa reportedly well stocked with imported goods. Nevertheless, the economy remains fragile and livestock, together with remittances from the diaspora, remain the economic backbone. [11k]

3.3 In the first half of 2003, the World Bank resumed operations in Somalia (for the first time since 1991) through its project for low-income countries under stress initiative. The World Bank is supporting peace building activities overseen by United Nations agencies including HIV/AIDS prevention, training centres and livestock trade. [3c] (p 7) [10ar] According to the UN's Integrated Regional Information Network (IRIN), lending to Somalia is prevented due to the fact that the country is in arrears, lacks a functioning government and is affected by an unstable security situation. However, it was reported that the proposed activities would be covered by a grant from the World Bank's Post-Conflict fund. [10ar]

3.4 As noted in the UN Security Council Report of February 2004 (UNSCR February 2004), remittances to Somalia provide approximately \$1 billion of foreign income annually. A UN-sponsored conference in London in December 2003, which involved financial sector regulators from Europe and the US and representatives from Somali remittance companies, resulted in the establishment of the Somali Financial Services Association. This regulatory body aims to fill the void in regulation caused by the limited mandate of central government, thus improving the credibility of the Somali remittance sector with foreign Governments. The groundwork is also being laid for the establishment of a Somali livestock export health certification system. The United Nations has recently established a project to systematically support this process, in recognition of the importance of the sector to Somali livelihoods. [3f] (p 9)

For further information on the economy refer to ASS 2004 [1a] (p 1007-1010) and the Joint Nordic/British Fact Finding Mission Report of March 2004 (JFFMR March 2004) [7d] (p 51-2)

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4. HISTORY

For detailed history prior to 1991, refer to Annex A and ASS 2004. [1a] (p 989-991)

Collapse of Central Government in 1991 & Civil War

4.1 As reflected in ASS 2004, by January 1991 the USC's military wing, led by General Mohamed Farah Aideed, had captured most of Mogadishu and the SPM had taken Kismayo in the south. Barre fled Somalia on 27 January 1991 and the USC assumed power in Mogadishu, while the SNM had seized control of the north-west and a resurgent SSDF the north-east. [1a] (p 991)

4.2 As reflected in EWYB 2003, Ali Mahdi Mohamed, of the Abgal clan (part of the Hawiye clan-family), was declared interim President by the USC in late January 1991 but his appointment was opposed by the SNM and SPM. The situation by mid-March 1991 was close to anarchy and division along clan lines was increasing. [1b] (p 3746) In the northwest the SNM convened a series of meetings of clan Elders that led to the establishment of an administration and legislature in the area of former British Somaliland and a declaration of secession from the rest of Somalia in May 1991. SNM Chairman, Abd ar-Rahman Ahmed Ali 'Tur', became the first President of the new "Republic of Somaliland". [1a] (p 991) [1b] (p 3746)

4.3 As noted in Europa sources from 2003-4, reconciliation conferences held in Djibouti in mid-1991 confirmed Ali Mahdi as President for a two-year period and he assumed office in August 1991, with Umar Arteh Ghalib, an Isaaq, as Prime Minister. The SNM did not attend the conferences. [1a] (p 991) [1b] (p 3746) As reflected in ASS 2004, difficulties arose at the conferences, as the Darod demanded the return of property seized after Siad Barre's overthrow. Darod and Isaaq clans were estimated to have owned as much as 60% of land and property in Mogadishu before 1989. Most was looted in 1991 and appropriated by Hawiye, who were reluctant to return it. [1a] (p 991)

4.4 As noted in Europa sources from 2003-4, by June 1991 a major rift had opened up within the USC between Ali Mahdi and General Aideed. [1a] (p 991) [1b] (p 3746) As reflected in ASS 2004, the rift reinforced clan divisions; Ali Mahdi's Abgal sub-clan was prominent in and around Mogadishu whereas Aideed's Habr Gedir comprised a significant element of the more rural, pastoral Hawiye in the central regions of Somalia. [1a] (p 991) As noted in Europa sources from 2003-4, Aideed was elected USC Chairman in July 1991, increasing his power base. Ali Mahdi's refusal to award Ministerial posts to Aideed's supporters guaranteed conflict and heavy clashes took place in Mogadishu from September 1991 between the rival USC factions, leaving the city divided. Clashes continued through to an UN-brokered cease-fire in March 1992, by which time 30,000 people had died. [1a] (p 991) [1b] (p 3746)

4.5 As reflected in ASS 2004, clashes for territory took place throughout Somalia during 1991 and 1992 between rival clan-based militias. The southern port of Kismayo changed hands several times during 1991; much of the fighting there was on a clan basis. Barre's forces had re-grouped in the south as the Somali National Front (SNF). [1a] (p 991) As noted in EWYB 2003, General Morgan led several advances of SNF forces towards Mogadishu during 1991 and 1992 but Aideed's forces repulsed them at Afgoi in April 1992 and went on to capture the town of Garba Harre on the Kenyan border where Barre had established his base. Barre fled to Kenya, he later went into exile in

Nigeria. After mid-1992 the SNF, although a largely Marehan faction, disassociated itself from Barre. [1b] (p 374b)

4.6 As reflected in ASS 2004, having halted Morgan's attack on Mogadishu, Aideed's forces allied with Jess' SPM faction moved south to capture Kismayo from Morgan in May 1992, forcing Morgan and his supporters to flee to Kenya. However, Morgan and the SNF took back the strategic town of Bardera in Gedo region from Aideed's forces in October 1992 and advanced towards Kismayo. Aideed set up the Somali National Alliance (SNA) coalition, comprising his faction of the USC, Jess' SPM faction, a faction of the Rahanweyn-based Somali Democratic Movement (SDM) and the Southern Somali National Movement (SSNM), a grouping of non-Darod clans south of Mogadishu. In response to Aideed's victories, Ali Mahdi strengthened his links with opponents of Aideed, notably Morgan, the SSDF, the rival SPM faction and the SNF, under the Somali Salvation Alliance (SSA) grouping. [1a] (p 992)

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United Nations Intervention 1992-1995

4.7 As reflected in ASS 2004, in January 1992 the UN imposed an embargo on the sale of arms to Somalia. The ICRC reported hundreds of thousands of people had been displaced by the conflict by the end of January 2002; thousands having crossed into Kenya. Subsequent estimates suggest 300,000 people may have died of starvation in this period. In April 1992 a UN Operation in Somalia (UNOSOM) was set up, initially to monitor the Mogadishu cease-fire that had been agreed the previous month. In December 1992 multi-national forces were deployed throughout Somalia, excluding Somaliland, under the umbrella of the Unified Task Force (UNITAF), to ensure food deliveries. Under UNITAF pressure, Aideed and Ali Mahdi signed a reconciliation agreement in December 1992 to end the rivalry between USC factions. [1a] (p 992)

4.8 As reflected in ASS 2004, major political groups attended peace talks in Addis Ababa in March 1993. Somaliland's SNM attended as an observer only. The delegates agreed to establish a Transitional National Council, representing all regions of Somalia and the factions attending the talks, with UN peacekeeping forces administering a cease-fire. As the Addis Ababa talks were closing in March 1993 the UN authorised the deployment of UNOSOM II, with forces from 30 countries. In May 1993 UNOSOM II replaced UNITAF to become the largest peacekeeping operation ever undertaken by the UN. [1a] (p 992-3)

4.9 As reflected in ASS 2004, political structures, responsible for the previous two years of anarchy, were reinforced by UNITAF accepting politicians and faction 'warlords' as key negotiators rather than trying to widen the basis of political consultation. UNOSOM II took this a stage further by taking sides in the conflict and effectively declaring war on Aideed. US advisers to UNOSOM II disliked Aideed's independent attitude towards the UN presence in Somalia. During 1993 US forces, under direct US rather than UN command, carried out a series of attacks against Aideed's SNA in Mogadishu. Increasingly violent operations, which sought to disarm the SNA and arrest Aideed, continued for several months, causing many casualties and provoking hostile reactions in Mogadishu. [1a] (p 993)

4.10 As reflected in ASS 2004, in October 1993, an operation by US soldiers to seize Aideed's supporters in a heavily populated district of Mogadishu resulted in the deaths of 19 UNOSOM II troops and at least 200 Somalis. This prompted an immediate change in policy by the US, which henceforth advocated a political rather than military solution to the conflict with Aideed, and a decision to withdraw US forces from Somalia by March 1994. Despite the presence of UN troops in the capital, General Morgan was able to recapture Kismayo from Aideed's ally Colonel Jess in March 1993. A regional peace conference for 'Jubaland' (south-western Somalia) took place in Kismayo from May to August 1993 but failed to produce any binding agreement between the conflicting parties. Subsequent efforts in 1994 were similarly unsuccessful. [1a] (p 994)

4.11 As reflected in ASS 2004, a further national reconciliation conference took place in Addis Ababa in December 1993 but was not successful in finding agreement between Aideed's SNA and the SSA grouping around Ali Mahdi. Talks continued in Nairobi in 1994 but were inconclusive. Renewed conflict between Hawiye factions followed. Meanwhile, efforts by UNOSOM II to establish district and regional administrations were criticised by observers who claimed that council members were often imposed, or excluded (particularly those from the SNA), by UN officials. In November 1994 the UN announced that UNOSOM II would withdraw from Somalia by the end March 1995. Competition for control of installations that UNOSOM II had run became the focus of factional hostility. Fighting broke out between the militias of Aideed and Ali Mahdi for control of the port and airport in February 1995. The last UN forces left Somalia in March 1995. [1a] (p 994)

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Southern and central Somalia since 1995

4.12 As reflected in ASS 2004, major divisions within the Habr Gedir and SNA surfaced in June 1995 when Aideed's former aide, Osman Hassan Ali 'Ato', tried to oust him as SNA chairman. Aideed loyalists expelled Ali Ato and his supporters from the SNA. During this month 15 pro-Aideed factions in southern Mogadishu convened a reconciliation conference and elected Aideed President of Somalia. Ali Mahdi and Ali Ato denounced this move and militias loyal to them continued to clash with pro-Aideed factions. [1a] (p 994)

4.13 In September 1995 Aideed's forces occupied Baidoa in the Rahanweyn-populated Bay region in south-western Somalia ousting the Rahanweyn-supported SDM. [1a] (p 994) [7b] (p 27) As noted in the JFFMR July 2002, Aideed's occupying forces dismantled a local autonomous authority based on the Rahanweyn territories that had been established in the region by UNOSOM II. [7b] (p 27) As reflected in ASS 2004, fighting between supporters of Aideed's and Ali Ato's further intensified in early 1996 resulting in Aideed's forces capturing Huddur, in neighbouring Bakool region, in January 1996. Sporadic fighting between Aideed's supporters and those of Ali Mahdi and Ali Ato continued from May to August 1996. Aideed was wounded during these clashes and died of his injuries in August 1996. His son Hussein, a former US marine, was chosen by the SNA to replace him and clashes with rivals quickly resumed. There were clashes in Kismayo between rival factions within the SNF, fighting over the distribution of port revenues. A cease-fire agreed in Nairobi in October 1996 between Ali Mahdi, Ali

Ato and Hussein Aideed was broken within the month and fighting intensified in the months that followed. [1a] (p 995)

4.14 As noted in Europa sources on 2003-4, between December 1996 and January 1997 representatives of 26 Somali factions, notably excluding the SNA, held talks in Ethiopia under the auspices of Ethiopia and the Inter-Governmental Authority on Development (IGAD), a grouping of regional states. This resulted in the creation of a 41 member National Salvation Council (NSC) to act as an interim national government. Hussein Aideed condemned the NSC and insisted that he was the legitimate President. [1a] (p 994) [1b] (p 3748-9)

4.15 As reflected in ASS 2004, international mediation efforts continued and representatives of several Somali factions met, under Egyptian and Arab League auspices, in Cairo in March 1997. In May 1997 Ali Mahdi and Hussein Aideed signed a reconciliation agreement in Cairo. However, Aideed made it clear that he remained opposed to the Ethiopian-sponsored peace initiative. [1a] (p 995) As reflected in EWYB 2003, at a further conference held in Cairo, 26 Somali faction leaders, including Aideed and Ali Mahdi, signed a peace agreement in December 1997. A condition of this accord was that a national reconciliation conference be held in Baidoa in February 1998. This was never held, not least because troops loyal to Aideed remained stationed in Baidoa. [1b] (p 3748) As reflected in ASS 2004, Ethiopia rejected the Cairo accord on the grounds that it failed to include all members of the NSC. [1a] (p 995)

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Attempts to reunify Mogadishu

4.16 As reflected in EWYB 2003, in August 1998 Mogadishu's principal faction leaders, including Ali Mahdi, Aideed and Mohamed Qanyareh Afrah, formed a new administration for Benadir region, covering Mogadishu and its environs. However, Ali Ato opposed this development and asked the international community not to recognise the new administration. It was subsequently announced that Islamic (Shari'a) law would be applied in the new administration. Efforts to reopen Mogadishu's port failed as hostile militia fired at ships attempting to dock in the port in September 1998. Attempts to establish a police force later in 1998 were also short lived, as in spite of a number of Arab states providing financial aid to the new administration, the salaries of the force were unpaid. The 6,000 strong force comprising approximately half who were former militiamen and half who were newly recruited in 1999 subsequently was disbanded. [1b] (p 3749)

4.17 As noted in Europa sources from 2003-4, in June 1999 it was reported that Islamic militias operating under the auspices of self-appointed Islamic courts and financed by local businesses had closed down hundreds of checkpoints set up by warring factions, an exercise that was repeated in December 1999. [1a] (p 995) [1b] (p 3749) As reflected in ASS 2004, these militias were also involved in providing security within the city. A further attempt to set up a new administration in December 1999 by Mogadishu's principal faction leaders, including Ali Mahdi, Aideed, Ali Ato and Qanyareh, all Hawiye, failed in the face of strong opposition from Islamic court militias. [1a] (p 995)

4.18 Clan related violence was a serious and ongoing problem, in February 2002 twelve people were reportedly killed and an unknown number injured during fighting

in Medina district. [3c] (p 5) [4] (p 6) [6a] This was between militias loyal to Mogadishu faction leader Musa Sude and supporters of Omar 'Finish', his former deputy. Omar 'Finish' had joined forces with factions who had signed a peace agreement with the TNG. [4] (p 6) According to IRIN, reportedly the worst violence occurred in May 2002, between 24 and 28 May 2002 alone more than 60 persons were killed and hundreds injured in clashes between militia loyal to Musa Sude and TNG forces. [10a] Clashes between Musa Sude and Omar 'Finish' again flared up in July 2002 ahead of the peace talks in Kenya, this time 30 people were killed and 50 wounded. [3b] (p 3) [4] (p 6) According to IRIN, during 2002 violence continued unabated. Incidents of abductions, car-jackings, armed robberies and general banditry all reportedly increased. [10a] Reports attributed to Mogadishu residents suggest that the situation has worsened still further during the first half of 2003 with rapes, robberies and abductions all increasing, these crimes are mostly blamed upon freelance bandits. The inability of various factions to take responsibility for what goes on in areas under their control has been publicly criticised. [10ap]

For recent history and the current situation in Mogadishu refer to paragraphs 6.153 - 6.158

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Kismayo and Juba

4.19 As noted in the JFFMR July 2002, Kismayo was taken from General Morgan's forces in June 1999 by the Juba Valley Alliance (JVA), a grouping of Marehan, Ogaden and Habr Gedir clans aiming to establish a regional administration for Lower Juba. [1a] (p 995) [7b] (p 42) As reflected in ASS 2004, the city witnessed regular fighting in late 1999, between forces of the Ayr sub-clan of the Habr Gedir and a group of Ogaden fighters, both of which belonged to the JVA. [1a] (p 995) In early August 2001 General Morgan's forces briefly re-occupied Kismayo but the JVA retook the city the following day with minimal effort. Later in August 2001 JVA forces moved inland to capture the town of Bu'aale in Middle Juba region, 200 km north of Kismayo, from General Morgan's forces. [7b] (p 42) [10b] [10c]

4.20 As noted in the JFFMR July 2002, UN agencies were able to resume operations in Kismayo in 2001. Morgan would like to recapture Kismayo, his traditional power base, but the JVA has secured the roads surrounding the city to prevent his forces progressing. Following his removal from Kismayo, it is believed that Morgan is based mainly in Ethiopia. The JVA currently controls Kismayo and Jilib and in 2002 sent mainly Marehan forces to Bardera in Gedo region, as part of the conflict in Gedo between the Marehan clans (see also the following section on Gedo). [7b] (p 42)

For recent history and the current security situation in Kismayo and Juba regions, refer to paragraphs 6.161 - 6.166

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Gedo

4.21 As noted in the EWYB 2003, Gedo region has been subject to a number of armed incursions from Ethiopia since the mid-1990s. In August 1996 and January 1997

Ethiopian forces launched attacks in Gedo against alleged bases of Al-Itihaad al-Islamiya (Islamic Union Party), a radical Islamic group fighting to create an independent Somali homeland in the Ogaden district of Ethiopia. In March 1998 Ethiopian troops returned to Gedo to occupy several towns in the region following the capture of SNF-controlled El Wak by Al-Itihaad forces. [1b] (p 3747-9) As reflected in ASS 2004, a peace pact signed in Gedo region in August 1998 between the SNF and Al-Itihaad soon collapsed. The SNF split into two warring factions, with each controlling three districts in Gedo and competing for control of Bardhere district. In April 1999 the leader of one of the factions was assassinated. [1a] (p 995)

4.22 As reflected in ASS 2004, following the outbreak of the Ethiopia-Eritrea border war in 1998, concern about the activities of Eritrean-supported Somali militias prompted Ethiopia to launch cross-border raids into Somalia against faction leaders and militias loyal to Hussein Aideed. [1a] (p 995) In July 1999 Ethiopian forces based in Luuq moved further into Gedo, taking Garba Harre, the Gedo capital, and Burdhubo. [1a] (p 995) [10b] As reflected in ASS 2004, in August 1999 Ethiopian forces captured a number of Al-Itihaad fighters in Gedo. In September 1999 clashes took place in Garba Harre between an Ethiopian-backed SNF faction and the main SNF group. The main SNF group drove the Ethiopian-backed faction out, forcing it to retreat to Luuq. [1a] (p 995)

4.23 As noted in the JFFMR 2002, Gedo was claimed as one of the regions of the South West State of Somalia, as declared by RRA leader Colonel Shatigadud in March 2002, but the SWS administration has no effective authority in Gedo. [7b] (p 13)

For recent history and the current security situation in Gedo, refer to paragraphs 6.169 - 6.170

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Bay and Bakool

4.24 As noted in the JFFMR December 2000 and JFFMR July 2002, Colonel Hasan Muhammad Nur 'Shatigadud', of the Harin sub-clan of the Rahanweyn, set up the Rahanweyn Resistance Army (RRA) to fight for the restoration of Rahanweyn control of the area after Aideed's forces seized a large area of the Bay and Bakool region in September 1995. [1a] (p 994) [1b] (p 3746) [7a] (p 19) [7b] (p 27) The RRA captured Huddur from Aideed's forces in August 1996. [1a] (p 994) [7a] (p 19) The RRA, which clashed with Aideed's SNA forces throughout 1997, took control of Baidoa for a short time in October 1997 but the SNA recaptured the town. Fighting between the RRA and SNA continued throughout 1997 and 1998. The RRA captured Huddur in Bakool region from Aideed's SNA in October 1998, prompting the return to the town of many refugees. [1b] (p 3746) [7b] (p 28) According to Mogadishu-based Qaran newspaper, in December 1998 the RRA established an administration for Bakool in co-operation with traditional Elders. [20a]

4.25 As noted by Europa sources of 2003-4, in June 1999, after months of fighting between the RRA and SNA, the RRA backed by a 3,000 man Ethiopian force, captured Baidoa from Aideed's forces. [1a] (p 995) [1b] (p 3746) As reflected in ASS 2004, this move was seen as part of a wider Ethiopian strategy of establishing a buffer zone inside Somalia in a line from Gedo, through Bay and Bakool to Hiran. The joint RRA-Ethiopian force

conducted operations against Aideed's forces and fighters of the Oromo Liberation Front (OLF), an Ethiopian guerrilla group opposed to the Ethiopian government, whose members were being trained in Somalia by the SNA. [1a] (p 995) Aideed discontinued support to the OLF after reaching an agreement with the Ethiopians in October 1999. However, Ethiopia continued to support the RRA and made armed incursions in other areas of Somalia. [1a] (p 995) [1b] (p 3746)

4.26 According to IRIN, from Baidoa, the RRA moved on to take the town of Bur Acaba, northwest of Mogadishu, in June 1999. [10a] According to the Africa Research Bulletin (ARB), the RRA leader, Colonel Hassan Mohamed Nur 'Shaatiigaduud', announced the RRA's intention of liberating all Rahanweyn-populated territory between the Juba and Shabelle rivers. [11b] As reflected in ASS 2004, in September 1999 the RRA, supported by the Ethiopians and the allied Digil Salvation Army (DSA), took the town of Dinsoor in the west of Bay region. The RRA established a regional administration for Bay region in December 1999 with governor and senior RRA personnel taking positions in government. By mid-2000 the RRA had consolidated its control of Bay and Bakool regions, leaving Aideed's forces in disarray. [1a] (p 995-6)

For recent history and the current security situation of the region, refer to "South West State of Somalia (Bay and Bakool) 2002-2003 and paragraphs 6.167 - 6.168

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Arta Conference 2000 and formation of the TNG

4.27 A peace conference chaired by Djibouti's President Ismail Omar Guelleh opened in May 2000 at Arta, Djibouti under the auspices of IGAD. [1a] (p 995-6) [1b] (p 3749) [2a] (p 1) [7a] (p 11) Arta was the 13th major peace initiative for Somalia since the collapse of central government in 1991. [1a] (p 994-6) [7a] (p 11) As noted in JFFMR December 2000, it was the first peace initiative that set out to work around civil society rather than just the armed clan-factions. [7a] (p 11)

4.28 Nearly 2,000 delegates, representing a wide spectrum of Somali society, including clan Elders, religious leaders, NGOs, businessmen and intellectuals, attended the Arta conference, with the aim of drafting a power-sharing arrangement and a constitution, the Transitional National Charter, to see Somalia through a three-year transitional period. [1b] (p 3749) [2a] (p 1) [7a] (p 11) [37] According to the JFFMR December 2000, some leaders of armed clan-factions attended, most notably Ali Mahdi, but the Somaliland and Puntland authorities and faction leaders such as Hussein Aideed and Musa Sude stayed away from the conference. [7a] (p 11)

4.29 In August 2000 the conference adopted the Transitional National Charter and selected the 245-member Transitional National Assembly (TNA). [1a] (p 996) [2a] (p 1) As noted in the EWYB 2003, the Charter, which effectively serves as a constitution, provides for freedom of expression and association and separated the executive, legislature and judiciary, guaranteeing the independence of the latter. [1b] (p 3750) The TNA is structured along clan lines and comprises equal numbers of members of the main Somali clan-families, the Dir (including the Isaaq), Hawiye, Darod and Digil-Mirifle (Rahanweyn) and reserved seats for representatives of minority groups and women.

The seats for the clan-families are divided out amongst the various constituent clans and sub-clans. [1a] (p 996) [1b] (p3750) [7a] (p 12)

4.30 In August 2000 the TNA elected Abdiqassim Salad Hassan, a member of the Hawiye Habr Gedir Ayr clan, as transitional President of Somalia. [1a] (p 995) [1b] (p 3749) [2a] (p 1) [7a] (p 12) As reflected in ASS 2004, Abdiqassim had held several ministerial positions under Siad Barre. [1a] (p 995) According to the JFFMR December 2000, Abdiqassim received public backing from the UN, EU, Arab League and was supported locally by business interests, Ali Mahdi and the Islamic Shari'a courts, some of which pledged their militia forces to the new administration. [7a] (p 12-13) Ali Khalif Galayadh, a businessman and prominent member of the northern Darod Dulbahante clan, was named as Prime Minister in October 2000. [1a] (p 995-6) [2a] (p 1) [7a] (p 12) As reflected in ASS 2004, like Abdiqassim, Galayadh had also served as a Minister under Siad Barre. Later in October 2000, Galayadh announced the formation of the 32-member Transitional National Government (TNG). [1a] (p 995-6)

4.31 As noted in the JFFMR July 2002, Abdiqassim made his first visit to Somalia in his new capacity as interim President when he visited Baidoa, in RRA-controlled Bay region, in early September 2000. Thousands of people attended a rally in Baidoa to welcome him. He made a surprise visit to Mogadishu later in September 2000 and met with no resistance from the clan-faction leaders, such as Hussein Aideed, that had threatened to oppose any such visit to the capital. [7a] (p 12) [14a] According to a report by the BBC, in December 2000 Hossein Haji Bod, a North Mogadishu 'warlord' and former deputy of Ali Mahdi previously opposed to the TNG, declared his support for Abdiqassim's transitional administration. Bod pledged the support of his militia to the TNG. [14c]

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Formation of Somali Reconciliation and Restoration Council (SRRC)

4.32 As noted by IRIN, in March 2001 faction leaders, backed by Ethiopia, opposed to the TNG established SRRC at a meeting in Addis Ababa. The SRRC has a presidential council, consisting of five co-chairmen who it was agreed would each fill the position of chairman on a rotating basis. Hussein Aideed was chosen as the SRRC's first chairman, with a mandate for six months. [10e]

TNG vote of no confidence, October 2001

4.33 On 28 October 2001 the TNG of Prime Minister Ali Khalif Galayadh was voted out of office after it failed to defeat a no-confidence vote in the TNA. 174 members of the 245-seat TNA voted on the motion, with 141 supporting the TNG's dismissal. MPs who accused the Prime Minister of mismanagement and failing to bring peace to Mogadishu and Somalia as a whole tabled the motion. [10p][14e][15c] The no-confidence vote took place on the eve of peace talks due to commence in Kenya at the beginning of November 2001 between President Abdiqassim and opponents of his administration, including members of the SRRC. President Abdiqassim remained in office as the interim president, as did the TNG, under acting Prime Minister Osman Jamma Ali, on a caretaker basis pending the appointment of a new administration. [10p][14e][15c] According

to the BBC, Abdiqassim appointed Hassan Abshir Farah, a former Puntland interior minister, as Prime Minister in November 2001. [14f]

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Eldoret Peace Conference 2002

4.34 As noted by IRIN, in January 2002 IGAD heads of state met in the Sudanese capital, Khartoum, to discuss peace and reconciliation in Somalia. Following this meeting, which was attended by US Assistant Secretary of State for African Affairs Walter Kansteiner, hopes were raised that IGAD, the EU and the United States were going to finally solve the Somali situation by completing the peace process started in Arta in 2000. It was hoped they could bring about reconciliation between the TNG, the factions opposed to it, and regional administrations such as Puntland and Somaliland. [10z]

4.35 As noted by IRIN, In a follow-up to the January summit, regional ministers met in the Kenyan capital, Nairobi, in February 2002 and agreed to set up a technical committee to prepare for a Somali reconciliation conference. Originally this was planned to commence in the second half of April 2002. However, the conference, which was to have brought together the TNG and other political groups was repeatedly postponed, as the necessary mechanisms were not in place. [10z]

4.36 An IGAD-sponsored national reconciliation conference on Somalia finally commenced in the Kenyan town of Eldoret on 15 October 2002. [3d][10w][10x][11z] According to Amnesty International (AI), the conference represented the fourteenth attempt to bring peace to the collapsed state. [6c][10x] Most faction leaders attended the talks; delegates included the TNG Prime Minister Hasan Abshir Farah, Puntland leader Abdullahi Yusuf, Hussein Aideed, Musa Sude, Omar Mohamoud Mohamed 'Finish', Osman Ali Ato and other representatives of the SRRC; all IGAD members' states were also represented. [3d][10w][11x] It was reported by the ARB that the talks had attracted more "important Somali players" than any previous peace conference. [11f]

4.37 As noted by the ARB, more than 19 faction leaders and 400 delegates participated in the talks (of these 362 were official delegates). [11c][11d] However, the TNG president refused to attend unless he was accorded head of state status as opposed to that of a faction leader. The TNG Prime Minister instead represented him. [11c] The breakaway self-declared Somaliland Republic also refused to attend the talks. [6c][11c] Reportedly, donors organising the conference had put no pressure on Somaliland to participate; in contrast European diplomats threatened sanctions against any warlords who did not participate. [11c]

4.38 As noted by the ARB, there were two adjournments during the opening two weeks, first when clan and military differences showed as faction leaders demanded a greater share in any new democratic government, then when some clan leaders claimed they were under-represented at the talks. Meanwhile faction leaders pushed for the exclusion of the civil society, women and professionals from the talks. [11c] However, an early positive development saw 22 military, political, civil society and clan leaders, including a reported 17 faction leaders, sign the Eldoret Declaration on 27 October 2002. [3b] (p 5) [6c][11c][11f] As noted in the UNSCR February 2003, the

declaration included an undertaking of signatories to create federal governance in Somalia; endorsed the principle of decentralisation; a provision for all hostilities to cease and guaranteed the security of humanitarian and development personnel and installations. [3b] (p 5) However, this ceasefire element has subsequently been violated on several occasions. [3b] (p 5) [11f]

4.39 As noted by the ARB, disputes over seat allocations for the conference continued to cause deadlock. Some Somali political groups complained they were being marginalised and alleged the distribution of seats was unfairly biased towards the SRCC. IGAD proposed a formula to increase the number of delegates to 400. Faction leader, Ali Mahdi Mohamed quit the talks in November 2002 stating the peace conference was going nowhere. [11d] Meanwhile moves to get the second phase of talks underway started; this involved the creation of six committees to put forward recommendations on key issues. The issues identified for discussion included federalism and producing a provisional Federal Charter; demobilisation; disarmament and reintegration; land and property rights; regional and international relations and conflict resolution and reconciliation. [6c][10ad][11d][11e] As noted in the ARB, the second phase of the talks had originally been expected to take place in Rome with a reduced delegation of 75 to be selected from those present at Eldoret, however talks remained in Eldoret with a far higher number of delegates. [11c][11f]

4.40 As noted by the ARB, with the second phase of talks underway it was reported in December 2002 that 23 factions had agreed to a federal transitional parliament comprising 450 seats be formed at the conclusion of the conference. With numbers present at the conference having thus far been in the region of 1,000 it was announced by Kenya's special envoy, and Chairmen of the conference, Elijah Mwangale, that for financial reasons delegates would be limited to around 300. [11e] When the conference opened there had been reports of a brisk trade in bogus credentials, the number of official delegates participating in the second phase was reported to be 361. [10b][11f] According to the ARB, the excess attendees were offered financial assistance to return home. Mwangale indicated a small number of people were necessary to discuss in detail the structure of the new government to be formed. [11e]

4.41 As noted by the UNSCR February 2003, other developments during December 2002 saw the signing of an agreement between the TNG and five faction leaders - Qanyareh, Musa Sude, Aideed, Ali Ato, and Omar 'Finish' - who pledged to ensure security in the capital. The faction leaders also signed a separate agreement to make efforts to open both the air and sea port in Mogadishu. [3b] (p 5-6) Also in December 2002 the ARB noted that the African Union named Mohamed Ali Fom as its first envoy to Somalia. [11e]

4.42 In January 2003 the new Kenyan Government replaced Mwangale with Bethwell Kiplagat, a move intended to inject new momentum into the reconciliation process. This appointment was strongly welcomed by the Somalis. [3b] (p 6) [11f] As reflected in the ARB; in his new role Kiplagat held consultative meetings with the six committees (see above) to discuss their agendas. Meanwhile leaders have requested time to consult and reach an agreement regarding the issue of ownership of the conference. Meanwhile, one prominent human rights activist stated he had been violently assaulted, after he and other representatives, including women, stormed a meeting of warlords.

