



SOMALIA COUNTRY REPORT

October 2004

Country Information and Policy Unit

**IMMIGRATION AND NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1. Scope of Document

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 1 September 2004.

1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents pages to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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2. Geography

2.1 As reflected in Europa Regional Surveys of the World: Africa South of the Sahara 2004 (Europa), 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. Somalia is divided into a total of 18 administrative regions or provinces; the largest city is the capital Mogadishu (in 2000 the population was estimated to be 1,219,000). Other important towns include Hargeisa (capital of the self-declared independent "Republic of Somaliland" in the northwest), Kismayo, Baidoa, Berbera, Bossaso, Garowe (the "Puntland" capital), Merka (Merca) and Brava. It should be noted that there are frequently variations in the spelling of place names in Somalia. The majority of the population is Sunni Muslim; there is also a small Christian community, mostly Roman Catholic. [1a] (p 989)

2.2 As stated in the report of the joint Danish-British Fact-Finding Mission based in Nairobi, Kenya, published in 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. The clan structure comprises the four major "noble" clan-families of Darod, Hawiye, Isaaq and Dir. "Noble" in this sense refers to the widespread Somali belief that members of the major clans are descended from a common Somali ancestor. Two further clans, the Digil and Mirifle (also collectively referred to as Rahanweyn), take an intermediate position between the main Somali clans and the minority groups. Large numbers of ethnic Somalis also live in neighbouring Ethiopia, Kenya and Djibouti. [7a] (p 80-7)

2.3 Europa reflects that Somali was adopted as the official national language in 1972, at which time it was without a written form. The New Internationalist's World Guide 2003/4 noted that its alphabet was adapted in 1973 using a modified Roman alphabet. Arabic is also in official use and both English and Italian are widely spoken. [1a] (p 989) [15a] (p 502) The JFFMR December 2000 indicated 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 be a need to speak at least some Somali. [7a] (p 29)

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3. Economy

3.1 As recorded in Europa and the US Department of State's Report on Human Rights Practices (USSD) covering 2003, Somalia is very poor with a market-based economy in which most of the workforce are employed as pastoral nomads (an estimated 80%) or subsistence farmers. [1a] (p 1000) [2a] (p 1) Europa states that the economy is primarily agricultural and based mainly on herding camels, sheep, goats and cattle. The principal exports in the fertile area between the Juba and Shabelle rivers, are livestock and charcoal. In the south, bananas are the principal cash crops; there is very little industry. [1a] (p 1000) According to USSD, insecurity and adverse weather has affected the already poor economic situation. [2a] (p 1)

3.2 USSD and a UN Security Council Report (UNSCR) of June 2003 note that economic problems have severely limited employment opportunities giving rise to serious unemployment. [2a] (p 1) [3b] (p 6) As noted in the UN Development Programme's (UNDP) Socio-economic survey 2002 (UNDP 2002), only a total of 56.4% of the

population is estimated to be economically active [39c] (p 20) According to the African Research Bulletin (ARB) in July 2003, 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. [11a]

3.3 As noted in UNSCR June 2003 and a UN Integrated Regional Information Network (IRIN) article of 28 May 2003, 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. [3b] (p 7) [10v] According to the same IRIN article, 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. As noted in the UNSCR of June 2004, the UN recently undertook a project to improve financial services based in Somalia to enhance their transparency, accountability and credibility. [3e] (p 10)

3.4 As noted in the UNSCR of February 2004, remittances to Somalia provide approximately US\$1 billion of foreign income annually. A UN-sponsored conference in London in December 2003 established 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. [3d] (p 9) According to a British Broadcasting Corporation (BBC) article and a Radio Shabelle report of 5 July 2004, a new US\$ 8m Coca Cola bottling plant was opened in Mogadishu. [14a] [27d] The BBC article stated that it was the largest single investment in the country since the collapse of the central government and signified growing business confidence. [14a]

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4. History

Collapse of central government and civil war 1990 - 1992

4.1 As recorded in Europa Regional Surveys of the World: Africa South of the Sahara 2004 (Europa), in 1990 the Somali state was rapidly disintegrating as a result of an increasingly fragile central administration and numerous clan-based factions successfully expanding their support bases and usurping the government's authority in most regions of the country. By the end of 1990, the Somali government led by President Siad Barre retained little authority outside Mogadishu, its army, administration and command structure in decay owing to the over-promotion of inexperienced members of the President's own Marehan clan. In November 1990, widespread fighting broke out in Mogadishu as Barre attempted to exploit an inter-clan dispute in order to attack the Hawiye clan. A full-scale uprising followed indiscriminate shelling of Hawiye areas of the city; United Somali Congress (USC) guerillas led by General Mohammed Farah Aideed arrived in force and steadily advanced on the government positions. With the rejection of all international efforts to mediate in the conflict, Barre fled the capital on 27 January 1991 with remnants of his army and the USC took power. [1a] (p 991)

4.2 Europa recorded that 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 Somali National Movement (SNM) and Somali Patriotic Movement (SPM). The situation by mid-March 1991 was close to anarchy, and division along clan lines was increasing. In the northwest, the SNM convened a series of meetings of clan Elders that led to the establishment of the "Republic of 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)

4.3 Europa stated that reconciliation conferences held in Djibouti in mid-1991 confirmed Ali Mahdi as President for a two-year period, with Umar Arteh Ghalib (an Isaaq) as Prime Minister. The SNM did not attend the conferences. 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 By June 1991, Europa recorded that a major rift had opened up within the USC between Ali Mahdi and General Aideed. 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. 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 until an UN-brokered ceasefire in March 1992, by which time 30,000 people had died. [1a] (p 991)

4.5 Europa noted that clashes for territory took place between rival clan-based militias throughout Somalia during 1991 and 1992. 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). 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. [1a] (pp 991-2)

4.6 Having halted Morgan's attack on Mogadishu, Aideed's forces allied with an SPM faction moved south to capture Kismayo from Morgan in May 1992, forcing Morgan and his supporters to flee to Kenya. However, as Europa records, 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, the SPM faction led by Colonel Ahmad Omar Jess, 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)

(See also Annex A/Chronology of events)

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UN intervention 1992 - 1995

4.7 As reflected in Europa, in January 1992 the UN imposed an embargo on the sale of arms to Somalia. In April 1992 a UN Operation in Somalia (UNOSOM) was established, initially to monitor the Mogadishu ceasefire 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 Europa recorded that 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 ceasefire. 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] (pp 992-3)

4.9 Europa stated that 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 Europa recorded that 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] (pp 993-4)

4.11 Europa recorded that 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 993-4)

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Resurgence of militia rivalry 1995 - 2000

4.12 As reflected in Europa Regional Surveys: Africa South of the Sahara 2004 (Europa), 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 Europa recorded that in September 1995 Aideed's forces occupied Baidoa in the Rahanweyn-populated Bay region in southwestern Somalia ousting the Rahanweyn-supported SDM. Fighting between supporters of Aideed and Ali Ato 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. In Kismayo there were clashes between rival factions within the SNF, over the distribution of port revenues. A ceasefire 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] (pp 994-5)

4.14 As noted in Europa, 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)

4.15 As reflected in Europa, 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. 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. 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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Peace initiatives 2000 - 2004

Arta Peace Conference and the formation of the TNG, 2000

4.16 As reflected in Europa Regional Surveys: Africa South of the Sahara 2004 (Europa), and the US State Department Report on Human Rights Practices covering 2003 (USSD) a peace conference chaired by Djibouti's President Ismail Omar Guelleh opened in May 2000 at Arta, Djibouti under the auspices of IGAD. Arta was the 13th major peace initiative for Somalia since the collapse of central government in 1991. [1a] (pp 995-6) [2a] (p 1) Europa and the USSD reflected that 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. [1a] (p 995) [2a] (p 1) According to the JFFMR December 2000, Somaliland and Puntland authorities and armed faction leaders such as Hussein Aideed and Musa Sude stayed away from the conference. [7a] (p 11)

4.17 Europa and the USSD reflected that in August 2000 the conference adopted the Transitional National Charter and selected the 245-member Transitional National Assembly (TNA). Structured along clan lines and comprising equal numbers of members of the main Somali clan-families, with reserved seats for minority groups and women, the TNA also elected Abdiqassim Salad Hassan, a member of the Hawiye Habr Gedir Ayr clan, as transitional President of Somalia. [1a] (p 995) [2a] (p 1) Europa recorded that Abdiqassim had held several ministerial positions under Siad Barre. Ali Khalif Galayadh, a prominent member of the northern Darod Dulbahante clan, was named as Prime Minister in October 2000. In October 2000, Galayadh announced the formation of the 32-member Transitional National Government (TNG). [1a] (p 995-6)

4.18 Europa stated that hostility to the TNG was widespread with the major Mogadishu faction leaders Hussein Aideed, Musa Sude, Ali Ato and Rahanweyn Resistance Army (RRA) Chairman Mohamed Hasan Nur, publicly stating their objection to the TNA and the TNG. Despite this opposition, the TNG held its first parliamentary session in November 2000. Early in 2001, Qanyare Afrah and Haji Bod (clan leaders from northern Mogadishu) expressed their faction's support for Abdiqassim. By January 2001, Mogadishu remained a city of fiefdoms, with the TNG controlling only two small areas in southern and northern parts of the city. In late January 2001, faction leaders backed by Ethiopia, opposed to the TNG established the Somali Reconciliation and Restoration Council (SRRC) in direct opposition to the TNG. In May 2001, the SRRC rejected the TNG's decision to establish a Peace and Reconciliation Committee, which aimed to expand the TNG's sphere of influence to all regions of southern Somalia. [1a] (p 996)

4.19 Europa reported that during 2001 the TNG continued to establish its legitimacy, sending a delegation to the Organisation of African Unity (OAU) in July, appointing an ambassador to Djibouti, collecting taxes and raising an armed police force. Despite its many limitations, it received international endorsement and financial support from the UN and OAU, and sympathetic Arab nations such as Libya, Qatar and Saudi Arabia. However, after fighting between the pro-TNG Juba Valley Alliance (JVA) and the SRRC in Gedo, a vote of no confidence in the TNG was tabled by dissaffected members of the TNA in mid-October 2002. The ensuing vote resulted in the Galadyh administration being replaced by Hassan Abshir Farah as Prime Minister on 12 November 2001. Though the new government quickly established itself in early 2002, relations with the SRRC remained tense. After several failed or postponed attempts to reconcile their differences, a new round of talks was scheduled for October 2002. [1a] (p 996)

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Somalia National Reconciliation Conference, 2002 - 2004

4.20 Europa recorded that the National Reconciliation Conference on Somalia, under the auspices of IGAD, finally commenced in the Kenyan town of Eldoret on 15 October 2002. This conference established a 'Technical Committee' composed of Djibouti, Ethiopia and Kenya, supported by the Arab League, numerous European nations and the US. The TNG, SRRC, representatives from 'Puntland', and an array of warlords,

faction leaders, civil societies and representatives from the Somali diaspora attended the talks. Divisions immediately emerged over the roles of Ethiopia and Djibouti, and increased when a coalition of eight faction leaders emerged to counter attempts to over-allocate seats to the Ethiopian-backed SRRC. Djibouti and the Arab League supported the TNG, which Ethiopia claimed was a front for Islamic groups. Such disagreements stymied the progress of the talks. Nevertheless, on 2 December 2002, the TNG and five Mogadishu-based factions signed a ceasefire, under which the parties agreed to cease hostilities, combat bandits and armed militias, resolve political differences peacefully and oppose terrorism. Violence in Mogadishu nevertheless continued unabated. [1a] (pp 996-7)

4.21 In mid-February 2003 the conference was moved from Eldoret to Mbagathi College in Nairobi, although efforts to revive the talks by way of a Harmonization Committee to devise proposals for a new government proceeded slowly. In March 2003, Mogadishu-based faction leaders Qanyare Afrah and Ali Ato, along with representatives of the TNG, RRA and JVA, established a new administration for the Benadir region (Mogadishu and its environs). Though at that stage these factions expressed their lack of confidence in the Nairobi conference and pledged to convene a new national conference, in early July 2003 the delegates reached agreement on establishing an interim government comprising a 351-member transitional parliament that would remain in power for four years. However, President Abdiquassim rejected the agreement, which had been signed by Farah, and maintained that selection of parliamentarians would be undertaken only by signatories to the December 2002 ceasefire. [1a] (p 997)

4.22 In August 2003, political divisions between Abdiquassim and Farah intensified and on the eve of the expiry of the TNG's mandate in mid-August, Farah and the Speaker of the TNA were dismissed. Abdiquassim maintained that the TNG would remain in place until a new President, government and parliament had been elected, despite the expiry of the TNG's mandate. [1a] (p 997)

4.23 As recorded in the UN Security Council Report on Somalia (UNSCR) of October 2003, by mid-September 2003 there was an impasse over the contested adoption of a Transitional Charter. The TNG, JVA, RRA and faction leaders Ali Ato and Musa Sude rejected the adoption, and returned to Somalia. [3c] (p 3) As noted by the UNSCR February 2004, on 30 September 2003, a group of them announced the formation of the Somali National Salvation Council (SNSC). On 7 October 2003, the SNSC signed a memorandum of understanding with the TNG, in which it acknowledged the continuance in office of the TNG. [3d] (p 1) As reflected in the joint Nordic-British Fact-Finding Mission report published in March 2004 (JFFMR March 2004) and HornAfrik article of 25 November 2003, on 2 November 2003 the vice chairman of the SNSC vowed to boycott any further talks in Nairobi. The negotiations deteriorated further on 30 November 2003 when, following the resignation of TNG deputy Prime Minister Usman Jama Ali, the TNG's foreign minister Yusuf Deg stated that his government would not support the outcome of the conference. [7c](p 9) [37e]

4.24 As reported in the UNSCR February 2004, after discussions with Somali leaders in Nairobi in early January 2004 to resolve the deadlock, President Museveni of Uganda and the President of Kenya, Mwai Kibaki, launched the Somali Leaders' Consultation in Nairobi on 9 January 2004. On 29 January 2004, the Somali leaders completed an agreement that proposed amendments to the Transitional Federal Charter adopted at the plenary meeting of the Conference on 15 September 2003. The Charter provided for establishment of a national 275-seat Parliament and the Office of President. [3d] (p 3)

4.25 In early February 2004, HornAfrik reported that the SRRC rejected the new agreement and maintained its isolation from the talks, though on 16 February 2004, the same source reported a large demonstration in Mogadishu in support of the agreement. [37f] [37g] As reported by Agence France Presse (AFP), the final phase of the negotiations, scheduled to resume on 16 March 2004 in Nairobi, finally recommenced on 22 May 2004 without key faction leaders including Abdiquassim and Mohammed Aideed. [20a] [20d] The progress of the talks was further hampered by the withdrawal of the Dir clan's delegates in mid-July 2004. [20e] A UN Integrated Regional Information Networks (IRIN) article of 22 July 2004 reported that two days after the expiry of an IGAD-imposed deadline for clans to allocate their share of seats in the proposed 275-member transitional Parliament, two of the main clans (Dir and Darod) had yet to comply. [10d] A later IRIN article of 30 July 2004 stated that the IGAD deadline of 31 July 2004 for the establishment of the Parliament was subsequently postponed. [10e] On 22 August 2004, a British Broadcasting Corporation (BBC) article noted that members of a new nominated parliament were being sworn in after lengthy talks between rival factions. [14r] By 30 August 2004, further BBC and IRIN articles confirmed that 258 of the 275-member parliament had been sworn in, with the remaining 17 seats to be allocated at a later date. [10f] [14c]

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

4.26 Europa recorded that 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 controlled. The meeting elected RRA chairman, Colonel Hassan Mohamed Nur 'Shatigaduud', as President of the new regional state to serve for a four-year term. The new administration was condemned by the TNG, who proposed a 145-seat parliamentary assembly. There was speculation that the establishment of the new autonomous state would lead to the demise of the SRRC, of which the RRA was a member. However this turned out to be false when Colonel Nur assumed the SRRC's rotational chairmanship in late April 2002. [1a] (p 996)

4.27 Europa stated that in July 2002 fighting engulfed Baidoa, which had enjoyed relative peace since its capture in 1998 by the RRA. Tension had been rising in the town as a result of deepening divisions within the senior ranks that controlled much of the Bay and Bakool regions. The split originated from a power struggle between the RRA chairman, Colonel Shatigaduud, and his two deputies, Shaykh Adan Madobe and Mohamed Ibrahim Habsade. Between July and December 2002 control of Baidoa had changed hands three times. By early 2003 Hasan Nur's rivals had driven his forces from the town. Hundreds were reported to have been killed and thousands more displaced by the fighting. [1a] (p 997)

(See also Section 6.C on Security Situation 2003 - 2004/Bay and Bakool)

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'Puntland' Regional Administration 1998 - 2003

4.28 Europa recorded that in May 1998, delegates from three northeastern regions of Somalia met in Garowe to establish a single administration for the area. In July 1998, they elected Colonel Abdullahi Yussuf Ahmed, a former leader of the Somali Salvation

Democratic Front (SSDF) as President, and Mohamed Abdi Hashi as Deputy President. In August 1998 a 69-member parliament and a nine-member cabinet were established. Puntland quickly gained regional stature. Between late 1998 and early 1999 delegations from Germany, Denmark, Ethiopia and Libya visited the region, while Abdullahi Yussuf made visits to Egypt and Libya to further establish the Puntland administration in the international arena. [1a] (pp 999 - 1000)

4.29 In February 2001, a group of 78 Elders, intellectuals and other prominent members of society accused the 'Puntland' Government of committing human rights violations, concluding secret marine agreements, secretly joining the pro-Ethiopian and southern controlled SRRC Council, printing counterfeit money and sabotaging peace in the region. Having rejected these accusations, Abdullahi Yussuf promised to reform 'Puntland' politics extensively, following the House of Representatives decision in June 2001 to extend the mandate of the Abdullahi administration for a further three years. In early July 2001, the 'Puntland' authorities announced that Abdullahi Yussuf had been sworn in for a second term. Meanwhile the Chief Justice of 'Puntland', Yussuf Haji Nur, subsequently proclaimed himself President of the territory; senior clan Elders then proclaimed Haji Nur as acting President until 31 August 2001. Abdullahi Yussuf rejected this decision and heavy fighting between his followers and those of Haji Nur ensued. In late August 2001 a general congress attended by representatives of all major Puntland clans met to resolve the dispute. [1a] (p 1000)

4.30 In mid-November 2001, the conference elected Jama Ali Jama as President and Ahmad Mahmud Gunle as vice-president. Ali Jama, a former military officer, had links to the TNG, which alarmed Ethiopia and his election was rejected by Abdullahi Yussuf. Ensuing fighting between forces loyal to Yussuf and Ali Jama was exacerbated by the intervention of the SRRC and Ethiopian troops who supported Abdullahi Yussuf. In January 2002, Ethiopian troops again intervened claiming that Ali Jama was harbouring Al-Ittihad militants. In April 2002, after Yussuf and Ali Jama both rejected an offer by Ethiopia to mediate in the dispute, Yussuf declared a state of emergency and suspended the 'Puntland' constitution. With military support from Ethiopia, Yussuf recaptured Bossaso in early May 2002. Fighting between forces loyal to Yussuf and Ali Jama continued throughout late 2002 and early 2003. In mid-May 2003 Yussuf sought to stabilise 'Puntland' by concluding a power-sharing agreement with opposition forces. Under the agreement, the opposition was to have three ministers, two vice-ministers, two governors, two mayors and the commander of either the police or the army. The opposition militia was to be integrated into the 'Puntland' security forces. [1a] (p 1000)

(See also Section 6.C on Security Situation 2003 - 2004/Puntland)

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The 'Republic of Somaliland' 1991 - 2003

4.31 Europa recorded that the 'Great Conference of the Northern Peoples', convened in May 1991, entrusted the Somali National Movement (SNM) with the task of forming a government and drafting a constitution for the 'Republic of Somaliland'. In the absence of international recognition, it proved extremely difficult to attract aid. Only assistance from Non-Government Organisations (NGOs) enabled the Government to begin rebuilding the region's infrastructure. Following the SNM's failure to establish a government and constitution, a national peace charter provided for a transitional structure comprising a Council of Elders, a Constituent Assembly and an Executive Council. Mohamed Ibrahim Egal, a former President of Somalia in the 1960s, was elected President of Somaliland on 5 May 1991. For the next 11 years Egal grappled with an array of political, security and economic problems, and though he failed to

secure international recognition for Somaliland during this time, he managed to establish an impressive degree of stability, due largely to the creation of a police force.