However, on 25 January 2003 it was reported that civil society groups had agreed to have 16 delegates with warlords having 284. [11f]

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Peace related initiatives February - August 2003

4.43 In February 2003 the talks were adjourned in order that they could move from Eldoret to Mbagathi College in Nairobi, this represented a further attempt to cut costs. [6d][26] According to the Pan African News Agency (PANA), prior to the process recommencing in its new location there were threats from several factions, including the TNG to withdraw. [26] The TNG continued to participate in the process but joined a number of other factions in staying away from the initial meeting in the new venue. [10ac][11g][26]

4.44 As reflected in the ARB, there were reports that TNG, in common with a number of other factions, were unhappy about Ethiopian "interference" in the conference and expressed the view that Kenya should be the sole facilitator of the talks. During February 2003 the TNG also accused Ethiopia of "working tirelessly to marginalise or undermine the TNG and some factions while favouring others". The TNG duly opposed in the strongest possible terms a proposal, originating from the US for Ethiopia to deploy forces to represent US forces within Somalia. The TNG indicated any such move would cause "big trouble" in the region. [11g]

4.45 The ARB also noted that in February 2003 an international monitoring committee, comprising the EU, AU, Arab League, IGAD and US, was set up to monitor the ceasefire accord between the warring Somali factions. The committee met on 27 February 2003 and discussed the possibility of sanctions against any faction that breach the ceasefire. [11g] According to PANA, in early March 2003 Kiplagat urged faction leaders whose groups have been violating the cease-fire agreement to respect the peace process. He warned that a team would soon be sent to Mogadishu to assess the situation and action would be taken against those flouting the cease-fire agreement, whether they were part of it or not. [26]

4.46 According to UNSCR June 2003 and IRIN, at the end of March 2003 the TNG, faction leaders Qanyareh and Ali Ato, and members of the JVA and the RRA held a meeting in Mogadishu. [10ac] Participants maintained that this was not an alternative to the Nairobi talks but a consultative meeting to discuss ways of bringing peace to the capital. [3c] (p 2) [10ac] It was reported that progress was made in this respect as agreement was reached both for a new administration for Mogadishu and measures to bring peace. [10ac] Meanwhile at a joint press conference several groups attending the talks in Nairobi, including the SRCC represented by Hussein Aideed, denounced the Mogadishu initiative. Some faction leaders claimed it was intended to undermine the Nairobi talks. [3c] (p 2) [10ac]

4.47 According to IRIN, in April 2003 it was reported that the IGAD technical committee responsible for steering the peace talks had established a Harmonisation Committee (HC) to co-ordinate the work of the peace conference's six working committees and come up with one report. The SRCC reacted angrily to this development and called for IGAD to rescind its decision, and indicated it would not consider binding any

opinions or recommendations submitted by the HC. The SRCC contend the task of harmonising differences should have been left to the Leaders' Committee. [10ad]

4.48 As reflected by IRIN, in May 2003 organisers announced that the second phase of the talks were nearing a conclusion and that only a plenary session to discuss recommendations from the six committees remained outstanding. Kiplagat expected to receive a set of recommendations that would pave the way for setting up new transitional institutions. There were reports that the committee discussing the issue of federalism was unable to agree a single set of recommendations but had produced two reports, one advocating a unitary state and the other for a federal state. Kiplagat stated that a consensus proposal based on middle ground was however emerging. [10ai]

4.49 As reflected by IRIN, an issue where agreement proved particularly difficult to reach a consensus was the size and mode of selection for members of a future interim parliament. By mid June 2003, reportedly after days of bargaining, considerable differences remained between delegates' aligned to the SRRC and TNG supporters. [10ax] Kiplagat had previously imposed a deadline of 18 June 2003 for a new parliament to be in place. On the eve of this date he acknowledged this would not be achieved. However, he noted progress had been made in respect of several issues of contention and extended the deadline to the end of June 2003 to resolve remaining differences. [10ay] However, one week later there were warnings from the G8 alliance of factions that the talks risked collapse if a compromise was not found. [10be]

4.50 As reflected by IRIN, the SRRC favoured a 450-seat parliament with 361 delegates to the peace conference forming the basis. The TNG and other donors to the conference rejected this position and argued that a parliament of 450 is not economically viable. The TNG also believe that the parliament should not be based on conference delegates but selected instead by traditional elders. Additionally, some diplomats observing the talks expressed concern that a 450-member parliament would be too large and unwieldy to make decisions. [10ax][10be] The G8 groups proposed a 275-member parliament as a compromise. A speaker for the 41 civil society organisations represented at the conference also expressed serious concerns at a parliament of the size proposed by the SRRC and proposed instead a 171 member parliament with a cabinet not exceeding 13. [10be]

4.51 A further article from IRIN noted that during May and early June 2003 a 21-member AU and IGAD mission, sent by the conference to look at the security situation, undertook a 12-day fact-finding mission in Somalia. Also comprising delegates from the Arab League, EU and Somali delegates attending the conference, the mission's purpose had been to prepare ground for the future deployment of AU military observers. Additionally, the mission was intended to facilitate planning the deployment of peacekeeping troops in the event that the conference was to support such an initiative. The mission had encouraged those who it met with within Somalia to abide by the cease-fire agreement. According to the mission leader, there was a great desire for peace amongst the population. However, even during the course of the mission, and unbeknownst to the participants, the cease-fire was breached in the Middle Shabelle region. [10au]

4.52 According to IRIN, on 5 July 2003 delegates to the conference reportedly signed

what was termed a "historic" agreement to set up a federal government. This provided for a 351 seat Transitional Parliament with a four-year mandate. Selection of parliamentarians was to be made by signatories to the Eldoret Declaration of 27 October 2002 (see section: Eldoret Peace Conference 2002) and politicians originally invited to the technical committee in consultation with traditional leaders. However, the following day the agreement was denounced by some groups. TNG President Abdiqassim rejected the agreement (signed by his Prime Minister), stating it would divide the country. He maintained the previously expressed TNG concerns about the number of MPs and the method of their selection (see above). However, TNG Prime Minister Abshir Farah stood by the agreement and in a press statement stated that it represented a compromise between two dramatically opposed positions. Meanwhile the Mogadishu faction leader, Musa Sude, stated that the agreement had just been announced and he would not recognise it. [106b] Abdiqassim and Musa Sude both withdrew from the talks in late July 2003 and early August 2003 respectively. [106b]

4.53 According to IRIN, by late July 2003 it was reported that consensus was emerging on the controversial issue of a charter. Organisers expressed hope that the greatest measure of agreement could be achieved before the plenary session marking the end of stage two. Some participants felt that the remaining stage of the conference would be most difficult as it involved the contentious issue of power sharing. One delegate observed that every faction leader present would want a bigger share than they would probably get. In anticipation of moving to stage three IGAD had commenced the process of transporting Somali traditional elders to the Nairobi venue. According to organisers the intended role of these elders in the final stage of the process was to participate in the selection of future parliamentarians and to contribute to the reconciliation of various faction leaders. [106b]

4.54 According to IRIN, in August 2003 Mogadishu faction leader Ali Ato also expressed his disappointment over the conduct of the peace talks in Nairobi. Speaking from Mogadishu he commented that "It seems that certain Somali groups, supported by a foreign power, are being favoured to the detriment of others, and this will not lead to a successful outcome". However, he denied he had walked out of the talks and stated he was in Mogadishu to consult with his people. He expressed his intention to meet with those faction leaders who had left the talks, but stressed this was a consultative meeting not an alternative to the Kenya conference. In addition to President Abdiqassim and Musa Sude, JVA leader Colonel Barre Shire Hiirale was also reported absent from the talks." [106b] Abdiqassim had received from the Kenyan government a formal invitation for the TNG to return to the talks. He had reportedly attached a number of conditions to any return, aside from the role of traditional elders in the selection of parliamentarians these included Somalis having overall control of the talks and the participation of a representative from the "northern regions" (a reference to Somaliland). [106b]

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Expiry of TNG mandate, August 2003

4.55 According to IRIN, as the TNG mandate drew closer to its scheduled end in August 2003, there were increasing reports of significant differences between President Abdiqassim and his Prime Minister. [106c][106b] In May 2003 there were reports of a rift

between TNG President and Prime Minister, these were played down as being "minor" and "resolved" by Prime Minister Hassan Abshir Farah who maintained the TNGs commitment to the peace talks. However, there were widespread reports that the Prime Minister wished to dismiss three ministers seen as loyal to President Abdiqassim and that Abdiqassim had blocked this. [103a] However, Abdiqassim's denouncement of the agreement his Prime Minister had signed at the peace talks on 5 July seemed to bring the pair's simmering differences to the fore. [103b]

4.56 According to IRIN, following his withdrawal from the peace talks in late July 2003 Abdiqassim moved to sack his Prime Minister in August 2003. Within days of this announcement, Hassan Abshir Farah announced that the TNG mandate would expire on 13 August 2003 at the end of its three-year term. A written statement issued in Nairobi in conjunction with parliament speaker, Abdallah Derow Isaak who was also sacked, stated that the TNG was "unconstitutional". Referring to themselves as representatives of the TNG the pair stated that they were willing to hand over power to any duly constituted government emerging from the conference. The pair also accused Abdiqassim of trying to hang on to power and asserted that there was no quorum in the TNG parliament convened to sanction their dismissals. For his part President Abdiqassim stated that the TNG would continue until new institutions were formed through free and fair elections. [106a] The TNG continued to be recognised by the Kenyan Government who formally wrote to Abdiqassim requesting his return to the peace talks. [106b]

Peace related initiatives September 2003 - March 2004

4.57 As noted in the UNSCR October 2003, by mid-September 2003, developments at the Somalia National Reconciliation Conference at Mbagathi, Kenya led to an impasse over the contested adoption of a Charter. Some of the leaders, including the President of the TNG, Abdiqassim, Colonel Barre Aden Shire (JVA), Mohamed Ibrahim Habsade of the (RRA), Osman Hassan Ali ("Atto") and Musse Sudi ("Yalahow") rejected the adoption, and returned to Somalia. [32] (p 3) As noted by the UNSCR February 2004, in 30 September 2003, a group of them announced the formation of the National Salvation Council consisting of 12 factions under the chairmanship of Musse Sudi. On 7 October 2003, the National Salvation Council signed a memorandum of understanding with the President of the TNG, in which it acknowledged the continuance in office of the TNG. The signatories also announced their intention to convene a new national reconciliation conference separate from the one at Mbagathi. No parallel conference was held, however. [37] (p 2)

4.58 As reflected in the joint Nordic-British fact finding mission report published in March 2004 (JFFMR March 2004), on 2 November 2003 the vice chairman of the Somali National Salvation Council (SNSC), a new alliance of 12 factions, vowed to boycott any further talks in Nairobi. The negotiations deteriorated further on 30 November 2003 when [74] (p 9), following the resignation of TNG deputy prime minister Usman Jama Ali [48a], the TNG's foreign minister Yusuf Deg stated that his government would not support the outcome of the reconciliation conference in Kenya. In December 2003 it was announced that around 40 officials taking part in the peace talks would attend a 10-day 'retreat' in order to speed up the reconciliation process. Initially scheduled to take place on 20 November 2003 in Mombasa, it was rescheduled for 9 December 2003 only to be postponed on a further two occasions

before the end of December 2003. [7d](p 9)

4.59 As reflected in the UNSCR February 2004, after discussions with Somali leaders in Nairobi on 8 and 9 January 2004, President Museveni and the President of Kenya, Mwai Kibaki, launched the Somali Leaders' Consultation in Nairobi on 9 January 2004. The former appealed to Somali leaders to reach the necessary compromises and agreement on a permanent peace in the country, the formation of a national army, the restoration of Somali sovereignty and the recovery of the economy. [3e] (p 3)

4.60 As reflected in the UNSCR February 2004, on 29 January 2004, the Somali leaders signed a document entitled "Declaration on the Harmonization of Various Issues Proposed by the Somali Delegates at the Somali Consultative Meetings from 9 to 29 January 2004". The document consisted of proposed amendments to the transitional federal charter adopted at the plenary meeting of the Conference on 15 September 2003. The leaders decided that the name of the charter would be transitional federal charter of the Somali republic; the name of the government would be transitional federal government; its term would last five years; and that the transitional federal parliament would consist of 275 members, 12% of whom would be women. In addition, the document called for a national census to be undertaken while a new constitution was being drafted, as well as for its approval by an internationally supervised national referendum. A controversy subsequently arose, however, over the method of selection of the members of parliament, and efforts are being made to overcome the problem. [3e] (p 3)

4.61 On 4 February 2004 it was reported by HornAfrik that the SRRC claimed they had been cheated on the agreement signed on 29 January 2004 and would not accept it. [48b] As noted by IRIN, following efforts by Kenyan Foreign Minister Musyoka to urge that all factions involved in the peace agreement consolidate the progress made or else risk a targeted sanctions regime imposed by the international community, [10c] the TNA endorsed the agreement. [10c] On 16 February 2004, HornAfrik reported that a large demonstration, mainly by women and children, to support the landmark agreement took place in Mogadishu. [48g] On 24 February 2004, IRIN reported that the national reconciliation conference entered its final phase, during which the selection of future parliamentarians and the formation of an interim government will begin. [10b] As reflected by IRIN, the SRRC maintained its isolation from the talks in Nairobi, by arranging a separate meeting in Jowhar on 4 March 2004. [10c] As reported by Agence France Presse (AFP) and the Nairobi-based East African Standard, the final phase of the peace negotiations, scheduled to resume on 16 March 2004 in Nairobi [22g], was further delayed as 17 of the 24 factions considered pulling out of the IGAD-brokered negotiations [58b]. On 25 March 2004 a Mogadishu-based newspaper indicated that the SRRC faction would not rejoin the negotiations [19g]. In spite of IRIN and Mogadishu-based newspaper reports on 30 and 31 March 2004, of efforts by IGAD and other representatives of the international community (including the British Government) to revitalise the negotiations [10c][18g], the final phase of the process had yet to get under way by the end of March 2004.

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"South West State of Somalia" (Bay and Bakool) 2002 - 2003

4.62 In March 2002, the RRA set up a new regional administration, called the South West State of Somalia (SWS), in the Bay and Bakool regions that it controls. The meeting elected RRA chairman, Colonel Hassan Mohamed Nur 'Shaatigaduud', as President of the new regional state to serve for a four-year term. There was speculation that the establishment of the new autonomous state would lead to the demise of the SRRC, of which the RRA is a member. [104][22a] According to IRIN, the RRA Governor of Baidoa announced that the RRA would attend the peace talks due to take place in Nairobi as the new state but that they would, however, still be under the SRRC umbrella. [104] Colonel Shaatigaduud was inaugurated as President of the SWS in early April 2002. He announced the SWS objective of bringing the regions of Middle Juba and Lower Juba under its authority and stated that force could be used to achieve this. [7b] (p 32) [28]

4.63 However, reports by IRIN suggested tension in Baidoa, the principle town of the region, had been rising as a result of a deepening split within the senior ranks of the RRA between Shaatigaduud, and his two deputies Shaykh Adan Madobe and Muhammad Ibrahim Habsade. [104]. Fighting between forces loyal to Colonel Shaatigaduud and those loyal to the two RRA Vice-Chairmen broke out in July 2002. In early October 2002 forces loyal to the two vice-chairmen captured Baidoa from Shaatigaduud. After an initial spate of looting in Baidoa, aimed mostly at businesses of those seen as Shaatigaduud supporters, calm was restored to the town, with most of the militias removed from the town centre. The town of Bur Acaba also fell to the forces of Sheikh Adan and Habsade. Shaatigaduud's forces were reported to be regrouping north of Baidoa. [104] By the end of 2002 control of Baidoa had reportedly changed between Shaatigaduud and his rivals three times. [104]

4.64 Fighting between the rival factions continued into 2003 resulting in deteriorating security conditions Baidoa and its environs. [3b] (p 3) [111] In January 2003 there were unconfirmed reports via IRIN of a possible alliance between the Madobe/Habsade faction and the TNG, subsequent reports in late March 2003 suggested the faction had signed an agreement with Mogadishu faction leaders, the TNG and the JVA. This aimed to bring peace to Mogadishu and establish a new administration for the capital. [104c][104] [111] At the end of February 2003 control of Baidoa was reportedly in the hands of Shaatigaduud's rivals. [3b] (p 3)

For further information on the current situation in Bay and Bakool, refer to paragraphs 6.167 - 6.168

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"Puntland State of Somalia" (North-eastern Somalia) 1998 - 2003

Establishment of Puntland

4.65 The autonomous "Puntland State of Somalia" was proclaimed in Garowe, north-eastern Somalia in July 1998 by the Majerteen (Darod) clan-dominated SSDF administration following a conference between the SSDF, the United Somali Party (USP), from the eastern regions of Somaliland, the Somali National Democratic Union (SNDU), from the eastern, Marehan-populated, part of Galgudud region in central Somalia and other community representatives. [1b] (p 3749) [23a][24a] SSDF deputy leader Colonel Abdullahi Yusuf Ahmed was proclaimed State President. Mohamed Abdi Hashi, leader of the USP was declared Vice-President; a 9-member cabinet was established in August 1998 followed by a parliament. [1a](p 999) [1b] (p 3749) [23a] According to Keesings, the new regional state received encouragement from factional leader General Morgan conditional support from Ali Mahdi in Mogadishu but Hussein Aideed accused Ethiopia of supporting Ahmed and encouraging the secession of Puntland from Somalia. [23a]

4.66 In December 1998 the Ethiopian Government appointed a special envoy to Puntland. It was reported in February 1999 that Ethiopia was supplying arms to the Puntland authorities. [18a][19b][25b] In March 1999 forces from Puntland attempted to take over a police station in the town of Las Anod (Laascanood) in Sool region, in eastern Somaliland. This raised tension between Puntland and Somaliland, both of which claim the region. Somaliland police maintained their hold on the station and the incident did not result in any casualties. There were further confrontations between Somaliland and Puntland over the Sool region in late 1999. [1a] (p 999) [19c]

Constitutional Crisis in Puntland 2001- 2003

4.67 Under the terms of the Puntland Charter, the mandate of the Puntland administration was due to expire at the end of June 2001. In February 2001, the administration prohibited all political activities until June 2001, to avert unrest and maintain law and order. Rather than undertake the presidential and parliamentary elections that were required under the Puntland Charter, Abdullahi Yusuf's administration sought a three-year extension of its term. In late June 2001 the Puntland House of Representatives approved the extension of the terms of office of itself and the executive for a further three years. However, this was declared unconstitutional by the Chairman of the Supreme Court of Puntland, Yusuf Haji Nur, who announced that, in accordance with the Puntland Charter, he was assuming office as the legal interim President of Puntland, pending the organisation of a conference. [1a] (p 1000) [7b] (p 21)

4.68 As reflected in the JFFMR July 2002, Abdullahi Yusuf announced the suspension of Yusuf Haji Nur from office and the House of Representatives ratified this decision, but Nur's position as Supreme Court Chairman was upheld by a meeting of titled Elders in July 2001. Following unsuccessful attempts by Elders and businessman to promote a peaceful settlement to the constitutional crisis, fighting broke out in Bossaso in early August 2001 and Abdullahi Yusuf retreated to Galkayo, his home town. [7b] (p 21) He announced that he remained the President, claiming Galkayo as an interim capital and blaming Islamic fundamentalists and the TNG for his difficulties. [7b] (p 21) [18c]

4.69 As reflected in the JFFMR July 2002, Yusuf Haji Nur announced a conference, as provided for in the Puntland Charter, to determine the future course of Puntland. The conference opened in Garowe in late August 2001 with over 400 participants from

across Puntland. Abdullahi Yusuf declared the conference illegal and refused to participate. [7b] (p 21) According to the Mogadishu Times, in October 2001 the Speaker of the Puntland Parliament, Yusuf Haji Sa'id, an ally of Abdullahi Yusuf, announced that former Puntland MPs had begun a meeting in Galkayo to discuss the political situation in Puntland. Speaker Sa'id claimed that the conference in Garowe was not an all-inclusive meeting. [25d]

4.70 According to Mogadishu-based Ayaamaha newspaper, it was reported in October 2001 that Abdullahi Yusuf was willing to step down from the Puntland presidency providing Muhammad Abdirashid Ali Shirmarke, son of the assassinated former Somali President Dr Abd ar-Rashid Ali Shirmarke, was nominated to be the new leader of Puntland. Delegates at the Garowe conference believed that Abdullahi Yusuf's apparent offer was intended to create confusion in the conference as Shirmarke had been barred from contesting the presidency. [18d] According to IRIN, Yusuf Haji Nur denied reports that the terrorist group Al-Itihaad had camps or bases in Puntland. He stated that the reports were circulated by discredited Puntland politicians, meaning Abdullahi Yusuf, whose spokesman had claimed that Al-Itihaad was more active than ever before in its efforts to create an extremist Islamic state in Somalia. [10m]

4.71 According to IRIN, the Garowe conference resumed its deliberations in October 2001. [10q] In November 2001, traditional Elders elected Jama Ali Jama as the new President of Puntland. Jama, a former military officer had links with the TNG, which alarmed Ethiopia, given its determination to remove the TNG. [1a] (p 1000) [2a] (p 8-9) [7b] (p 21) Abdullahi Yusuf refused to accept the Elders' decision and in December 2001 he seized Garowe by force, reportedly with Ethiopian support. Jama fled to Bossaso. Yusuf and Jama both continue to claim the Puntland presidency. [2a] (p 8) [7b] (p 21)

4.72 During 2002, fighting erupted between forces loyal to Abdullahi Yusuf and those of his rival, Jama Ali Jama. [7b] (p 21) [10z] As stated in ASS 2004, in January 2002 Ethiopian troops again intervened in Puntland claiming Jama was harbouring Al-Itihaad militants, a charge he denied. [1a] (p 999-1000) Yusuf continued in his attempts to regain power of the region, in April he declared a state of emergency and suspended the 'Puntland' charter and in May 2002, with the support of Ethiopia, his forces captured Bossaso. [1a] (p 1000) [7b] (p 21) [10z] According to AI, it was reported that by May 2002 Yusuf commanded sufficient recognition to attend the Somali peace talks as president of Puntland. [5b] However, although he won major battles and has the upper hand militarily and politically, divisions within his own (Majerteen) sub clan remains a problem. [5b] [10z] As reflected in the JFFMR July 2002, Yusuf was reportedly putting his administration back in place in mid 2002, but with the exclusion of the Osman Mahmud clan who had supported Jama at all levels. [7b] (p 21) Forces loyal to Jama withdrew from Bossaso without a fight. [2a] (p 1) As noted in the UNSCRs October 2002 and February 2003, during the remainder of 2002 there were reports of further clashes between the forces of Yusuf and Jama. [3a] (p 4) [3b] (p 2) Both men continued to claim the presidency; there were also continued efforts to resolve the conflict throughout 2002. [2a] (p 1) [7b] (p 22)

4.73 In December 2002 the UN independent expert reported that figures for those killed in intermittent clashes in Puntland over a period of several months varied between 50 and 120 and of those injured between 100 and 150. Estimates of those

killed included both combatants and non-combatants. [4] (p 6) As reflected in UNSCR June 2003, the border dispute with neighbouring "Somaliland" over the regions of Sool and Sanaag continues to cause tensions between the two administrations. [3c] (p 5)

4.74 On 10 May 2003 Yusuf and his opponents commenced a reconciliation conference that aimed to end the conflict between his administration and the "Puntland" Liberation Movement led by General Ade Muse Hirse, an ally of Jama. [3c] (p 5) [10an] According to IRIN, following reports of positive progress between the two sides, the Yusuf administration quickly moved to reinstate the licence of the Somali Broadcasting Corporation, a move seen as part of the reconciliation effort. [10ak] As reflected in the UNSCR June 2003, the conference, held in Bosasso, involved 300 representatives from both sides. [3c] (p 5) On 17 May 2003, the two sides entered into a power sharing agreement; elders from the disputed region of Sanaag brokered the deal. Though Jama was not part of the peace process, it was reported that he welcomed the agreement. [3c] (p 5) [10ak] In November 2003, Mogadishu-based Xog-Ogaal newspaper reports sharp differences between the Puntland Government and leaders of opposition militias loyal to General Hirse recently absorbed into the puntland forces [19e]

For further information on the recent developments and the current security situation in Puntland, refer to paragraphs 5.25 - 5.26 and 6.177 - 6.178

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"Republic of Somaliland" (North-west Somalia) 1991-2003

For history prior to 1991 refer to Europa sources [1a] (p 999-1000) [1b] (p3745)

4.75 As stated in the EWYB 2003, having taken control of the northwest in 1991, the Isaaq-dominated SNM announced its official support for the secession of the former territory of British Somaliland from Somalia. The same month the SNM Central Committee elected Abd ar-Rahman Ahmed Ali 'Tur' as President of the self-proclaimed 'Republic of Somaliland'. [1b] (p 3745) As reflected in ASS 2004, without international recognition, Somaliland was short of much-needed international aid, with only assistance from non-governmental organisations (NGOs) to help with reparation of the war-ravaged infrastructure. Mohamed Ibrahim Egal, a Habr Awal clansman, former Prime Minister of British Somaliland and of the Somali Republic, was elected President in May 1993, defeating President Tur. However, clan differences remained. The Habr Yunis objected to Egal's cabinet appointments in June 1993 claiming they were calculated to foment clan rivalry. In 1994 the Tur disavowed Somaliland's independence and rejected Egal's Government. [1a] (p 999)

4.76 As reflected in ASS 2004, violent clashes between forces loyal to Egal's government and those defecting to Tur began in the Somaliland capital, Hargeisa, in October 1994. By December 1994, 30,000 people, three-quarters of the city's population, had fled, mainly to Ethiopia. Fighting spread to other areas of Somaliland in 1995. In April 1995 government forces clashed with Garhadji (Isaaq) clansmen who had allied themselves with the anti-secessionist USF of the Issa (Dir) clan. Peace talks between the rival factions were held in December 1995 and in May 1996 rebel forces surrendered their weapons in Hargeisa. A new Constitution for Somaliland, containing a

number of human rights provisions relating to the independence of the judiciary and protection against arbitrary imprisonment, became effective in February 1997 for a three-year period. Shortly after Egal was re-elected President by an electoral college for a 5-year term. [1a] (p 990)

4.77 In September 1998, community leaders handed over military vehicles and weapons in Erigavo, in the eastern Somaliland region of Sanaag, under the terms of an agreement made in 1994 to demobilise local militia groups. Over 80 members of the Habr Yunis clan faction also joined the official Somaliland security forces. [15b][17] In February 1999 President Egal hinted that he was not totally opposed to eventual Somali reunification. This apparent reversal of his earlier position regarding the secession of Somaliland angered some SNM members and Somaliland parliamentarians. In May 1999 Egal approved a resolution allowing for the introduction of multi-party politics in Somaliland providing that any new parties are not based on religion or clans. [18b][19d]

Referendum on independence and legalisation of political parties, 2001

4.78 As reflected in ASS 2004, in May 2001 a referendum was held in Somaliland on a new constitution. [1a] (p 999) [21] The referendum was peaceful. [21] As reflected in ASS 2004, according to official results, 91.7% of voters approved the new constitution for the territory. [1a] (p 999) According to the UK-based Financial Times newspaper, an American, Swiss and British team of observers assembled by the Initiative and Referendum Institute concluded that the referendum was conducted freely and fairly. [21] As reflected by IRIN, in July 2001 President Egal announced the formation of a new political party, the Allied People's Democratic Party (UDUB, meaning 'pillar'), in preparation for planned parliamentary and presidential elections [10] Some Elders declared the establishment of the new party unconstitutional. Several MPs tabled a parliamentary motion to impeach Egal, alleging mismanagement of state funds to finance the new party and treason, but their motion was rejected in August 2001 by 38 votes to 37. [1a] (p 999) [10]

4.79 According to the China-based Xinhua news agency, in January 2002, the Somaliland council of Elders extended President Egal's term of office by one year to give the opposition time to prepare for elections. 72 of the 74 members of the council present voted in favour of extending the President's term of office to February 2003. Several opposition parties had called for more time to prepare for elections, which had been scheduled to take place in February 2002. [9b]

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Death of President Egal - May 2002

4.80 As reflected in ASS 2004, President Egal died in South Africa, where he was receiving medical treatment, in early May 2002. In accordance with Somaliland's Constitution, the Vice-President, Dahir Riyale Kahin, was inaugurated as the new president of Somaliland to serve the remainder of Egal's term. Kahin, Vice-President since 1997 had served as a secret police officer during the Barre regime. [1a] (p 999) As noted by IRIN, the smooth transition, which saw Kahin take power with little fanfare,

confounded all the sceptics who had claimed "Egal was the glue" that held Somaliland together. [10e]

Civic elections - December 2002

4.81 As noted by IRIN and ARB, civic (local) elections, witnessed by members of the international community, took place in December 2002. A total of six parties participated, the ruling UDUB received almost 197,938 votes whilst their nearest challengers, the Kulmiye, polled 83,158. The Somaliland Electoral Commission (SEC) described the elections as a success and independent observers described the polling as peaceful. [10y][10z][11e]

4.82 However, the chairman of Kulmiye, Ahmed Silano, referred to several complaints against UDUB for using unlawful campaign strategy. He claimed that civil servants had been warned and threatened with sacking, imprisonment or loss of their jobs if they failed to vote for UDUB. Silano also alleged public funds and civil servants had been used to advance the political interests of UDUB, a claim denied by the ruling party. [11e][14i] According to ARB, two other parties competing in the elections, Sahan and Asad, stated they were not happy with the results citing irregularities. [11e] As IRIN noted, there was no voting in the disputed Las Anod district following an attack earlier in December 2002 on the visiting Somaliland leader, Kahin. [10y]

Presidential elections - April 2003

4.83 As reflected by the BBC, following two postponements in January and March 2003 the first ever multiparty presidential elections were held on 14 April 2003. [14i] Somaliland President Dahir Riyale Kahin faced challenges from Ahmed Muhammad "Silaanyo" of the Kulmiye party and Faisal Ali "Warabe" of the Justice and Welfare party (UCID). [10ab][11i][14i] According to IRIN, Fawziya Yussuf Haji Adam, a female candidate who had been planning to run as an independent was barred from standing following a high court ruling that no independent candidate could stand. She accused the government of influencing the Supreme Court and noted the UDUB published the decision before the court had written to the SEC to advise of its ruling. She also noted that the late decision had left her with no time to take further action and forced withdrawal. [10ab] As noted in USSDR 2003, according to the Somaliland constitution only three candidates are permitted to contest general elections. [2a] (p 8)

4.84 As noted by IRIN, in advance of the elections, both opposition candidates standing expressed their concerns that polling may not be free and fair. [10ab][10ag] However, although Somaliland is still to receive international recognition, foreign observers from the UK, the US, South Africa, Ethiopia and the European Union participated in monitoring the election. [3e] (p 5) [10ag] According to IRIN and ARB, the chairman of the SEC polling was generally reported to have been peaceful, a view confirmed by the South African monitoring team. [10ag][11i] The SEC further acknowledged some problems in the disputed regions of Sool and Sanaag, where it was reported that voting proceeded normally in some districts, but in others it had not gone very well because of security reasons. The week before the elections the Puntland authorities had stated there was no way that elections would take place in

Sool and Sanaag. They claimed people of the area did not want the elections, so their wishes must be respected. [10a9]

4.85 The SEC announced results of the poll on 19 April 2003 declaring Kahin the winner over "Silaanyo" by a margin of just 80 votes. With 498,639 votes cast by an electorate of around 800,000, this gave Kahin 42.08% of the vote and "Silaanyo" 42.07%. [10a1][111] As noted by IRIN, whilst maintaining that people had voted freely, as with the civic elections "Saline" accused the ruling UDUB party of mobilising public resources "to benefit them [the party]", he also alleged the results were changed "by last minute tampering with the figures". Whilst signalling his parties intention to challenge the result "Silaanyo" stressed his party would not do anything "to compromise the integrity, peace and stability" achieved by Somaliland. [10a1]

4.86 As noted by IRIN, the Kulmiye party subsequently conducted its own recount and claimed that this put "Silaanyo" ahead by 76 votes of Kahin, the declared winner. Kulmiye representatives stated that results from two districts that had favoured "Silaanyo" had been mistakenly counted and credited to UDUB. [10a1] The SEC, having previously declared the poll "free and fair" and denied that the results had been influenced by any irregularities, confirmed that it stood by the results announced on 19 April 2002. [10a1][10a1] The SOC announced the matter was out of their hands and Kulmiye would have to take their evidence to the constitutional court and let the court decide. [10a1]

4.87 According to ARB, some of the Mogadishu based press reported that demonstrations against the outcome of the poll took place in most big Somaliland towns on 20 April 2003. There were also claims that the SOC had favoured the UDUB. Meanwhile, at the end of April 2003 Jamhuuriya, a Somaliland based publication, reported that army officers who were members of the SNM were sacked from their posts when it was discovered that they had supported the opposition Kulmiye in the elections. [111]

4.88 As reflected in the UNSCR June 2003, on 11 May 2003 the "Somaliland" High Court announced the official results, amending the earlier figures and placing the UDUB in the lead by 217 votes, the Kulmiye party rejected these figures. Kahin was formally sworn in as President on 16 May 2003, with Ahmad Yusuf Yasin as his deputy. Meanwhile the House of Elders extended the tenure of the House of Representatives for two years and its own term for three years. [3c] (p 5) On 25 May 2003 the Kulmiye party publicly stated that it did not recognise the legitimacy of President Kahin, but reiterated the previously expressed commitment to safeguard the country's peace and stability. [10a1][111] As noted by ARB, a senior party official called for talks with UDUB as equals and without any preconditions stating that this would be in the national interest. [111] As noted by IRIN, in June 2003 the Kulmiye party did accept the election results, reportedly in response to pressure from elders and local business leaders. There were unconfirmed reports suggesting that some form of unspecified agreement had been reached with the ruling UCUB. [10a1]

Tension with Puntland - December 2003

4.89 As reflected in the UNSCR February 2004, on 21 December 2003, the Somaliland Parliament adopted a resolution, asserting Somaliland's authority over

the Sool and Sanaag regions, which are also claimed by Puntland. In a letter dated 22 December 2003, addressed to the United Nations Political Office for Somalia, the Puntland administration stated that it would not fail to use all means at its disposal to defend the security and territorial integrity of Puntland. On 27 December 2003, forces loyal to the Puntland administration assumed control of Las-Anod district in Sool region. In view of the escalation of tension between the two administrations, the Kenyan Foreign Minister issued a statement on 19 January 2004 on behalf of the IGAD Facilitation Committee, calling on both parties to exercise maximum restraint. [37] (p 4) The deterioration in relations with Puntland followed further security incidents in October 2003 when three humanitarian workers (two British and an Italian) were killed by unidentified gunmen [10b] [37] [63a] [63b]

For further information on the current security situation in Somaliland, refer to paragraphs 6.179 - 6.183

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5. STATE STRUCTURES

The Constitution

5.1 As reflected in ASS 2004, the constitution promulgated in 1979 and amended in 1990 was revoked following the overthrow of President Barre in January 1991. [1a] (p 990) In the absence of a central government since that time there has been no functioning national constitution since 1991. [1a] (p 990-1) [2a] (p 1)

TNG Charter

5.2 In July 2000 delegates at the Arta conference overwhelmingly approved a national Charter providing for the establishment of the TNG for a three-year term. [1a] (p 995) [2a] (p 8) The Charter, which was adopted in 2000 but still had not been implemented by the end of 2002 is divided into six parts and guaranteed Somali citizens the freedoms of expression, association and human rights; it was intended to serve as Somalia's constitution for an interim period of three years. [1a] (p 995-6) [2a] (p 8) [37] The administrations of Puntland and Somaliland do not recognise the results of the Arta conference, nor did several Mogadishu-based faction leaders. [1a] (p 995-6) [2a] (p 9)

5.3 The peace conference that commenced in Kenya in October 2002 with the aim of establishing a federal and all inclusive transitional government to replace the TNG. [10a] [11c] [11f] As reflected in the UNSCR, February 2004, on 29 January 2004, the Somali leaders at the peace and reconciliation talks signed a compromise agreement on proposed amendments to the transitional federal charter adopted at the plenary meeting of the conference on 15 September 2003. [37] (p 3)