[1a] (p 999)

4.32 In May 2001, a referendum approved a new constitution that sought to move 'Somaliland' from a clan-based political system to a multi-party system. However, on 3 May 2002, President Egal died from complications following surgery in South Africa. Dahir Riyale Kahin, the vice president since 1997, was sworn in to serve the remainder of Egal's term. In July 2002, Kahin announced that a presidential election would be held in January 2003. The election was subject to a number of postponements, before being held on 14 April 2003. According to the Somaliland Election Commission, Kahin was re-elected to the presidency, with 42.1% of the votes cast, although the opposition rejected the result. Following the 'Somaliland' constitutional court's confirmation of the result, Kahin was sworn in as President on 16 May 2003. [1a] (p 1000)

4.33 Since 1991, a fundamental precept of 'Somaliland's' foreign policy has been the quest for international recognition. In July 2002, 'Somaliland' officials discussed the issue with numerous foreign governments; however, they were unable to reach agreement on a timetable for recognition. In addition to the African Union's (AU) objection to 'Somaliland' gaining recognition, a strained relationship and a series of border disputes with Djibouti have precluded 'Somaliland' gaining recognition from its nearest international neighbour. Furthermore, relations with 'Puntland', which has strongly opposed 'Somaliland's' efforts to gain recognition, have suffered because of its claim to ownership of the regions of Sool and Sanaag. Over the past few years, this dispute has caused numerous low-level armed confrontations. In late March 2003, Kahin sought to strengthen 'Somaliland's' presence in these regions by appointing two ministers to Sool and two to Sanaag. Meanwhile, 'Puntland' warned 'Somaliland' not to conduct polling in the two regions during its presidential elections, as it would consider such action a violation of its territorial sovereignty. [1a] (p 1000)

(See also Section 6.C on Security Situation 2003 - 2004/Somaliland)

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5. State Structures

The Constitution

5.1 As recorded in Europa Regional Surveys: Africa South of the Sahara 2004 (Europa), the constitution promulgated in 1979 and amended in 1990 was revoked following the overthrow of President Barre in January 1991. In the absence of a central government since that time, there has been no functioning national constitution. [1a] (p 1011)

Transitional National Government (TNG) Charter

5.2 Europa and the US State Department Report on Human Rights Practices covering 2003 (USSD) noted that 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. The Charter, which was adopted in 2000 and was intended to serve as Somalia's constitution for an interim period of three years, was divided into six parts. It guaranteed Somali citizens the freedoms of expression, association and human rights, though it had not been implemented by the expiry of the TNG's mandate on 13 August 2003. The administrations of Puntland and Somaliland do not recognise the results of the Arta conference, nor did several Mogadishu-based faction leaders. [1a] (pp 995-6) [2a] (pp 8-9) As reflected in the UN Security Council Report on Somalia (UNSCR, February 2004), on 29 January 2004, the Somali leaders at the reconciliation conference signed a compromise agreement establishing the basis for the election of a 275-member parliament and national President. [3d] (p 3)

'Puntland State of Somalia' Charter

5.3 USSD and Europa recorded that the autonomous 'Puntland State of Somalia' also has a Charter; this was released on 22 September 1998, following the ratification by the region's parliament. The Charter advocated Puntland remaining part of a federal Somali state based on regional governments. [1a] (pp 999-1000) [2a] (p 8) As noted in the USSD, it provides for freedom of expression and prohibits torture except where this is imposed by Shari'a courts. [2a] (pp 3, 5) Europa recorded that 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 1000)

'Republic of Somaliland' Constitution

5.4 As reflected in the USSD and Europa, 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. The constitution provided for the right to freedom of expression and association, but is restricted in practice; it also contained a clause referring to the state's self-declared independence. The population endorsed this in a referendum that took place in late May 2001. [1a] (p 999) [2a] (pp 5-6, 9)

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Political System

General

5.5 Europa Regional Surveys: Africa South of the Sahara 2004 (Europa) and the US State Department Report on Human Rights Practices covering 2003 (USSD) recorded that since the fall of Siad Barre in 1991, Somalia has remained without a central, functioning or internationally recognised government. Currently no single group controls more than a fraction of the country's territory. [1a] (pp 991-7) [2a] (p 1) International Crisis Group (ICG), in its report of May 2004, stated that "Somalia remains the only country in the world without a government, a classic example of the humanitarian, economic and political repercussions of state collapse, including a governance vacuum that terrorist groups can take advantage of for safe haven and logistical purposes." [25a] (p 1) USSD and the Report of the Joint UK Danish Fact-Finding Mission to Somalia of July 2002 (JFFMR July 2002) noted that 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] (pp 8-9) [7b] (p 6)

5.6 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, [7b] (p 6) Nevertheless, the UN Security Council Report on Somalia (UNSCR) of June 2004 surmised that:

"Somalis, in spite of their difficulties and constraints have shown tremendous resourcefulness in overcoming some of the difficulties created by the absence of a central government and governance structures. They have created an informal banking system, initiated university programmes and established education facilities, and built a modern communications system." [3e] (p 12)

5.7 As reflected in Europa, in August 2000 the Somali National Peace Conference in Arta, Djibouti decided to form a Transitional National Government (TNG) based in Mogadishu. A Transitional National Assembly (TNA) comprising 245 members composed mainly the four major clans, with nominal representation of Elders, minority groups, women, was established. [1a] (p 995) The USSD and the JFFMR July 2002 indicated that the TNG claimed to be a legitimate national transitional government for Somalia, though in practice it controlled very little territory. During the course of the 2002 the TNG lost areas it had previously held. The authorities of Somaliland and Puntland, as well as a number of faction leaders and warlords, were either strongly opposed to, or kept their distance from, the TNG. [2a] (pp 1, 8) [7b] (p 7)

5.8 As reflected in the UN Security Council Report on Somalia (UNSCR) of February 2004, on 29 January 2004, following negotiations that had begun in October 2002, the Somali faction leaders signed an agreement on proposed amendments to the Transitional Federal Charter of September 2003. It was agreed that in the Transitional Federal Charter of the Somali Republic that 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. [3d] (p 3) As noted in the Report of the Joint UK-Nordic Fact-Finding Mission of March 2004 (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. [7c] (p 10) On 22 August 2004, a British

Broadcasting Corporation (BBC) article noted that members of a new nominated parliament were being sworn in after lengthy talks between rival factions. [14r] By 29 August 2004, further BBC and IRIN articles confirmed that 258 of the 275-member parliament had been sworn in, with the remaining 17 seats to be allocated at a later date. [10i] [14c]

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Mogadishu

5.9 Europa reflected that in 2000 the TNG controlled some areas of Mogadishu where its official ministries are located and also had some authority outside, including the coastal area to the south. Other areas of the capital continue to be controlled by leaders of factions opposed to the TNG. [1a] (p 996) As noted in the JFFMR July 2002, the TNG leaders were highly dependant on the pro-TNG business cartel in Mogadishu, comprising Habr Gedir and Abgal businessmen. The TNG reportedly paid some warlords to ensure the continued support of their militias. [7b] (p 19) On 2 October 2003, HornAfrik News online 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 [37h]

5.10 In late March 2003, the UN Integrated Regional Information Networks (IRIN) and HornAfrik reported that agreement had been reached between the TNG, the Juba Valley Alliance (JVA) and the Rahanweyn Resistance Army (RRA) over the creation of a new administration for the Benadir region. [10p] [37b] The JFFMR March 2004 noted, however, that in early 2004, 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 Musa 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. [7c] (p 20)

(See also section 6.C on Security Situation 2003 - 2004)

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Other areas in central and southern Somalia

5.11 As noted in the JFFMR March 2004, the political situation in many areas of central and southern Somalia remained unresolved. Large parts of central and southern Somalia were much less homogeneous in clan terms than Puntland and Somaliland, which is reflected in the large number of clan-based militia, some of which controlled only small areas. There were several regional clan-based administrations, some of which co-operate with neighbouring authorities that permitted free movement of people and trade across regional boundaries. Many authorities were comprised of councils of Elders, often heavily influenced by a dominant local militia. Rival Hawiye factions control much of central and southern Somalia. Given the fluidity of the situation in most of the regions, control of many of these areas is liable to sudden change. [7c] (pp 11-12)

Lower and Middle Juba (including Kismayo)

5.12 According to the JFFMR July 2002, 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 TNG established in Mogadishu in late 2000. [7b] (p 20) The JFFMR July 2002 and an IRIN

article of 2 September 2003 noted that the JVA is funded by taxes on trade on goods such as charcoal through Kismayo's sea and air ports, though the Somali Ruunkinet website reported allegations in August 2003 that the revenue was not used to benefit local people. [7b] (p 20) [10a1] [36a] The JFFMR March 2004 indicated that there is the strong likelihood of further conflict in Kismayo. The Marehan owned most of the land and properties in the city. The situation there is described as "very dangerous". However, the JVA appeared to have control and had initiated disarmament campaigns. The JVA claimed 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. [7c] (p 25)

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Lower and Middle Shabelle

5.13 As reflected in the JFFMR July 2002, the TNG had some control along the coast south of Mogadishu. 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) 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 had a strong military presence in Lower Shabelle, diminished in the region as its commanders abandoned the area for Mogadishu. [41a] According to the JFFMR March 2004, though the region had no single authority was fairly quiet apart from a few land disputes. The new 'strong man' Indha-Adde, of the Habr Gedir (sub-clan Ayr), had taken over control of Merka and the uppermost part of Lower Shabelle. [7c] (p 23)

5.14 According to the JFFMR July 2002, the Abgal (Hawiye) clan dominated the Middle Shabelle region north of Mogadishu where Mohamed Dhreh controlled an administration since the early 1990s. Though there was also a large Bantu population in the region, they were reportedly excluded from participation. The Dhreh administration received revenue from taxation of regional trade passing through Jowhar and Mahaday and reportedly enjoyed a moderate level of support from the local population and Abgal Elders, who wished to maintain the strength of the clan in the region. [7b] (p 18) According to the JFFMR March 2004, Jowhar seemed to have stabilised during 2003. Mohammed Dhreh maintained control of the areas down to Balad and towards Mahaday at the coast. [7c] (p 20)

Hiran

5.15 As reflected in the JFFMR July 2002, since the collapse of central government in 1991, traditional Elders were the main legitimate authority in Belet Weyne and the Hiran region. Local Elders stated that there were six or seven 'Ugas' (kings) in the region. The Elders explained the civil administration in place was very nominal. The Ugas, or king, of each clan had the backing of the people. Elders stood between the Ugas and the community and resolved conflicts within and between the main clans in the region: the Hawadle and the Galje'el. [7b] (pp 16-17)