"Puntland State of Somalia" Charter

5.4 The autonomous "Puntland State of Somalia" also has a Charter; this was released on 22 September 1998 following the ratification of the document by the region's parliament. [2a] (p 8) [7b] (p 21) [23b] The charter released in September 1998 advocates

Puntland remaining part of a federal Somali state based on regional governments. [1b] (p 374b) [23b] As noted in the USSDR 2003, the charter provides for freedom of expression and prohibits torture except where this is imposed by Shari'a courts. [2a] (p 3,5) As noted in the JFFMR July 2002, the Charter was intended to be effective for an interim period of three years during which a constitution was to be drafted and put to the population in a referendum. [7b] (p 21) A constitutional crisis emerged in Puntland in mid-2001 leading to the suspension of the Charter in April 2002; it remained suspended at the end of 2002. [1a] (p 999) [7b] (p 21) [2a] (p 9)

"Republic of Somaliland" Constitution

5.5 As reflected in USSDR 2003, in 2000 the self declared "Republic of Somaliland" adopted a new Constitution based on democratic principles but continued to use the pre-1991 Penal Code. [2a] (p 9) The constitution provides for the right to freedom of expression and association, it also contains a clause referring to the states self-declared independence. [1a] (p 996) [2a] (p 4) The population endorsed this in a referendum that took place in late May 2001. [1a] (p 996) [6a] According to AI, the TNG and Puntland regional authority opposed the referendum. [6a] As noted by IRIN, the Somaliland authorities stated that they would view any claims or declarations of sovereignty over the region by a future Somali government as a hostile intent. [10b]

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Political System

General

5.6 Since the fall of Siad Barre in 1991, Somalia has remained without a central, functioning or internationally recognised government. [1a] (p 991-6) [2a] (p 1) [7b] (p 6) As reflected by USSDR 2003, no single group controls more than a fraction of the country's territory. [2a] (p 1) In some areas, notably Puntland and Somaliland, local administrations function effectively in lieu of a central government. In these areas the existence of local administrations, as well as more traditional forms of conflict resolution such as councils of clan Elders, helps to prevent disputes degenerating rapidly into armed conflict. [2a] (p 8-9) [7b] (p 6)

5.7 As noted in the JFFMR July 2002, this process of rebuilding state-like institutions or local administrations in various parts of Somalia has been slow and heterogeneous, and according to the UNDP Somalia 2001 report the political decentralisation and the political entities in Somalia are still fragile and evolving. The report states that "the development of governmental forms of political authority in regional administrations and the growth of urban centres such as Hargeisa, Garowe, Bossaso, and Baidoa, point to a process of consolidation". [7b] (p 6)

5.8 In August 2000 the Somali National Peace Conference in Arta, Djibouti decided to form a "Transitional National Government" (TNG) based in Mogadishu. [1a] (p 995) [7b] (p 6) A Transitional National Assembly (TNA) comprising 245 members was established. [1a] (p 996) [37] Four major clans, the Dir (including the Isaaq), Hawiye, Darod and Digil-Mirifle (Rahanweyn) each received 44 seats in the TNA. [1a] (p 996) [7a]

(p 11) [37] An alliance of minority clans and tribes was allocated 24 seats and 25 seats were reserved for women with 5 going to those from each of the major clans and 5 to the alliance. A remaining 20 seats were distributed amongst influential Somalis. [1a] (p 996) [37] The TNG claims to be a legitimate national transitional government for Somalia though in practice it controls very little territory; during the course of the 2002 the TNG lost areas it had previously held. [2a] (p 1) [7b] (p 7) [10a] The authorities of Somaliland and Puntland as well as a number of faction leaders and warlords are either strongly opposed or keep their distance from the TNG. [2a] (p 8) [7b]

5.9 As reflected in the UNSCR February 2004, on 29 January 2004, following negotiations that started in October 2002, the Somali leaders signed a document entitled "Declaration on the Harmonization of Various Issues Proposed by the Somali Delegates at the Somali Consultative Meetings from 9 to 29 January 2004". The document consisted of proposed amendments to the transitional federal charter leaders decided that the name of the charter would be transitional federal charter of the Somali republic; the name of the government would be transitional federal government; its term would last five years; and that the transitional federal parliament would consist of 275 members, 12% of whom would be women. In addition, the document called for a national census to be undertaken while a new constitution was being drafted, as well as for its approval by an internationally supervised national referendum. [31] (p 3) As noted in the JFFMR March 2004, following the recognition of the agreement by UN Secretary-General Kofi Annan, TNG leader Abdiqassim Salad Hassan stated that he was ready to move aside in anticipation of the appointment of a new president and Prime Minister. [7d] (p 10)

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Mogadishu (Benadir Region)

5.10 The TNG have control over some areas of Mogadishu where its official ministries are located and also has some authority outside the capital including the coastal area to the south of the capital. Other areas of the capital continue to be controlled by leaders of factions opposed to the TNG. [1a] (p 997) [7b] (p 18-19) As noted in the JFFMR July 2002, the TNG leaders are all highly dependent on the pro-TNG business cartel in Mogadishu comprising Habr Gedir and Abgal businessmen. The TNG have reportedly paid some warlords to ensure the continued support of their militias. [7b] (p 18-19) On 2 October 2003, HornAfrik reported that the TNG opened an office to deal with land disputes in Mogadishu. Muhammad Siyad Barqadle, the deputy mayor of Mogadishu said that the office would work with the courts in the Benadir region [481]

5.11 In late March 2003 it was reported that agreement had been reached between the TNG, faction leaders, the JVA and the RRA over the creation of a new administration for the Benadir region. [10ac][48b] According to HornAfrik online, further talks between all parties involved in the initiative, scheduled for 27 April 2003, did not proceed as the representatives of both Musa Sude and Aldeed failed to attend; previous attempts to establish an administration for Benadir have all failed. [48a][48b] However, after a closed-door meeting the following day, warlords Musa Sude and Ali Atto pledged their commitment to establish a new administration. [48a] In May 2003 the Italian envoy responsible for Somalia affairs visited Mogadishu and met with Musa Sude, to discuss the formation of a new administration for Benadir. [48c] The JFFMR March 2004 noted

that the threat to security in Mogadishu remained constant and that it was not possible to identify stable areas in the city. It was emphasised that no improvement of the situation took place during 2003. UN sources stated that the Mogadishu area is split between the SRRC and Muse Sude, there is no single authority and the TNG hardly controls any part of the city. In spite of this Mogadishu is an expanding town. [7d] (p 20)

For detailed coverage of security developments by region, refer also to section 6.C, paragraphs 6.151 - 6.184

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Other areas in central and southern Somalia

5.12 As noted in the JFFMRs July 2002 and March 2004, the political situation in many areas of central and southern Somalia remains unresolved. Large parts of central and southern Somalia are much less homogeneous in clan terms than Puntland and Somaliland, which is reflected in the large number of clan-based militia, some of which control only a small area. There are several regional clan-based administrations, some of which co-operate with neighbouring authorities that permit free movement of people and trade across regional boundaries. Many authorities are comprised of councils of Elders, often heavily influenced by a dominant local militia. Rival Hawiye faction's control much of central and southern Somalia. Given the fluidity of the situation in much of the region control of many of these areas is liable to sudden change. [7b] (p 5-12) [7d] (p 11-12)

Lower and Middle Juba (including Kismayo)

5.13 A new administration for Kismayo was established in June 2001 by the JVA, consisting of an 11-member council drawn from the region's clan groups. The new administration allied itself with the Transitional National Government (TNG) established in Mogadishu in late 2000. [7b] (p 20) [10b] According to the JFFMR July 2002, the JVA reportedly aim is to establish a regional administration for Lower Juba. [7b] (p 20) The JVA was funded by taxes on trade through Kismayo's sea and air ports, though the Somali Ruunkinet web site reported allegations in August 2003 that the revenue was not used to benefit local people. [7b] (p 20) [47b] According to the JFFMR July 2002, the JVA controlled the lucrative charcoal trade from Somalia to Oman and other Arab states. [7b] (p 20) According to IRIN, in September 2003 an official of the JVA announced that for the first time since capturing the town in 1999, taxes had also begun to be collected from the inhabitants. These are intended to provide security and other services. [10b] The JFFMR March 2004 indicated that there is the strong likelihood of further conflict in Kismayo. The Marehan own most of the land and properties in the city. The situation there is described as "very dangerous". However, the JVA appeared to have gained control and had initiated disarmament campaigns. The JVA claim that they provide security in Kismayo. It was stated that the JVA oversees the management of resources only. There is still no formal administration in the city. [7d] (p 25)

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Middle Shabelle

5.14 According to the JFFMR July 2002, the Abgal (Hawiye) clan dominates the Middle Shabelle region north of Mogadishu where Mohamed Dhereh has controlled an administration since the early 1990s. Originally under the interim administration of Ali Mahdi, Dhereh subsequently defected to Aideed before becoming a member of the TNA with who he quickly fell out. [7b] (p 18) He then set up his own administration in Jowhar and was, as of June 2002, reported to be allied to the SRRC. [7b] (p 18) [9c] According to the JFFMR July 2002, as of May 2002 Dhereh, as Governor, maintained a strong local Abgal based administration in the northern districts of Middle Shabelle. However, though there is also a large Bantu population in the region, they are reportedly excluded from participation. The administration receives revenue from taxation of regional trade passing through Jowhar and Mahaday. Dhereh reportedly enjoys a moderate level of support from the local population and Abgal Elders, who wish to maintain the strength of the clan in the region. [7b] (p 18)

5.15 As reflected in the JFFMR July 2002, Dhereh controls five of the six districts of Middle Shabelle, Mogadishu warlord, Musa Sude, controls the sixth district, also an Abgal; Dhereh and Musa Sude had an alliance as of May 2002. [7b] (p 18) However, in May and June 2002 inter clan fighting was reported in the region between Dhereh and TNG Interior Minister Dahir Dayah. [4] (p 6) [9c] According to the JFFMR March 2004, Jowhar seemed to have stabilised during 2003. Mohammed Dhereh is in control of the areas down to Balad and towards Mahaday at the coast. [7d] (p 19)

Lower Shabelle

5.16 As reflected in the JFFMR July 2002, the TNG had some control along the coast south of Mogadishu. To illustrate this reference was made to a case in which a Swiss aid worker had recently been murdered in Merka and the TNG sent police to investigate the case. [7b] (p 19) In November 2001 the TNG president visited Afgoi, Wanlewein, Brava and Merka in Lower Shabelle; in February 2002 it was reported that TNG officials had been working with local leaders to help establish a local administration in Merka. [7b] (p 19) [50a] According to Somalia-based Somaaljecel website on 18 November 2003, the TNG military was dislodged from the Lower Shabelle region by militias of the Ayr and Sa'ad subclans of the Habr Gedir. The military power of the TNG army, which has had a strong military presence in Lower Shabelle, diminished in the region as its commanders abandoned the area for Mogadishu. [52a] According to the JFFMR March 2004, though the region has no single authority it is fairly quiet apart from a few land disputes. The new strong man Indha-Adde, who belongs to the Habr Gedir (sub-clan Ayr), has taken over control of Merka and the uppermost part of Lower Shabelle. [7d] (p 23)

Hiran

5.17 As reflected in the JFFMR July 2002, since the collapse of central government in 1991, traditional Elders have been the main legitimate authority in Belet Weyne and the Hiran region. The civil administration for Hiran set up by UNOSOM II was effective so long as international forces remained in Somalia. When UNOSOM II

withdrew, institutions like tax gathering fell apart and the administration was weakened and traditional clan rivalries and clashes resumed. [7b] (p 16) local Elders stated that there are six or seven Ugas', or kings in the region. The Elders explained the civil administration in place is very nominal. The Ugas, or king, of each clan has the backing of the people. Elders stand between the Ugas and the community and resolve conflicts within and between the clans. [7b] (p 17)

5.18 As reflected in the JFFMR July 2002, a representative of the WHO based in Belet Weyne explained that the main structure of that administration remained in place but the current administration was divided along clan lines. [7b] (p 16) As reflected in the JFFMRs of December 2000 and July 2002, The Hawadle clan, the largest clan in the regions, control the eastern side of town and the Galje'el clan the western side. [7b] (p 16) [7a] (p 18) As reflected in the JFFMR July 2002, the Governor of Hiran, Hassan Abdulleh Qalad, the District Commissioner of Belet Weyne, Adan Abdi Isha and the administrative offices are located on the eastern side of Belet Weyne. There is separate administration on the western side of the town. Since August 2000, the two groups have functioned more-or-less separately and occasionally come together. As of May 2002 both the local officials referred to above maintained a neutral position with regards to the TNG and expressed commitment to participate in initiatives to restore a national government for Somalia. [7b] (p 17)

5.19 As reflected in the JFFMR July 2002, a Shari'a court was established in the eastern side of Belet Weyne in January 2002. The court gathers tax, whereas the civil administration does not. The court levies tax on small businesses and on livestock passing through Belet Weyne en route to Bossaso. Tax is levied on the eastern side of the town only. Efforts to extend the court's jurisdiction to all parts of the town were on going as of May 2002, the Galje'el, who have a history of rivalry, were reportedly opposed to this. [7b] (p 17) As reflected in the JFFMR March 2004, the Shari'a court in Belet Weyne has run out of money and there is currently no formal administration in the town. [7d] (p 19-20)

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Galgudud

5.20 The Galgudud region, adjoining Hiran, has no formal administrative structure and no regional authority. [7b] (p 20) [50a] As reflected in the JFFMRs July 2002 and March 2004, it is inhabited by a number of clans of which, the Habr Gedir Clan dominates numerically. There are reportedly no armed militias and councils of Elders who control the region constitute individual clan's highest authority. [7b] (p 20) [7d] (p 19)

Gedo

5.21 As reflected in the JFFMR July 2002, the Marehan clans dominate Gedo region. The SNF, led by Colonel Abdirazzaq Isaq Bihi, has been the main Marehan faction operating in the region, which has also been strongly influenced in the past by the Islamist Al-Itihaad movement. [7b] (p 20) As stated in the US State Department's International Religious Freedom Report 2003 (IRFR 2003), the El Wak district of

Gedo reportedly remained under the control of radical Islamists as of mid 2002. [2b] (p 2) As reflected in the JFFMR July 2002, during heavy fighting in mid 2002 Bihi reportedly switched his allegiance from the SRRC to the JVA but was subsequently captured by Ethiopian forces that frequently operate in Gedo. [7b] (p 20) He was however released in June 2002 and subsequently participated in peace talks in Kenya as a representative of the SNF. [3d] (p 5-6) [7b] (p 20) The JFFMR March 2004 notes Gedo remains a very difficult region since no single group or clan is in charge and the region is very poor. Furthermore it receives hardly any support from the outside. It was stated that the region is still split between rival factions. It was suggested that the situation was more or less quiet although the emphasis was that fighting could resume any time. [7d] (p 25)

"South West State of Somalia" (Bay and Bakool)

5.22 The self-declared SWS administration comprises a President, two Vice-Presidents, 19 Cabinet Ministers and 19 Deputy Ministers. Provision was made for the new administration to also include representatives from the Darod and Dir clans in addition to the Rahanweyn. The decision to establish the new regional administration was taken in March 2002 at a meeting in Baidoa of the RRA's central committee and over 70 Elders from the Digil and Mirifle clans. The meeting elected RRA chairman, Colonel Hasan Muhammad Nur 'Shatigaduud', as inaugural President of the new regional state. It was agreed that Shaatigaduud would serve for an initial four-year period and would consult with Elders over the choice of Ministers. [10f] [22a]

5.23 According to Canada-based AllSomalia.com, Shaatigaduud said the new regional government was based upon the building -block principle, whereby several regional administrations were set up, paving the way for the formation of a federal Somali government. [28] However, according to IRIN, Shaatigaduud was ousted from Baidoa in October 2002 by forces loyal to his two deputies in the RRA [10v] As reflected in the JFFMR July 2002, the SWS administration lay 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] (p 13)

5.24 The UN sources consulted in the JFFMR March 2004 stated that Baidoa is still insecure because of the leadership conflict within the RRA, which broke out in the summer of 2002. It has developed into a clan dispute, which furthermore reflects the national peace process with support for the different sides. There has been a ceasefire in Baidoa for the last 2-3 months of 2003, but there has been no real reconciliation since the Leysan clan has not participated in the negotiations. [7d] (p 24)

For information on the current situation in Bay and Bakool, refer to paragraphs 6.167 - 6.168

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Puntland

5.25 The autonomous "Puntland State of Somalia" was proclaimed on 23 July 1998 under the 'Presidency' of SSDF deputy leader Colonel Abdullahi Yusuf Ahmed after a

Consultation Conference between the SSDF, the USP and the SNDU. A nine-member Cabinet was appointed in August 1998 and a 69-member Parliament was inaugurated in September 1998. A charter released in September 1998 advocates Puntland remaining part of a federal Somali state based on regional governments. A constitutional crisis in Puntland in mid-2001 saw Abdullahi Yusuf removed from office by the Supreme Court Chairman. Traditional Elders elected a new President, Jama Ali Jama, in November 2001 but Abdullahi Yusuf remained in control of Galkayo and Garowe and then took control of Bossaso in May 2002. [1a] (p 999) [2a] (p 1, 8-9) [23a][23b][24a][24b][53a]

5.26 As reflected in the JFFMR July 2002, as of mid 2002 Yusuf reportedly was putting his former administration back in place. Given that the Puntland administration had previously operated for over three years it was expected to survive the period of unease caused by the constitutional crisis. All major clans are reportedly committed to the continuation of a functioning administration in Puntland. [7b] (p 19) According to ARB, in December 2002 Puntland moved its parliament from Bossaso to Garowe, the headquarters of Yusuf's administration. [11a] As noted by IRIN, in May 2003 Yusuf and his opponents signed a peace deal, this provided the opposition with a number of key positions within the governing administration, including three ministerial posts, two vice ministerial and two mayoral. [10an]

For information on the current situation in Puntland, refer to paragraphs 6.177 - 6.178

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Somaliland

5.27 Since May 1993 Somaliland has had a Cabinet of Ministers and a Parliament with proportional clan representation comprised of two chambers each with 75 members; the House of Representatives and the Council of Elders (the Guurti). [1a] (p 999) [19d] The current constitution provides for political parties; civic elections in which six parties participated took place in December 2002 and presidential elections took place in April 2003. [2a] (p 9) [10y]

For information on the current situation in Somaliland, refer to paragraphs 6.179 - 6.183

Judiciary

5.28 As reflected in ASS 2004, until 1991 the Constitution provided for the independence of the judiciary from the executive and legislative powers. Laws and acts having the force of law were required to conform to the provisions of the Constitution and general Islamic principles. [1a] (p 1013) There has been no national judicial system since the fall of Siad Barre's government in 1991. [1a] (p 1013) [2a] According to AI report covering 2002, regular courts only function in Somaliland. [6b] The judiciary in most regions relies on some combination of traditional and customary law, Shari'a law, the Penal Code of the pre-1991 Siad Barre Government, or some elements of the three. [2a] (p 5) [6b] As stated in the USSDR 2003, some regions have established local courts that depend on the predominant local clans and associated factions for their

authority. Under the system of customary justice, clans often held entire opposing clans or sub clans responsible for alleged violations by individuals. In Bossaso (Puntland) and Afmadow (Lower Juba) during 2003, criminals were reportedly turned over to the families of their victims, who then exacted blood compensation in keeping with local tradition. [2a] (p 5)

5.29 As noted by the UN Commission on Human Rights in December 2002, the legal framework throughout the country is inconsistent and weak, however in Somaliland, Puntland and areas controlled by TNG the court system has been regularised to some extent. Challenges include under-qualified staff, low salaries, a lack of training and reference materials, gender inequalities and incoherence insofar as secular, customary and Islamic laws are all applied in conflicting and overlapping areas. Consequently, he concluded that this environment lends itself to significant degrees of corruption and inefficiency. [4] (p 8-9) As reflected in the UNSCR June 2003, in trying to bring about judicial reform, UN agencies focus their ongoing activities on the establishment of new institutions and the development of capacity within existing institutions. [3c] (p 8)

5.30 As noted in the UNSCR October 2003, UN agencies are helping authorities in Somalia to improve the administration of justice by developing the rule of law, building their capacity to enforce the law and improving the application of human rights standards. Until recently, such programmes were being implemented in the relatively peaceful area in the north-west of the country, mainly in "Somaliland". The UN is planning to extend such programmes to less stable regions in the north-east, centre and south of Somalia. [3e] (p 9)

5.31 As noted in the UNDP's Socioeconomic survey of Somalia 2002 (UNDP 2002), community based justice systems carried out by clan/community elders was reported to be available by 94% of urban and 97.8% of rural and nomadic households, followed by council of elders (85% for urban and 86.4% for rural and nomadic) and Islamic Sharia (47.8% of urban and 37.4% of rural and nomadic). 35% of urban households and 25.6% of non-urban households reported availability of the judiciary system. Traditional systems of justice were perceived to be more accessible by non-urban households than urban with the exception of Islamic Sharia. [50c] (p 51)

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Southern Somalia

5.32 The Transitional Charter provides for an independent judiciary and for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, the Charter still had not been implemented by the end of 2003. [2a] (p 5) [31] (p 2) In Mogadishu, businessmen withdrew much of their funding for the Shari'a courts that had previously operated in Mogadishu under the influence of Al-Itihaad in favour of funding the TNG; the Shari'a courts soon collapsed as a consequence. [1a] (p 999) [7b] (p 19) The TNG announced in June 2001 that Shari'a courts would come under the jurisdiction of its Ministry of Justice and cease to function independently. [7b] (p 19) [10g] As noted by IRIN, the move was an attempt by the TNG to set up a functioning judicial system for Mogadishu. [10g]

5.33 According to the JFFMR July 2002 and Freedom House 2003, as of mid 2002 a few Shari'a courts are still reported to be operating outside the TNG's control, especially in northern Mogadishu. [31] (p 2) It is reported that some of the key leaders of Al-Itihaad are members of the TNG's judiciary system. [7b] (p 19) Following reports from the Shabelle website in December 2003 that Islamic courts in Mogadishu intended to form a joint military force [54a], in January 2004 it was reported by Swedish-based Somaliweyn website that Musi Sude opened an Islamic court which operates in the areas under his control. [35a]

5.34 In Belet Weyne a Shari'a court was established in January 2002 on the eastern side of the town though its functions are primarily administrative. [2a][7b] (p 17) According to the JFFMR July 2002, the court has achieved certain things, such as the removal of roadblocks but cannot do anything. In terms of controlling and dealing with criminal actions and clan disputes much still depends on the clan Elders. There were reportedly no Shari'a courts in Bay and Bakool as of mid 2002. Here, Elders still play a role in local disputes on a sub-clan level, but when it comes to serious crimes such as murder a code of conduct supervised by RRA panels effectively constitutes the court. [7b] (p 17)

For a detailed analysis of the justice systems currently in operation in southern and central regions, refer to the JFFMR March 2004 [7d] (p 27-30)

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Puntland

5.35 As reflected in USSDR 2003, the Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The Puntland Charter provided for a Supreme Court, courts of appeal, and courts of first reference. According to the US Department of State, in practice clan Elders resolved the majority of cases using traditional methods; however, those with no clan representation in Puntland were subject to the Administration's judicial system. [2a] (p 5) The AI Report covering 2002 (AI 2003) noted the existence of an embryonic court structure incorporating Shari'a law but stated that these courts did not function regularly. [6b]

Somaliland

5.36 As reflected in ASS 2004, the Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. As noted by the UN Commission on Human Rights in December 2002, within Somaliland secular law is generally applied with Shari'a being restricted to family cases. [4] (p 15-17) According to AI 2003, in mid 2002 it was reported that many judges in Somaliland were arbitrarily dismissed. [6b]

5.37 As noted in the UNSCRs October 2003 and February 2004, the UN is assisting local authorities in "Somaliland" to improve the administration of justice by supporting the establishment of the rule of law, local capacity-building for law enforcement agencies and improving the application of human rights standards. The training session for members of judiciary, which began in August 2003, was

completed on 21 November and provided training for 50 legal professionals in substantive law and procedure fundamental to the functioning of the judiciary. [3e] (p 9) [3f] (p 8)

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Legal Rights/Detention

5.38 As reflected in the USSDR 2003, the Transitional Charter provides for the right to be represented by an attorney while the authorities in Puntland and Somaliland continued to apply the former government's Penal Code which contains a similar provision. It was in those areas applying the former Penal Code that the right to representation was more often respected. The right to representation by an attorney and the right to appeal does not exist in several areas that apply traditional and customary judicial practices or Shari'a law. [2a] (p 4-5) Amnesty International referred in their annual report covering events in 2001 to reports by human rights defenders in Somaliland of arbitrary detentions and unfair trials. Amnesty International also expressed concern that during 2001 judicial administrations and police forces in both Somaliland and Puntland displayed inconsistent respect for legal rights. [5a]

5.39 As noted in the JFFMR July 2002, in mid 2002 officials of the human rights organisation, ISHA, noted that lengthy detention of criminal suspects was the main problem in the RRA controlled Bay and Bakool region. They explained that the court system was weak, mainly because of a lack of funds and capacity. [7b] (p 66) During his 2002 visit to Puntland UN independent expert for human rights successfully requested the release of prisoners detained without charge. [4] (p 14) Throughout the country juveniles, who have been detained at the request of families in order to be disciplined, are held without charge; AI made specific reference to this practice occurring in Mogadishu and Hargeisa. [4] (p 10) [6b] However, as reflected by the UNSCR June 2003, during the first half of 2003 the authorities in Hargeisa (Somaliland) have taken action to address this problem in co-operation with parents. Women are recognised by the UN as being disadvantaged under all three systems of law that operate in Somalia. [3c] (p 6)

Death Penalty

5.40 The death penalty is retained in Somalia. AI reported that during 2001 and 2002 Islamic courts established by faction leaders imposed death sentences; these sentences were reportedly immediately carried out. [5a][6b] As noted by the UN Commission on Human Rights in December 2002, in September 2002, a court in Hargeisa, Somaliland, sentenced two children, aged 16 years, to death for murdering a 16-year-old. As of the end of 2002 the death sentence had not been carried out and the Government had asked the court to review the case. [4] (p 10)

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Internal Security

5.41 As reflected in ASS 2004, clan and factional militias, in some cases supplemented by local police forces function with varying degrees of effectiveness in the country. [2a] (p 1)

For information on the current security situation, refer to section 6.C., paragraphs 6.151 - 6.184.

Armed forces

5.42 Since the collapse of central government in 1991 there have been no national armed forces in Somalia. [14b][16][44] According to the BBC, there had been an estimated 100,000 soldiers under the Barre regime; they subsequently joined different factions though many have since been killed or disabled in fighting. [14b] As reflected in ASS 2004, following his election to the TNG presidency in August 2000, Abdiqassim announced his intention to recruit former militiamen to create a new national force. [1a] (p 995) According to the BBC, in November 2000 the TNG announced that all former soldiers remaining physically and mentally fit should register in their respective regional capitals. [14b] By December 2000 some 5,000 had reportedly begun training under the supervision of Mogadishu's Islamic courts. [1a] (p 995) However, in 2003 the US Department of State made no reference to a TNG army, only a police force and militia. [2a]

5.43 As reflected in ASS 2004, in August 2001 the self-declared 'Republic of Somaliland' armed forces was estimated to number 12,900. [1a] (p 999) As noted by IRIN, part of the deal that brought peace to neighbouring Puntland in May 2003 makes provision for opposition militia members to be integrated into the Puntland security forces and the position of commander of either the army or the police to go to the opposition. [10an]

Police

5.44 As noted by IRIN, in March 2001 officers of a new TNG police force began patrolling in Mogadishu for the first time. The force began tackling makeshift roadblocks set up by militias. [10a] As reflected in USSDR 2003, as of the end of 2002 the TNG had a 3,500-officer police force but reportedly cannot afford to pay them. [2a] (p 4) As noted in the JFFMR 2002, the forces remain in place but are largely confined to their posts and are unlikely to challenge warlord militias. [7b] (p 39) As noted in the UNSCR June 2003, within the context of activities in the area of law enforcement, the establishment of a professional civilian police force able to gain the trust of the community it serves is a priority. [3c] (p 5-6)

5.45 In February 1999 the 'Mogadishu Times' newspaper reported that the Puntland administration had announced plans for the recruitment of 6,000 men for a new police force, drawn from militias and members of the former national police and military forces. [25c] As noted in the UNSCR February 2003, during 2002 training in human rights was provided to 44 police officers in Puntland. [3b] (p 8)

5.46 During 2002 Somaliland allocated more than 60 percent of its budget to maintaining its armed forces and police force composed of former troops. [1a] (p 999) [2a] (p 4) As noted in the UNSCR February 2003, the police force in Somaliland received 600 uniforms from the international community during 2002. Training was also provided to 40 female police students; this took place at a newly constructed female training barracks. [3b] (p 8) As noted in the UNSCR February 2004, during the

current reporting period, the United Nations supported and assisted the establishment of a functional police headquarters at Hargeisa, the graduation of 130 cadets from the Mandera Police Academy, the training of judiciary and the establishment of a legal clinic at Hargeysa University. [37] (p 8)

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Clan-based militias

5.47 As noted in the JFFMR July 2002, Musa Sude is the only warlord who can effectively raise and maintain a militia. Musa Sude achieves this and thus retains the loyalty of his militia by distributing money fairly equitably across his forces. Osman Ali 'Ato' and Hussein Aideed have militias that will fight for them but they have to provide for themselves on a day-to-day basis. [7b] (p 39)

5.48 According to the BBC, in October 2000 more than 2,000 gunmen, mainly financed by the local business community, were recruited to provide security for the new TNG administration in Mogadishu. [14b] Though the TNG had initially announced plans to create a new national armed force this did not materialise (see above). [1a] (p 995) [2a] (p 3-5) As of 2002 the TNG militia numbered approximately 5,000 persons; the TNG were reported to be unable to pay them. [2a] (p 4-5) [7b] (p 39) As noted by a Somali source in the JFFMR March 2004, there are three types of militias currently operating in Somalia; those that are supported and run by the business community, those that are controlled by warlords and freelance militias. The basis for recruitment into all three is clan affiliation. [7d] (p 31)

Prisons and prison conditions

5.49 Prisons within Somalia are run by a combination of the TNG, the de facto administrations of Puntland, Somaliland and South West Somalia and other regional administrations. Warlords also operate prisons in areas under their control; for example Musa Sude runs a prison for the Abgal clan in north Mogadishu. [2a] (p 4) [4] (p 10) [6a]

5.50 As reflected in USSDR 2003 and Freedom House 2003, prison conditions vary from region to region but conditions are generally harsh and life threatening. [31] (p 2) Overcrowding, poor sanitary conditions, inadequate health care and the absence of educational and vocational training characterise prisons throughout Somalia. Tuberculosis is widespread. Abuse of prisoners by guards is reportedly common in many prisons. The detainees' clans generally paid the costs of detention. In many areas, prisoners were able to receive food from family members or from relief agencies. [2a] (p 4)

5.51 As noted in AI 2003, the Ismail Jumale Centre for Human Rights in Mogadishu visited prisons in the city during 2001. The Somaliland and Puntland administrations permitted prison visits by independent monitors during 2002. Human rights defenders' in Somaliland referred to poor prison conditions there during 2001. [6a] AI reports that prison conditions in Mogadishu are particularly harsh. [6b] As reflected in ASS 2004, when, in September 2001, the UN Independent Expert on Human Rights visited prisons in Hargeisa and Mogadishu and reported that conditions had not improved in the three years since his previous visit. [2a] (p 4) In his 2002 report the UN expert identified prison

conditions as one of several key human rights issues in the country, he did not visit Mogadishu during his 2002 visit, or during his visit in 2003, when he described the prison in Hargeisa, Somaliland as the worst in the area. [4] (p 16) [10bu]

5.52 As reflected in USSDR 2003, pre-trial detainees and political prisoners were held separately from convicted prisoners. Men and women were reportedly housed separately in prisons visited by observers. Convicted juveniles continue to be kept in jail cells with adult criminals. [2a] (p 4) In addition, the practice of parents having their children incarcerated when they want them disciplined continued during 2002; these children were also reportedly held with adults. [2a] (p 4) [4] (p 10) [6b] As noted by the UN's Independent expert in December 2002, authorities in both "Somaliland" and "Puntland" cite a lack of resources as an obstacle to providing separate facilities for juveniles. [4] (p 13,16) Members of minority groups are reported to make up a disproportionately large percentage of the prison population. [2a] (p 4) [6b]

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Military Service

5.53 According to a War Resisters International (WRI) survey in 1998, a national service programme existed until 1991 under the Siad Barre administration; since the collapse of his government this has ceased to apply. Conscription had been introduced in Somalia in 1963 but was not implemented until 1986. All men aged between 18 and 40 years old and women aged between 18 and 30 years old were liable to perform national service for a two-year period. There were reports of forced conscription under Barre's administration, including recruitment of minors; it is not clear whether women were also conscripted. [44]

Conscientious objectors and deserters

5.54 According to a War Resisters International (WRI) survey in 1998, there were no provisions for conscientious objection during the time conscription was in force. However, it is not clear whether the law was enforced systematically. [44]

Recruitment by clan militias

5.55 According to a War Resisters International (WRI) survey in 1998, there is no tradition of forced recruitment in the various armed Somali clan militias. Militias are apparently able to recruit their members on a voluntary basis. Refusal to join a clan militia would reportedly not have any negative consequences. [44] It was indicated in the JFFMR March 2004 that joining one's own clan militia is considered obligatory. [74] (p 31-2)

Demobilisation initiatives

5.56 According to the UNSCR October 2002, the Rule of Law and Security Programme, formally known as the Demobilisation Task Force of the Somalia Aid Co-ordination Body (SACB) operates under the auspices of the UNDP Somalia Civil Protection Programme. It is involved in the planning and co-ordination for demobilisation and reintegration work. Meeting regularly in both Somalia and Nairobi (Kenya) this body addresses issues such as rule of law initiatives to strengthen the protection of vulnerable groups, particularly women and children. [3a]

(p 11-12)

5.57 As noted in the UNSCR October 2002, the Rule of Law and Security Programme aims to reinforce peace and security and enhance economic and social recovery through the establishment of a secure enabling environment. Aims of the project include enhancing the rule of law, which focuses on policing, and administration of justice. [3a] (p 11-12) As noted in the UNSCR February 2003, it was reported that some progress has been made with projects undertaken under the provisions of this programme in both Puntland and Somaliland. [3b] (p 8)

5.58 The October 2002 UNSCR refers to research by UNESCO into the progress of 450 militia demobilised earlier in 2002, this found 63% to be in gainful employment. UNESCO plans to continue monitoring their progress and may expand their programme to other parts of southern and central Somalia. [3a] (p 11-12) The UNSCRs October 2002 and February 2003, noted that during 2002 an unnamed local NGO based in Mogadishu worked in conjunction with UNICEF to support the reintegration of 120 former child soldiers into the community through a programme of vocational training, conflict resolution and trauma counselling. Private sector companies in this project provided participants with employment opportunities following their training. [3a] (p 12) [3b] (p 8) According to the UNSCR June 2003, the project was successfully completed in the first half of 2003 and a second phase operating in Mogadishu, Merka and Kismayo has reportedly commenced. This has aims of providing rehabilitation opportunities for 420 former child soldiers. [3c] (p 9) The October 2002 UNSCR noted that the UNDP were active in demobilisation, disarmament and reintegration programmes in both Somaliland and Puntland. [3a] (p 11-12)

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Medical Services

5.59 A lack of adequate health care is one of the biggest problems facing Somalis today. According to figures reported the International NGO, Médecins Sans Frontières (MSF) in December 2002, 72% of the population has no access to healthcare. [5] (p 1) As stated in the JFFMR March 2004, according to MSF the overall level of healthcare and possibilities for treatment in central and southern Somalia were very poor. The 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% of the doctors and health staff in hospitals were insufficiently trained. [7d] (p 49) [67a] (p 5)

5.60 As noted in the UNDP Socio economic survey of Somalia 2002 (UNDP 2002), About 95% of the urban population and 60% of the rural and nomadic population confirmed the availability of at least one health facility within an average distance of 1.3 km and 2.4 km respectively. About 63% of the households in urban areas and 36% in rural and nomadic communities confirmed their affordability. The major health facilities are Mother and Child Health centres (MCH, 42.4%) and hospitals (41.2%) in urban areas and health posts (23.9%) and MCH (19%) in rural and nomadic areas. Other facilities include out-patient dispensaries (OPD), mobile health clinics and health centres. [50c] (p 29)

5.61 MSF stated that 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 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. 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 are difficult to arrange without sufficient financial support from clans. [7d] (p 47)

5.62 The actual situation does vary within different parts of the country although the few health workers who remain tend to be based in the more secure urban centres. [5] (p 2-3) [14g][40] According to a representative of the International Committee of the Red Cross (ICRC) reporting for the BBC, in Mogadishu there are two public hospitals with facilities to perform certain surgical procedures; the formerly 127 (now 75) bed Keysaney hospital, a former prison located 7km north of the city and the 65 bed Medina hospital that serves the south of the city. Much surgery is undertaken on the victims of gunshot wounds. [7d] (p 48)[14g][57a][63a] (p 6) Other hospitals in Mogadishu include the Benadir and Al-Hayat; both have larger capacities and the Forlinini, which treats patients with chronic diseases such as tuberculosis and leprosy. [9d][29b][40] On 21 November 2003, Canada-based Somali Qaranimo website reported that a new hospital SomRus hospital staffed with Russian doctors opened in the Taleex (sic) district of Mogadishu. [56a]

5.63 According to MSF, public hospitals in Galkayo (Mudug) and Kismayo (Lower Juba) serve enormous areas. These hospitals were beset with insecurity, lack of funding, equipment, qualified staff and drugs. The only other hospitals in southern/central regions - in Belet Weyne (Hiran) and Baidoa (Bay and Bakool) - have been closed for some years. [5] (p 2) [7d] (p 48) According to the UN's independent expert in December 2002, the hospital in Bossaso, Puntland is reportedly equipped to deal with minor cases, more serious cases are reportedly sent to Dubai. [4] (p 14) According to MSF, Puntland and Somaliland have Somalia's only two nurse training facilities; these are located in Bossaso and Hargeisa respectively. However, even in this part of the country facilities and resources are severely limited; the whole of eastern Sanaag (Somaliland), for instance, had only one doctor in 2001. [5] (p 2) According to IRIN, in June 2003 Somalia's first medical college since 1991 opened in Mogadishu. [10aw]

5.64 According to MSF, the Somali private health sector has 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. The growth has thrown up a range of problems. These include the dispensing of out of date drugs, over-the-counter drug prescriptions and inadequately trained staff which can lead to misdiagnosis. Private health care is characterised by high charges for services - pricing the poor out of health. [5] (p 3) [7d] (p 47)

5.65 Aid agencies have attempted to fill the gap in areas where health services and structures have all but collapsed. They struggle to provide health care in remote

areas, where reaching the patients is a major problem. Insecurity is among the main reasons for this; however, the sparse distribution of NGOs means that the sheer distances that patients outside urban areas must travel are also an obstacle to them obtaining health care. [5] (p 3) [14g] The ICRC provides support for 2 referral hospitals in Mogadishu, 18 health posts jointly supported through branches of the Somali Red Crescent Society (SRCS), 3 pre-hospital care facilities and 5 oral rehydration centres. [67a] (p 5) It was emphasised by MSF representatives in the JFFMR March 2004 that medical treatment provided by NGOs is restricted to infectious diseases. Treatments for chronic diseases are not available from NGOs. [7d] (p 49)

5.66 As noted in the UNSCR June 2003 and UNICEF Nov/Dec 2003, the UN have had success in its immunisation strategy for Somalia and, as of mid 2003, had established over 100 fixed sites offering daily tuberculosis, DPT, oral polio and measles vaccinations for children, as well as tetanus toxoid vaccinations for pregnant mothers. Careful planning and training has also allowed vaccination drives to take place in regional capitals. In the first half of 2003 the programme was extended to several district capitals for the first time. Various nation-wide vaccination campaigns have also taken place. [3c] (p 10) [29e] (p 2-3)

5.67 With less than a quarter of the population having access to clean drinking water and under half having adequate sanitation the risk of acquiring water-borne diseases is high. [5] (p 3) [29b] According to Xinhua, in the capital, it is the IDPs who live in camps around the city who are reportedly most lacking in proper sanitation. [9d] Diarrhoea, dysentery and typhoid fever are common whilst cholera outbreaks are an annual occurrence and have been an increasing cause for concern among aid agencies. [5] (p 3) [9d] [29b] However, in UNSCR June 2003 it was noted that abundant rain during 2002 has considerably reduced the incidence of cholera. [3c] According to MSF, the country has one of the highest incidences of tuberculosis in the world; malaria is also a major cause of mortality. [5] (p 3)

5.68 As reflected in the UNSCR February 2004, health agencies and local authorities have collaborated on improving the quality and sustainability of health facilities, health service delivery and more accountable health management systems in areas of relative stability. Technical support was provided to local authorities for the management of health-care systems and the development of sectoral policies. Through support from UNICEF, the WHO and other partners, essential drugs and medical equipment were provided in over 400 health facilities, together with the training of medical staff in supervision and monitoring. [3f] (p 10)

For further information on the provision of healthcare in southern/central Somalia by region, refer to the JFFMR March 2004 [7d] (p 47-9).

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HIV/AIDS

5.69 As noted in UNDP 2002 (released 2003) there is very little data related to HIV/AIDS for Somalia. Partial data collected on the HIV/AIDS gives a low prevalence rate, although not much is known on the awareness of HIV/AIDS among the population. However, the results of the HIV/AIDS category of the study confirmed considerable awareness among the respondents at the basic level. About 95% of

the respondents who stated to have heard of HIV/ AIDS confirmed that HIV/AIDS has no cure, HIV/AIDS is transmittable, and HIV/AIDS affects both men and women. Awareness is marginally higher for urban compared to rural and nomadic areas. The major source of information on HIV/AIDS was stated as radio/TV (60.7%), followed by friends and relatives (26%), family members (8.1%) and printed materials (3.1%). [7d] (p 35) [50c] (p 48-9)

5.70 As noted by IRIN, in July 2002 AIDSOM held the first ever public awareness demonstration in Somalia focused on HIV/AIDS in the coastal town of Merka. [10a] [50a] Organisers reported that they experienced no harassment and were largely welcomed by the public but acknowledged that in some areas campaigners were forced to leave. The head of AIDSOM acknowledged the difficulties faced in a society where there is little awareness of the disease. Ignorance, mixed with denial of the disease are the biggest problems AIDSOM have faced, even those of the population that are educated frequently decline to accept it can happen. The organisation indicates its intention to continue its awareness campaign to other areas of the country. [10a] As noted in UNSCRs October 2002 and June 2003, UN agencies and their partners also promote HIV/AIDS prevention and control and are engaged in awareness raising activities in Somalia; during the first half of 2003 the World Bank re-engaged in Somalia and has been supporting this work. [3a] (p 12) [3c] (p 10-11)

5.71 As noted in UNSCR June 2003, during the first half of 2003 two workshops on gender and HIV/AIDS were held for 60 policymakers from the Somaliland and Puntland. In this period capacity was enhanced for 15 HIV/AIDS counsellors based at the Boroma Tuberculosis Hospital in the Adwal region in Somaliland where additional materials and equipment were provided. [3c] (p 10-11) As reflected in the UNSCR February 2004, the UN began work on the establishment of an HIV/AIDS sentinel surveillance system, combined with prevalence and validation studies on sexually transmitted infections, with the objective of establishing baseline data on HIV/AIDS. The United Nations facilitated training of HIV/AIDS counsellors in Boorama and facilitated access to appropriate medical, prevention and support services specifically targeting women. [3f] (p 10) [29e] (p 7-9)

For further information on HIV/AIDS in southern/central Somalia, refer to the JFFMR 2004 March [7d] (p 35-6).

People with disabilities

5.72 As reflected in USSDR 2003, in the absence of a functioning central state, the needs of people with disabilities are not addressed. However, there are several NGOs in Somaliland that provide services for people with disabilities. [2a] (p 11) MSF estimate that there are approximately 1,500 amputees as a result of landmine casualties within Somaliland alone. [5] (p 2)

Mental health care

5.73 In 2001 it was reported that the sole hospital dedicated to treatment of mental health was in Berbera (Somaliland). According to information produced by the WHO

this hospital had insufficient beds to satisfy demand. The living conditions of patients was however described as "dismal"; basic hygiene was reportedly deficient, psychotropic drugs almost non-existent and often, the only treatment available was electro-convulsive therapy. In addition to this hospital there was reported to be a mental health section in Hargeisa regional hospital yet basic amenities here were also deficient. The only psychiatric facility outside Somaliland was a dedicated section in the Forlinini Hospital in Mogadishu. However, with regard to qualified staff four out of five trained psychiatrists in Somalia in 2001 were reported to be based at the Forlinini Hospital whilst the mental hospital in Berbera was without any. In light of the limited facilities and resources the majority of mental psychiatric patients in Somalia were reported to be unattended, living with their families or receiving very doubtful and untested attention from traditional healers. [40]

5.74 According to UNSCRs October 2002 and February 2003, projects sponsored by UN organisations in different parts of Somalia have included psychological counselling. [3a] (p 8-10) [3b] (p 7-10)

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Educational System

5.75 According to a survey of primary schools in Somalia in 2002/3, conducted by UNICEF (UNICEF 2002/3), a total of 286,808 pupils are enrolled in primary schools in Somalia. In proportion with the primary school age population, estimated to be at 1.6 million, this number reflects a gross enrolment rate of 17% (22% for boys and 12% for girls). Increases in the number of pupils, teachers and schools were registered in all regions. Compared with 2001/2, the 2002/3 survey reflects a net increase of an additional 11% in enrolments, 11% in teachers and an 8% increase in the number of schools. [7d] (p 49-50) [29c] (p 4-5)

5.76 UNICEF 2002/3 also noted that gender gaps continue at all levels. Of the total, females comprise 36% of enrolments, 13% of teachers, and 25% of the members of the Community Education Committees (CECs) (equivalent to Boards of Governors). In the 10 regions of southern and central Somalia, the survey lists a total of 132,711 pupils enrolled at 597 primary schools in which Somali is the medium. It also records a total of 5060 teachers, representing an average of one teacher to 26 pupils. In most regions the provision for primary education covers Grades 1 to 8. In Bakool and Middle Juba there is only provision for Grades 1 to 5. Of all regions in Somalia, central and southern region schools depend most on temporary structures, with only 48% of schools having permanent buildings, only 55% having access to desks and benches. School fees are largely nil or less than the equivalent of one US \$ per pupil per month. Teacher support is mostly in the form of cash, rather than in kind, and is largely provided by the communities/parents and particularly NGOs. [7d] (p 50) [29c] (p 4-5)

5.77 As reflected in USSDR 2003 and UNDP 2002, even in areas with relative security, the lack of resources has limited the opportunity for children to attend school. [2a] (p 10) [50c] (p 28) The Transitional National Charter provides for free education at primary level, the specific provisions in respect of other authorities are not known; primary education was officially compulsory under the Barre regime and is for children aged 6 -14. [1b] (p 3757) [37] In practice the present situation is children of 15 and 16 may also attend primary school and parents generally pay fees for their

children's education. [2a] (p 10) [7b]

5.78 The survey also lists a total of 38 Arab medium primary schools in five regions (Benadir, Hiran, Lower Juba, Middle Juba and Lower Shabelle) where 19,736 pupils are taught by a total of 624 teachers, representing an average of one teacher to 39 pupils. [7d] (p 50) [29c] (p 4-5) As noted in IFRF 2004, the organised conservative Islamic organisation, Al-Islah, openly operates a number of primary schools in Mogadishu. [2b] (p 2) As noted in JFFMR March 2004, according to an UNICEF representative primary schools in Somalia that use Arabic as a medium are established and supported by various Arab states including Saudi Arabia, Libya and Yemen and also Arabic NGOs. Whereas these schools are not Koran schools there is a greater focus on religious affairs than in ordinary primary schools. [7d] (p 50)

5.79 Access to secondary education for children aged 14 -18, is very limited. [1b] (p 3757) [2a] (p 10) [7d] (p 50) In 2003 the US Department of State referred to there being 3 secondary schools in Somaliland and more than 3 in Mogadishu where many are externally funded and administered by organisations affiliated to Al-Islah; no details were given in respect to any other areas of the country. [2a] (p 10) [2b] (p 2) However, As reflected in USSDR 2003, only 10% of those children who actually enter primary school go on to graduate from secondary school. [2a] (p 10-11) As noted in JFFMR July 2002, UNICEF also places emphasis on the development of the non-formal education sector, especially for 14 to 18 year olds. [7b] (p 65)

5.80 There is no organised higher education system in most of the country. There are two universities in Somaliland and two in Mogadishu; there is also a faculty of the East African University located in Puntland. [2a] (p 10)-[5b] As reflected in the IFRF 2003, Mogadishu University is reportedly externally funded by and administered through organisations affiliated to Al-Islah. [2b] (p 1-2) As reflected in USSDR 2003, the literacy rate is approximately 25% throughout the country; however, reliable statistics do not exist. [2a] (p 10) As noted in UNICEF's Nov/Dec 2003 Somalia review, a number of school improvement workshops for teachers were organised and mentoring and building rehabilitation activities carried out in 52 primary schools in Somaliland and Puntland. [29a] (p 5) There are some medical training facilities in the country. [5] (p 2-3) [10aw]

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6. HUMAN RIGHTS

6.A HUMAN RIGHTS ISSUES

General

6.1 The USSDR 2003 stated that the country's human rights situation remained poor

and serious human rights abuses continued in 2003. [2a] (p 1) The UNCHR position paper of January 2004 (UNHCR 2004) stated that, "...throughout the country, human rights violations remain endemic. These include murder, looting and destruction of property, use of child soldiers, kidnapping, discrimination of minorities, torture, unlawful arrest and detention, and denial of due process by local authorities. In 2003 a local human rights organization, the Isma'il Jemale Human Rights Centre, documented 530 civilian deaths in armed conflicts between July 2002 and June 2003. A pastoralist conflict in south Mudug in July 2003 claimed an unusually high number of lives for a dispute over rangeland – 43 dead and 90 injured - most of who were civilians. In July 2003, the targeting of young girls for rape and killing was prominent in clan disputes in Baidoa, and kidnappings in Mogadishu reached such alarming proportions that the public took to the streets to protest. Gender-based violence is prevalent, including rape, female genital mutilation and domestic violence. The cultural attitudes of traditional elders and law enforcement officials routinely result in restrictions on women's access to justice, denial of their right to due process and their inhumane treatment in detention..." [30a] (p 2) [50b] (p 6)

6.2 "The prolonged absence of a central government complicates efforts to address the human rights violations. While the *de facto* authorities are accountable for the human rights situation in the areas they control, many are either not aware of or choose to ignore international conventions, or do not have the capacity to enforce respect for human rights and justice. As a result, an environment of impunity reigns in many areas, which presents a major challenge for UN agencies and NGOs seeking to strengthen measures to ensure the protection of civilians." According to UNHCR 2004. [30a] (p 2) [50b] (p 6)

6.3 According to a Professor Kenneth Menkhaus (an academic expert on developments in Somalia and research consultant to the UN) paper of November 2003 (Menkhaus, November 2003), "...violations of human rights and humanitarian law have shifted considerably since the period of 1991-92. At this time egregious human rights violations occurred in a wide range of areas. Murder, massacres, rape, and targeting of civilians were all widespread practices in south ern and central Somalia. Ethnic cleansing campaigns, especially in Mogadishu and valuable riverine areas of southern Somalia, created massive displacement and suffering. Forced conscription and quasi-enslavement on farms was visited upon weak social groups such as the Bantu; and scorched earth tactics were employed by retreating militia to render whole communities destitute and vulnerable to famine." [7d] (p 13) [8] (p 10)

6.4 Menkhaus (November 2003) considered that "...since 1991/2, important changes have occurred in Somalia with regard to human rights and humanitarian law. Incidents of massacres, rape, and ethnic cleansing are rare (recent examples in Baidoa are the exception rather than the rule). A gradual reintegration of communities has occurred in many areas, including Mogadishu; and there have been no instances of militias intentionally provoking famine to divert food aid. Food aid itself continues to pour into the country, but is less frequently targeted by looters." [7d] (p 13) [8] (p 10)

6.5 A new UN Independent Expert on the situation of human rights in Somalia was appointed and made his first visit in August and September 2001. [4] (p 1-2) [6a] On 6

September 2002 the Independent Expert for human rights concluded his second annual visit to the region. He visited Somaliland and Puntland but had not been able to visit Mogadishu and Baidoa due to the security situation. It was concluded that, following the deterioration that occurred during the constitutional crisis, the emergence of Colonel Abdullai Yusuf had helped stabilise conditions in Puntland. [4] (p 12, 14) In Somaliland in particular he noted that there had been no reports of serious human rights abuses. [4] (p 15) However, following the visit the expert cited particular concerns regarding the plight of internally displaced persons, law enforcement and prison conditions, protection of women's rights, economic, social and cultural rights and the ongoing need to address alleged past human rights atrocities. [4] (p 9-10) Initial comments by the expert in September 2003 at the conclusion of his third visit suggested the general trend in Somaliland was more positive than the previous year. On this visit the expert had additionally been able to visit Kismayo, in the south, but as had been the case in 2002 insecurity prevented the inclusion of Mogadishu. [10b4]

For more analysis of the human rights situation in southern and central Somalia, refer to the JFFMR March 2004 [7d] (p 14-18)

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Torture, inhumane and degrading treatment

6.6 According to the USSDR 2003, as of the end of 2002, "...no action was reported to have been taken against TNG, Somaliland, and Puntland forces, warlord supporter's, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2002 or 2001." [2a] (p 4) According to AI 2002, human rights defenders in Somaliland reported cases of torture by the police force during 2001. [6a] As reflected in USSDR 2003, during 2003 "...there were some reports of the use of torture by the Puntland and Somaliland administrations and also by warring militiamen against each other or against civilians. Observers believed that many incidents of torture were not reported." [2a] (p 3)

6.7 In its annual report the Dr Ismail Jumale Human Rights Centre (DIJHRC) DIJHRC reported that during 2002 there were 32 rape cases in Mogadishu, largely committed by militia members. In the 12 months ending in July 2003 the organisation logged 31 rapes. [2a] (p 3) [6b] [10b4] However, according to IRIN, other reports suggest that the incidents of rape have in fact increased during the first half of 2003. [10ap] In its report covering 2002, AI refers to women and girls who are IDPs, as well as underprivileged minorities including Bantu, Bravanese, Midgan, Tumul, Yabir and the wealthier Benadiri community, as being particularly at risk of rape by militia and other gunmen. [6b]

For further analysis relating to war crimes, criminal violations of human rights and violations committed by local authorities, refer to the Menkhaus paper of November 2003 [8] (p 3-9)

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Arbitrary or unlawful killings

6.8 According to the USSDR 2003, "...police and militia members killed several persons during 2003. On 17 January [2003], militiamen killed Abdullahi Omar

Yabarow, a truck driver also known as Hareri Adle, and stole his truck on the road between Mogadishu and Afgoye. On 26 and 27 February [2003], 15 civilians were killed and over 50 others injured after fighting broke out between militiamen loyal to Muse Sudi Yalahow and Omar Filish in the Medina district of southern Mogadishu...No action was taken against the responsible members of the security forces for abuses committed in 2002 and 2001, including during clashes with militia." [2a] (p 2)

6.9 As reflected in the USSDR 2003, "The Dr. Ismael Jumale Human Rights Center (DIJHRC) reported that more than 550 civilians were killed, mostly by militia members, during the year [2003]...Conflicts between rival militias resulted in deaths during the year. For example, in July [2003], 43 persons were killed and more than 90 others were injured during 2 days of fighting between Sa'ad Habir Dir sub-clan militia and Dir sub-clan militia. On 27 July [2003], approximately 120 Harin militiamen attacked the Leysan militia in Gofgadud village, northwest of Baidoa, killing 6 persons and injuring 10 others. In November and December [2003], at least 100 persons were killed and more than 200 injured during several days of fighting over a land between the Darod sub-clan and the Dir sub-clan militias. No action was taken against those responsible by year's end...There were no developments in the numerous reported cases of killings by militia members, including clashes between rural militias, in 2002 and 2001." [2a] (p 2)

6.10 As reflected by the USSDR 2003, "During the year [2003], there were numerous killings by unknown assailants. For example, on 3 July [2003], unknown persons shot and killed Dr. Husayn Muhammad Nur, a prominent eye specialist, in front of his clinic in Mogadishu. On 19 October [2003], unknown persons shot and killed Shaykh Ibrahim Ali Abdulle, a prominent member of the TNG, in Nairobi, Kenya. On 8 December [2003], unknown persons shot and killed Colonel Mahmud Abdi Jama, a senior police officer, in Hargesia, Somaliland. No suspects had been identified in these cases by the year's end [2003]." [2a] (p 3)

6.11 The USSDR 2003 noted that "Inter-clan fighting resulted in numerous deaths during the year [2003]. On 28 August [2003], two persons were killed and seven others injured after rival Abgal clan militias fought in Balad district, north of Mogadishu. On 16 August [2003], Hawadle clan members killed an unknown number of persons from the Galjecel clan in Buloburte apparently in revenge for a killing earlier in the year. On 17 August [2003], members of the Galjecel clan carried out a revenge killing against a member of the Hawadle clan in Jicibow. On 15 September [2003], unknown persons of the Sheikhal clan reportedly killed at least one person after a truck from the Habargidir clan was ambushed north of Jilib...There were no developments in the reported killings due to inter-clan fighting in 2002 and 2001." [2a] (p 3)

For further analysis relating to war crimes, criminal violations of human rights and violations committed by local authorities, refer to Menkhaus paper (November 2003) [8] (p 3-9)

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Disappearances

6.12 As noted by the USSDR 2003, "There were numerous kidnappings by militia groups and armed assailants who demanded ransom for hostages. The DIJHRC reported that at least 185 abductions occurred in Mogadishu during the 12 month period to the end of July [2003]. For example, on 9 January [2003], Idow Mohamed Ahmed, a businessman from Bakara market was kidnapped as he was leaving for his residence in Hawlwadag district in Mogadishu. He was released 5 days later after negotiations between his family and elders representing the kidnappers. On 15 January [2003], Hafsa Ahmed Sheikh Abdullah, a 13-year-old girl, was kidnapped from her residence in Hodan district in Mogadishu. She was released 2 days later after negotiations between her family and elders representing the kidnappers." [2a] (p 3) [4] (p 5-6) [10bk] According to IRIN, the pattern of abductions has continued during the first half of 2003 and, according to some reports, increased. [10ap][10bk] According to the USSDR 2003, "There were no investigations or action taken against the perpetrators of kidnappings that occurred during the year [2003], in 2002 or 2001." [2a] (p 3)

For further analysis relating to war crimes, criminal violations of human rights and violations committed by local authorities, refer to Menkhaus paper (November 2003) [8] (p 3-9)

Abuses by militia groups

6.13 As noted in AI 2003 and UNSCRs October 2002 and February 2003, fighting between rival clans and factions continued in many parts of the country. [6a][3a] (p 3-4) [3b] (p 3) As reflected in USSDR 2003 and AI reports from 2003, there are continued reports of killings and reprisal killings of clan opponents, expulsions of members of other clans, cases of kidnapping as well as detention, and torture or ill treatment of prisoners. Women and minorities are particularly vulnerable to abuses. [2a] (p 2) [6a][6d] As noted by IRIN, the DIJHRC chief investigator stated in July 2003 that civilians are often killed during factional fighting due to the indiscriminate shelling of residential areas, he asserted that the combatants did not care what happened to civilians. [10bk] As noted by AI in reports from 2002 and 2003, none of the factions responsible respect the principles of international humanitarian law regulating the conduct of armed conflict and protection of civilians and members of faction militias generally act with impunity. [6a][6b] According to AI report of February 2003, faction leaders have done little or nothing to suppress the arbitrary abuses of gunmen in the areas they claim to control. [6d] According to UN sources, there are about 10,000 militiamen in Mogadishu alone. [4] (p 6) However, as noted by IRIN, in a positive development the JVA were, as of September 2003, in the process of disarming militias in Kismayo and surrounding areas that it controls. [10bs][10bu]

For further analysis relating to war crimes, criminal violations of human rights and violations committed by local authorities, refer to Menkhaus paper (November 2003) [8] (p 3-9)

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Regional situation for human rights activists

6.14 As noted by USSDR 2003 and AI in February 2003, there are several local and

international NGOs engaged in human rights activity currently operating in Somalia. [2a] (p 2, 9) [6d] Though human rights defenders in central and southern Somalia face daily dangers of arbitrary killing, kidnapping or detention by faction militias, the USSDR 2003 indicated that these groups "...generally operated without official restriction, investigating and publishing their findings on human rights cases. Authorities were somewhat cooperative and responsive to their views". [2a] (p 2-3)

6.15 AI in February 2003 noted that in Puntland, civil society organisations documenting abuses receive little tolerance from the political authorities and are at risk as a result of the unresolved conflict. [6d] Puntland authorities arrested several human rights advocates who were planning to attend a conference in Hargeisa in early August 2002. They were released several weeks later at the request of the visiting UN Independent Expert on Human Rights. [4] (p 13) In February 2003 the Somaliland authorities permitted Amnesty International, Novib and International Co-operation for Development to run a jointly organised meeting/work-shop for Somali based NGOs. Somali human rights defenders representing 23 organisations attended this 9-day event. [6d]

6.16 According to IRIN, in March 2003 the Puntland authorities reportedly ordered the closure of the offices of several local human rights groups located in Bossaso. A spokesman for the authorities claimed the groups had "violated their mandates and engaged in political activities and actions inimical to the interests of the people of Puntland", a claim denied by the groups concerned. There were also suggestions that the groups closed had been targeted as a result of their participation in the meeting with human rights group from other parts of the country during the previous month (see both the previous and following paragraphs). [10aa]

Local human rights organisations

6.17 The UN's Consolidated Appeal Process Report 2004 (CAP 2004) noted that "...2003 also saw a vibrant, active and autonomous array of community and business leaders, NGOs and professional groups addressing a wide range of social, economic and political issues. These successes challenge the stereotype of Somalia as helpless and aid dependent. With only modest international assistance, communities have embarked on the enormous task of rehabilitation in the aftermath of years of warfare and political disruption. Although they must often battle opposition from some faction leaders, civil society groups and leaders in 2003 came together in several notable initiatives, including: an unprecedented Somali Civil Society Symposium, at which they produced a document committing to work jointly toward a common vision for Somalia; the so far successful multi-clan peace march led by the renowned Somali poet, Mohamed Ibrahim Warsame (Hdrawi), which only a few years ago would not have been allowed to take place but today serves as a testament to a groundswell of civil society empowerment; and a 'Bridging the GAP' workshop in Garowe initiated by local authorities to ease tensions with national NGOs operating there, as a result of which they are now able to work, not entirely free from, but with less pressure than previously. Lastly, women's groups remained a powerful force for change, enjoying strong grassroots support, and in many areas clan elders have been able to reassert some of the authority they traditional held." [50b] (p 7)

6.18 As noted by IRIN, a Somali wide human rights organisation is INXA, an umbrella organisation of the Peace and Human Rights Network. [10aa] Human rights organisations based in Mogadishu include Peace and Human Rights Network, Coalition of Grassroots Women's Organisations and Dr Ismail Jumale Human Rights Centre (DIJHRC), sometimes also referred to as IJHRC this is the largest human rights group in the country. [2a] (p 9) [6d][10bk] Formed in 1996, DIJHRC organisation was involved in investigating the continued conflict in the capital, it conducted effective human rights monitoring including prison visits, and organised periodic demonstrations for peace. [2a] (p 2, 9) [10bk] As noted in JFFMR March 2004, the organisation operated up to July 2003. [7d] Kisima Peace and Human Rights Organisation is based in Kismayo while ISHA Human Rights Organisation, formed in November 1999 by intellectuals from communities in south-western Somalia in response to widespread human rights violations in the southern regions, operates in Bay and Bakool (SWS). [2a] (p 9) [6d][7b] (p 12-15)

6.19 Dulmidiid Centre for Human Rights and We Are Women Activists (WAWA) are among the human rights organisations based in the Puntland region; the Bossaso offices of these organisations and INXA were however closed down by the authorities in March 2003. [6d][10aa] According to AI in February 2003, human rights organisations active in Somaliland include Nagaad Women's Coalition, Hornwatch and several others. Activists there are concerned mainly about a very poor justice system and declining political representation for women and minorities. [6d]

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International human rights organisations

6.20 As reflected in the JFFMR March 2004, according to Netherlands Organisation for International Development Cooperation's (NOVIB) annual report, 2003 "...Monitoring human rights violations in a collapsed state is a major challenge. Most Somalis under the age of 30 have no knowledge of democratic structures, and grew up in the culture of impunity. Investigation and documentation of human rights abuses is difficult, given the harsh terrain and isolation of the country...Technically, the protection and promotion of the rights of the citizen of a country is the responsibility of the state, therefore a major constraint to human rights observance and protection is the absence of a legitimate government or state institutions." [7d] (p 13-14)

6.21 According to the USSDR 2003, as of 2003 international organisations operating in Somalia included the Red Cross, CARE, Save the children and various organisations involved in demining activity including the Halo Trust. [2a] (p 9) UN agencies are engaged in on going activity in various parts of the country. [2a] (p 9) [3b] (p 7) According to the USSDR 2003, local NGOs operated as security conditions permit. In Puntland, Abdullahi Yusuf refused the UN, EU and other NGO agencies access when he resumed power in May 2002; he claimed they had supported his opponent. [2a] (p 9) However, as noted in the UNSCR February 2003, "...the kidnapping of Somalis working for the UN and other international aid organisations is a serious concern." [3b] (p 3)

6.22 As noted in the UNSCR October 2003, "Armed conflict and criminality in

Mogadishu also continue to restrict humanitarian access. Nonetheless, several (NGOs) and UN agencies continue minimal operations, primarily in the health and education sectors...Insecurity, banditry and the use of landmines in and around Baidoa have continued to restrict humanitarian access. Insecurity continues to affect humanitarian operations south of Gaalkacyo. Groups of armed men harass travellers and transporters without fear of retribution and make many areas almost inaccessible to UN staff...The lack of local authority in Gedo has significantly reduced the frequency of visits by aid workers to places such as Belet Hawa, Luuq and Bardera...On 23 July [2003], in Bardera, a gunman fired on a UN aircraft. The airstrip is closed to United Nations operations until adequate security arrangements are in place. On 14 September [2003], a Kenyan national working for the Adventist Development Relief Agency (ADRA) was murdered in the El-Wak district in the Gedo region." [3e] (p 7-8)

6.23 According to UNSCR February 2003, "...in September 2002 UNIFEM provided training to NGOs and law enforcement agencies on human rights, conventions and access to justice for human rights in Somaliland, Puntland, Mogadishu and the Hiran region." The UNSCR February 2003 referred to a study on the impact of small arms and light weapons proliferation in Somalia. The UN panel of experts severely criticised neighbouring states for breaking the arms embargo. [3b] (p 7-8) In a further report of November 2003, the panel indicated that though major violations of the Somalia arms embargo over the six months to November 2003, "...there remains a continuous influx of small quantities of weapons and ammunition that feed the local open arms markets and faction leaders' warehouses." [3g] (p 3) In December [2003], the UNSC announced it would set up a unit to investigate violations of an arms embargo on Somalia [14k] On 17 March 2004, IRIN reported that renewed flows of arms to Middle Shabelle and Bakool regions via Ethiopia were a cause of serious concern to IGAD and the UN Monitoring Group [10ck]