5.16 The Shari'a court established in January 2002 to collect tax on small businesses had, according to the JFFMR March 2004, run out of money. The report also indicated that there was currently no single administration in the town. [7c] (p 19-20) On 20/21 June 2004, the Swedish-based website Somaliweyn and Puntland-based Radio Midnimo, reported that two rival administrations called Midland and Hiranland had been established in the region. The former, headed by Abdikarim Husayn

Farah"Laqanyo" and the latter headed by Abdi Idow Sabriye a regional administrator, were quick to denounce the other as a 'weak entity'. [43c][28d]

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Galgudud

5.17 As reflected in the JFFMRs July 2002, the Galgudud region had no formal administrative structure and no regional authority. It was inhabited by a number of clans of which the Habr Gedir Clan dominates numerically. There were reportedly no armed militias, and councils of Elders who controlled the region constituted each individual clan's highest authority. [7b] (p 20) As reflected in the JFFMR March 2004, the region is characterised by serious insecurity and there continued to be no single administration in place. [7c] (p 19)

Gedo

5.18 As reflected in the JFFMR July 2002, the Marehan clans dominated the Gedo region. The Somalia National Front (SNF), led by Colonel Abdirazzaq Isaq Bihi, had been the main Marehan faction operating in the region, which had also been strongly influenced by the Islamic Al-Itihaad movement. [7b] (p 20) As stated in the US State Department's International Religious Freedom Report covering 2003 (USSDRRF), the El Wak district of Gedo reportedly remained under the influence of radical Islamics. [2b] (p 2) The JFFMR March 2004 noted that Gedo remained a very difficult region since no single group or clan was in charge and the region was very poor. Furthermore, it received hardly any support from the outside. It was stated that the region was still split between rival factions. It was suggested that the situation was more or less quiet although fighting could resume any time. [7c] (p 25)

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

5.19 As reflected in the JFFMR July 2002, the South West State of Somalia (SWS) was established in late March 2002 at a meeting in Baidoa of the RRA's central committee and over 70 Elders from the Digil and Mirifle clans. RRA chairman, Colonel Hasan Mohammad Nur 'Shatigadud', was elected inaugural President for an initial four year period. The SWS administration laid claim to the Bay, Bakool, Gedo, Middle Juba, Lower Juba and Lower Shabelle regions. However, in practice the administration only has effective control over Bay and Bakool. Compared to other areas of the country, as of May 2002, the administration in Bay and Bakool was reported to be least influenced by Al-Itihaad and free from infiltration by the business community. [7b] (p 13) According to Europa, Shatigadud was, following 3 months of inter-RRA fighting, ousted from Baidoa in October 2002 by forces loyal to his two deputies. [1a] (p 997)

5.20 The UN sources consulted in the JFFMR March 2004 stated that Baidoa was still insecure because of the leadership conflict within the RRA, which broke out in the summer of 2002. It had developed into a clan dispute, which reflected the national peace process, with support for the different sides. There was 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. [7c] (p 24)

(See also Section 6.C on Security Situation 2003 - 2004/Bay and Bakool)

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Puntland

5.21 As recorded in Europa and USSD, 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 9-member Cabinet was appointed in August 1998 and a 69-member Parliament was inaugurated in September 1998. A charter released in September 1998 advocated 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] (pp 999-1000) [2a] (pp 1, 8-9)

5.22 As reflected in the JFFMR July 2002, as of mid-2002 Yusuf was reportedly re-establishing his former administration. 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 were reportedly committed to the continuation of a functioning administration in Puntland. [7b] (pp 21-2) According to an African Research Bulletin (ARB) in January 2003, in December 2002 Puntland moved its parliament from Bossaso to Garowe, the headquarters of Yusuf's administration. [11b] As noted in an IRIN article of 19 May 2003, in May 2003 Yusuf and his opponents signed a peace deal which provided the opposition with a number of key positions within the governing administration, including three ministerial posts, two vice-ministerial and two mayoral. [10s]

(See also Section 6.C on Security Situation 2003 - 2004/Puntland)

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Somaliland

5.23 As noted in Europa, 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). The current constitution provides for political parties; civic elections, in which six parties participated, took place in December 2002 and presidential elections in April 2003. [1a] (p 999)

(See also Section 6.C on Security Situation 2003 - 2004/Somaliland)

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Judiciary

5.24 As recorded in Europa Regional Surveys: Africa South of the Sahara 2004 (Europa) and the US State Department Report on Human Rights Practices covering 2003 (USSD), 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. There has been no national judicial system since the fall of Siad Barre's government in 1991. [1a] (p 1013) [2a] (pp 1, 5) The USSD states that the judiciary in most regions relies on a combination of traditional, customary (Shari'a) and the Penal Code of the pre-1991 Siad Barre Government, or some elements of the three. Some regions established local courts that depended 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. [2a] (p 5)

5.25 As noted by a UN Commission on Human Rights Report of December 2002, the legal framework throughout the country was inconsistent and weak; however in Somaliland, Puntland and areas controlled by TNG, the court system was regularised to some extent. Challenges included under-qualified staff, low salaries, a lack of training and reference materials, gender inequalities and incoherence insofar as secular, customary and Islamic laws were all applied in conflicting and overlapping areas. Consequently, the report concluded that this environment lent itself to significant degrees of corruption and inefficiency. [4a] (pp 8-9) In the UNDP's Socio-economic survey of Somalia 2002 (UNDP 2002), community based justice systems carried out by clan/ community Elders were 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 Shari'a (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 Shari'a. [39c] (p 51)

5.26 As reflected in the UN Security Council Reports (UNSCR) on Somalia of October 2003, UN agencies helped 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 northwest of the country, mainly in "Somaliland". The UN was planning to extend such programmes to less stable regions in the northeast, centre and south of Somalia. [3c] (p 9)

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Southern Somalia

5.27 As noted in the USSD and Freedom House report on Somalia of June 2003, the Transitional Charter provided for an independent judiciary and for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference. The Charter still had not been implemented at the end of 2003 and a formal judicial system ceased to exist. [2a] (p 5) [24a] (p 2) According to the Freedom House Report of 2003, as of mid 2002 a few Shari'a courts were still reported to be operating outside the TNG's control, especially in northern Mogadishu. [24a] (p 2) Following reports from the Shabelle website in December 2003 that Islamic courts in Mogadishu intended to form a joint military force [42a], in January 2004 it was reported by Swedish-based Somaliweyn website that Musa Sude opened an Islamic court which operates in the areas under his control. [43a]

5.28 According to numerous reports from Mogadishu-based radio website sources, the Shari'a courts that operated in the capital had established some authority by mid-2004. On 3 June 2004, Mogadishu-based Radio Shabelle reported that in a much-publicised case, Shirkole Islamic court ruled in favour of a doctor who removed a woman's uterus. [27a] In spite of reports by the Somaaljecel website on 28 June 2004 that the court was condemned by local Islamic groups [41b], and further accusations reported by HornAfrik website on 29 June 2004 that Shari'a courts were undermining the efforts of the ongoing peace negotiations in Nairobi [37a], the Somaliweyn website reported on 24 July 2004 that IGAD guaranteed that religious leaders, including

those running Shari'a courts, would participate fully in the final phase of the peace negotiations in Kenya. [43d]

(See also the JFFMR March 2004 [7c] (p 27 – 30))

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Puntland

5.29 As reflected in the USSD, the 'Puntland' Charter provided 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. 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)

Somaliland

5.30 As reflected in Europa, the Constitution provided for an independent judiciary; however, the judiciary was not independent in practice. [1a] (p 1013) As noted in the UNSCRs October 2003 and February 2004, the UN assisted 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 [2003] and provided training for 50 legal professionals in substantive law and procedure fundamental to the functioning of the judiciary. [3c] (p 9) [3d] (p 8)

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Legal Rights/Detention

5.31 As reflected in the US State Department Report on Human Rights Practices covering 2003 (USSD), the Transitional Charter provided 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 contained 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 did not exist in several areas that apply traditional and customary judicial practices or Shari'a law. [2a] (p 5) Amnesty International, (AI) in their annual report covering events in 2003, referred to there being no effective or competent system of justice in the south of the country. [6a] (p 2)

5.32 During his 2002 visit to Puntland and Somaliland, the UN independent expert for human rights noted that throughout the region juveniles, who had been detained at the request of families in order to be disciplined, were held without charge. [4a] (p 10) However, as reflected by the UN Security Council Report on Somalia of June 2003 (UNSCR June 2003), during the first half of 2003 the authorities in Hargesia (Somaliland) had taken action to address this problem in co-operation with parents. Women were recognised by the UN as being disadvantaged under all three systems of law that operated in Somalia. [3b] (p 8)

Death Penalty

5.33 The death penalty is retained in Somalia. AI reported that during 2003 Islamic courts established by faction leaders imposed death sentences; these sentences

were reportedly carried out immediately. AI commented that the proceedings of these courts bore little relation to international standards of fair trial. [6a] (p 2)

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Internal Security

5.34 As reflected in the US State Department's Report on Human Rights Practices covering 2003 (USSD), clan and factional militias, in some cases supplemented by local police forces, function with varying degrees of effectiveness in the country. [2a] (p 1)

(See also Section 6.C on Security Situation 2003 - 2004)

Armed forces

5.35 As reflected in the New Internationalist: World Guide 2003-4, since the collapse of central government in 1991 there has been no national armed forces in Somalia. [15a] (p 502) According to the British Broadcasting Corporation (BBC) in November 2000, 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 Europa Regional Surveys: Africa South of the Sahara 2004 (Europa), 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 996) According to the BBC, in November 2000 the TNG stated that all former soldiers remaining physically and mentally fit should register in their respective regional capitals. [14b] By December 2000, Europa states that some 5,000 had reportedly begun training under the supervision of Mogadishu's Islamic courts. [1a] (p 1015) However, in 2003 the USSD made no reference to a TNG army, only a police force and militia. [2a]

5.36 As reflected in Europa, in August 2002 the self-declared 'Republic of Somaliland' armed forces was estimated to number 7,000. [1a] (p 1015) Meanwhile part of the deal that brought peace to neighbouring Puntland in May 2003 made 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. [105]