6.24 As reflected in the UNSCR February 2004, the murder of the three humanitarian workers in Somaliland [63a][63b] resulted in travel restrictions for staff and the scalling down of most humanitarian activities. UN international staff members were restricted to Hargeisa. "Humanitarian operations in Kismayo were interrupted by numerous incidents of banditry and occasional fighting. In Mararey (Lower Juba), gunmen demanding money held up an aircraft leased by the European Commission Humanitarian Organisation (ECHO) on 12 November [2003]." [3f] (p 6-7) According to HornAfrik, on 24 November [2003] all international aid organisations temporarily suspended their operations in Merka and the surrounding area in Lower Shabelle following heavy fighting. [48j] As reflected in UNSCR February 2004 "On 28 December [2003], gunmen raided the offices of a local NGO in Mararey, leaving four men dead (one international staff member, two national staff and one visitor) and two more wounded." [3f] (p 6)

For further information on humanitarian issues, refer to section 6. C paragraphs 6.136 - 6.139

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Freedom of Speech and the Media

6.25 According to the USSDR 2003, the Transitional Charter, adopted by the TNA in Mogadishu in 2000 but not implemented by the year's end [2003], provides for freedom of speech and the press. "The Puntland Charter provides for freedom of the Press 'as long as they respect the law', this right was not respected in practice during 2003. The Somaliland Constitution also provides for freedom of the Press but this right was restricted in practice...In 2002, the TNA passed a Press Bill that requires all media to register with the Minister of Information and imposes penalties for false reporting. Critics alleged that if enforced the law would give the TNG powers of censorship; however, there were no reports that the law was enforced during the year [2003]." [2a] (p 5)

6.26 According to the Committee to Protect Journalists 2002 (CPJ 2002), "...following the collapse of Barre's Government in 1991 the media, which had included opposition and independent newspapers quickly splintered into several small clan-run newsletters and low-watt radio stations. Independent journalism all but disappeared but in late 2000, following Abdiqassim 's election as president of the TNG, independent journalism has began to re-emerge in Somalia." [12a] In its report covering 2001 Amnesty International commented that "...freedom of expression was very limited in all areas of the country, with little tolerance by government authorities or armed factions of criticism by individuals or the media". [6a] However, in February 2003 Amnesty International referred to "a largely free press" operating in Somaliland. [6d]

Media institutions

6.27 The major faction leaders in Mogadishu operate small radio stations; a total of seven local stations operated in the capital in 2002-3. [2a] (p 6) [19u][12a] According to the BBC, the former state-controlled Radio Mogadishu was initially taken over by faction leader Muhammad Aideed and, following his death, remained under his son's control. Faction leaders, Ali Ato and Ali Mohamed also both set up rival stations in the early 1990s, also calling them Radio Mogadishu. Broadcasting has been sporadic since 1991, reflecting the warlords' fortunes. Recent years have seen the emergence of stronger regional media and several, often short lived FM stations. [14h] According to the USSDR 2003, "...the TNG began operating a FM station in April 2002"; also during 2001 a new radio station funded by local businesses began operating in the south of the country. [2a] (p 6) In October 2002 the NGO Reporters without borders (RWB), referred to there being about 12 privately owned radio stations in the country, including Oxfam supported Radio Galkayo. [13d] [59a] The authorities in Somaliland and Puntland both operate their own radio stations. [2a] (p 6) [14h]

6.28 According to the USSDR 2003, "The majority of the citizens obtain news from foreign news broadcasts, primarily the BBC, which transmits a daily Somali-language programme." [2a] (p 6) HornAfrik, which has won praise abroad for its "relative fairness and objectivity in covering a messy political situation", is Somalia's only independent radio and station and one of two independent TV stations. [12a][14h] According to the USSDR 2003, "Several telephone companies and Internet providers operated and provided service throughout the country during the year [2003]." [2a] (p 6)

6.29 As noted by Freedom House 2003, "...independent television stations have proliferated, though most of the independent newspapers and newsletters that circulate in Mogadishu are linked to one faction or another." [31] (p 2) According to the USSDR 2003, during the year [2003] "The print media largely consisted of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers are nominally independent and are critical of the faction leaders." [2a] (p 5-6)

6.30 According to the CPJ six different titles appeared in Mogadishu in 2002 [10u][12a] Somaliland has at least three daily newspapers, one government daily, and one independent and a third that is produced in English language, this was formally a weekly newspaper; however, some reports suggest additional privately owned titles are now in circulation in Somaliland's main towns. [2a] (p 6) [13c][14h] According to the BBC, there are reportedly three daily publications produced in Puntland. [14h] In October 2002 RWB suggested there were a total of around 20 privately owned newspapers being produced within the country as a whole. [13d] In September 2003 the Somaliland Times accused BBC Somali service of biased broadcasting of the peace negotiations. [60a]

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Media law and practice

6.31 On 28 September 2002 the TNA passed a TNG sponsored media bill prohibiting the publication of material that undermines Islam, national unity, the political system, or "the common interest of all Somalis" and forbids criticism of Government officials or reporting on Government secrets. [2a] (p 5) [12a][13d] Critics claimed that if enforced the new law would give the TNG powers of censorship; reporting on financial scandals involving the government or senior officials would represent a violation of the law. [2a] (p 5) [10u] It was reported by RWB that should the media contravene the new measures they would risk withdrawal of their operating licences. All of Somalia's privately owned media began a strike on 2 October 2002 to protest against the new law. They said they would no longer report official press releases if the government did not give way. [13d] According to IRIN, this development prompted the TNG President decline to sign the new law. [10u] Instead he created a committee of lawyers, journalists and senior officials to study the journalists' grievances and had requested that their amendments be incorporated into the bill; there were no reports of the law having been enforced during the final 3 months of 2002. [2a][10u][12a]

6.32 On 5 June 2002 the authorities in Somaliland banned the establishment of private radio stations. People in possession of transmitting equipment were ordered to surrender it to the authorities; however a BBC funded FM station was subsequently permitted to broadcast. [12a][13c] As noted by RWB, although at the time of the ban the official station was operating in the country several people and opposition parties had reportedly applied for broadcasting frequencies. [13c] In May 2002 the authorities in neighbouring Puntland had cancelled the broadcasting licence of the privately owned Somali Broadcasting Corporation (SBC). Local observers stated SBC had been silenced because it had criticised Col. Yusuf and shown support both for his political opponent and for the TNG in Mogadishu. [12a][13b] According to IRIN, the SBC licence was not restored until May 2003. [10ak] As noted

by CPJ 2002, in August 2002 the Puntland authorities banned two local BBC Somali Service correspondents from reporting for the BBC. Officials accused them of "not being objective in their reporting of events in the region." Local sources suggested that this action was also the result of a perceived bias against Yusuf. [12a]

Journalists

6.33 During 2001-3 there were incidents of harassment, arrest and detention of journalists in all areas in Somalia, according to the NGO "Reporters without borders" the situation was worst in Puntland. [2a] (p 6) [5a] [13a] [31] (p 2) According to the USSDR 2003, the Government of Somaliland reportedly "...tolerated criticism by journalists during the year [2003]". [2a] (p 6) However, in October 2002, RWB referred to the need for journalists in both Somaliland and Puntland to practice self-censorship or risk reprisals. [13a]

6.34 According to RWB, in June 2001 the United Nations Security Council passed a resolution authorising journalists and the staff of humanitarian organisations to wear bulletproof jackets in Somalia, even though the arms embargo prohibits the export of this type of equipment to the country. [13a]

6.35 According to RWB, during 2001 three journalists were arrested in Puntland; one in February was accused of falsely reporting that two homosexual girls had been sentenced to death and two others who were arrested in August were accused of publishing "inflammatory news" about insecurity in Bossaso. Additionally, the editor of the weekly Panorama stated he had received death threats following the publication of a cartoon depicting Osama bin Laden as a fugitive terrorist. [13a] According to AI 2003, in September 2002 the editor of the Somalipress journal was detained in Puntland for one month without charge. [6b] In February 2002 unidentified gunmen raided the TNG operated radio station Radio Mogadishu - Voice of the Somali Republic taking broadcasting equipment that temporarily forced it off the air. [12a]

6.36 According to the USSDR 2003, "...on 17 January [2003], armed militiamen allied to a prominent Mogadishu businessman attacked the HornAfrik television and radio stations in Mogadishu in retaliation for a story they had aired allegedly linking the businessman to terrorists. The militiamen allowed the station to go on air later in the day after a series of mediated talks by clan elders...On 30 June [2003], TNG authorities arrested and detained two Mogadishu-based Benadir radio journalists, Abdirahmam Muhammad Hudeyfi and Husayn Muhammad Ghedi. Benadir Radio alleged they were arrested "for exercising their right to inform the public." However, TNG authorities claimed that the two were arrested "for stealing a cellular phone." They were released without charge after 4 days...On 24 August [2003], Puntland authorities arrested and detained two local independent journalists in Galkacyo, Puntland. The two journalists, Adam Nur Mohamed, editor of the Galkacyo-based Yamayska Weekly newspaper, and Dahir Abdulkader Aflow, a member of the former Bulsho Weekly newspaper, were kept in detention for approximately 28 hours before being released. There were no developments in the 2002 cases in which journalists were harassed and arrested." [2a] (p 6)

6.37 According to the USSDR 2003, "On 12 May [2003], Puntland authorities

restored the broadcasting license of the Somali Broadcasting Corporation (SBC) after its owners petitioned Puntland President Yusuf. The SBC was accused of bias in favor of Yusuf's rival, Ali Jama...On 16 September [2003], Somaliland's information minister, Abdullahi Mohammed Duale, issued a statement banning independent television and radio stations in Somaliland, alleging that they posed a threat to national security. Somaliland Television, which operated under a temporary license issued by the Government, was exempt from the ban...In May [2003], authorities lifted a ban on one of two BBC correspondents who had been prohibited in 2002 from filing reports in Puntland." [2a] (p 6)

6.38 In December 2003, it was reported by the Canada-based International Freedom of Expression Exchange Clearing House that a press freedom-monitoring network was established in Mogadishu. The new initiative, supported by the Somali branch of the Eastern Media Institute (EAMI-S) and the Danish agency, International Media Support (IMS) enables press freedom violations to be systematically monitored for the first time. [61a] On 2 December 2003 in Puntland, Radio Midnimo reported that the BBC was conducting training courses for local journalists. [35b] While the position of Somali journalists was boosted further by the launch of the Association of Somali Journalists (ASOJ) on 22 December 2003 in Nairobi, according to the Somali Tribune website. [62a] On 2 March 2004, CPJ reported that a journalist for the independent Radio Jowhar was harassed and detained on the orders of faction leader Mohamed Dhere for alleged comments on the peace negotiations. [12b] On 21 March 2004 it was reported by the Mogadishu-based Goobjoog website that two Holy Koran Radio journalists were obstructed and intimidated by TNG-affiliated security officers at a Benadir civil defence meeting in Mogadishu. [66a]

Academic freedom

6.39 According to the USSDR 2003, "...there are restrictions on academic freedom; according to the US Department of State academics operate under restrictions similar to those imposed on members of the media." [2a] (p 6) According to AI 2003, in June 2002 the president of the East African University in Bossaso was among scores of alleged supporters of Jama Ali Jama to have been detained by Abdullahi Yusuf's forces. [6b]

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Freedom of Religion

6.40 According to the USSDR 2003, Islam has been made the "official" religion by the TNG and some local administrations, including those of the self declared republic of Somaliland and autonomous region of Puntland. There is no legal provision for the protection of religious freedom; during 2003 there were some limits to religious freedom. [2a] (p 7)

6.41 According to the US State Department's Report on Religious Freedoms (USSDRRF 2003) "There is strong social pressure to respect Islamic traditions throughout Somalia, but especially in enclaves controlled by radical Islamists. These include the district of El Wak in Gedo region and Doble, Ras Chaimboni, and Kulbiyow in the Lower Juba region." [2b] (p 2)

6.42 According to the USSDRF 2003, "In 1999 the Minister of Religion in Somaliland issued a list of instructions and definitions on religious practices. Under the new rules, religious schools and places of worship were required to obtain the Ministry of Religion's permission to operate. Additionally, the Ministry must approve entry visas for religious groups, and certain unspecified doctrines are prohibited. In Puntland religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate. " Islamic courts ceased to operate in 2002 and did not operate during the early part of 2003, with the exception of two new courts in Belet Weyne. [2b] (p 1-2)

6.43 According to the USSDR 2003, any attempt to convert an individual (proselytize) to any religion except Islam is prohibited by law in Somaliland and Puntland and effectively blocked by informal social consensus elsewhere in Somalia. [2a] (p 7) According to USSDRF 2003, "There are no ecumenical movements or activities to promote greater religious tolerance." "In early March [2002], three Christian Ethiopian nationals were arrested in Hargeisa for allegedly proselytizing...they were deported to Ethiopia" [2b] (p 2) As noted by AI 2003, in September 2002 twelve people, mostly Ethiopian, were briefly detained for a similar offence; they were released without charge. [6b]

Muslims

6.44 Most Somalis are Sunni Muslims. [1b] (p 3760) [2a] (p 7) According to USSDRF 2002, the Sunni majority often views non Sunni-Muslims with suspicion. [2b] (p 1)

Christians

6.45 There is a tiny Christian population in Somalia, mostly Roman Catholics of whom there were an estimated 100 adherents as of December 2000; they maintain a low profile. [1b] (p 3760) [2b] (p 2) According to USSDRF 2003, Christians who proclaim their religion sometimes face societal harassment, as do persons of other non-Muslims. Christian-based international relief organisations generally operate without interference, provided that they refrain from proselytizing. [2b] (p 2)

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Freedom of Assembly and Association

Charter provisions in TNG controlled areas

6.46 As stated in the USSDR 2003, "There is no mention of freedom of peaceful assembly in the Transitional Charter, nor is there any specific provision for legal protection for freedom of assembly". [2a] (p 6) There is provision organise or associate with political organisations subject to the requirement of the law being fulfilled. [37]

Charter provisions in Puntland

6.47 As noted in the USSDR 2003, "...the Puntland Charter provides for freedom of association; however, the Puntland administration has banned all political parties". [2a] (p 6)

Constitutional provisions in Somaliland

6.48 The Somaliland Constitution provides for freedom of association. In a referendum in May 2001, Somaliland voters approved legislation that provides for the formation of political parties. [1a] (p 999) [2a] (p 6) According to the USSDR 2003, "...the law does however limit the number of political parties allowed to contest general elections to three. An ad hoc commission, nominated by the President and approved by the House of Representatives, has responsibility for considering applications. The law provides that approved parties winning 20% of the vote in the presidential elections will be allowed to operate." [2a] (p 6)

Public gatherings and demonstrations

6.49 According to the USSDR 2003, "...although citizens were free to assemble in public, the lack of security effectively limited this right in many parts of the country" during 2003. [2a] (p 6)

6.50 According to AI 2002, in 2001 one woman was killed and others injured when police opened fire on a crowd peacefully protesting at the arrest of a number of people in Bossaso, Puntland. [6a] According to the USSDR 2003, on a number of occasions during 2003, women demonstrated for peace in Puntland despite the ongoing factional fighting. [2a] (p 10)

6.51 As noted by IRIN, on 23 August 2001 five Sultans were arrested after they had reportedly set up a council of clan chiefs in Burao, central Somaliland. Two days earlier nine clan chiefs had been placed under house arrest for "holding an illegal meeting". The Sultans were released in early September 2001 after agreeing to abide by the Somaliland Constitution. However, they refused to accede to President Egal's demand that they disband their organisation arguing that its existence was permitted under the provisions of the constitution. A mediating team of religious leaders, businessmen and neutral Elders facilitated their release. The clan chiefs were also released from house arrest. [10]

6.52 As noted by IRIN, in what was reported to be one of the largest protests ever seen in Mogadishu, thousands of people demonstrated against the continuing violence and abductions in the city on 29 June 2003. A grouping of 46 civil society organisations were reported to have organised the protest, these included women's and human rights groups, professionals and Koranic schools. The demonstration also incorporated protests against any renewal of hostility in the Lower Juba region where a renewed attack by General Morgan had been reported to be imminent. [10b] On 17 February 2004, the Canada-based Somali Qaranimo website reported that a planned rally in Tarabuunka (sic) Square in Mogadishu by the SRRC was prevented by the militiamen who controlled the area due objections to the SRRC's pro-Ethiopian standpoint. [56]

Political Activists

6.53 In the USSDR 2003, it was noted that it was not aware of any political prisoners being held in Somalia at the year's end [2003]. There were also no known cases of unresolved political disappearances. [2a] (p 5)

Southern Somalia

6.54 According to the USSDR 2003, acts of violence against supporters or members of the TNG, including several killings, occurred during 2002 and continued in 2003. There was "...no action taken against the responsible members of militias in the reported 2001 cases of killing of members and supporters of the TNG". [2a] (p 2-3) As noted in JFFMR July 2002, "...as of mid June 2002 officials of the human rights group ISHA were not aware of any political prisoners being held in Bay and Bakool. There is no evidence of persecution or harassment of people on political grounds". [7b] (p 67)

Puntland

6.55 In June 2002, AI 2003 reported that scores of alleged supporters of Jama Ali Jama were detained for an unspecified number of days by Abdullahi Yusuf's forces. [6a] During his visit to Puntland in 2002 the UN independent expert for human rights successfully requested the release of two members of the Dulmudiid Centre for Human Rights who had been detained and held as prisoners of conscience. [4] (p 13) [6b]

Somaliland

6.56 Following the establishment of new political parties in the new constitution, the 'Somaliland' National Commission for the Registration of Political Parties issued registration certificates to seven political parties in October 2001. [1a] (p 999) [10n] According to IRIN, President Egal then held talks with the leaders of the newly registered parties. This followed criticism that Egal's UDUB party would have an unfair advantage over other parties' in future multi-party elections. [10n] As stated in ASS 2004, during the weeks that followed several of these parties opened offices and held political rallies, however none were seen as posing a threat to President Egal. [1a] (p 999) As noted in AI 2002, in May 2001 Sulieman Mohamed Gaal, a former presidential candidate in the self-proclaimed republic of Somaliland, was arrested in Hargeisa and detained for two weeks before being released on bail without any charge. [6a]

6.57 According to IRIN sources, in June 2003 General Jama Muhammad Ghalib, a former interior minister and police chief of Somalia, was detained when the plane he was travelling in transited Hargeisa. Ghalib, who originates from Somaliland and has been participating in the peace talks in Nairobi, was reportedly detained because of his support for Somali unity within a federal system. The TNG protested against Ghalib's detention and the Somaliland authorities deported him to Djibouti after two days stating it had been decided not to prosecute him as he was in transit.

[10ba][10bb] It was reported that a group of eight men protesting against Ghalib's arrest attacked Hargeisa airport. One was reported to have died from wounds sustained in the attack, the remaining seven were arrested. Following this incident the Somaliland Information Minister declared that any Somalilander who calls for reunification also calls into question the independence of "the country" and will therefore face the law. [10bb] In July 2003 the authorities in Hargeisa issued a warning against anyone trying to represent Somaliland at the ongoing peace talks in Kenya. [10bi]

Al - Itihaad

6.58 Members of the Islamic group Al-Itihaad al-Islamiya, an organisation believed to have been responsible for terrorist attacks in Ethiopia, are at times pursued by Ethiopian forces on Somali territory. [7b][22b] According to Agence France Presse (AFP), Ethiopia has cited the presence of Al-Itihaad members as the reason for sending forces onto Somali territory; this has happened on numerous occasions since 1996. [22b] The influence of the group has however declined considerably in recent years.

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Employment Rights

Trade Unions and the right to strike

6.59 The defunct constitution gave workers the right to form unions, but the civil war and factional fighting negated this right and broke up the then government-controlled General Federation of Somali Trade Unions, an organisation that had been created in 1977. [2a] (p 11-12) [16] According to the USSDR 2003, given the "political and economic breakdown and the lack of legal enforcement mechanisms, trade unions are unable to function freely." The Somaliland Constitution, the Puntland Charter and the Transitional Charter, adopted by the TNA in 2000 but not implemented by the end of 2002, all establish the right of freedom of association, but no unions or employer organisations existed as of the end of 2003. [2a] (p 11)

6.60 As noted by IRIN, the Somali Medical Association (SMA) organised a one-day strike on 21 May 2003 in protest at the security situation in the capital, Mogadishu. The SMA received support for their action from 14 civil society organisations including groups from the education sector; there were reports that schools in the capital were also closed for the day. [10ap] A further strike took place on 6 July 2003 following the shooting of a prominent doctor. [10be] Both stoppages were reportedly well supported with only emergency cases being treated. [10ap][10be]

Equal employment rights

6.61 According to the USSDR 2003, "...wages and work requirements in traditional Somali culture are established largely by ad hoc bartering, based on supply, demand, and the influence of a worker's particular clan." As of 31 December 2003 there had been "...no organised effort by any of the de facto regional administrations or factions to monitor acceptable conditions of work". [2a] (p 11)

Forced labour

6.62 According to the USSDR 2003, "The pre-1991 Penal Code prohibited forced labour. However, local clan militias generally forced members of minority groups to work on banana plantations without compensation. During 2003 there were also reports that in Middle and Lower Juba, including the port of Kismayo, Bantus were used as forced labour." [2a] (p 11) As noted in the JFFMR July 2002, other minority groups such as the Bravanese are also reportedly used for forced labour. [7b] (p 60)

Child Labour

6.63 The pre-1991 Labour Code prohibited child labour, but child labour is a problem. [2a] (p 12) [4] (p 9-10) UNICEF reports indicate that 41.9% of children aged 5-14 are classified as working children, they are mainly involved in domestic labour. [4] (p 9-10) According to the USSDR 2003, "Formal employment of children is rare, but youths commonly are employed in herding, agriculture, and domestic work from an early age and substantial numbers of children work... The lack of educational opportunities and severely depressed economic conditions contributed to child labour." [2a] (p 12) As noted in UNDP 2002, there are substantial variations in the child labour force participation rates between urban and non-urban areas. Around 10% more children aged between 5 and 14 work in non-urban areas. [50c] (p 21)

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People Trafficking

6.64 According to the USSDR 2003, "The pre-1991 Penal Code prohibits trafficking; however, there were some reports of trafficking during the year [2003]." [2a] (p 12) According to the USSD Trafficking in Persons Report June 2003 (TPR 2003), "Somalia is a source country for trafficking victims, primarily women and children trafficked internally for forced labour by local militias. Within Somalia, children, some as young as 11 years old, are forcibly conscripted into militias to serve as combatants and servants. The number of women being trafficked from Somalia appears to be small." [2c] As noted in the USSDR 2003, there were reports that "trafficking in children for forced labour is a serious problem". [2a] (p 12)

6.65 During 2002-3 there were reports of an increase in the smuggling of children out of the country to relatives and friends in western countries where they work or collect benefit payments and send money back to family members in Somalia. [2a] (p 11) [39a] In early 2003 the UN Office for the Co-ordination of Humanitarian affairs produced "A Gap in their Hearts": a report focusing on the experience of Somali Children separated from their families. This refers to parents paying up to US\$ 10,000 to smugglers to take their children out of Somalia and reports that unaccompanied children are given new names and imaginary histories; the children are coached in these and threatened to maintain their new identities. [39a] In the TPR 2003, it was reported that many children are trafficked into situations of forced labour and prostitution. [2c]

6.66 As noted in IRIN, in May 2003 the authorities in Puntland detained a group of Sri Lankan migrants who, according to reports were waiting to be transported to Western Europe. The traffickers were also identified. The authorities announced that "appropriate legal action" would be taken against them. It was also reported that two government employees had been sacked as a result of their involvement in the affair. The Deputy Information Minister for the region stated that Puntland would ensure nobody used its territory for human trafficking. He also called for assistance from countries that might be the potential destination for migrants in order to stop such activities. [10as] The authorities in Puntland detained a further group of migrants in early September 2003, on this occasion the 52 people comprised both Ethiopians and Somalis from the southern regions. It was reported that 10 traffickers were also detained in Bossaso and will face legal action. Reports suggest that arrangements and payment of fees are usually made in Bossaso. The Puntland authorities reiterated their commitment to tackle the problem of human trafficking. [10bt]

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Freedom of Movement

6.67 According to the USSDR 2003, "...the Transitional Charter and the Puntland Charter both make provision for freedom of movement; however, this right continues to be restricted in some parts of the country". [2a] (p 7)

Internal relocation (internal flight)

6.68 As noted in the JFFMR July 2002, "...the authorities controlling the de-facto administrations of 'Somaliland', 'Puntland' and the Bay and Bakool regions (SWS) have each made it clear that they would only admit to the areas they control those who originate from that territory or those who have close affiliations to the territory through clan membership". [7b] (p 70-71) According to IRIN, there are however some 28,000 IDPs in the Bossaso area of Puntland, most of who are reported to have fled insecurity in the south of the country. [10bm] There are also reports that suggest would-be refugees from southern Somalia use Puntland as a transit point when seeking to leave the country. [10bt]

6.69 As noted in the JFFMRs of December 2000 and July 2002, some areas have provided a safe refuge for people from other clans and minority groups displaced from elsewhere in Somalia. The Majerteen-led Puntland administration has, for example, permitted Somalis from all clans and non-Somali minority groups, even former supporters of Siad Barre, to move freely through and settle in the area under its control. The SNM administration in Somaliland has allowed Somalis who originate from the north-west and minorities such as the Bantu to settle in its territory. Even Ogaden clan members, who had moved into the north-west under Siad Barre's administration, have been able to remain in Somaliland and live without undue harassment. While occasional localised clan-based outbreaks of fighting may occur, there is no general clan-based persecution in Somaliland. The authorities in the Hiran region also allow all Somalis to move, and settle with permission, within their territory. [7c] (p 46-9) [7f] (p 75) [7g] (p 11-12)

6.70 According to UNHCR's position paper on return, January 2004 "...The general pattern of human settlements prevailing in many parts of Africa, including Somalia, is often characterised by common ethnic, tribal religious and/or cultural factors, which enable access to land, resources and protection from members of the community. Consequently, this commonality appears to be the necessary condition to live in safety. In such situations it would not be reasonable to expect someone to take up residence in an area or community where persons with a different ethnic, tribal, religious and/or cultural background are settled, or where they would otherwise be considered aliens. ...Therefore, it would be unreasonable to expect a person to move to an area in his or her own country other than one where he or she has ethnic, tribal, religious and or/cultural ties. ...This is true in *Somaliland* and *Puntland*. ...Specifically in *Somaliland*...those not originating from this area (non-*Somalilanders*) would be considered as foreigners, and face significant acceptance and integration problems, particularly taking into account the extremely difficult socio-economic situation of those native to the territory...In this regard it should be noted that 'place of origin' should not necessarily be equated with 'place of birth'...Therefore, the determining factor in defining where a person originates from is where the person has effective clan and family ties, and where clan protection is thus available. In light of the above, especially given the prevailing clan system, UNHCR is of the view that the internal flight alternative is not applicable in the context of Somalia". [30a] (p 7-8) [7d] (p 45-6)

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Internal movement

6.71 Whilst large areas of the country are reported to be peaceful, violence resulting from factional fighting continues in several areas, this has security implications regarding the movement of civilians in those areas of the country currently affected. [2a] (p 7) [10ah] According to the USSDR 2003, however, "security conditions continued to improve in many parts of the country" during 2003 allowing many IDPs and refugees to return to their homes. "Checkpoints operated by militiamen loyal to one clan or faction may impede passage and restrict movement of other groups." [2a] (p 7) As noted by IRIN, during 2003 the 500-kilometre Mogadishu - Kismayo road, which reportedly has many militia checkpoints, has become increasingly dangerous with a rise in incidents of banditry and extortion. However, in September 2003 the JVA stated its intention to address this problem and seek to improve the situation. [10ba]

6.72 As stated in a report by the Nairobi-based East African newspaper from January 2004, a US\$20 visa fee is payable for transit to and from airports/strips in Puntland and Somaliland, and from Puntland to central and southern regions. In places where a government exists, some of the money goes to the state. In other areas the money pocketed by the occupying warlords and militiamen. [58a]

6.73 According to the USSDR 2003, on 2 April 2002 a TNG minister was detained in Hargeisa and subsequently sent back to Mogadishu. Somaliland authorities said he did not have permission to be in Somaliland. TNG authorities said he was transiting Somaliland to attend a conference in Cairo. [2a] As noted in IRIN reports, in June 2003 a former Somali Interior Minister of Somaliland origin was reportedly detained for two days when his plane transited Hargeisa. [10ba][10bb]

6.74 As noted by MSF in December 2002 and Landmine Monitor Report 2003 (LMR 2003), during the final years of his regime Barre laid more than one million landmines in Somaliland. [5] (p 2) [33] (p 1) In 1999 the HALO Trust, an NGO specialising in demining work, established a programme in Somaliland. According to its 2002 report of operations HALO Trust have "...a local staff of 230 operating in Somaliland. Thus far demining activity has been most focused on western Somaliland, but with the expectation that priority tasks would be completed by the end of 2002 in the west of the territory focus was due to turn to the eastern districts in 2003." In summing up the situation HALO described the mine problem in Somaliland as being "at a manageable level" and anticipates completing priority clearance work by 2005 or possibly sooner. [27] In addition, the UNSCRs February and June 2003 noted that "...the mine action component of the UNDP in Somaliland trained 24 staff from the Somali Mine Action Centre during 2002". [36] (p 8) In February 2003 the UN reported consideration was being given to extending the programme to cover Puntland. [36] (p 8-9)

For information on the current situation regarding landmines, refer to the Landmine Monitor Report 2003 (covering up to 2003) [33]

External movement

6.75 According to the USSDR 2003, "In the absence of a recognised national government, most citizens do not have the documents required for international travel". [2a] (p 7) According to a UNICEF report of February 2002, scheduled international air services operate to airports in Somaliland, Puntland and Mogadishu from Djibouti, Ethiopia, Kenya and some Middle Eastern states. [29a] According to IRIN, between 19 June 2003 and 8 July 2003 the Kenyan authorities imposed a flight ban on all air traffic to and from Somalia, in response to US warnings of an imminent terrorist attack. [106g] According to the Tanzania-based Guardian newspaper, in 21 November 2003 60 Somali refugees in Tanzania registered for naturalisation. [64a]

6.76 Despite the relative stability in many parts of the country, as in previous years many citizens continued to flee to neighbouring countries during 2002 and 2003, often for economic reasons. [2a] (p 8) [106r] Many migrants have left Somalia from ports in the north-east (Puntland) and, at a cost of up to US\$ 500, travelled via boat to Yemen in order to be eligible for refugee status or find work, some continue from Yemen into Saudi Arabia. [2a] (p 8) [106r][106i][36] During 2002 it was reported that 950 migrants drowned in accidents at sea. During the first eight months of 2003 a further 250 were reported to have drowned in similar circumstances. [2a] (p 8) [106r][106i] According to IRIN, there have been some reports that boatmen providing passage to Yemen forced their passengers to jump overboard whilst still off the coast of Yemen. [106r] There are indications that most Somalis leaving by this route do not originate from Puntland, but come from southern Somalia. [106i]

Willingness to accommodate refugees

6.77 According to the USSDR 2003, as there is no functioning central government, there is no policy of first asylum, nor are there any laws with provisions for the granting of asylum or refugee status. "A small number of Ethiopian refugees remain in the country, mostly in Puntland near Bossaso". [2a] (p 8) As noted by IRIN, in May 2003 the Puntland authorities were seeking assistance to repatriate 133 Sri Lankans bound for Europe. They had attempted to use the region as a transit point; according to reports there was not however any suggestion that they had sought to present themselves as refugees. [10a] It was reported in September 2003 that the courts in Puntland will decide what happens to potential refugees originating from Ethiopia and Southern Somalia in situations where they are caught using Puntland as a transit point from which to leave Somalia. [10b] According to the USSDR 2003, "...the authorities in Somaliland have co-operated with the UNHCR and other humanitarian assistance organisations in assisting refugees". [2a] (p 8) However, as noted in a BBC article, in September 2003 the Somaliland authorities ordered the expulsion of thousands of 'illegal' immigrants (i.e. any person not of Somaliland origin) from the territory [14]

Citizens' access to identity documents/passports

6.78 As noted by IRIN, most Somalis requiring a passport or other form of ID arrange such documentation informally. Identity papers and passports can be obtained for payment in the markets of most towns in Somalia and in Djibouti and Nairobi (Kenya). [10] In September 2002 it was reported that a new passport office had been opened by the TNG in Mogadishu. The TNG Minister of State for Foreign Affairs acknowledged the widespread forgery of Somali passports and referred to people in Mogadishu who want a passport going to Bakaara market where he stated, "for a fee, anyone can produce a document." There is no specific information regarding the requirement or otherwise of citizens to carry passports or other forms of ID.

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6.B HUMAN RIGHTS - SPECIFIC GROUPS

General

6.79 As noted in CAP 2004, "...in both the CAP Workshop for 2003 (August 2002) and 2004 (August 2003), as well as in numerous other UNDP/OCHA reports, aid actors in Somalia have re-affirmed the three most vulnerable groups in Somalia to be IDPs, returnees and minorities. While many other categories of vulnerability have

been identified, these groups, which include women and children, qualify as the "most vulnerable of the vulnerable," primarily due to having suffered from: 1) the loss of assets through exposure to a major shock, whether it be economic, climatic or conflict-related; 2) having little to no access to protection from clan affiliations, and 3) being exposed to multiple vulnerabilities or risks." [39b] (p 1) [50b] (p 12)

6.80 However, as CAP 2004 emphasises, "...in order to understand the problems facing these groups, it is necessary to bear in mind the overall levels of vulnerability affecting nearly all Somalis. The deterioration of social, economic and political systems has placed most Somalis – save for the warlords, their cadres of lieutenants, and some Somali business leaders in a perpetual state of livelihood and social vulnerability." [50b] (p 12)

6.81 CAP 2004 suggests that "...in many cases, basic coping mechanisms, including remittances from abroad and social security networks based on clan and kinship, allow these chronically vulnerable - totalling about 750,000 individuals - to maintain a finger hold on survival, albeit often at levels far below acceptable. Within these 'surviving' communities are the most acutely vulnerable, many of whom have few, if any, capacities to acquire and maintain even the most basic assets needed for survival and have been dislocated from social security networks. Moreover, these groups, because they are the weakest, are also frequently subjected to an array of basic human rights violations." [50b] (p 12)

Ethnic Groups

6.82 As reflected in the JFFMR December 2000, Somali society is characterised by membership of clan-families, which 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) and any political affiliation generally follows clan lines. [7a] (p 80-87)

Somali clans

6.83 As reflected in the JFFMR July 2002, the clan structure comprises four major "noble" clan-families of Darod, Hawiye, Isaaq or Dir. "Noble" in this sense refers to the widespread Somali belief that members of the major clans are descended from a common Somali ancestor, and that the minority clans/groups have a different, usually mixed, parentage. [7b] (p 22-5) According to the USSDR 2003, "...more than 80% of the population shares a common ethnic heritage, religion and nomadic influenced culture". [2a] (p 11) As reflected in the JFFMR December 2000, two further clans, the Digil and Mirifle - collectively referred to as Rahanweyn (see below), take, in many aspects, an intermediate position between the main Somali clans and the minority groups. [7a] (p 80-7)

6.84 According to the USSDR 2003, "...the dominant clan in any particular area has generally excluded other clans and minorities from participation in power". [2a] (p 11) As reflected in the JFFMR March 2004, "...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 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". [7d] (p 11)

6.85 As reflected in the JFFMR March 2004, "...the delegation met with Abdiaziz Omar Daad, formerly minister of reconciliation under President Siad Barre from 1986 to 1990. He is a Marehan himself and explained that it is too difficult for Marehan to live in Mogadishu as they are conceived to be wealthy because many of them used to work for the Siad Barre regime. He stated that all Marehan clan members would be blamed for the suffering caused by the Siad Barre regime and they risk being killed. Omar Daad estimated that approximately 200 persons of the Marehan clan live in Mogadishu today who are able to stay only there because they have intermarried with strong clans. An independent Marehan could not live in Mogadishu safely and run a business. Omar Daad stated that a Marehan who had worked for the Siad Barre regime could not return to Mogadishu. Any other clan (e.g. Hawiye or Habr Gedir) who had worked in the administration (including the police) of Siad Barre would not have any problems returning to Mogadishu today. Even family members of a Marehan who had worked for Siad Barre would have problems today." [7d] (p 40)

The Rahanweyn clans

6.86 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 (including 5 for women), 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] (p 65-66)

6.87 Since 1998 the RRA has fought to reassert Rahanweyn control, capturing Huddur town from the USC/SNA in October 1998 and taking Baidoa in June 1999 with Ethiopian assistance. The RRA set up a regional administration for Bakool region in December 1998. [11a][15a][20a] In March 2002, the RRA set up a new regional administration, SWS, effectively covering Bay and Bakool but claiming to cover other regions. [7b] (p 12) [28]

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Minority Groups

6.88 As reflected in the JFFMR December 2000, minority groups within Somalia include the Bajuni, Bantu, Benadir, Bravanese, Eyle, Midgan (Gaboye), 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] (p 22) [39b] (p 1) As reflected in the JFFMRs December 2000 and July 2002 certain minority groups, most notably the Benadiri and Bravanese, have been particularly disadvantaged and targeted by clan militia since the collapse of central authority in 1991. [7a] (p 50) [7b] (p 56)

6.89 As reflected in the JFFMR December 2000, "...minority groups are not evenly distributed throughout Somalia; there is a higher concentration in the control and southern parts of the country." [7a] (p 23) However, "...some groups, such as those with special occupational skills (see the section on Midgan, Tumal and Yibir below) are more likely to be found in different parts of the country". [7a] (p 57) According to the USSDR 2003, "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] (p 11) 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] (p 11) [7a] (p 23-6) As stated in the UN Office for the Coordination of Humanitarian Affairs (OCHA) Study on minorities in Somalia (OCHA 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 in a vulnerable position". [39b] (p 1)

6.90 As noted in the JFFMR March 2004, "When asked about the discrepancy which seems to exist between the information collected by the delegation 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, a UNHCR source firstly stated that she obviously did not know whether the case profile of the persons referred to by the delegation was the same profiles as the ones who approaches 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." [7d] (p 37)

For a summary of main minority groups in Somalia, refer to Annex C

General security position for minority groups

6.91 As stated in OCHA August 2002 and CAP 2004, "...the chronic and widespread level of underdevelopment in Somalia makes a large portion of the population vulnerable not only to humanitarian crisis, but also to violations of their human rights. Somalis with no clan affiliation, and thus protection, are the most vulnerable to such violations, including predatory acts by criminal and militias, as well economic, political, cultural and social discrimination. The lack of clan affiliation can depend on

location, i.e. a member of major clan living in an area where his clan is not dominant is more vulnerable to human rights violations than when he is among his own relatives. Socio-economic standing and sex are also factors in determining one's level of risk. But historically, minority groups in Somalia have suffered from greater levels of discrimination and exclusion, and thus are generally among the poorest of the poor. Cultural values that label them as inferior and not deserving of equal rights contribute to their low social, economic and political status. Insecurity, and sometimes forced displacement from valuable agricultural lands, has further impoverished this group. These groups comprised an estimated two million people, or about one third of the Somali population." [39b] (p 1) [50b] (p 14)

6.92 As reflected in OCHA August 2002, "...unlike other clans from dominant groups, minorities lack international support in the form of regular remittances. Recurrent insecurity caused by conflict creates an environment where minority groups are vulnerable and abnormally displaced from their homes. Notably, some minority groups who were abnormally displaced lost their lands, which were reallocated. Insecurity further affects the delivery of services to minority groups post-displacement in areas such as Kismayo, Jilib and Luuq. However, in areas like Hargeisa, Beletweyne, Jowhar and Ballad where security is not a big problem, minority groups receive very little assistance from aid agencies. Estimates indicate that about 70% of the minorities who live in IDP camps or returnee settlements have difficulties in accessing adequate food, proper shelter and education." [39b] (p 1) [50a]

6.93 As noted in OCHA August 2002, "...with the exception of the Bantu, Rerhamar, Bravanese, Bajuni and Eyle who have distinct "non-Somali" physical appearance, all other minorities have physical appearances similar to that of the dominant clans, as well as having ethnic and cultural similarities. What distinguish the assimilated minorities are their distinct economic livelihoods." [39b] (p 3)

6.94 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." [7d] (p 36)

The JFFMR March 2004 includes specific information on minority group participation in the Mogadishu economy. [7d] (p 51-2)

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Bajuni

6.95 As reflected in the JFFMRs of December 2000 and March 2004, the small Bajuni population, numbering some 3,000 to 4,000, possibly as many as 11,000, [7d] (p 37) 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. The JFFMR March 2004 noted that "...around 50% of the Bajuni that are not able to speak Somali originate from one of the four islands, rather than the mainland...When asked what proportion of the younger generation of the mainland-based Bajuni was able to understand Somali, the Bajuni representative confirmed that all such persons were able to understand and speak Somali. Though it was highlighted that the island-based populations tended not to be able to speak Somali due to their social isolation from the mainland." [7d] (p 37-8) The Elders stated that the Bajuni do not regard themselves as a Benadiri people, although they had some trading links with the Bravanese people. [7a] (p 28-33) [43]

6.96 As reflected in the JFFMR December 2000, 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 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 SNF and Aideed's SNA, and subsequent attacks on the Bajuni islands, the UNHCR suspended returns. [7a] (p 28-33) [39b] (p 5-6) [43]

6.97 As noted in JFFMR July 2002, a visit by a UN official to the Bajuni islands in early 2002 found 3,000 Bajuni families living on the islands, compared to only 50 in 1994, after most Bajuni had fled the invading Marehan. Elders stated that the position of the Bajuni had improved of late. Bajuni were able to return to their home areas, although they were still not able to own boats with engines, only traditional sailing boats. Recent Marehan settlers still have effective control of the islands. As noted in OCHA August 2002, Bajuni can work for the Marehan as paid labourers, which is at least an improvement over 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. With the Bajuni, their position is more one of denial of economic access by Somali clans than outright abuse. [7a] (p 31-2) [39b] (p 4)

For more information on the Bajuni refer to JFFMR December 2000 [7a] (p 28-33), JFFMR July 2002 [7b] (p 50-1), JFFMR March 2004 [7d] (p 37-9) and Annex C

Bantu

6.98 The Bantu, the largest minority group in Somalia, are an agricultural group found in pockets, 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 Goshu). [2a] (p 11) [7b] (p 59) As noted in the JFFMR December 2000, "There are also several other Bantu groups, it is also the case that some Bantu have settled in other parts of Somalia". [7a] (p 36-8) According to the JFFMR July 2002, "...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] (p 59) Other Somalis, including those of Bantu origin commonly refer to Bantu as "Jarar". [6b][7a] (p 35)

6.99 As reflected in the JFFMR July 2002, "...the Bantu did not take part in the civil war and are therefore not in danger of recriminations or reprisals, but they were displaced by the fighting and often lost their land along the Juba River and in the Middle Shabelle region. According to the UNHCR many Bantu preferred to resettle in their ancestral lands rather than stay in Somalia, however many Bantu have since returned to the country." [7a] (p 39-40) As noted in the JFFMR December 2000, "...there were a number of regions where the Bantu population were actually in the majority in numerical terms". [7a] (p 37-8) As noted by IRIN, the Bantu are represented by Somali African Muki Organisation (SAMO) which is aligned to the SSA SAMO aligned itself with the G8 group at the Eldoret/Nairobi peace talks. [10bc]

6.100 According to the JFFMRs December 2000 and July 2002, conditions for Bantu reportedly vary according to the region in which they live. [7a] (p 40-2) [7b] (p 59-60) As stated above 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% of their land for their own use. [7b] (p 59-60) [39b] (p 4) However, in some cases Bantu work as plantation labourers in what Bantu elders describe as situations of near slavery. [7a] (p 40)

6.101 Bantu try to link themselves to the dominant Somali clans that have dispossessed them of most of their land, as, for their own security, they still need their protection. [7a] (p 40-2) [7b] (p 59-60) However, in Bay and Bakool Bantu have largely been incorporated into the Rahanweyn clan structure and are able to retain their land. Bantu that have assimilated themselves with the indigenous clans they live with are reportedly known as 'sheegato', which means they are not bloodline clan members, but adopted. [7b] (p 66) In November 2003, IRIN reported that over 3,000 Bantu had been resettled in northeast Tanzania over the past 10 years and, through ancestral links to the region, have been offered citizenship by the Tanzanian Government [10cd] (p 1-2)

For more information on the Bantu refer to JFFMR December 2000 [7a] (p 34-43), JFFMR July 2002 [7b] (p 59-60) and Annex C

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Benadiri and Bravanese

6.102 The Benadiri (an urban people of East African Swahili origin, living mainly in the coastal cities of Mogadishu, Merka and Brava) and Bravanese (a people long established in the city of Brava, believed to be of mixed Arab, Portuguese and other descent), suffered particularly badly at the hands of armed militia and bandits as their home areas were fought over by the competing USC factions and the SPM. USC/SNA 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 Reer Hamar in Mogadishu have been taken over by members of Hawiye militias. [1a] (p 989) [7a] (p 44-5) [43]

6.103 Information obtained by a British/Danish fact-finding delegation in May 2002 suggests 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 forced labour, sexual slavery and general intimidation. [7b] (p 60)

For more information on the Bravanese/Benadiri refer to JFFMR December 2000 [7a] (p 44-53), JFFMR July 2002 [7b] (p 60) and Annex C

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Hamar Hindi

6.104 As noted in the JFFMR July 2002, "...the small Indian community in Somalia numbered, at the most, 200 families, who were mainly engaged in cloth dying in Mogadishu and, in fewer numbers, Merka. Indians established businesses in Somalia during the 1940s and 1950s. There were also some Indians recruited by the Italians in the 1940s and 1950s as foremen on plantations, mainly around Qoryoley. The Indians were mainly from the Bohora community, which is also present in Mombasa, Kenya, and were mostly Muslims. There had also 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 the Indian sub-continent rather than from the established Indian community in former 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." [7b] (p 61)

6.105 As noted in the JFFMR July 2002, "...the name 'Hamar Hindi', meaning 'Mogadishu Indians', was applied to the Indian community in Mogadishu. Indian businesses were concentrated in an area that 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 had been brought as slaves)." [7b] (p 61)

6.106 As noted in the JFFMR 2002, "...all Indians in Somalia could speak Somali, 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 workforce. 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] (p 60)

For more information on the Hamar Hindi refer to JFFMR July 2002 [7b] (p 61)

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Midgan, Tumal, Yibir and Galgala

6.107 According to the JFFMRs of December 2000 and July 2002, the Gaboye/Midgan (usually referred to as the Midgan but also known as the Madhiban), Tumal 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. [7a] (p 57-60) [7b] (p 61) "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." [7b] (p 61)

6.108 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] (p 60-1) As reflected in OCHA August 2002, "...most of these minority groups have assimilated into other Somalia clans with whom they live. For example, the Galgala have assimilated into the Abgal in Jowhar and Mogadishu. However, they identify themselves as Nuh Mohamud, a sub clan of the Majerten clan. Some Gaboye, Tumal and Yibir assimilated into the Isak in Somaliland, while others have assimilated into the Darod in Puntland and central regions. There are also other Gaboye, Tumal and Yibir who assimilated with Hawadle, Murasade and Marehan clans in Galgadud region." [39b] (p 3)

6.109 According to the JFFMR July 2002 and OCHA August 2002, 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, 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, Tumal and Yibir have no access to those jobs because of their ethnicity. However their position improves at times of stability and recovery. Midgan can trade freely, although they are usually unable to own property and livestock. [7b] (p 61) [39b] (p 4)

For more information on the Midgan, Tumal, Yibir and Galagala refer to JFFMR December 2000 [7a] (p 57-62), and Annex C

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Women

6.110 According to the USSD 2004, "...women and children suffered disproportionately heavily in the fighting following the fall of Barre's administration." [2a] (p 10) According to the JFFMR December 2000, "...there were large numbers of rapes, abductions and forced marriages of women by the warring militia, especially in 1991-92, which has stigmatised the victims." [7b] (p 62)

General legal provisions relating to women

6.111 In the UNSCR June 2003 reference is made to a rapid assessment of women's justice. According to this, women are generally disadvantaged under all three systems of law that operate in Somalia. It is noted that whilst each provides a measure of protection, all systems (namely civil, customary and Shari'a) remain inadequate and contradictory to an extent, leaving women vulnerable and insufficiently protected. The report notes that there are an "almost negligible number of women" in service within the judicial process. [3c] (p 9) [8] (p 9)

6.112 According to the USSDR 2003, "...laws made by the former central government allowed female children to inherit property but only half the amount to which male siblings were entitled." [2a] (p 10) "In the traditional practice of blood compensation and under Shari'a law, those found guilty of killing a woman must pay only half as much to the victim's family as they would if the victim was male." [2a] [7b] (p 62-3) According to the USSDR 2003, while polygamy is allowed polyandry is not. The TNG charter, not implemented at the end of 2002, contains provisions that prohibit discrimination on the basis of sex or national origin. The Somaliland Constitution also contains provisions that prohibit discrimination on the basis of sex or national origin. The TNG charter provides for universal suffrage as do both the Puntland and Somaliland administrations. [2a] (p 10)

Women in Government

6.113 As reflected in the USSDR 2003, women have historically been excluded from the political process; whilst they have played important background roles in various factions, high-level office has been reserved for men. [2a] (p 10) However, women's groups played a prominent role in the Arta Conference of 2000 and were allocated 25 reserved seats in the TNA in Mogadishu. [2a] (p 1) [7a] (p 12) [7b] (p 62) As reflected in the JFFMR December 2000, this represented a major breakthrough in women's rights and was the first time that women had been guaranteed parliamentary representation in Somalia. [7a] (p 12) At this time TNG leader Abdiqassim spoke of the important position of women and stated his intention of including women in his Government, but as of mid 2002 women held only four out of 75 ministerial posts in the TNG. [7a] (p 12) [7b] (p 62) In Puntland, five seats are reserved for women in the 69 seat House of Representatives. There are no women in Somaliland's parliament. [2a] (p 1) [7b] (p 62)

6.114 According to IRIN, as of June 2003 women comprised 35 of the 362 official delegates at the Kenya peace talks. Most of these women are from privileged groups and have been able to spend some or all their time outside Somalia since 1991. A recurring theme in the women's agenda at the peace conference is a 25 percent female representation in the new government. Most male delegates at the talks reportedly support the concept of greater women's involvement but this has not translated into overwhelming backing for the women's agenda. Delegates favoured bringing the issue of women's representation to a vote but voted against 25 percent representation. Delegates agreed instead on women having 12 percent of seats, this is however slightly more than they were allocated at the Arta conference. [10b]

Position in society and discrimination

6.115 According to the USSDR 2003, the position of women in the patriarchal Somali society is largely subordinate and societal discrimination is widespread. [2a] (p 10) "Several women's groups in Mogadishu, Hargeisa (Somaliland), Bossaso (Puntland), and Merka (Lower Shabelle) are actively involved in promoting equal rights for women. Such organisations advocated the inclusion of women in responsible government positions and participate in peace building programmes." [2a] (p 10) [7b] (p 62) As stated in the UNSCR October 2002, "...UN agencies work with women's groups in Somalia and are actively involved in initiatives aiming to promote the elimination of all forms of discrimination against women." [3a] (p 10-11)

6.116 As noted in the UNSCRs October 2003 and February 2004, "...the outcome of a UN study on the multiple parallel legal systems, which are inherently discriminatory against women and inhibit women's access to justice, has deepened analysis and knowledge of the subject. The UN carried out capacity-building for nine women's organisations in Garowe, Hargeisa and Mogadishu so as to enhance their ability to engage with and lobby law enforcement agencies on women's rights." [3e] (p 10) [3f] (p 9)

For information relating to marriage and divorce proceedings, including remarriage and child custody, refer to the JFFMR March 2004 [7d] (p 52-5)

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Violence against women

6.117 Violence against women in Somalia is widespread; robbery and rape are particularly common. [2a] (p 10) [7a] (p 23-5) [7b] (p 62-3) The UNDP Human Development Report of 2001 noted that sexual violence against women during the civil war did not end with the war. According to the report there is some evidence that sexual violence is a persistent crime even in areas of stability. [7b] (p 62) The USSDR 2003 indicated "...that rape is common in inter-clan disputes...there were also reports of numerous rapes of Somali women and girls in refugee camps in Kenya during 2003. Although laws do exist prohibiting rape they are not enforced". [2a] (p 3-4, 10) As stated in the JFFMR July 2002, "...many women consider the traditional punishment of forcing the offender to marry their victim and to pay compensation to the family of the victim for 'their' loss to represent a further degradation for the victim herself". [7b] (p 62-3)

6.118 According to the USSDR 2003, domestic violence against women exists, although there are no reliable statistics on its prevalence. [2a] (p 10) There are no laws that specifically address domestic violence, this is treated through traditional means rather than as a legal issue although both customary law and Shari'a law address the resolution of family disputes. [2a] (p 10) [7b] (p 62) According to the USSDR 2003, there are no laws against spousal rape. [2a] (p 10)

Female Genital Mutilation (FGM)

6.119 According to the USSDR 2003, FGM, which is condemned widely by international experts as damaging to both physical and psychological health, is a near-universal practice. [2a] (p 10) Although illegal during the Barre era, then as now, the

issue was seen as a private matter within the family and the practice continued unhindered. [2a] (p 10) [7b] (p 64) According to the USSDR 2003, FGM remains illegal in Somaliland where the pre-1991 penal code still applies there, although the law is not enforced. In 1999, the Puntland authorities passed legislation banning FGM in Puntland, but the law is not enforced. [2a] (p 10)

6.120 As reflected in the JFFMR March 2004, "Gary P. Jones, Country Director, Somalia, Kenya & 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 they 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 enable girls to focus on their education without their parents interfering." [7d] (p 33)

6.121 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." [7d] (p 33)

For more information on FGM, refer to the JFFMR March 2004 [7d] (p 33-4)

Childbirth

6.122 According to the JFFMR July 2002, " ...there are no recent estimates on maternal mortality rates (MMR). However, UNICEF report the 1990 figures of 1,600 per 100,000 are maintained, this places Somali women among the most high-risk group in the world. Haemorrhage, prolonged and obstructed labour, infections and eclampsia are the major causes of death at childbirth. Anaemia and FGM using the infibulation procedure (see above) have a direct impact on, and aggravate these conditions. Poor antenatal and postnatal care, with the almost complete lack of emergency obstetric referral care for birth complications, further contribute to these high rates of mortality and disability. According to the UNDP's Human Development Report of 2001, high levels of maternal mortality in Somalia are, in part, a result of the lower priority given to women's health and the prevalence of FGM." [7b] (p 64)

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Children

6.123 Children have been major victims in areas affected by fighting; children throughout the country have also suffered as a result of the collapse of basic social and educational services since 1991. [2a] (p 10) [10f] According to the 2002 Consolidated Appeal Process for Somalia estimated that one in four children do not reach the age of five. With the deterioration of the traditional social networks an increasing number of children are exposed to abandonment, delinquency and institutionalisation. [4] (p 9-10) According to IRIN, UNICEF have expressed concern at increased attacks against targeting children since late 2002, these include kidnappings and killings. [10az]

6.124 As noted in the UNSCRs October 2003 and February 2004, "UNICEF produced a comprehensive countrywide child protection study that was completed during the second half of 2003. The study was based on interviews with 10,000 children and adults across Somalia. Some of the study's most salient findings were that one in 20 children interviewed had been involved or had siblings involved in militia activity, mainly in the urban areas. The data revealed that extended families made little distinction between natural and adopted children. However, adopted girls are often not sent to school and married young. Street children are exposed to violence and drug abuse in urban centres. Over 8% of families reported children with developmental problems, one third of them as a consequence of trauma. All statistics were significantly higher for children and families in settlement camps for IDPs." [3e] (p 10) [3f] (p 8-9) [29d] (p 1-11)

6.125 The long-standing Somali practice whereby parents send their disobedient children to be kept in prison until they order their release is reported to remain widespread. [2a] (p 4) [4] (p 10) Somaliland is one area where this practice has been particularly prevalent; children are presently being detained in prison alongside adults and on occasion, are victims of violence or abuse. [3c] (p 8-9) [6b] However, the UNSCR June 2003 refers to the local authorities initiating several actions to address this problem, including setting up a Law Review Committee, Training Committee and Juvenile Justice Forum. The need to strengthen the formal and non-formal juvenile justice system in conformity with international standards of child protection has been identified as a priority in Somaliland. [3c] (p 8-9)

6.126 In the UNSCR October 2003, it was noted that "...in Somaliland, 45 judicial officials, including judges, prosecutors, assessors, lawyers and notaries, received training on juvenile justice, child rights and child protection issues and were provided with a juvenile justice resource pack for reference and application. Somaliland police officers were also given briefings to ensure respect of child rights and their protection by law enforcement officials. A juvenile justice and child protection framework for Somaliland has been adopted, together with the establishment of a strong partnership with local authorities as well as civil society stakeholders. Similarly, a workshop conducted in "Puntland" has provided stakeholders from all branches of local government and civil society with the opportunity to identify measures for the improvement of the child protection and juvenile justice system." [3e] (p 10)

Child care arrangements

6.127 According to an IRIN report published in June 2001 and principally focusing on Somaliland, there are very few orphans in Somali society. Few children are 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 workers comment that "Urbanisation, prostitution and drugs are the most common reason now for unwanted pregnancies." [10f] Orphans and abandoned children are rendered especially vulnerable by the absence of clan support and identity, given the cultural context. [4] (p 10) [10f] According to an IRIN report, after reaching 15 of age Somali children are considered to have reached the age of independence, and are unlikely to be kept in orphanages; this leaves orphaned teenagers with very little support. With regard to the possibility of adoption the report suggests that the clan structure works' prohibitively against adoption, a practice that is not regarded as a "cultural norm". [10f]

6.128 According to an IRIN report, in the self-declared independent "Republic of Somaliland" the Hargeisa Orphanage Centre has been run by the local administration since 1991. Since 2001 the centre has come under the auspices of the Ministry of Education which provides for the running costs; the Ministry of Justice and the prison service had formerly run it. As of June 2001 the centre had a total of 355 children and approximately 60 full and part-time staff and received some support from the UN World Food Programme and the international NGO Hope World Wide. [10f] Al-Haramayn, a Saudi based aid agency also operated two orphanages in Somaliland until pulling out in May 2003 (see below). [10a0]

6.129 According to an IRIN report, Al-Haramayn operated five orphanages in Mogadishu and one in Merka, between 1992 and May 2003. Together with two based in Somaliland, these facilities accommodated around 3,500 children; most had reportedly lost one or both parents in the civil war. Children from these orphanages received three meals a day and schooling. However, in May 2003 the Islamic aid agency ceased operating in Somalia following US government accusations that it had links with terrorists. A senior UN official commented that other aid agencies operating in the capital would not be able to look after the children, at least in the short term. There are fears the children would join the vast number of young gunmen on the streets of Mogadishu. [10a0] In February 2004 the Islamic aid agency-sponsored orphanages formally closed down, leaving around 3,000 orphans homeless. [10cc]

Child soldiers

6.130 The use of child soldiers continued to be reported during 2002 both by the militias of faction leaders and the authorities. [2a] (p 10-11) [4] (p 10) There are no clear statistics on conscription of children. The UN independent expert on Human Rights reported in

2002 that "...while it is claimed that the militias in "Puntland" and "Somaliland" do not recruit child soldiers, it is alleged that many children are still serving, in the south, especially Mogadishu, particularly as part of the freelance militia in Mogadishu. Most of the children are reported to be boys, but a small number of females are also involved. The children are recruited to fight or to provide support services." [4] (p 13-16)

6.131 According to the USSDR 2003, during the year [2003] it was reported that "...many boys aged fourteen and fifteen took part in and been the victims of attacks by militias. Some youths are members of marauding "Morian" (meaning parasites or maggots) gangs. Somalis are regarded as adults when they reach fifteen and they may then carry weapons". [2a] (p 10) Given the widespread poverty in the country, many young people are reportedly lured by the economic and other opportunities offered by the life of militiamen. [4] (p 10) In "Puntland", the UN independent expert noticed during his visit in 2002 that children under 16 years of age were members of the field police force, the Daraawishta, a paramilitary police force used by Colonel Abdullahi Yusuf to regain power. [4] (p 13-14) During 2002 and 2003 a local NGO in Mogadishu successfully worked in conjunction with UNICEF on a demobilisation projects for child soldiers; in a second phase the initiative has been expanded to cover other southern cities. [2c][3a] (p 10) [3b] (p 8-9) [3c] (p 7)

6.132 In December 2002 the UN Security Council issued a report listing parties that used or recruited child soldiers. The report named the TNG, JVA, SRRC, SRRC-Mogadishu and the RRA; additionally the report referred to children having been used by the forces of both protagonists during the fighting in Puntland. [3c] (p 8) On 30 January 2003 the UN Security Council adopted a new resolution on children and armed conflict. This provides for the Security Council or the Secretary General to enter into dialogue with parties to armed conflict that are recruiting or using child soldiers to develop "clear and time-bound action plans" to end the practice. Somalia is one of the countries where parties to armed conflict are requested to provide by 31 October 2003 information on steps they have taken to end the recruitment or use of child soldiers. The Security Council will consider additional steps if sufficient progress is not made. These steps were left unspecified, but could include arms embargoes or other targeted sanctions. [41]

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Homosexuals

6.133 According to the BBC, homosexual activities are known to exist in Somalia but are rarely mentioned in public. [14a] According to reports by the International Lesbian and Gay Association (ILGA, 1999) and the African organisation Behind the Mask, sexual intercourse with a person of the same sex is punishable under Article 409 of the Somali Penal Code, introduced in 1973, by imprisonment from three months to three years and 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. [45][46]

6.134 It is not clear whether the laws on homosexual acts apply to lesbian sexual acts. The ILGA and Behind the Mask, both draw the conclusion that the law probably does

not apply to lesbian acts. The basis for this view is that as the Somali Penal Code is based on the Indian Penal Code that applied in the former British Somaliland protectorate. Articles 409 and 410 of the Somali Penal Code would not apply to lesbian acts, as the Indian laws that they are based upon do not. [45][46]

6.135 In February 2001, it was reported by the BBC that two women accused of having a lesbian relationship had been sentenced to death by a court in Puntland. The pair were reportedly tried under law based loosely on Islamic Shari'a law. [144] However, in March 2001, IRIN reported that the Puntland authorities denied the story. The chief of police described the story as baseless and attributed it to a false story published in the War-Gal newspaper in Bossaso. [100]

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6.C HUMAN RIGHTS - OTHER ISSUES

Humanitarian issues

6.136 It was noted in the UN's Consolidated Appeal Process Report 2004 (CAP 2004) and the UNHCR position paper of January 2004, that "...Somalia remained an extraordinarily complex operating environment for aid agencies in 2003. In addition to insecurity, aid actors must often, in particular in southern and central Somalia, negotiate everything from access to project agreements with a host of non-state actors whose attitudes range from helpful to predatory. Rivalries between sub-clans are often a factor aid agencies must contend with in hiring and project design, and any project which increases the value of private property, brings material goods to a community, or involves even the simplest contracting of services, such as for car rental, can serve as a lightning rod for conflict. Aid organisations confront these realities on an almost daily basis, underscoring the necessity of transparency, accountability, information sharing and coordination, as well as common approaches to and community participation in project planning and implementation. They also highlight the importance of appropriate interventions based on do-no-harm approaches." [30a] (p 3) [50b] p 6-7)

6.137 As noted in CAP 2004, "...reliance on national staff, due to insecurity, often places tremendous pressure on those staff to provide employment and contracts to community members. If not properly navigated, these potential stumbling blocks can have a devastating impact, including threats, assault and even the death of staff members. Such incidents can ultimately result in restricted access, curbing assistance to those who need it most. Even in the more stable northern areas, the rapid turnover of key local counterparts frequently poses problems to project implementation. Local perceptions of aid and past abuses must also be overcome. The shortcomings of past UN interventions have not only left external actors fatigued, they have left Somalis sceptical of the motives and capacity of external actors." [50b] (p 6-7)

6.138 The UNHCR position paper of January 2004 noted that "...in late 2003 aid agencies could safely operate in only a handful of places in southern and central

Somalia. Relatively good rains in this country exceptionally prone to flood and drought allowed for overall improved food security, but conflict and lack of access in key areas of southern and central Somalia – including parts of central Mudug and Galgadud regions, Baidoa and Burhakaba town in Bay region, Buale and Jilib towns in the Lower and Middle Juba regions, and Luuq and Gabarharey towns in Gedo region – prevent many farmers from harvesting their crops, resulting in high malnutrition rates in many areas (71% of the population are undernourished).” [30a] (p 3) In the UNDP-UN Country Team for Somalia’s Strategic Operational Areas of Activity for 2004 (released on 19 March 2004), HIV/AIDS (UNICEF), education (UNESCO), protection and human rights (UNIFEM), access to basic services for vulnerable communities (UNDP) and humanitarian response (UN-OCHA), were listed as the main priorities for the forthcoming 12 months. [50d]

6.139 Menkhaus (November 2003) also noted the “...very negative trend in attacks on and assassinations of national and international staff members of international relief agencies. Four international aid workers were killed in Somalia in October 2003 alone, making Somalia one of the most dangerous sites for humanitarian work in the world. Likewise, national and international aid workers are now much more vulnerable to kidnapping than was common in the past. In an odd way, Somalia is somewhat safer today for average Somalis than in 1991-92, but much less safe for aid workers than a decade ago.” [8] (p 10) On 15 March 2004 Puntland-based Midnimo website reported that UN and other international aid workers were ordered to leave Xuddur in Bakool region amid fears of a resumption of inter-clan fighting [35d]

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Internally displaced persons (IDPs)

6.140 As noted in CAP 2004 and the Norwegian Refugee Council’s country profile on Somalia, June 2003 (NRC June 2003), Somalis continue to flee a war unabated for over ten years. About 350,000 persons are internally displaced, about 5% of the Somali population. Most displaced are from southern minority groups and continue to suffer political and economic discrimination. In the peri-urban areas where they flee to, they receive little or no assistance and most survive through casual work and begging. Income is barely sufficient for one meal a day. Most displaced lack clan protection and social support, and de facto authorities throughout Somalia do not protect the displaced and often divert humanitarian assistance. [7d] (p 41-2) [38] (p 1) [50b] (p 12)

6.141 As noted by NRC in June 2003, “...in addition to the conflict, Somalis have been affected by drought and other natural calamities, which have pushed many to move in search of water, food and medical assistance...Tracking displaced populations in Somalia is particularly difficult as virtually all Somalis have been displaced by violence at least once in their life. Furthermore, two thirds of Somalis live a nomadic and semi-nomadic lifestyle, traditionally moving with their herds to and from grazing lands and water sources. Wars and severe droughts have complicated and hampered these seasonal migrations, and since the 1990s families have increasingly moved to main towns in search of seasonal work and humanitarian assistance. Scattered in overcrowded urban areas, IDPs mingle with

other indigent groups and refugees who are returning in waves, especially to Somaliland, where they enjoy some degree of stability." [38] (p 2-3)

6.142 As stated in the USSDR 2003, "...the majority of IDPs in the country reportedly lived in old schools and former government buildings. The UN Independent Expert on Human Rights visited several IDP camps in Somaliland and found them "among the worst in the world". He reported that the camps were overcrowded, had poor sanitation, and there was little or no access to employment and education...No local, regional, or UN authorities have taken responsibility for the camps." [2a] (p 7).