Police

5.37 As reflected in the USSD, as of the end of 2003 the TNG had a 3,500-officer police force. [2a] (p 4) As noted in the Joint UK-Danish Fact-Finding Mission to Somalia (JFFMR) of July 2002, the forces remained in place but were largely confined to their posts and were unlikely to challenge warlord militias. [7b] (p 39) As noted in the UNSCR of February 2003, training in human rights was provided to 44 police officers in Puntland during 2002. [3a] (p 8)

5.38 As reflected in the USSD, during 2002 Somaliland allocated more than 60% of its budget to maintaining its armed forces and police force composed of former troops. [2a] (p 4) As noted in the UNSCR of 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. [3a] (p 8) As noted in the UNSCR of 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. [3d] (p 8) The UNSCR of June 2004 noted that in 'Somaliland' a further 160 trainee police officers would graduate at the end of July 2004, while basic training for police officers had started in 'Puntland' and Jowhar in the south. [3e] (p 9)

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Clan-based militias

5.39 As noted in the Joint UK-Nordic Fact-Finding Mission Report of March 2004 (JFFMR March 2004), there were three types of militias operating in Somalia: those that were supported and run by the business community; those that are controlled by warlords; and freelance militias. The basis for recruitment into all three was clan affiliation. [7c] (p 31) According to the JFFMR July 2002, Musa Sude was the only warlord who could effectively raise and maintain a militia. Musa Sude achieved this and thus retained the loyalty of his militia by distributing money fairly equitably across his forces. Ali 'Ato' and Hussein Aideed had militias that fight for them but they had to provide for themselves on a day-to-day basis. [7b] (p 39)

Prisons and prison conditions

5.40 As reflected in the US State Department Report on Human Rights Practices covering 2003 (USSD), and the UN Commission for Human Rights (UNCHR) Report of December 2002, prisons within Somalia were run by a combination of the TNG, the de facto administrations of Puntland, Somaliland and other regional administrations. Warlords also operated prisons in areas under their control; for example Musa Sude runs a prison for the Abgal clan in north Mogadishu. [2a] (p 4) [4a] (p 10)

5.41 As reflected in the USSD and a Freedom House Report on Somalia of June 2003, prison conditions varied from region to region and though conditions were generally harsh and life threatening, improvements were under way. Overcrowding, poor sanitary conditions, inadequate health care and the absence of educational and vocational training characterised prisons throughout Somalia. Tuberculosis was widespread. Abuse of prisoners by guards was 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) [24a] (p 2)

5.42 The Amnesty International (AI) Annual Report covering 2003 stated that prison conditions in Mogadishu were particularly harsh. [6a] (p 2) In a UNCHR report of 2002, the UN expert identified prison conditions as one of several key human rights issues in the country. [4a] (p 16) According to the UN's Integrated Regional Information Network (IRIN) on 4 September 2003, the independent expert 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. [10a]

5.43 As reflected in the USSD, 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 continued to be kept in jail cells with adult criminals. [2a] (p 4) In addition, the UNCHR and USSD cited the practice of parents having their children incarcerated when they want them disciplined continued during 2002-3; these children were also reportedly held with adults. [2a] (p 4) [4a] (p 10) USSD noted that members of ethnic minority groups were reported to make up a disproportionately large percentage of the prison population. [2a] (p 4)

Military Service

5.44 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. [33a]

Conscientious objectors and deserters

5.45 According to WRI 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. [33a]

Recruitment by clan militias

5.46 According to WRI in 1998, there was no tradition of forced recruitment in the various armed Somali clan militias. Militias were apparently able to recruit their members on a voluntary basis. Refusal to join a clan militia would reportedly not have any negative consequences. [33a] It was indicated in the JFFMR March 2004, that joining one's own clan militia was considered obligatory. [7c] (pp 31-2)

Demobilisation initiatives

5.47 As noted in the UNSCR February 2003, it was reported that some progress had been made with projects undertaken by UNDP under the provisions of this programme in both Puntland and Somaliland. [3a] (p 8) The UNSCR of 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 8)

5.48 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 aims to provide rehabilitation opportunities for 420 former child soldiers. [3b] (p 9)

Medical Services

Overview

5.49 As stated in the Report of the Joint UK-Nordic Fact-Finding Mission of March 2004 (JFFMR March 2004), Medecins Sans Frontiers (MSF) officials noted that the overall level of healthcare and possibilities for treatment in central and southern Somalia were very poor. There was a lack of basic medical training amongst the personnel (doctors and particularly nurses) operating at the limited number of hospitals and clinics in the region. It was estimated that up to 90% of the doctors and

health staff in hospitals were insufficiently trained. It was stated that for those with sufficient funding to pay for treatment, primary healthcare was available in all regions. MSF indicated that women and children had a better chance of receiving treatment on the grounds that they were less likely to be the target of militias. It was explained that women and children were in a position to move more freely because they could cross clan-borders 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 were difficult to arrange without sufficient financial support from clans. [7c] (pp 47, 49)

5.50 As noted in the UN Development Programme's (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 were; 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 included out-patient dispensaries (OPD), mobile health clinics and health centres. [39c] (p 29)

Hospitals

5.51 According to the International Committee of the Red Cross (ICRC) sources in February 2003 and the JFFMR March 2004, there were two public hospitals in Mogadishu 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 served the south of the city. Most surgery was undertaken on the victims of gunshot wounds. [7c] (p 48) [14g] [5a] (p 6) An update by the UN's children's agency UNICEF in January 2003, referred to other hospitals in Mogadishu including the Benadir and Al-Hayat; both have larger capacities and the Forlinini, which treated patients with chronic diseases such as tuberculosis and leprosy. [22b] On 21 November 2003, Canadian- based Somali Qaranimo website reported that a new hospital SomRus hospital staffed with Russian doctors opened in the Taleex (sic) district of Mogadishu. [44a] In early June 2004, Mogadishu-based Radio Shabelle and British Broadcasting Corporation (BBC) reported that the only free, SOS hospital in Mogadishu, which the BBC reported had been closed by militiamen two weeks previously [14e], would reopen. [14f] [27f] On 15 July 2004, Mogadishu-based Holy Koran Radio reported the opening of a new maternity hospital in the capital. [40b]

5.52 According to MSF references in the JFFMR March 2004, public hospitals in Galkayo (Mudug) and Kismayo (Lower Juba) served 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) - had been closed for some years. [7c] (p 48) According to the UN's independent expert in December 2002, the hospital in Bossaso, Puntland was reportedly equipped to deal with minor cases, more serious cases were reportedly sent to Dubai. Puntland and Somaliland had Somalia's only two nurse training facilities; located in Bossaso and Hargeisa. However, even in this part of the country, facilities and resources were severely limited; the whole of eastern Sanaag (Somaliland), for instance, had only one doctor in 2001. [4a] (p 14)

Private sector and NGO provision

5.53 According to MSF sources in the JFFMR of March 2004, the Somali private health sector had grown considerably in the absence of an effective public sector. Of the population who get any care at all, about two thirds of them get it from the private health sector. Such growth had thrown up a range of problems. These have included the dispensing of out-of-date drugs, over-the-counter drug prescriptions and inadequately trained staff, which has led to misdiagnoses. Private health care is characterised by high charges for services - pricing the poor out of healthcare. [7c] (p 47)

5.54 As reflected in a BBC/ICRC article of February 2003, aid agencies attempted to fill the gap in areas where health services and structures had all but collapsed. Sparsely distributed NGOs struggled to provide health care in remote areas, where reaching the patients was a major problem. [14g] The ICRC provided support for 2 referral hospitals in Mogadishu, 18 health posts, 3 pre-hospital care facilities and 5 oral rehydration centres. [5a] (p 5) It was emphasised by MSF representatives in the JFFMR March 2004, that medical treatment provided by NGOs was restricted to infectious diseases. Treatments for chronic diseases were not available from NGOs. [7c] (p 49) As noted in the UN Security Council Report (UNSCR) of June 2003 the UN established over 100 fixed sites offering daily tuberculosis, oral polio and measles vaccinations for children, as well as tetanus toxoid vaccinations for pregnant mothers. Careful planning and training 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. The progress of these immunisation campaigns continued to advance in the first half of 2004, as detailed in the UNICEF review of August 2004. [3b] (p 10) [22e] (pp 3-4) The UNSCR June 2004 recorded that Somalia has been taken off the list of polio-endemic countries in March [2004] after nearly two years without a reported case. [3e] (p 11)

5.55 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 [World Health Organisation] 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.” [3d] (p 10)

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HIV/AIDS

5.56 The UNDP Socio-economic survey of 2002 and UNDP sources quoted in the JFFMR March 2004 indicated that there was very little data related to HIV/AIDS in Somalia. Partial data collected on the HIV/AIDS gave a low prevalence rate, although not much was 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 a basic level. About 95% of the respondents who claimed to have heard of HIV/ AIDS stated that HIV/AIDS had no cure, was transmittable, and affected both men and women. Awareness was 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%). [7c] (pp 35 - 36) [39c] (pp 48-9)

5.57 As noted in UNSCR June 2003, UN agencies and their partners also promoted HIV/AIDS prevention and control and were 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. [3b] (pp 10-11) The UNSCR June 2003 reported that during the first half of 2003, two workshops on gender and HIV/AIDS were held for 60 policymakers from 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. [3b] (p 11) The UNSCR February 2004, and UNICEF report of August 2004, stated that 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. UNICEF also reported the establishment of counselling services by religious leaders in Somaliland. [3d] (p 10) [22e] (p 6) The UNSCR June 2004 confirmed that the first 'HIV/AIDS knowledge, attitudes, belief and practice' survey of the experiences of 15-49 year olds had been completed in 21 districts of the country. [3e] (p 11)

People with disabilities

5.58 As reflected in the US State Department's Report on Human Rights Practices covering 2003 (USSD), in the absence of a functioning central state, the needs of people with disabilities were not addressed. However, there were several NGOs in Somaliland that provided services for people with disabilities. [2a] (p 11)

Mental health care

5.59 In its 2003 Somalia Country Profile, the World Health Organisation (WHO) reported "Mental health services are limited to psychiatric care in the Berbera mental hospital and the psychiatric ward in Hargeisa hospital, and a few private psychiatrics in Mogadishu. These facilities are, for all practical purposes, custodial and asylum like. There is no element of mental health in the general health system. There are only some NGO activities, the most important of which, is General Assistance and volunteer organizations (GAVO) in Berbera with activities are centered around two vulnerable groups, psychiatric patients and street children believing in expansion of community care." [9a] (pp 34-35) According to UN Security Council Report (UNSCR) of February 2003, projects sponsored by UN organisations in different parts of Somalia have included psychological counselling. [3a] (p 9)