6.143 As noted in NRC June 2003, "...some 40,500 IDPs live in Somaliland and 15,000 have sheltered on the outskirts of Hargeisa and Burao, in planned and unplanned settlements. Out of the 30,500 IDPs in Puntland about 28,000 live in Bosasso. The biggest concentration of displaced people is found in Mogadishu, where between 100,000 and 250,000 people live in about 200 squatter settlements and camps. Since 1999, few planned IDP camps have remained elsewhere in the country, and the displaced are increasingly dispersed." [38] (p 3) [50b] (p 12-13)

6.144 According to an IRIN report, in July 2003 fire twice broke out at the Buulo Elay IDP camp in Bossaso, Puntland. The first fire resulted in the death of 5 people and displacement of 1,200 families; the second resulted in the displacement of over 150 families. There was no suggestion of any suspicious circumstances surrounding either blaze. During his visit to the camp in 2002 the UN Independent expert for human rights had described the conditions at the Buulo Elay camp as "sub-human". [10bm]

6.145 According to IRIN, following his visit to Somalia in August 2003 the UN independent expert for human rights spoke of the appalling conditions in IDP camps within Somalia and asserted that these should be tackled urgently. He referred to there being absolutely no basic facilities such as water, health facilities or schools and reported that people have to pay rent for the land where they are settled and pay for use of very basic toilet facilities. Camps were visited in the northern regions of Somaliland and Puntland as well as Kismayo in the south; Mogadishu was not visited during the 11-day mission. [10bu] On 24 December 2003, IRIN reported that heavy fighting in Galgaduud, a region where no international agencies operates due to the security situation, resulted in the displacement of 1,500 families [10cf]

For more information on the situation for IDPs in central and southern regions, in particular Kismayo, refer to the JFFMR March 2004. [7d] (p 42-3)

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Returning refugees

6.146 As noted in CAP 2004 and UNHCR January 2004, "...since more than 800,000 Somalis fled their homeland at the height of the crisis in 1991 and 1992, about 465,000 have returned home with some form of international assistance, mainly to

northern Somalia. Many more have returned home spontaneously. About 400,000 remain in exile mainly in Kenya, Djibouti, Yemen and Ethiopia. There have been no major reverse movements of returnees to their previous asylum countries. Instead, refugees in Ethiopia and Djibouti, who were largely displaced from the now relatively peaceful northern parts of Somalia, are increasingly returning home." [30a] (p 4) [50b] (p 13) [66a][10c] As noted in the JFFMR March 2004, "...the UNHCR arrange facilitated returns of 2-3 persons a month to southern and central regions" [7d] (p 44). In February 2004 the Nairobi-based newspaper 'The Nation' suggested that 200,000 Somali refugees in Kenya may return on the strength of the peace agreement of 29 January 2004. [65a]

6.147 As stated in UNHCR January 2004, "...it is essential to be aware of the overall impact of more than half a million voluntary returns (organized and spontaneous) on the already over-stretched services and resources of Somaliland and Puntland. As a result, in many cases the returnee population remains marginalized, often forced to live in squalid conditions and in a disturbing state of poverty. The most common forms of ensuring survival are small-scale trade, casual employment, market activities and sale of livestock. Furthermore, it should be borne in mind that the Somalis in general, including returnees, rely heavily on regular or occasional remittances from relatives in the diaspora. However, income generated from these activities does in the majority of cases not meet the basic needs of the family - an overwhelming 95% of returnees have insufficient income to meet basic needs, despite some claiming to have skills in business, farming and other professions. Only 5% of returnees are able to afford three meals per day, with 64% living on one meal per day or less. The main sources of food, besides purchasing, are begging and food aid. This daily struggle for survival renders girls and women more vulnerable to abuse unable to take advantage of education, as their days are spent trying to feed the family." [30a] (p 6)

6.148 As stated in CAP 2004 and UNHCR January 2004, "...regarding access to basic services, major concerns prevail among the returnee population. 46% of returnees share their water source with animals, and 75% describe the water as dirty. 47% of returnees are living between 30-60 minutes away from a water source, 22% are living between 0-30 minutes away, and a small minority of 8% are living above 60 minutes away from a water source. 82% of returnees interviewed by UNHCR have access to a toilet, in most cases shared. 64% of returnees have no access to a health facility. 68% of returnees dispose of their rubbish by burning it. Many returnees cannot afford to send children to school due to lack of money and admit that this leads to girls being severely disadvantaged in access to education." [30a] (p 6) [50b] (p 13)

6.149 As stated in the UNSCRs October 2003 and February 2004 since the beginning of 2003, "...5,569 people have been voluntarily repatriated to Somaliland and Puntland from Djibouti, Ethiopia and Kenya. UNHCR and other agencies are working closely with the recently established Refugee Eligibility Committee in Somaliland in assuring protection, assistance and durable solutions for refugees residing in Hargeysa. In September 2003, UN agencies sponsored a one-day round table in Addis Ababa on reintegration and IDPs in Somaliland that was jointly hosted with the "Somaliland" authorities, donors and host asylum countries (Djibouti and Ethiopia)." [3e] (p 11) In October 2003, "...205 Somalis were repatriated from Ethiopia to

Somaliland. In addition, 19 Somali refugees were repatriated from various other countries." [3f] (p 9)

6.150 As noted in UNHCR January 2004, "...regarding the southern and central regions, the position taken by UNHCR is based on the fact that insecurity in southern Somalia continues to be a significant problem. According to UNHCR "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 of certain areas. There is a constant fear of abrupt change in clan balance shaking 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 co-ordinated dialogue aiming at removing such cases." [7d] (p 44-5) [30a] (p 9)

For further analysis on the return situation, refer to the JFFMR March 2004 [7d] (p 44-5)

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Current security situation

6.151 As reflected in the JFFMR March 2004, "...UN sources suggested that the fluid security situation and general trend in extra-judicial killings in the southern and central regions remained unchanged during 2003, a trend that has been constant since 1999. It was indicated that the security situation in Somalia generally had deteriorated during 2003. The source explained that this situation was caused by the time that had elapsed and because the culture of violence and weapons, and disrespect for life have become more prevalent in Somalia. It was added that the security situation in Somalia is being continuously monitored and that the overall level of violence in 2003 was high. Incidents of kidnappings and looting had increased, as many people looked to increase their resource base. The weaker clans and the minority groups were now worse off. This increase in violence and the deterioration of security in Somalia has affected not only Somali civilians, but also local UN staff." [7d] (p 11)

6.152 In February 2003 a panel of experts issued their report on arms in Somalia. The panel had been appointed by the UN in 2002 to give force to the arms embargo that had been introduced back in 1992 but generally neglected since. The panel found that Djibouti, Egypt, Eritrea, Ethiopia, Sudan and Yemen had all violated the embargo over the previous ten years and supplied arms, militia training and financial support to Somali factions. The panel found that it was easy to obtain an assortment of military ammunition and a range of weapons within Somalia arms markets. The panel did not find that international terrorist groups used Somalia as a haven. The experts recommended further investigation and targeted secondary sanctions. [111] In December 2003, the UNSC announced it would set up a unit to investigate violations of the arms embargo on Somalia. [143] On 17 March 2004, IRIN reported that renewed flows of arms to Middle Shabelle and Bakool regions via Ethiopia were a cause of

serious concern to IGAD and the UN Monitoring Group [10c]

Mogadishu and Lower Shabelle

6.153 Following a visit to assess the humanitarian and security situation in April 2003 the UN Resident Representative and Humanitarian Co-ordinator noted that "...the current situation in Mogadishu was problematic and severely affected the ability of the international community to do anything very meaningful. Regarding the security situation in the city, the report stated it was "good in some areas and not so good in others." [10a] However, the UNSCR June 2003 described the situation in Mogadishu as "...unpredictable and dangerous with crime a very significant problem; reports of kidnappings, robberies, hijackings and other violent acts were common". [3c] (p 3)

6.154 As noted in the UNSCR February 2003, "...in December 2002 Mogadishu fighting between members of the Abgal sub-clans in the Bermuda area of South Mogadishu resulted in the death of 10 militiamen and injury to a further 20. Fighting spread to both the K-4 area and Medina district of the city where an unspecified number of civilian casualties were reported. Although Elders were successful in establishing a temporary ceasefire more than 20 people were killed in a minibus attack on 24 December 2002." [3b] (p 3)

6.155 On 27 February 2003 a further violation of the ceasefire agreement signed in Eldoret occurred when fighting again erupted in Medina district between the rival militia of Musa Sude and Omar 'Finish'; 7 people were reported to have been killed and hundreds fled their homes. [3c] (p 6) [11g] According to the ARB, there was further fighting in Medina between forces of the same two rival militias in June 2003 with at least 7 more deaths reported. [11k] On 2 October 2003, the Somali-based Daynille website reported that faction leader Mohammed Dheere deployed militias in central Mogadishu to affirm his authority in the areas under his control [49b]

6.156 According to UNSCR October 2003, "...mounting criminality in Mogadishu [22c] included frequent abductions, carjackings and civilian deaths. On 2 July 2003, Dr. Hussein Muhammad Nur, a brother of RRA leader Colonel Hassan Mohamed Nur ("Shatigadud"), was murdered. On 6 July 2003, hundreds of medical workers in Mogadishu held a one-day work stoppage in protest of the killing. Moreover, fighting between the militias of Omar Mahmud Mohamed ("Finish") and Muse Sudi ("Yallahow") continued in the Medina district, causing several civilian deaths. Incidents of violence, including the rape of children and the dismemberment of a young woman in August 2003, were reported." [3e] (p 6) As noted in the JFFMR March 2004, "...the number of reported violations against women and children in the capital increased considerably in 2003". [7d] (p 21) During August 2003, "...some efforts were made to establish neighbourhood security patrols. In at least one case, neighbouring security organisations fought over their boundaries." It is too early, however, to judge the impact of the patrols. [3e] (p 6)

6.157 As stated in UNSCR October 2003, "...the almost complete absence of any established authority in Lower Shabelle resulted in armed groups setting up checkpoints at will to extort money from travellers." [3e] (p 7) "Early in November 2003,

the arrival of some 15 "technicals" from Mogadishu to areas near Marka in Lower Shabelle signalled rising tensions over competition to extort taxes from banana traders. On 14 November 2003, the fighting pitted the Ayr against the Saad, both sub-clans of the Hawiye/Habr-Gedir. Many people were killed and wounded before elders arranged a ceasefire on 27 November 2003." [31] (p 5) [7d] (p 22-3) On 24 November 2003, IRIN reported eight fatalities following clashes between pro-TNG factions and Sa'd businessmen over trading access in Merka, in the so-called 'banana wars' [10ce] [7d] (p 23) On the same day, nine fatalities were reported by Puntland-based Radio Gaalkacyo in Dhanaane (Lower Shabelle) following inter-clan clashes. [35b]

6.158 As stated in UNSCR February 2004, "...in Mogadishu crime was a major problem. The city was often tense because clans controlling different parts of the city are loyal to rival groups involved in the Somali national reconciliation process. Tensions in the reconciliation process have occasionally led to conflict in the city, although these have not escalated into major confrontations." [31] (p 5) On 23 January 2004, HornAfrik reported that four people were killed following a clash between two rival militias. [48k] As stated in UNSCR February 2004, "Tensions between Mohamed Dhere and Musa Sude continued. On 22 December 2003, Mohamed Dhere's militia attacked a convoy carrying Musa Sude and other prominent Abgal politicians in north Mogadishu because it was travelling without permission through an area under the control of his sub-clan." [31] (p 5)

For more information about specific security incidents in Mogadishu in 2003, refer to the JFFMR March 2004 [7d] (p 20-22)

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Middle Shabelle

6.159 The JFFMR July 2002 reported that "...the Governor of Middle Shabelle, Mohammed Dehreh, maintains an effective monopoly on the means of violence by enforcing a strict "no guns" policy on the local population." [7b] (p 18) However, as noted by the UN's independent expert in December 2002, "...in May 2002 over a dozen people were reported killed in inter-clan fighting in the Middle Shabelle region of south-central Somalia, over the disputed authority of the 'governor' of the region". [4] (p 6) According to Xinhua news agency, further fighting was reported to have broken out in mid June 2002 prompting hundreds of families to flee their villages. Both militias sustained an unconfirmed number of casualties. The reason for fighting relates to the political animosity between Dhere and Interior Minister Dahir Dayah. [9c]

6.160 According to IRIN, unrest in the region was reported in March and June 2003 when clashes between Dhere's militia and members of the Abgal sub-clan Muhammad Muse were reported. The clashes in June resulted in at least 23 deaths, a high proportion of whom were civilians. Reports suggested that the fighting stemmed from an attempt by Dhere, who controls the town of Jowhar, to extend his area of influence. There was a suggestion that violence occurred whenever Dhere returned to the region from the Nairobi peace talks. [10ae] As noted in UNSCR October 2003, "... tensions between Sudi and Mohammed Dhere, again led to fierce clashes around Jowhar in

July 2003, although calm had been restored by early September 2003." [30] (p 6) As noted in the JFFMR March 2004, "...according to UN sources Jowhar seemed to have stabilised through the course of 2003". [74] (p 20)

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Kismayo and Juba regions

6.161 During the second half of June 2003 reports from HornAfrik website, began to emerge that forces led by General Morgan were preparing to launch an attack on Kismayo. There were estimates that as many as 900 militia under his control had entered Somalia from Ethiopia in readiness. [484]

6.162 Commenting on the impending threat of an attack, JVA chairman, Col. Hiirale, confirmed JVA forces were on the highest state of alert. According to the Mogadishu based Ayaamaha newspaper, Hiirale claimed that Ethiopia and Puntland had equipped Morgan's forces, but expressed confidence that JVA were capable of defending the region. [184] Following Hiirale's statement, most Mogadishu faction leaders declared they would back the JVA and agreed to dispatch a convoy of vehicles carrying ammunition and guns. According to the Somali Ruunkinet web site, the decision to participate in the impending battle was taken after it was reported that Ethiopian soldiers and forces from Puntland would join Morgan's forces. [474] As of late August 2003 there had been no attack on Kismayo and a group of Morgan's militia with seven armed vehicles were however reported to have surrendered to JVA forces on 24 August 2003. [476]

6.163 As stated in UNSCR February 2003, "...in January 2003 there was fighting in Kismayo between the Marehan and Habr-Gedir clans. Casualties were reported on both sides; in addition there were reports that two civilians were killed on 21 January 2003. Intervention by clan Elders from both sides helped stop the fighting." [36] (p 3) [504] In the UNSCR June 2003, it was noted that in May 2003 "...a dispute between Marehan and Galjeel militias resulted in the death of the driver of a car hired by UNICEF to provide two international humanitarian staff with a tour of the city. However, in spite of this and similar incidents, the UN Security Council report that local leaders have made efforts to improve security in Kismayo. This has prompted humanitarian NGOs to re-establish operations and compliment the long standing work of UNICEF, Muslim Aid and the Somali Red Crescent Society." [34] (p 7)

6.164 According to IRIN sources, in August 2003 the JVA launched a security operation to clear guns from the town's streets. The intention of the exercise was to control the JVA militia and identify and arrest freelance gunmen who are reportedly a major source of insecurity in the town. The JVA forces have reportedly been put in four camps outside of Kismayo, according to a JVA spokesman anyone carrying a gun outside these camps will be treated as a criminal. It is reported that previous operations of this nature have been undertaken but not sustained. [1064] The UN independent expert for human rights was able to visit the town during his visit in August 2003 and meet JVA officials, he spoke positively of the initiative. [1064] The JVA are also reported to intend expanding its anti-crime operation to remove militia checkpoints on the road to Mogadishu. [1064]

6.165 In the UNSCR June 2003, it was stated that "...fighting had subsided between the Bartire and Aulehan clans for control of the Buale district in Middle Juba; tensions however remain." [3c] (p 7) [50a] According to the UN numerous lives were lost as a result of this conflict, but as of June 2003 peace talks supported by businessmen, clan elders and religious groups were in progress. Buale however remained off limits to UN staff due to insecurity. [3c] (p 6) [7d] (p 25)

6.166 As reflected by UN sources in the JFFMR March 2004, "...the stability of Kismayo depends on a fragile mix of political, militia and business actors that share a common interest - generating and using income from the "taxation" of port and airport activities." [7d] (p 26) The UNSCR October 2003 noted that "...the number of checkpoints on the Mogadishu-Kismaayo road increased significantly during August 2003. Militias loyal to JVA in Kismaayo, local businessmen and the leader of the Islamic court from Qoryooley in Lower Shabelle cleared some of them in late August 2003." [3e] (p 7) In September 2003, IRIN reported that the JVA continued its security operation in Kismayo aimed at clearing guns from the town's streets. [10c9] On 29 October 2003, HornAfrik reported that 100 people were killed in Haramka village as a result of inter-clan fighting caused by the removal of checkpoints by the JVA between Merka and Kismayo. [48f] Following the death of 40 people in inter-clan fighting in Bu'aale district in March 2004, clan elders intervened to halt rival militias, according to Somali Midnimo website. [35c]

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Bay & Bakool

6.167 According to ARB, both the security and humanitarian situation reportedly continued to deteriorate in 2003, particularly in Baidoa. Humanitarian agencies have not been able to access the town since the July 2002. [11f] As of June 2003 "...the area within a 40-kilometre radius of Baidoa was off limits to UN staff due to insecurity". [3c] (p 5) As stated by ARB, there was a reported increase in the number of people killed because of their clan affiliations. Increasing numbers of people have reportedly been seeking refuge away from the fighting including farmers who are thus unable to harvest their crops. [11f] The UN Security Council reported in February 2003 that control of Baidoa had changed hands a number of times but was, at that time, in the hands of opponents to Shaatigaduud. [3b] (p 2) In the period between February and June 2003, the UN reported that "...fighting between the RRA factions continued and militias were carrying out raids into Baidoa. They also laid mines in the vicinity of the town". [3c] (p 5-6) In one incident in April 2003, "...some 27 people were killed in a mine explosion on the Baidoa to Dinsor road and in subsequent fighting between the Leysan and Garewale sub clans (both Rahanweyne)." [3c] (p 5-6) [7a] (p 80-7)

6.168 As stated in the UNSCR October 2003, inter-clan fighting around Baidoa continued during the reporting period, including 35 killed in one clash in October 2003, according to HornAfrik [48m]. "The confrontation, which is in part a leadership dispute within RRA, has prevented access to the town for 14 months and has claimed numerous lives. The ferocity of the conflict was illustrated by episodes such as the killing of a young woman by one side on 18 June 2003, which was followed

by a series of revenge killings in which at least four young women were reported killed." [3e] (p 5) [7d] (p 24) According to the UNSCR February 2004, "...a ceasefire was agreed by two of the RRA leaders in September 2003. However, the situation worsened when, on 18 October 2003, eight women were sprayed with bullets and killed as they fetched water at a water hole in the Gofmarere area of Bay region. Some 300 Rahanweyn elders assembled in Wajid with a view to holding reconciliation talks. Since the reconciliation efforts started, the clashes diminished in intensity." [3f] (p 5-6) [10biv] Renewed clashes involving several fatalities were reported in Belet Weyne by Radio Shabeelle on 19 January 2004 [34e] and Danyille website on 9 February 2004. [49c]

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Gedo

6.169 There were reports of intra-Marehan clan fighting in Luuq, in the northern Gedo region. The UNSCR February 2003 stated that 40 people were killed as on 29 October 2002 as a result of this. [3b] (p 2) [50ii] In June 2003 the UN reported that fighting between the Marehan was making access to Gedo difficult for humanitarian staff. [3c] (p 6)

6.170 As noted in the UNSCR October 2003, "...the almost complete absence of any established authority resulted in armed groups setting up checkpoints at will to extort money from travellers. The lack of local authority has significantly reduced the frequency of visits by aid workers to places such as Belet Hawa, Luuq and Bardera." [3e] (p 7) According to the UNSCR February 2004, "...although the region was generally quiet during the reporting period, no clear authority has emerged and many of the clans are embroiled in disputes, resulting in occasional killings. El-Wak has been under the joint administration of the Garre and Marehan clans. In December 2003, Garre militia wrested control of El-Wak from the Marehan." [3f] (p 6) [7d] (p 25)

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Hiran

6.171 The Hawadle and Galje'el clans that inhabit the regions principle town of Belet Weyne are historically divided and clashes sometimes. When visiting the town in May 2002 the British/Danish fact-finding delegation learnt that the town had enjoyed a period of peace. The most recent major clash had occurred in August 2000 and lasted for one to two months; Elders resolved it. However, people remain fearful of renewed conflict, the period since the previous clash having been the longest in recent years though UN representatives present in the town suggested, at the time of the delegations visit suggested that there was verbal tension rather than any physical threat. [7b] (p 20)

6.172 Inter-clan militia clashes in Belet Weyne were reported by Somali Holy Koran Radio on 19 January 2004, resulting in 17 deaths. [51b] Though HornAfrik reported that the situation in the town had become calm shortly after the fighting [48b] The same source reported renewed clashes, allegedly between two sub-clans of the Galje'el clan, and 13 fatalities on 4 February 2004. [48c]

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Galgudud

6.173 In March 2003, the UNSCR June 2003 reported that "...humanitarian staff were withdrawn from the Galgudud due to fighting between the Abgal and Habr Gedir sub clans." [3c] (p 6-7) In April 2003 the ARB reported clan fighting was reported in central Galgudud resulting in the death of four people. [11i] In August 2003 there were further reports from the Somalia-based Daynille website of fighting in Galgudud, on this occasion the clans involved were not specified but the dispute arose as a result of an argument over a water well. [49a]

6.174 As stated in the UNSCR October 2003, "...insecurity continues to affect humanitarian operations south of Gaalkacyo. Clan conflict, banditry and the weakness of most local administrations combine to make the management of security a significant challenge for humanitarian staff. Groups of armed men harass travellers and transporters without fear of retribution and make many areas almost inaccessible to UN staff." [3e] (p 7) As noted in UNSCR February 2004 and by Radio Shabeelle, 40 people reportedly died as a result of inter-clan conflict in Herale town caused by a revenge killing on 29 October 2003. [3f] (p 5) [34c] In November and December 2003 IRIN and the BBC reported over a hundred further fatalities in the same town. The conflict was allegedly between the Darod subclan of the Marehan and the Dir sub-clan of Fiqi Muhumud. [7d] (p 19) [10ch] [14m] [20b] A further 20 fatalities in Herale were reported by Radio Shabeelle on 13 January 2004 [34d] and at least 12 more deaths on 1 March 2004, according to HornAfrik. [48p] According to the UNSCR February 2004, there was sporadic inter-clan fighting between Murusade and Duduble in El-Bur district. [3f] (p 5) [7d] (p 19) On 23 March 2004 an independent, Belet Weyne-based journalist was able to visit Herale town, the first such visit for six months. It was reported that 108 persons had died as a result of fierce fighting that resumed on 18 March 2004. The journalist stated that clan elders and religious leaders had not been able to effectively mediate in the conflict. [55c]

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Mudug

6.175 In January 2002 an estimated 40 people were killed and 60 wounded in inter-clan fighting in Mudug. This had reportedly been initiated by revenge killings and further escalated by the scarcity of water and grazing in the area. This violence had reportedly displaced hundreds of families. [4] (p 5) [50a] In March 2003 the UN reported that humanitarian staff were withdrawn from the southern Mudug region due to fighting between the Abgal and Habr Gedir sub clans. [3c] (p 5)

6.176 In July 2003 IRIN reported heavy fighting resulting in the death of 43 people and injury to a further 90 was reported. Women and children were among the fatalities and it was expected the death toll would further rise; additionally hundreds of families were reportedly displaced and left without access to water. [10bh] [3e] (p 5) This outbreak of fighting involved clashes between the Habr Gedir and Sa'ad sub-clans. [7a] (p 80-7) [10bh] IRIN indicated that, though triggered by revenge killings, the ensuing escalation of violence was attributed to disagreements over water and

grazing rights. It was reported that the clash, which occurred in a remote region some 200 kilometres east of the regional capital Galkayo, was further exacerbated by the easy availability of heavy weapons. The fighting subsided after two days when elders and religious leaders from Galkayo reportedly attempted to organise a mediation team. [10b]

Puntland

6.177 Following a period of instability in Puntland, which saw unrest throughout 2002, calm returned to the region in early 2003. [1a] (p 1000) [3c] (p 5) [7b] (p45-50) [10z] A peace deal was formally signed between the rival factions in May 2003. [3c] (p 5) [10an] There are conflicting reports regarding both militia and civilian casualties during conflict in "Puntland" arising during the period of conflict. [4] (p 6) As reflected in the UNSCR October 2003, "...on 21 July 2003, in Garoowe, there was shooting near the residence of the 'Vice-President'. The incident appeared to be related to a power struggle over proposed changes in the 'Puntland' cabinet." [3e] (p 7)

6.178 According to UNSCR February 2004, "...on 27 December 2003, forces loyal to the Puntland administration assumed control of Las-Anod district in Sool region after Somaliland asserted its authority over the disputed Sool and Sanaag regions. Somaliland considers its borders to be those of the former British Somaliland Protectorate, which included the two regions. Puntland's claim is based on the fact that the clans living in those regions are mostly Darod, the dominant group in Puntland." [3f] (p 4) [11j] [34a] [51a] Tension in the region increased early in January 2004 when Somaliland began recruiting militias. [10b] [34b] According to Puntland-based Radio Midnimo, heavy fighting was reported in the disputed region on 9 January 2004. [35a] According to pro Puntland Radio Gaalkacyo, Puntland's Minister of Interior Habsade and the police chief addressed a public rally in the disputed town of Laas Caanood (sic) to galvanise the pro-Puntland public. [36a]

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Somaliland

6.179 As stated in the UNSCRs February and June 2003, security conditions remained calm in Somaliland during 2003, with presidential elections in April 2003 passing peacefully. [3b] (p 3) [3c] (p 5) There were no reports of unrest arising from the subsequent challenge of the result by the party of the second placed candidate. [3c] (p 5)

6.180 When local municipal elections took place in December 2002 only one violent incident was reported, this occurred in the disputed Sool region, according to UN sources. [3b] (p 2) [10y] The authorities dispatched troops to Las Anod in Sool region during December 2002 to prepare for the visit of Somaliland leader, Mr Kahin. [3b] (p 4) [50a] Las Anod is the capital of Sool region which - along with Sanaag region - is claimed by both Somaliland and the neighbouring Puntland. The regions fall geographically within the borders of the former British Somaliland, but most of the population are from the Dulbahante and Warsangeli clans of the Majertien and are associated with Puntland. [10y] [11x] With both Somaliland and Puntland laying claim to this area the development gave rise to concern of hostilities between the two regions. The arrival of Kahin in Las Anod resulted in fighting between Somaliland troops and local militia who

were reinforced by troops from Puntland. The clashes resulted in the death of the claimant to the post of Governor of Sool affiliated to Puntland and one of Kahin's bodyguards; however, full details of casualties were never confirmed. [36] (p 2) [107]

6.181 According to the UNSCR October 2003, "...a riot took place in Burco on 1 September 2003. The incident occurred when the police tried to move a number of IDPs from the secondary school to a new site in the town. The move had apparently been agreed to, and the reason for the clash is not yet clear. One IDP was killed." [30] (p 7) As noted by IRIN, on 26 September 2003, Hargeisa airport averted closure despite urgently needing rehabilitation work. [106w] On 2 October 2003, HornAfrik reported that the Somaliland authorities had endorsed efforts by clan elders to resolve conflict between Hawiye clan members [487]

6.182 In the UNSCR February 2004, "...breaches in security in 'Somaliland', an area hitherto enjoying relative peace, caused serious concern. On 5 October 2003, Dr. Annalena Tonelli, an Italian, was shot dead at close range on the grounds of a tuberculosis treatment centre that she had founded in Boorama. On 20 October 2003, Richard and Enid Eyeington, a couple from the United Kingdom, who had been teaching at Sheikh Secondary School as employees of the non-governmental organization SOS Kinderdorf, were murdered in their home in Sheikh. Investigations by the "Somaliland" authorities are ongoing regarding both incidents. On 9 December 2003, the commander of the Hargeisa police traffic division was murdered outside his home. The motive for the attack was reportedly related to the officer's role in the investigation of a traffic accident in which one of his clansmen had been involved." [37] (p 5)

6.183 According to UNSCR February 2004, "...on 21 December 2003, the Somaliland Parliament adopted a resolution, asserting Somaliland's authority over the Sool and Sanaag regions. Somaliland considers its borders to be those of the former British Somaliland Protectorate, which included the two regions. Puntland's claim is based on the fact that the clans living in those regions are mostly Darod, the dominant group in Puntland. The Puntland administration stated that it would use all means at its disposal to defend the security and territorial integrity of Puntland. On 27 December 2003, forces loyal to the Puntland administration assumed control of Las-Anod district in Sool region." [37] (p 4) Tension in the region increased early in January 2004 when Somaliland began recruiting militias. [106y] [346] According to Puntland-based Radio Midnimo, heavy fighting was reported in the disputed region on 9 January 2004. [35a]

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Border Security

6.184 The ARB reported that "...during early March 2003 the TNG claimed that the Ethiopia had amassed in excess of 35,000 troops on its side of the border. Ethiopia, which backs forces opposed to the TNG, denied these claims. Forces loyal to the TNG in the border regions of Bakool, Gedo and Hiran were reported to have been on full alert. However, it was subsequently reported that Ethiopian forces had withdrawn after 1 week and re-deployed in areas within southern Ethiopia inhabited by ethnic Somalis. With a large Somali population in the south-eastern region,

Ethiopia is reportedly concerned about any attempt to bring all Somalis under one government." [115] In May 2003 Kenya stationed two army battalions at the border with Somalia. Kenyan soldiers are to patrol the border as part of their government's fight against terrorism. [116] On 13 December 2003, Somaliweyn website reported that Ethiopia had agreed to reopen its border with Somalia at the Hiran region. [55b]

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CHRONOLOGY OF EVENTS

26/6/1960 Independence of British Somaliland protectorate

1/7/1960 Merger of former British Somaliland and Italian-administered UN Trust Territory of Somalia as the independent Somali Republic; Somali Youth League (SYL) leads coalition government headed by President Aden Abdullah Osman with Dr Abd ar-Rashid Ali Shirmarke as Prime Minister

1964 - Dr Shirmarke replaced as Prime Minister by Abd ar-Razak Hussein who forms an all-SYL cabinet; territorial dispute with Ethiopia over Ogaden district leads to armed clashes

6/1967 Dr Shirmarke becomes President; Mohamed Ibrahim Egal appointed Prime Minister

15/10/1969 President Shirmarke assassinated

21/10/1969 Military coup led by Commander-in-Chief Major-General Mohamed Siad Barre; Supreme Revolutionary Council (SRC) proclaims Somali Democratic Republic; Barre vows to eliminate clanism

10/1970 Barre declares Somalia a socialist state and embarks upon programme of 'scientific socialism'

1976 - SRC dissolved, replaced by Somali Revolutionary Socialist Party with Barre as Secretary-General

27/6/1977 Former French Somaliland becomes independent Republic of Djibouti

7/1977 Somalia invades Ogaden district of Ethiopia; Soviet Union switches allegiance from Somalia to Ethiopia

3/1978 Ethiopia regains Ogaden with Soviet and Cuban assistance; large numbers of refugees enter Somalia from Ethiopia

1980 - Barre officially becomes President of Somali Democratic Republic

1982 - Barre's Marehan clan consolidates grip on power

1981 - Formation of Majerteen-dominated opposition group DFSS (later becomes SSDF) and Isaaq-dominated SNM

7/1982 DFSS guerrillas invade central Somalia and occupy two towns but invasion repelled by Government forces; severe reprisals against Majerteen clan

2/1983 Mutiny in northern areas

11/1984 Barre assumes all powers of government

12/1986 Barre sole candidate in presidential election - rule confirmed for further 7 years

1987 - Increase in attacks on military targets by insurgents

4/1988 Peace accord with Ethiopia; withdrawal of Ethiopian support for Somali insurgents

5/1988 SNM invades north-western Somalia, occupying Burao and part of Hargeisa

6/1988 Fierce counter-offensive by Government forces, led by General Morgan, against SNM in north-west; Hargeisa virtually destroyed, killing 40,000; 400,000 flee to Ethiopia

7/1989 400 protestors killed in anti-Government demonstrations organised by Hawiye USC in Mogadishu

8/1989 Barre loses support of Ogaden clan; clashes with Ogaden SPM militia in south, fighting alongside USC forces; Barre offers to relinquish power

1/1990 Barre dismisses his government but opposition refuses to take posts in new administration

8/1990 USC, SNM and SPM co-ordinate military campaigns to overthrow Barre

11/1990 SPM seizes Kismayo

1/1991 USC forces led by General Aideed capture Mogadishu; SNM takes control of north-west

27/1/1991 Barre flees Mogadishu

29/1/1991 USC's Ali Mahdi proclaimed temporary President but SNM and SPM oppose his appointment

3/1991 Increasing divisions along clan lines; opposition groups refuse to participate in USC-organised national conference

5/1991 Fall of Mengistu regime in Ethiopia

16/5/1991 SNM declares independence of "Republic of Somaliland" in north-west; SNM Chairman Abd ar-Rahman Ahmed Ali 'Tur' declared President of breakaway state

6/1991 Differences within USC, mainly along clan lines, emerge as supporters of Ali Mahdi and General Aideed clash in Mogadishu

6/1991 Conference of national reconciliation held in Djibouti attended by USC, SDM, SPM and DFSS; SNM refuses to participate

7/1991 Second conference held in Djibouti, joined by SDA and USF; the 6 participants declare intention of defeating Barre's SNF and implementing cease-fire; Ali Mahdi confirmed as President for 2-year period

7/1991 USC Central Committee elects General Aideed as its Chairman

18/8/1991 Ali Mahdi sworn in as President

9/1991 Armed clashes in Mogadishu between rival USC factions leave 300 dead

11/1991 Aideed supporters capture most of Mogadishu, forcing Ali Mahdi to flee, but Ali Mahdi regains northern Mogadishu by end of month

12/1991 Ali Mahdi asks UN to send peacekeeping force

1/1992 General Aideed opposes UN involvement and sets up his own administration; UN imposes arms embargo on Somalia

3/1992 Escalation of violence in Mogadishu - 14,000 dead; inter-clan rivalry leads to clashes in Somaliland, which last until 10/1992

4/1992 SNF's advance on Mogadishu repelled by Aideed's forces; Barre flees Somalia (dies in Nigeria in 1995)

4/1992 UN sets up UNOSOM

5/1992 Aideed forms SLA military alliance with other groups including SPM and SDM, which captures Kismayo from SNF

6/1992 SLA in control of large area of southern and central Somalia; UNOSOM deploys 50-man observer group

8/1992 SLA forms SNA, headed by Aideed; Ali Mahdi in alliance with anti-Aideed groups, including SSDF and faction of SPM; UNOSOM deploys 500 troops to protect UN personnel and escort food supplies

12/1992 1,800 strong US-led force takes control of Mogadishu's port and airport; Ali Mahdi and Aideed sign peace agreement under US auspices, but agreement soon broken

1/1993 33,000 UNITAF troops in Somalia; UN-organised peace negotiations in Addis Ababa attended by 14 groups

2/1993 UNITAF forces clash with SNF in Kismayo and with armed youths in Mogadishu

3/1993 UN-sponsored reconciliation conference in Addis Ababa; UN sets up UNOSOM II, with reduced US role; UNOSOM II tasked with enforcing peace and institution-building

4/1993 SNF recaptures Kismayo

5/1993 Belgian UN troops clash with SPM around Kismayo; Mohamed Ibrahim Egal replaces Tur as President of Somaliland; Tur denounces Somaliland's secession

6/1993 Aideed's forces kill 24 Pakistani UN troops in Mogadishu - UNOSOM retaliates with air strikes; UN Security Council issues warrant for Aideed's arrest but he evades capture; clashes between UN forces and Somali militia cause many civilian deaths

9/1993 18 US troops and 300 Somalis die in clashes in Mogadishu leading to US reappraisal of its role and decision to withdraw US forces by 3/1994

11/1993 Ali Mahdi assumes leadership of SSA alliance

3/1994 Cease-fire agreement signed in Nairobi between SSA and Aideed but agreement soon broken

6/1994 Further heavy fighting in Mogadishu between Aideed and Ali Mahdi supporters

7/1994 Aideed's forces take control of Belet Weyne from Hawadle (Hawiye) clan

10/1994 Fighting between Ali Mahdi's forces and Murosade clan in Mogadishu, lasting to 1/1995

2/1995 UN forces withdraw from Mogadishu headquarters; fighting between rival USC/SNA factions (led by Aideed and Ali Ato) for control of airport

3/1995 End of UNOSOM intervention - 136 UN personnel and hundreds of Somalis killed in UN operation, which failed to bring peace, but which did provide significant famine relief and establish local administrations in many areas

6/1995 Divisions within USC/SNA become apparent - Ali Ato faction breaks with Aideed and loosely allies itself with Ali Mahdi; Aideed declares himself President but is recognised only by Libya

9/1995 Aideed's forces capture Baidoa

10/1995 Ali Mahdi and Ali Ato supporters ban banana exports to deny Aideed revenue

1/1996 Aideed's forces capture Huddur

7/1996 General Aideed fatally wounded in clashes in Mogadishu

- 8/1996** General Aideed dies on 1.8.1996; replaced as "President" by his son Hussein Aideed on 4.8.1996
- 10/1996** Hussein Aideed, Ali Mahdi and Ali Ato attend peace talks in Nairobi - cease-fire agreed but broken by Ali Ato's forces
- 12/1996** OAU, IGAD and Ethiopian Government-backed talks involving 26 Somali factions held in Sodere, Ethiopia
- 1/1997** Sodere talks lead to formation of National Salvation Council (NSC) to create transitional government - Aideed and SNM not involved in process; Aideed and Ali Mahdi hold talks on implementation of Nairobi agreement but hostilities resume in 2/1997
- 3/1997** League of Arab States and Egyptian Government-sponsored talks held in Cairo
- 5/1997** Aideed and Ali Ato hold talks in San'a, Yemen
- 11/1997** Aideed and Ali Mahdi jointly chair talks in Cairo
- 12/1997** Cairo Declaration signed between Aideed and NSC factions - provides for cease-fire, reunification of Mogadishu and a reconciliation conference as prelude to transitional government and new constitution; conference supposed to commence in Baidoa in 2/1998 after withdrawal of Aideed's forces from the town
- 1/1998** USC faction leaders agree to re-opening of Mogadishu's air and sea ports, demobilisation of clan militia and dismantling of green lines
- 2/1998** Large peace rally in Mogadishu attended by Hussein Aideed, Ali Mahdi and Ali Ato; free movement begins as green lines dismantled; however, Aideed's forces still occupying Baidoa and reconciliation conference postponed to 31.3.1998, raising doubts over the future of the Cairo peace process
- 3/1998** Aideed and Ali Mahdi sign agreement on structure of Benadir (Mogadishu area) regional administration; Baidoa conference postponed (again) to 15.5.1998
- 7/1998** Autonomous "Puntland State of Somalia" declared in SSDF-administered north-east
- 8/1998** Unified civilian administration established for Benadir Region (Mogadishu) under co-chairmanship of Ali Mahdi and Hussein Aideed; Ali Ato denounces new authority but city remains calm
- 8/1998** Peace deal agreed between SNF and Al-Itihaad in Gedo region; Ethiopian forces cross border into Gedo but withdraw the next day
- 8/1998** Nine-member Cabinet appointed by Puntland's "President", Colonel Abdullahi Yusuf Ahmed

9/1998 World Food Programme warns of impending humanitarian crisis in southern Somalia owing to food shortages

9/1998 New police force in Mogadishu made up of demobilised militiamen receives first allowances; Habr Yunis clan militia incorporated into Somaliland's 'national' security forces; 10,000 Somalis voluntarily repatriated to Somaliland from Ethiopia

9/1998 69-member Puntland Parliament inaugurated; Puntland charter released, advocating federal structure for Somalia; Ethiopia donates military equipment to Puntland administration

10/1998 RRA captures Huddur from USC/SNA; thousands return to Huddur, prompting food shortages

11/1998 Heavy fighting in Kismayo between SNF and SPM; peace talks commence in Nairobi between SNF and SPM; many flee Kismayo; Medina Hospital in Mogadishu reopens

12/1998 RRA establishes new regional administration for Bakool region; new 3,000-strong police force deployed by unified administration in Mogadishu

1/1999 Fighting between RRA and USC/SNA spreads to Baidoa

2/1999 Ethiopia reportedly supplies arms to RRA; RRA alleges that 60 civilians massacred by USC/SNA forces in Baidoa area

4/1999 Ethiopia enters Gedo region, taking control of Bulahow and Dolo, as effects of Ethiopia-Eritrea border war spill over into Somalia

5/1999 Fresh fighting for Kismayo between pro-Aideed SNF faction and Morgan's SPM forces

5/1999 Fighting in Gedo region between rival factions of SNF, with Ethiopian involvement

5/1999 President Egal approves resolution allowing for the introduction of multi-party politics in Somaliland

6/1999 RRA ousts USC/SNA from Baidoa, with Ethiopian assistance; RRA advances to take Bur Acaba and closes in on Aideed's airstrip at Balidoogle

6/1999 SNF and allies in ASF grouping take Kismayo from General Morgan

6/1999 Ethiopian forces take Luuq

7/1999 UNICEF re-opens office in Baidoa as RRA consolidates its hold

7/1999 Ethiopian forces advance in Gedo region to take Garba Harre and Burdobo

5/2000 Peace conference opens at Arta, Djibouti attended by clan Elders and other leaders of Somali civil society

8/2000 Arta peace conference elects members to Transitional National Assembly (TNA), a new clan-based parliament for Somalia; TNA elects Abdiqassim Salad Hassan as interim President of Somalia

9/2000 Abdiqassim visits Baidoa and Mogadishu, without opposition from clan-faction leaders

12/2000 North Mogadishu 'warlord' Hossein Haji Bod declares his support for Abdiqassim's Transitional National Government (TNG)

12/2000 10,000 former soldiers recruited by TNG to form new national army

3/2001 Hussein Aideed and other warlords opposed to the TNG set up rival Somali Reconciliation and Restoration Council (SRRC)

5/2001 Referendum in Somaliland endorses new Constitution and independence of Somaliland and provides for political parties and elections

6/2001 Juba Valley Alliance (JVA), a pro-TNG grouping, establishes new regional administration in Kismayo. Abdullahi Yusuf seeks three-year extension to term of office as Puntland President but declared unconstitutional by Puntland Supreme Court; Supreme Court Chairman Yusuf Haji Nur assumes Puntland presidency

7/2001 Puntland Elders back Yusuf Haji Nur's removal from office of Abdullahi Yusuf. President Egal of Somaliland founds new party, Allied People's Democratic Party (UDUB)

8/2001 Fighting in Bossaso, Puntland - Abdullahi Yusuf retreats to Galkayo; conference on Puntland constitutional crisis opens in Garowe

8/2001 General Morgan's forces recapture Kismayo but JVA drives them out the next day; JVA goes on to take Bu'aale from Morgan

10/2001 Interim Puntland President denies existence of Al-Itihaad bases in Puntland. Seven political parties legally registered in Somaliland ahead of elections due in 2002. TNG of PM Ali Khalif Galayadh voted out of office by TNA - Abdiqassim remains interim President and will appoint new PM and administration

11/2001 Jama Ali Jama chosen as new President of Puntland

12/2001 Abdullahi Yusuf captures Garowe, forcing Jama Ali Jama to flee to Bossaso

1/2002 Term of office of Somaliland's President Egal extended to 2/2003, postponing elections

3/2002 RRA establishes new autonomous region - "State of Southwestern Somalia" - in Bay & Bakool regions

5/2002 Death of President Egal of Somaliland; Vice-President Riyale becomes new president of Somaliland

7/2002 Fighting breaks out in Baidoa between forces loyal to Shaatigaduud and those of two of his deputies.

10/2002 IGAD-sponsored peace conference opens in Eldoret, Kenya, attended by TNG, SRRC and other key factions. Eldoret declaration signed on 27 October. Forces loyal to two RRA vice-chairmen captured Baidoa from Shaatigaduud.

12/2002 Multiparty civic elections held in Somaliland - generally peaceful.

2/2003 Peace conference is adjourned in order to move venue from Eldoret to Mbagathi College in Nairobi.

4/2003 Presidential elections held in Somaliland, poll is peaceful but result disputed by opposition after Kahin of ruling UDUB is declared winner by margin of 80 votes.

7/2003 President Abdiqassim of TNG rejects deal on new administration agreed at talks in Kenya.

12/2003 Heightened tension between the Somalia and Puntland over disputed border territory in the Sool region. Troops mobilised.

1/2004 January - Breakthrough at peace talks in Kenya; warlords and politicians sign deal to set up new parliament.

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ANNEX B

SOMALI CLAN STRUCTURE

Clan family	Sub clans/groupings	Residential location
DIR	Issa Gadabursi Bimal	All regions of Somalia. Also Ethiopia, Djibouti, Kenya
ISAAQ	Habr Awal: Saad Muse Issa Muse Ayub Habr Garhadjis: Habr Yunis Aidagalla Arab Habr Jaalo (Habr Toljaalo): Mohamed Abokor Ibrahim Muse Abokor Ahmad (Toljaalo)	All regions of Somalia especially Lower Shabelle and Hiran. Also Kenya and Ethiopia
DAROD	Marehan Ogaden Harti Confederation: Majerteen Dulbahante Warsangeli	All regions of Somalia. Also Kenya and Ethiopia
HAWIYE	Hawadle Waadan Habr Gedir Abgal Murosade Gaalgale	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	The "Eight": Maalinweyna Harien Helleda Elai, and others	Bay, Bakool, Gedo. Also Kenya and Ethiopia
	The "Nine": Gassa Gudda Hadama Luwal Geledi, and others	Bay, Bakool, Gedo, Middle Juba, and Hiran. Also Kenya and Ethiopia

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 [7a] (p80-7)

ANNEX C

MAIN MINORITY GROUPS

Minority group	Ethnic origin	Est. pop	Location	Language	Religion	Clan affiliation	Traditional skill
BANTU	Bantu communities in East and Central Africa	15% (of the 7m total)	In the riverine areas across the Juba and Shabelle rivers: Jilib, Jamame, Buale, Sakow, Merka, Qoryoley, Afgoye, Jowhar, Balad, Buloburte, Beletweyne,	Somali (both Maay and Mahatiri; Mushunguli)	Islam and small percentage of Christian (about 300 people) mainly from the Mushunguli communities in Kakuma refugee camp	Some Bantu subclans in the Lower shabelle region identify themselves with Digil and Mirifle in the Lower Shabelle region	Small scale farming and laborers
RER HAMAR	Immigrants from Far East countries	0.5%	Shangani and Hamarweyne districts in Mogadishu; and Merka	Somali (Rer-Hamar Dialect)	Islam	Some subclans have patron clans within Hawadle	Business, fishing
BRAWAN/ BRAVANESE	Arab immigrants mainly from Yemen	0.5%	Mainly in Brava	Baravenese	Islam	No patron clans	Business, fishing
BAJUNI	Kswahili people from Kenya Coast	0.2%	Kismayo, and islands off coast: Jula, Madoga, Satarani, Raskamboni, Bungabo, Hudey, Koyama, and Jovay islands.	Bajuni	Islam	No patron clans	Mainly fishing
GALGALA	Samale	0.2%	Mogadishu and Gedihir in the Middle Shabelle region.	Somali (Mahatiri)	Islam	Identify themselves as Nuh Mohamud; Clan patrons- Osman Mohamud and Omar Mohamud subclans of Majerteen	Wood craft making, pastorals
GAHEYLE	Samale	0.1%	Erigabo (Sanag)	Somali (Mahatiri)	Islam	Warsengeli (Darod)	pastoralists
BONI		0.1%	Along the border between Kenya and Somalia:	Somali (Mahatiri)	Islam	No patron clan	hunters
EYLE	Sab	0.2%	Mainly in Burhakaba, Jowhar and Buloburte	Somali (Some use May, and others)	Islam	Rahanweyn	hunters and gathers

Minority group	Ethnic origin	Est. pop.	Location	Language	Religion	Clan affiliation	Traditional skill
MIDGAN (GABOYE)	Samale	0.5%	Scattered in the north and central Somalia, Hiran, Mogadishu and Kismayo	Somali (Mahatiri)	Islam	Isak in Somaliland, Darod in Puntland Hawadle, Murasade and Marehan in Galgaduud region [39b] (p 3)	Shoemakers
TUMAL & YIBIR	Samale	0.5% & 0.5%	North and Central Somalia, Hiran, Mogadishu and Kismayo	Somali dialect of the clan to which they are attached [7a] (p 58)		Isak in Somaliland, Darod in Puntland Hawadle, Murasade and Marehan in Galgaduud region [39b] (p 3)	Blacksmiths/ hunters
ASHRAF	Arab immigrants from Saudi Arabia	0.5%	Merka, Brava, Bay and Bakool	Mainly May, some Mahatiri	Islam	Rahanweyn	Farmers and pastoralists

Adapted extract from UNCU/UN-OCHA SOMALIA, *A study on minorities*, August 2002. [39b] (p 11-12)

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ANNEX D

POLITICAL ORGANISATIONS

Al-Itihaad al-Islamiya (Islamic Union Party) - a radical Islamic group aiming to unite ethnic Somalis from Somalia, Ethiopia, Kenya and Djibouti in an Islamic state. Based in Gedo region; opposed by the Ethiopian government who frequently seek to justify incursions into Somalia by claiming pursuit of Al-Itihaad members; currently opposed by the SNF. Not a participant in the Eldoret or previous peace initiatives, the group is thought to support terrorist activities in Ethiopia. [1a] (p 1012) [3d] [7b] (p 50-5) [22b]

Al-Itihaad has had no defined organisational structure since the creation of the TNG and the decline of *Shari'a* courts led by Al-Itihaad though it continues to have adherents throughout the country. The group reportedly has a loose network of less than a dozen key leaders, making it hard to identify and target by opposition forces. In the mid 1990's the organisations reportedly operated training camps, however, Al-Itihaad reportedly maintains no standing militia. Security forces and staff for businessmen linked to Al-Itihaad are considered by some to represent a "reserve army" of more than 1,500 militia. [2b] (p 2) [7b] (p 50-5)

There were reports of links between Al-Itihaad and Osama bin Laden's terrorist network Al-Qaeda. In the aftermath of the terrorist attacks in the United States on 11 September 2001 Al-Itihaad al-Islamiya was one of the organisations linked to terrorism for which US President Bush ordered assets to be blocked. However, a panel of experts appointed by the UN in 2002 to oversee the arms embargo on Somalia found Al-Itihaad to have a largely local agenda and few formal links with Al-Qaeda. Information obtained by the British/Danish fact-finding delegation who visited Somalia in May 2002 suggests that Al-Itihaad's influence in Somalia has weakened considerably. Al-Itihaad has reportedly switched its emphasis away from armed opposition towards exerting influence through schools, which may be funded from Saudi Arabian sources. [11h] [7b] (p 50-5)

Allied People's Democratic Party (UDUB) - meaning "pillar" in Somali, a Somaliland party established in July 2001 by late President Egal of Somaliland in preparation for elections in 2002. [1a] (p 1012) [10ab]

Allied Somali Forces (ASF) - alliance of SNF faction and others that captured Kismayo from General Morgan's SPM forces 6/1999; became the Juba Valley Alliance (see JVA below).

Asad - a Somaliland political party, participated in the December 2002 civic elections polling the least number of votes out of the six parties contesting. [11e]

G8 - an alliance of faction leaders at the Eldoret/Nairobi Peace talks comprising Mogadishu faction leaders Qanyare, Ali Ato and Omar 'Finish', the JVA, the Madobe/Habsade faction of the RRA, the Gedo based faction of the SNA led by Col. Bihi and SAMO. [10bc]

Hormood - (Pioneer) a Somaliland political party, participated in the December 2002 civic elections. In March 2003 the party merged with the Kulmiye party - see below. [11e][14f]

Ilesky - a political party in Somaliland, did not stand in the December 2002 civic elections and according to reports the same months planned to merge with the ruling UDUB. [11e]

Juba Valley Alliance (JVA) - pro-TNG grouping of Marehan, Ogadeni and Habr Gedir factions that controls Kismayo (formerly the ASF). Colonel Barre Shire Hiirale, of the Marehan Rer Dini clan and Aden Serrar, of the Habr Gedir Ayr were, as of mid 2002, reported to lead the JVA; by mid 2003 reports suggested Hiirale was the sole leader and chairman. [1a] (p 1012) [7b] (p 16-18) [10bd][18e]

Kulmiye - (Solidarity party) Somaliland opposition political party; took the second largest share of votes in the civic elections of December 2002 after the ruling UDUP. In the course of its campaign for the 2003 presidential election the party said its candidate would clean up corruption and work harder for international recognition. Ahmad Muhammad Silaanyo (Silano) is the party Chairman and candidate in the 2003 presidential elections. [10ab][10ai][11e]

Muslim Youth Party - political party formed in Mogadishu in November 2002; Party Chairman Ibrahim Muhammad Hasan was appointed at the inauguration ceremony. [11d]

National Democratic League - founded 24 December 2003, local party based in Belet Weyne [19f]

Northern Somali Alliance (NSA) - founded 1997 as an alliance between USF and USP

Rahanweyn Resistance Army (RRA) – established 1995 to resist occupation of Rahanweyn-populated Bay & Bakool regions by Aideed's USC/SNA; captured Huddur 10/1998 and Baidoa 6/1999; set up autonomous State of Southwestern Somalia in 3/2002; backed by Ethiopia

Sahan - Opposition political party in Somaliland, polled the fourth largest number of votes (out of six contesting parties) in the civic elections in December 2002. [11e]

Somali African Muki Association (SAMO) - represents Bantu minority population; member of SSA. The leader is Mowlid Ma'ane, also part of the G8 at the Nairobi peace talks. [1a] (p 1012) [10bc]

Somali Democratic Alliance (SDA) - founded 1989; represents Gadabursi (Dir) clan in north-west; fought with Siad Barre's forces against SNM and opposes secession of Somaliland; led by Mohamed Farah Abdullah; member of SSA

Somali Democratic Movement (SDM) - a militarily weak group representing Digil/Rahanweyn clan families; split in 1992 into 2 factions: pro-Ali Mahdi/SSA faction

led by Abdulkadir Mohamed Adan and pro-Aideed/SNA faction led by Adam Uthman Abdi (Chairman) and Dr Yasin Ma'alim Abdullahi (Secretary-General)

Somali Democratic Party (SDP) - formed in 1993 in the Gedo region of Somalia but dormant until revived at the Eldoret peace talks in December 2002 with the apparent aim of securing better representation. It represents the Sede community (including the Marehan) and describes itself as a "*non-violent political party*". At its re-launch the SDP indicated that its focus was representation at Eldoret and similar conferences, it also warned that Sede in Somalia would reject the outcome of talks if the party was not properly represented. The SDP formally supported the SRRC. The SDP is chairman is Abdi Barre Abdi. [11e]

Somali Eastern and Central Front - founded 1991; opposes SNM's secessionist policies in Somaliland; Chairman Hirsi Ismail Mohamed

Somali National Alliance (SNA) - coalition founded in 1992 by General Aideed comprising his faction of USC, a faction of SDM, Omar Jess' faction of SPM and SSNM (which withdrew in 1993); led by Hussein Aideed following Gen. Aideed's death. There is a Gedo based faction led by Col. Isak Bihi. [1a] (p 1012) [10bc]

Somali National Democratic Union (SNDU) - small group established 1992 representing two small Darod clans in Galgudud region of central Somalia; led by Ali Ismail Abdi; allied with Ali Mahdi's USC/SSA; participated in 1998 discussions with SSDF and USP to set up Puntland state

Somali National Front (SNF) - founded 1991 in southern Somalia by Siad Barre loyalists; represents Marehan clan; seeks restoration of SRSP government; controls most of Gedo region; member of SSA; leader General Omar Hadji Mohamed Hersi defected to Aideed and replaced by Colonel Abdirizak Issak Bihi in February 1998; backed by Ethiopia, particularly in its conflict with Al-Itihaad al-Islamiya

Somali National Movement (SNM) - founded in London 1981; represents Isaaq clan-family; guerrilla group, initially supported by Ethiopia, until 1991 when took control of north-west, proclaiming independence of Republic of Somaliland; leads government of Somaliland, led by Mohamed Ibrahim Egal

Somali National Union (SNU) - minor group representing non-ethnic Somalis; member of SSA

Somali Patriotic Movement (SPM) - founded 1989 by Colonel Omar Jess; represents Ogaden clan in the south; divided into 2 factions, one led by Adan Abdullahi Nur Gabeeyow and allied with General Morgan, and member of SSA, the other led by Gedi Ugas Madhar allied with USC in SNA

Somali People's Democratic Union - founded 1997; breakaway group from SSDF; led by Mohamed Jibril Museh

Somali Reconciliation & Restoration Council (SRRC) - a loose and changing coalition of nearly 20 clan - based political - military factions opposed to the TNG,

established in March 2001 at a meeting in Ethiopia, five co-chairman, Hussein Aideed (USC/SNA) was chosen as the first chairman. Others were to be Hilowle Iman Umar from North Mogadishu, General Adan Abdullahi Nur Gabyow of the SPM, Hasan Muhammad Nur 'Shatigadud' of the RRA and Abdullahi Shaykh Ismail of the SSNM. On 27 December 2002 it was reported that the chairmanship had again passed back to Hussein Aideed of the USC/SNA. Recent reports suggest the existence of a SRRC-Mogadishu faction. [1a] (p 1012) [3c] (p 4-5) [6a][6b][10e][11e]

Somali Revolutionary Socialist Party (SRSP) - from 1976 to 1991 the sole legitimate political party under Siad Barre's administration; SNF seeks restoration of SRSP government

Somali Salvation Alliance (SSA) - grouping of 12 anti-Aideed factions formed 1993, led by Ali Mahdi: USC/SSA, SAMO, SNU, USF, SDA, SDM, SPM, SSDF, SNDU, SNF, SSNM and the Ali Ato faction of the USC/SNA

Somali Salvation Democratic Front (SSDF) - founded 1981 as Democratic Front for the Salvation of Somalia (DFSS) as a coalition of 3 factions; represents Majerteen clans in north-east; has formed administration of north-east since 1991 & declared "Puntland State of Somalia" in 7/1998; smaller SSDF group operates in Kismayo in alliance with SNF against SNA; member of SSA; Chairman General Mohamed Abshir, deputy Colonel Abdullahi Yusuf Ahmed ('President' of Puntland from 7/1998)

Somali Youth League (SYL) - founded 1943 in former Italian Somaliland; dominated governments of independent Somali Republic 1960 to 1969; removed from power by Siad Barre's military coup

Southern Somali National Movement (SSNM) - based on southern coast mainly representing Bimal (Dir) clan; set up under Aideed's sponsorship to support Omar Jess' SPM against SNF; part of SNA 1992-93; allied with Ali Mahdi from 1993; member of SSA; Chairman Abdi Warsemeh Isar

Transitional National Government (TNG) - established as a result of the Arta peace conference in 2000; in process of establishing its authority in Mogadishu; led by interim President Abdiqassim Salad Hassan

UDUB - see Allied People's Democratic Party

Ucid (Justice and Welfare party) - Opposition political party in Somaliland, polled the third largest number of votes in the civic elections in December 2002. Presidential candidate in the 2003 elections, Faisal Ali Warabe, stated that the party believed in a modern state based on law and order. The party identifies gender equality, the environment, and building a healthy economy as issues it would focus on in government. [10ab][11a]

United Somali Congress (USC) - founded 1989 in central Somalia; represents Hawiye clans; overthrew Siad Barre in Mogadishu in 1991 but subsequently divided into factions:

-**USC/SNA** - led by General Aideed and from 1996 his son Hussein; represents Habr Gedir clan; controls southern Mogadishu, Merka, Brava and large parts of Bay and Bakool regions

-**USC/SNA [2]** - dissident Habr Gedir USC/SNA faction expelled from SNA in 1995, led by Ali Ato; controls small part of southern Mogadishu; loosely allied with USC/SSA

-**USC/SSA** - led by Ali Mahdi; represents Abgal clan; controls northern Mogadishu; part of NSC

United Somali Congress/Peace Movement (USC/PM) - based on Hawadle (Hawiye) clan; controls most of Hiran region and a very small area around Benadir Hospital in Mogadishu; allied with Ali Mahdi and Musa Sude; member of SSA; led by Colonel Omar Hashi Aden

United Somali Congress - small Murosade (Hawiye) clan faction which controls the Wardhigley district of northern Mogadishu, independent of both Ali Mahdi's and Hussein Aideed's USC factions; led by Abdullahi Moalim

United Somali Front (USF) - founded 1989; a marginal group representing Issa (Dir) clan in north-west and opposed to SNM; member of SSA; led by Abd ar-Rahman Dualeh Ali (Chairman) and Mohamed Osman Ali (Secretary-General); allied with USP in 1997 to form NSA

United Somali Party (USP) - represents Darod clans who oppose SNM's secessionist policies in Somaliland; led by Mohamed Abdi Hashi; allied with USF in 1997 to form NSA; participated in 1998 discussions with SSDF and SNDU to set up Puntland state

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ANNEX E

PROMINENT PEOPLE

Adam Uthman **Abdi** - Chairman of SDM/SNA; Rahanweyn clan

Abdiqassim Salad Hassan - elected interim President of Somalia for three years by Transitional National Assembly (TNA) following Arta conference in Djibouti 5-8/2000, former Minister of Interior & Deputy Prime Minister under Siad Barre, Habr Gedir (Hawiye) clan, sub-clan Ayr

Mohamed Farah **Abdullah** - leader of SDA; Gadabursi (Dir) clan

Dr Yasin Ma'alim **Abdullahi** - Secretary-General of SDM/SNA; Rahanweyn clan

General Mohamed **Abshir** - SSDF leader (Chairman); Majerteen (Darod) clan

Abdulkadir Mohamed **Adan** - leader of SDM/SSA, one of 5 co-chairmen of NSC; Rahanweyn clan

Hussein Mohamed **Aideed** - son of General Aideed who succeeded him as Chairman of USC/SNA, and self-styled 'President' of Somalia, in 1996; first chairman of SRRC 2001; Habr Gedir (Hawiye) clan

General Mohamed Farah **Aideed** - military commander of USC, Chairman of SNA; declared himself 'President' of Somalia 1995; died 1996; Habr Gedir (Hawiye) clan

Abd Ar-Rahman Dualeh **Ali** - Chairman of USF; Issa clan

Mohamed Osman **Ali** - Secretary-General of USF; Issa clan

Osman Hassan Ali '**Ato**' ('Ali Ato') - former aide of General Aideed and leader of breakaway USC/SNA faction, loosely allied with Ali Mahdi's USC/SSA, heads administration in small area of southern Mogadishu; one of 5 co-chairmen of NSC; Habr Gedir (Hawiye) clan

Colonel Hassan Dahir **Aweys** - commander of Al-Ittihaad al-Islamiya fundamentalist militia

Major-General Mohamed Siad **Barre** - military ruler 1969-80, Chairman of SRC 1969-76, Secretary-General of SRSP 1976-91, President of Somali Democratic Republic 1980-91; died in exile in Nigeria in 1995; Marehan (Darod) clan

Colonel Abdirizak Issak **Bihi** - SNF leader from February 1998, replacing General Omar Hadji Mohamed Hersi

Hosseini Haji **Bod** - North Mogadishu 'warlord' and former deputy of Ali Mahdi; declared his support for the TNG in 12/2000

Mohamed Ibrahim **Egal** - Prime Minister of British Somaliland before independence, Prime Minister of Somali Republic 1967-69, President of "Republic of Somaliland" 5/1993 until his death in office 5/2002; Habr Awal (Isaaq) clan

Hassan Abshir **Farah** - TNG Prime Minister 11/2001 to present (replaced Ali Kalif Galayadh); former Puntland interior minister

Omar Mohamoud Mohamed '**Finish**' - chairman of the USC/SSA [3d] Formerly a right hand man to Musa Sude, now a faction leader in his own right his forces have come into conflict with those of Sude in the Medina district of Mogadishu several times since 2002. [2a][3c][11k]

General Adan Abdullaahi Nur '**Gabeeyow**' - SPM/SSA, Kismayo-based, one of 5 co-chairmen of NSC; Ogaden (Darod) clan

Ali Kalif **Galayadh** - appointed interim Prime Minister of Somalia by interim President Abdiqassim Salad Hassan 10/2000 but removed from office 10/2001 following no-confidence vote in TNA, Dulbahante (Darod) clan

Mohamed Abdi **Hashi** - leader of USP; Darod clan

Ahmed Billie **Hassan** - leader of Al-Ittihaad al-Islamiya

General Omar Hadji Mohamed **Hersi** - former leader of SNF, realigned behind Hussein Aideed February 1998; replaced as SNF leader by Colonel Abdirizak Issak Bihi

Colonel Barre Shire **Hiirale** (Barre Adan Shire) of the Marehan Rer Dini clan, chairman of the JVA [7][10bd][18e]

Abd ar-Razak **Hussein** - Prime Minister of Somali Republic 1964-67; Darod clan

Seyyid Abdullah **Issa**, SYL leader - 1st Prime Minister of Somali Republic

Jama Ali **Jama** - elected President of Puntland by traditional Elders 11/2001, opposed by Abdullahi Yusuf

Colonel Ahmad Omar **Jess** - set up SPM in 1990, allied his faction of SPM with General Aideed 1991 onwards

Gedi Ugas **Madhar** - Chairman of SPM/SNA; Darod clan

Ali Mahdi Mohamed ('Ali **Mahdi**') - temporary President appointed by USC 1991, leader of faction of USC, chairman of SSA and one of 5 co-chairmen of NSC; Abgal (Hawiye clan)

General Omar Haji **Masalle** - SNF leader, defected to Hussein Aideed February 1998 and replaced by Abdirizak Issak Bihi

Abdullahi Moalim - leader of small Murosade (Hawiye) United Somali Congress in northern Mogadishu, independent of Ali Mahdi's and Hussein Aideed's USC factions

General Mohamed Siad Hersi '**Morgan**' - son-in-law of the late Siad Barre, led campaign against SNM in Somaliland in late 1980s and responsible for the destruction of Hargeisa, former leader of SNF, allied to General Adan Abdullahi Nur Gabeeyow's faction of SPM; Majerteen (sub-clan Abdirahim)

Yusuf Haji Nur, Chairman of the Puntland Supreme Court, assumed position as interim President of Puntland 6/2001 to 11/2001 after Abdullahi Yusuf removed from office in constitutional crisis

Dr Aden Abdullah Osman - 1st President of Somali Republic 1960-67

Dahir Riyale Kahin - President of Somaliland 5/2002 to present; succeeded President Egal upon the latter's death; formerly Egal's Vice-President

Yusuf Haji Sa'id - elected as speaker of Puntland's 'parliament' 9/1998

Colonel Hassan Mohamed Nur '**Shatigadud**' - leader of the RRA; Rahanweyn clan (Harin sub-clan); elected as President of South West State of Somalia 3/2002

Dr Abd ar-Rashid Ali Shirmarke - 2nd Prime Minister of Somali Republic 1960-1964, President 1967-69, assassinated; Darod clan

Ahmed Muhammad Silaanyo (**Silano**), formally a senior minister in Siad Barre's government before he quit in the 1980s to join the SNM and eventually became its leader. [10ab] From 1991, when Somaliland declared its independence, he held various senior ministerial posts until 2001 when he resigned from the government of the late president Egal and was a founder member of the Kulmiye party. [10ab][11e] Observers rated him as a leading contender in the 2003 presidential election. [10ab]

Musa Sude '**Yalahow**' (Musa Sude) - Deputy Chairman of USC/SSA, heads administration in Medina district of southern Mogadishu; Abgal (Hawiye) clan (Wabudan sub-clan).

Abd ar-Rahman Ahmed Ali '**Tur**' - SNM Chairman and 1st President of "Republic of Somaliland" 1991-93, later allied with Aideed administration; Habr Yunis (Isaaq) clan

Colonel Abdullahi Yusuf Ahmed (Abdullahi **Yusuf**) - SSDF deputy leader, one of 5 co-chairmen of NSC, President of Puntland 1998 until removed from office in constitutional crisis 6/2001, but still claims to be the legal President; Majerteen (Darod) clan

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ANNEX F

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