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Educational System

5.60 According to a survey of primary schools in Somalia in 2002/3, conducted by UNICEF (UNICEF 2002/3), a total of 286,808 pupils were 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 reflected a net increase of an additional 11% in enrolments, 11% in teachers and an 8% increase in the number of schools. [7c] (pp 49-50) [22c] (pp 4-5)

5.61 UNICEF 2002/3 also noted that gender gaps continued 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 listed a total of 132,711 pupils enrolled at 597 primary schools in which Somali was the medium. It also recorded a total of 5060 teachers, representing an average of one teacher to 26 pupils. In most regions the provision for primary education covered Grades 1 to 8. In Bakool and Middle Juba there was only provision for Grades 1 to 5. Of all regions in Somalia, central and southern region schools depended most on temporary structures, with only 48% of schools having permanent buildings and only 55% having access to desks and benches. School fees were largely nil or less than the equivalent of one US dollar per pupil per month. Teacher support was mostly in the form of cash, rather than in kind, and was largely provided by the communities or parents and NGOs. [7c] (p 50) [22c] (pp 4-5)

5.62 As reflected in the US State Department Report on Human Rights covering 2003 (USSD) and UNDP's Socio-economic survey 2002, even in areas with relative security, the lack of resources had limited the opportunity for children to attend school. [2a] (p 10) [39c] (p 28)

5.63 The UNICEF 2002/3 survey also listed 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. [7c] (p 50) As noted in the US State Department's International Religious Freedoms Report covering 2003 (USSDRRF), the organised conservative Islamic organisation, Al-Islah, openly operated in Mogadishu. [2b] (p 2) As noted in Joint UK-Nordic Fact-Finding Mission Report of March 2004 (JFFMR March 2004), according to a UNICEF representative primary schools in Somalia that used Arabic as a medium were established and supported by various Arab states including Saudi Arabia, Libya and Yemen and also Arabic NGOs. Although these schools were not Koran schools, there was a greater focus on religious affairs than in ordinary primary schools. [7c] (p 50)

5.64 The USSD and JFFMR March 2004 reported that access to secondary education for children aged 14 -18, was very limited. [2a] (p 10) [7c] (p 50) In 2003 the US Department of State referred to there being three secondary schools in Somaliland and more than three 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 the USSD, only 10% of those children who actually entered primary school went on to graduate from secondary school. [2a] (pp 10-11)

5.65 USSD indicated that there is no organised higher education system in most of the country. There were two universities in Somaliland and two in Mogadishu; there was also a faculty of the East African University located in Puntland. [2a] (p 10) As reflected in the USSDRRF, Mogadishu University was reportedly externally funded by and administered through organisations affiliated to Al-Islah. [2b] (pp 1-2) According to the USSD, the literacy rate was approximately 25% throughout the country; however, reliable statistics did not exist. [2a] (p 10)

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6. Human Rights

6. A Human Rights issues

General

6.1 The US State Department Report on Human Rights Practices (USSD) covering 2003 stated that the country's human rights situation remained poor and serious human rights abuses continued in 2003. [2a] (p 1) The UN High Commission on refugees (UNHCR) position paper of January 2004 (UNHCR 2004) stated:

"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 Jimale 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." [23a] (p 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." [23a] (p 2)

6.2 According to a key research consultant to the UN (Professor Kenneth Menkhaus), in an analysis of November 2003 (Menkhaus, November 2003), and reflected in the Report of the Joint UK-Nordic Fact-Finding Mission of March 2004 (JFFMR March 2004):

"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 southern 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." [7c] (p 13) [8a] (p 10)

"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." [7c] (p 13) [8a] (p 10)

6.3 On 6 September 2002 the UN's Independent Expert on Human Rights Dr Ghanim Alnajjar concluded his second annual visit to the region. He visited Somaliland and Puntland but did not visit other regions due to the security situation. It was concluded that, following the deterioration that occurred during the constitutional crisis, the emergence of Colonel Abdullahi Yusuf had helped stabilise conditions in Puntland. [4a] (p 2, 13, 14) However, following the visit Alnajjar cited particular concerns regarding the plight of internally displaced persons (IDPs), 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. [4a] (pp 9-10) Initial comments by Alnajjar in a UN Integrated Regional Information Network (IRIN) article 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, Alnajjar had additionally been able to visit Kismayo in the south, but as had been the case in 2002, insecurity precluded a visit Mogadishu. [10aj]

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Torture, inhumane and degrading treatment

6.4 According to the USSD, as of the end of 2003, "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) The USSD also noted that 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)

6.5 In its annual report referred to by the USSD, Amnesty International (AI) and IRIN, the Dr Ismail Jumale Human Rights Centre (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) [6a] (p 1) [10ah] According to an IRIN article of 22 May 2003 and the Report of the Joint UK Nordic Fact-Finding Mission of March 2004 (JFFMR March 2004), other reports suggested that the incidents of rape increased during 2003. [7c] (pp 20-1) [10u]

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Arbitrary or unlawful killings

6.6 According to the USSD:

"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 Suda Yalahow and Omar Finish 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)

"The 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 [2003]. 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)

"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 [Transitional National Government], 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)

"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)

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Disappearances

6.7 As stated in the USSD, and reflected in the Report of the UN's Independent Human Rights expert in December 2002, and an IRIN article of July 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) [4a] (pp 5-8) [10ah]

6.8 According to IRIN articles of 22 May and 23 July 2003, the pattern of abductions continued during the first half of 2003 and, according to some reports, increased. [10u][10ah] According to the USSD, "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)

Abuses by militia groups

6.9 As noted in AI 2003 and in the UN Security Council Report on Somalia (UNSCR) of February 2003, fighting between rival clans and factions continued in many parts of the country. [6a] (p 1) [3a] (p 3) As reflected in the USSD and AI's annual report covering 2003, there were 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 were particularly vulnerable to abuses. [2a] (p 2) [6a] (p 1) IRIN noted that in July 2003, the DIJHRC chief investigator stated that civilians were 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. [10ah]

6.10 As noted by AI in its annual report covering 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 acted with impunity. [6a] (p 2) However, as noted by IRIN, in a positive development the Juba Valley Alliance (JVA) was, as of September 2003, in the process of disarming militias in Kismayo and surrounding areas that they controlled. [10a][10aj]

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Regional situation for human rights activists

6.11 As noted by USSD, there were several local and international NGOs engaged in human rights activities that operated in Somalia. Though human rights defenders in central and southern Somalia faced daily dangers of arbitrary killing, kidnapping or detention by faction militias, the USSD stated that "NGOs and aid agencies operated freely throughout the country. Puntland leader Abdullahi Yusuf lifted a 2002 ban on UN, European Union, and NGO operations in Puntland. Despite threats in March [2003], authorities did not close any NGOs during the year [2003]. Numerous international organizations operated in the country during the year, including the Red Cross, CARE, Save the Children, and various demining agencies such as the Halo Trust. The TNG and Somaliland authorities permitted visits by UN human rights representatives during the year [2003]". [2a] (p 9)

6.12 According to an IRIN article of 5 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 groups from other parts of the country during the previous month. [10n]

Local human rights organisations

6.13 The UN's Consolidated Appeal Process Report 2004 for Somalia (CAP 2004) noted:

"On a more positive note, the year [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 (Hadrawi), 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." [39b] (p 7)

6.14 IRIN on 5 March 2003 reported that the Dulmidiid Centre for Human Rights and We Are Women Activists (WAWA) are among the human rights organisations based in the Puntland region. The authorities closed down the Bossaso offices of these organisations and another group linked to the Peace and Human Rights Network (PHRN) in March 2003. [10n]

6.15 The USSD referred to human rights organisations based in Mogadishu including the PHRN, Coalition of Grassroots Women's' Organisations and, until July 2003, the DIJHRC. [2a] (p 9) In the Report of the Joint Nordic-UK Fact-Finding Mission (JFFMR) of March 2004, NOVIB (Oxfam Netherlands) was aware of six local NGOs which operated in southern and central regions with the capacity for monitoring human rights violations, however the total cases logged by these organisations were estimated to be less than 10% of the total number of violations. [7c] (p 13)

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International human rights organisations

6.16 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." [7c] (pp 13-14)

6.17 According to UNSCR February 2003, the UN women's agency 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. It also 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. [3a] (pp 7-8) 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 [10]

6.18 As noted in the UNSCR October 2003:

"The lack of local authority [in Gedo and Lower Shabelle] 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. ... 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 United Nations staff. 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 displace civilians. ... " [3c] (p 7)

6.19 As reflected in the UNSCR February 2004, "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]." The murder of three humanitarian workers in Somaliland resulted in travel restrictions for staff and the scaling down of most humanitarian activities. UN international staff members were restricted to Hargeisa. [3d] (pp 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. [37i] 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." [3d] (p 6) The UNSCR June 2004 reiterated the heightened risk to

international aid workers and stated that minimum operating security standards for UN staff throughout Somalia had been revised in order to enhance the protection of workers [3e] (pp 5, 7)

(See also section 6.C on Humanitarian Issues)

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Freedom of Speech and the Media

6.20 According to the US State Department Report on Human Rights Practices covering 2003, (USSD), the Transitional Charter, adopted by the TNA in Mogadishu in 2000 but not implemented by the year's end [2003], provided 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 [Transitional National Assembly] 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)

6.21 According to the Committee to Protect Journalists annual report (CPJ) covering 2003, the establishment of the TNG in 2000 in Mogadishu fuelled the revival of independent media, including local radio stations, newspapers, and Internet sites. Somalia's high rate of illiteracy meant that radio continued to be the most effective form of communication. [12a] In its annual report covering 2003, Amnesty International (AI) commented: "Activists and journalists reporting on human rights abuses or critical of the political authorities were frequently at risk of arbitrary arrest or, in the south, of being killed. Political freedom with open party structures existed only in Somaliland where people had considerable freedom to express opinions, publicly criticize the government and campaign in elections." [6a] (p 3)

Media institutions

6.22 As stated in a British Broadcasting Corporation (BBC) country profile of 21 July 2004, the major faction leaders in Mogadishu operated small radio stations. The former state-controlled Radio Mogadishu was initially taken over by faction leader Mohammed 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] (p 3) According to the USSD, "The TNG began operating a FM station in April 2002"; also during 2003 a new radio station funded by local businesses began operating in Galkayo. [2a] (p 6) [47a] The BBC profile also stated that the authorities in Somaliland and Puntland both operated their own radio stations. [14h] (p 3)

6.23 According to the USSD, "The majority of the citizens obtain news from foreign news broadcasts, primarily the BBC, which transmits a daily Somali-language programme. . . . Several telephone companies and Internet providers operated and

provided service throughout the country during the year [2003]." [2a] (p 6) HornAfrik was well respected as Somalia's only independent radio station and one of two independent TV stations. [12a] [14h] (p 3) As noted by a Freedom House report covering 2003, independent television stations proliferated, though most of the independent newspapers and newsletters that circulated in Mogadishu were linked to one faction or another. [24a] (p 2)

6.24 According to the USSD, "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] (pp 5-6) According to the BBC in July 2004, there were three main newspaper titles in Mogadishu and three in Puntland. [14h] (p 3) The USSD and BBC noted that Somaliland had at least three daily newspapers, one government daily, one independent and a third produced in the English language which was formerly a weekly newspaper. However, some reports suggested additional privately owned titles were in circulation in Somaliland's main towns. [2a] (p 6) [14h] (p 3) In September 2003 the Somaliland Times accused the BBC Somali service of biased broadcasting of the peace negotiations. [48a]

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Journalists

6.25 During 2001-3, USSD, AI and Freedom House noted that there were incidents of harassment, arrest and detention of journalists in all areas in Somalia, according to the NGO Reporters Without Borders (RWB), the situation was worst in Puntland. [2a] (p 6) [6a] (p 3) [13a] [24a] (p 2) According to the USSD, the Government of Somaliland reportedly tolerated criticism by journalists during the year [2003]. [2a] (p 6) According to a RWB report covering 2003:

"All of the press freedom violations in 2003 took place in the Mogadishu region, which remains a high-risk area both for national journalists and the foreign journalists living there. The press must keep a constant eye out for the many militia in the capital, whose behaviour is completely unpredictable. Several journalists are threatened each year by one or other of the clans that share the city. There seemed to be a lull in the two break-away states in the north (Somaliland in the northwest and Puntland in the northeast) and no major violation of journalists' rights were reported there. 2003 saw the emergence of two press freedom organisations which distribute news about the situation of the media in Somalia by e-mail." [13a]

6.26 According to the USSD, and reflected in AI, RWB and CPJ annual reports covering 2003 [6a] (p 3) [12a][13a]:

"For example, 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 [Transitional National Government] 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)

"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)

6.27 In December 2003, it was reported by the Canadian-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) enabled press freedom violations to be systematically monitored for the first time. [49a] On 2 December 2003 in Puntland, Radio Midnimo reported that the BBC was conducting training courses for local journalists. [28a] 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. [45a] 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 Dhereh 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. [50a]

Academic freedom

6.28 According to the USSD, "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)

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Freedom of Religion

6.29 According to the US State Department's Report on Human Rights Practices covering 2003 (USSD), Islam had 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 was no legal provision for the protection of religious freedom; during 2003 there were some limits to religious freedom. [2a] (p 7) According to the US State Department's Report on Religious Freedoms covering 2003 (USSDRRF) "There is strong societal pressure to respect Islamic traditions throughout the country, especially in enclaves controlled by radical Islamics. These include the district of El Wak in Gedo region and Doble, Ras Chaimboni, and Kulbiyow

in the Lower Juba region." [2b] (p 2)

6.30 According to the USSDRRF, "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] (pp 1-2)

6.31 According to the USSD, any attempt to convert an individual (proselytise) 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) As noted in the USSDRRF, "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 and were deported to Ethiopia". [2b] (p 2) According to the Mogadishu-based newspaper Qaran on 15 April 2004, religious leaders of localised Islamic NGOs publicly warned against the spread of Christianity in the country. [18b] A BBC article of 22 April 2004 reported a public demonstration in Mogadishu in protest against aid agencies that had allegedly been spreading Christianity. [14i]

6.32 According to USSDRRF, most Somalis were Sunni Muslims. The Sunni majority viewed non-Sunni Muslims with suspicion. There was a small, low profile Christian population in Somalia. Christians who proclaimed their religion sometimes faced societal harassment, as did other non-Muslims. [2b] (pp 1-2)

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Freedom of Assembly and Association

Charter provisions in TNG controlled areas

6.33 As stated in the US State Department's Report on Human Rights Practices covering 2003 (USSD), "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)

Charter provisions in Puntland

6.34 As noted in the USSD, "The Puntland Charter provides for freedom of association; however, the Puntland Administration has banned all political parties". [2a] (p 6)

Constitutional provisions in Somaliland

6.35 As noted in Europa Regional Surveys: Africa South of the Sahara 2004 (Europa), and USSD, the Somaliland Constitution provided 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 USSD, "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 Somaliland elections will be allowed to operate." [2a] (p 6)

Public gatherings and demonstrations

6.36 According to the USSD, 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) As noted by Integrated Regional Information Networks (IRIN) in June 2003, 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. [10ac]

6.37 Though staged under the close control of the resident warlord or faction leader, large-scale public demonstrations have continued to take place in Mogadishu, with several reported during the latter half of 2003 and the first half of 2004. On 23 September 2003, the Swedish-based Daynille website reported that supporters of the faction leader Mohammed Aideed held a demonstration in support of the Nairobi peace conference. [38b] On 17 February 2004, the Canadian-based Somali Qaranimo website reported that a planned rally in Tarabuunka (sic) Square in Mogadishu by the Somali Reconciliation and Restoration Council (SRRC) was prevented by the militiamen who controlled the area due to objections to the SRRC's pro-Ethiopian standpoint. [44b] On 1 April 2004, IRIN reported that thousands of women and children protested in Mogadishu's main stadium in support of the peace negotiations in Nairobi [10f], while on 15 April 2004, Mogadishu's Qaran newspaper reported a demonstration focussed against aid agencies accused of spreading Christianity. [18b]

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Political Activists

6.38 The USSD 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. Acts of violence against supporters or members of the TNG, including several killings, continued in 2003. There was no action taken against the members of militias accused of killing members and supporters of the TNG in cases reported in 2001. [2a] (pp 2-3, 5)

6.39 During his visit to Puntland in 2002, the UN independent expert for human rights Ghanim Alnajjar successfully requested the release of two members of the Dulmidiid Centre for Human Rights who had been detained and held as prisoners of conscience. [4a] (p 13) Al's report covering 2003 reported that in Puntland "Opposition political leaders and militias were integrated into the Puntland government and its security forces, and all captured opposition militias were released." [6a] (pp 1-2)

6.40 According to IRIN sources and Al's report covering 2003, 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. [6a] (pp 2-3) [10z][10aa]

6.41 It was reported by IRIN 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 called for reunification also called into question the independence of "the country" and would therefore face the law. [10aa]

6.42 According to an Agence France Presse (AFP) article of March 2003, and the Report of the Joint UK-Danish Fact-Finding Mission (JFFMR) of July 2002, members of the Islamic group Al-Itihaad al-Islamiya, an organisation believed to have been responsible for terrorist attacks in Ethiopia, were at times pursued by Ethiopian forces on Somali territory. [7b] (p 52) [20b] According to the AFP article, Ethiopia cited the presence of Al-Itihaad members as the reason for sending forces into Somali territory; this has happened on numerous occasions since 1996. [20b] The reported influence of the group had however declined considerably in recent years, but though Somaliweyn website reported on 5 July 2004 that TNG President Abdiqassim stated that Al-Itihad did not exist in Somalia, a report of 2 August 2004 by the same source indicated that Al-Itihad were training youths at three military camps. [43e][43f]

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Employment Rights

Trade Unions and the right to strike

6.43 As stated in the US State Department's Report on Human Rights Practices covering 2003 (USSD) and the New Internationalist's World Guide, 2003-4, 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] (pp 11-12) [15a] (p 502) The USSD states that 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 established the right of freedom of association, but no unions or employer organisations existed as at the end of 2003. [2a] (p 11)

6.44 As noted by UN Integrated Regional Information Networks (IRIN) articles of 22 May and 7 July 2003, 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. A further strike took place on 6 July 2003 following the shooting of a prominent doctor. Both stoppages were reportedly well supported with only emergency cases being treated. [10u][10ad]

Equal employment rights

6.45 According to the USSD, "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] (pp 11, 12)

Forced labour

6.46 According to the USSD, 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 Report of the Joint UK-Nordic Fact-Finding Mission (JFFMR) of March 2004, members of minority groups were subjected to forced labour by majority clans in southern and central regions, though the prevalence of the practice could not be confirmed. Members of majority clans were dependent on the farming skills of minority groups. [7c] (pp 32-3)

Child Labour

6.47 The USSD, and the report of the UN's independent human rights expert in December 2002, noted that the pre-1991 Labour Code prohibited child labour, but it remained a problem. According to the UN children's agency UNICEF, 41.9% of children aged 5-14 were classified as working children mainly involved in domestic labour. [2a] (p 12) [4a] (pp 9-10) According to the USSD, "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 labor." [2a] (p 12) As noted in the UN Development Programme's Socio-economic survey 2002, there were substantial variations in the child labour force participation rates between urban and non-urban areas. Around twice as many children aged between 10 and 14 worked in non-urban areas compared with urban areas. [39c] (p 21)

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People Trafficking

6.48 As stated in the US State Department's Report on Human Rights Practices covering 2003 (USSD), "The pre-1991 Penal Code prohibits trafficking; however, there were some reports of trafficking during the year [2003]." There were reports that "Trafficking in children for forced labour is a serious problem". [2a] (p 12) According to the USSD Trafficking in Persons Report (TPR) June 2004, "It [Somalia] is a country of origin and destination for trafficked women and children. Armed militias forcibly conscript Somali victims for sexual exploitation and forced labor. Some victims may be trafficked to the Middle East and Europe for sexual exploitation or forced labor. Trafficking networks are reported to be involved in transporting child victims to South Africa for sexual exploitation." [2c] (p 4)

6.49 During 2002-3 there were reports in the USSD and 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 12) [31a] (p 7) 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. The report referred to parents paying up to US\$ 10,000 to smugglers to take their children out of Somalia and reports that unaccompanied children were given new names and

imaginary histories; the children were coached in these and threatened to maintain their new identities. [31a] (p 7)

6.50 As noted in the TPR 2004, and a UN Integrated Regional Information Network (IRIN) article of 29 May 2003, 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. [2c] (p 4) [10w] An IRIN report of 3 September 2004 noted that the authorities in Puntland detained a further group of migrants in early September 2003, on this occasion the 52 people comprised of 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. [10am]

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Freedom of Movement

6.51 As stated in the US State Department's Report on Human Rights Practices covering 2003 (USSD), "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

6.52 According to UNHCR's position paper of January 2004, and reflected in the JFFMR March 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". [23a] (pp 7-8) [7c] (pp 45-6)

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Internal movement

6.53 The USSD and an IRIN article of 17 April 2003 note that 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] (pp 7-8) [10q]

6.54 According to the USSD, 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 on 2 September 2003, during 2003 the 500-kilometre Mogadishu - Kismayo road, which reportedly has many militia checkpoints, had 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 to improve the situation. [10a]

6.55 As stated in a report by the Nairobi-based East African newspaper from January 2004, a US\$20 visa fee was 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 went to the state. In other areas, the occupying warlords and militiamen pocketed the money. [46a]

6.56 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. Previously, 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] [10z] [10aa]

6.57 As noted in a Landmine Monitor Report 2003 (LMR 2003), "Although Somalia does not produce landmines, large stocks are believed to be in the hands of militias and private individuals." [26a] (p 1) In 1999 the HALO Trust, an NGO specialising in demining work, established a programme in Somaliland. According to a report of operations covering 2003, HALO Trust had a local staff of 330 operating in Somaliland with teams deployed across the region from the Awdal region in the north-west to the Sool region in the east of the country. HALO is also addressing the landmine problem in Puntland. [21a]

6.58 HALO surmised that the mine problem in Somaliland, with the deployment of mechanical assets, is now at a manageable level despite continued accidents to both humans and animals. It is possible that priority clearance will be finished within 4-5 years [21a] In addition, the UN Security Council Reports (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. [3a] (p 8)

External movement

6.59 According to the USSD, "In the absence of a recognised national government, most citizens do not have the documents required for inter-national travel". [2a] (p 7) According to a UN travel summary of March 2004, scheduled international air services operated to airports in Somaliland, Puntland, Jowhar and Mogadishu from

Djibouti, Ethiopia, Kenya and some Middle Eastern states. [22a] According to IRIN on 8 July 2003, 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. [10ae]

6.60 The USSD and IRIN in August/September 2003 noted that despite the relative stability in many parts of the country, as in previous years, many citizens continued to flee to neighbouring countries during 2003, often for economic reasons. Many migrants 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. During the first eight months of 2003 a further 250 were reported to have drowned at sea. 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. There are indications that most Somalis leaving by this route do not originate from Puntland, but come from southern Somalia. [2a] (p 8) [10ak] [10am]

6.61 The UN Security Council Report on Somalia (UNSCR) of June 2004 noted that on 17 April 2004, Kenyan authorities imposed a ban on the issuance of Kenyan visas on Somali passports. [3e] (p 7) By way of a retaliation, it was reported by Radio Shabelle on 25 April and in a British Broadcasting Corporation (BBC) article of 26 April 2004, that the Puntland authorities had ordered the immediate expulsion of all Kenyans from the region. [27g] [14n] According to a HornAfrik article of 1 May 2004, this move was subsequently supported by the TNG. [37c] In a further development reported by the BBC on 10 May 2004, the United Arab Emirates also stopped issuing visas on Somali passports. [14o]

Willingness to accommodate refugees

6.62 According to the USSD, 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. [10w] It was reported in September 2003 that the courts in Puntland would decide what happened to potential refugees originating from Ethiopia and Southern Somalia in situations where they were caught using Puntland as a transit point from which to leave Somalia. [10am] According to the USSD, "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 of 31 October 2003, the Somaliland authorities defended their decision to expel thousands of 'illegal' immigrants (i.e. any person not of Somaliland origin) from the territory [14j]

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Citizens' access to identity documents/passports

6.63 As noted by IRIN on 4 September 2002, 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. [10a] A BBC article of 12

May 2004 emphasised the ease with which counterfeit Somali passports can be obtained from markets in Nairobi, which had led the Kenyan authorities to stop issuing visas on Somali passports the previous month. [14p]

6.B Human Rights - Specific Groups

General

6.64 As noted in the UN's Consolidated Appeal Process (CAP) 2004 for Somalia:

"In both the CAP Workshop for 2003 (August 2002) and 2004 (August 2003), as well as in numerous other UNDP/OCHA [UN Development Programme/UN Office for the Co-ordination of Humanitarian Affairs] 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 12) [31b] (p 1)

"However, 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. ...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." [39b] (p 12)

Ethnic Groups

6.65 As reflected in the Report of the Joint UK-Danish Fact-Finding Mission (JFFMR) of December 2000, Somali society is characterised by membership of clan-families. These are sub-divided into clans, and many sub-clans (clan members are classified as ethnic Somali), or minority groups (minority groups are usually defined as those of non-ethnic Somali origin). Any political affiliation generally follows clan lines. [7a] (pp 80-87)

Somali Clans

6.66 As reflected in the JFFMR December 2000, the clan structure comprises 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 were descended from a common Somali ancestor, and that the minority clans/groups had a different, usually mixed, parentage. [7a] (pp 80-7) According to the US State Department's Report on Human Rights Practices (USSD) covering 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, took an

intermediate position between the main Somali clans and the minority groups. [7a] (p 80-7)

6.67 According to the USSD, "The dominant clan in any particular area has generally excluded other clans and minorities from participation in power". [2a] (p 11) As stated 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. [7c] (p 11)

6.68 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." [7c] (pp 40 - 1)

Rahanweyn Clans

6.69 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] (pp 64-65)

(See also Section 5 Political System: South West State of Somalia and Section 6.C Security Situation 2003 - 2004: Bay and Bakool)

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Minority Groups

6.70 As reflected in the Joint Fact-Finding Mission Report (JFFMR) of December 2000, minority groups within Somalia included the Bajuni, Bantu, Benadir, Bravanese, Eyle, Midgan (Gaboye), Tumal 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] (pp 20-2) [31b] (p 1) As reflected in the JFFMR December 2000 certain minority groups, most notably the

Benadiri and Bravanese, were particularly disadvantaged and targeted by clan militia since the collapse of central authority in 1991. [7a] (p 48)

6.71 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 21) However, some groups, such as those with special occupational skills (Midgan, Tumul and Yibir) are more likely to be found in different parts of the country. [7a] (pp 57-8) According to the USSD, "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) The USSD and JFFMR December 2000 reflect that politically weak social groups are less able to secure protection from extortion, rape and other human rights abuses by the armed militia of various factions [2a] (p 11) [7a] (p 21) As stated in the UN Office for the Coordination of Humanitarian Affairs (OCHA) Minorities Study of August 2002: "In a country where there is no national Government that would be responsible for safeguarding and upholding the rights of minority groups, Somalia minorities are truly in a vulnerable position". [31b] (p 1)

6.72 During the JFFM of March 2004, the delegation asked the UN High Commission for Refugees (UNHCR) branch officer for Somalia about the discrepancy which seems to exist between the information collected on the 2004 mission and previous missions, regarding the situation in Somalia for persons belonging to minority groups, and the information provided during refugee status determination interviews in some European countries:

"The UNHCR source firstly stated that she obviously did not know whether the case profiles of the persons referred to by the delegation were the same profiles as the ones who approach UNHCR in the region. With this reservation in mind, and presuming that the persons referred to are in fact coming from minority clans, the UNHCR source said that the discrepancy could to some extent be caused by the difference in conception between the person interviewing the asylum-seeker and the asylum-seeker him/herself as to what, for example, constitutes forced labour. If an asylum seeker has been used to working for example two hours every day for someone (belonging to a 'noble' clan) without being paid, the asylum-seeker may consider this normal and would not define it as forced labour if asked. It was suggested that the interviewer would have to ask specifically about all the small details of the asylum-seekers daily life in order to assess whether the person had in fact been subjected to forced labour or other human rights violations. Specifically with regard to sexual abuse including rape, she stated that pride and status might often prevent an asylum-seeker from coming forward with this information during an asylum interview or elsewhere." [7c] (p 37)

(See also Annex C: Main Minority Groups)

General security position for minority groups

6.73 As stated in the UN's Consolidated Appeals Process (CAP) report of 2004, based on the OCHA report of August 2002:

"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, these groups include the Bantu, Bravanese, Rerhamar, Bajuni, Eyle, Galgala, Tumul, Yibir and Gaboye." [39b] (p 14) [31b] (p 1)

6.74 As reflected in the OCHA report of August 2002 (and CAP 2004):

"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 [internally displaced persons] camps or returnee settlements have difficulties in accessing adequate food, proper shelter and education." [31b] (p 1) [39a]

"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." [31b] (p 3)

6.75 As noted in the JFFMR March 2004, "The delegation asked a number of UN and NGO sources whether the security and human rights situation of the minority groups and minor clans in southern and central Somalia had undergone any significant change since the situation described in the JFFMR of December 2000. The response from all sources consulted was that no change for the better had taken place, either with regard to their security or human rights situation." [7c] (p 36)

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Bajuni

6.76 As noted in the JFFMR December 2000, the Bajuni are mainly sailors and fishermen who live in small communities on the coast south of Kismayo and on islands between Kismayo and the border with Kenya. The Bajuni are of mixed Arabic, Bantu, Somali and possibly Malay ancestry. Their principal language is Kibajuni, a dialect of Swahili. Bajuni Elders who met with the delegation of a joint British-Danish-Dutch Fact-

Finding Mission on Somali minority groups to Nairobi in September 2000 informed the delegation that most Bajuni also speak Somali. Bajuni Elders stated that the Bajuni do not regard themselves as Benadiri people, although they had some trading links with the Bravanese people. [7a] (p 28)

6.77 As reflected in the JFFMR December 2000, and the OCHA minority groups report of August 2002, the Bajuni had traditionally held a low status in Somalia. As Siad Barre's administration collapsed in the early 1990s, the Bajuni were attacked by groups of Somali militia who wanted to force them off the islands. Many Bajuni left Somalia for Kenya, the majority having fled during 1992. Some Bajuni earned money by transporting refugees out of towns such as Brava and Kismayo to Kenya. In Kenya the Bajuni went to the Jomvo refugee camp in Mombasa. When the Jomvo camp was closed in 1997 many Bajuni were returned by the UNHCR to the Bajuni islands, which at the time were considered safe. However, with the fall of Kismayo in 1999 to the allied forces of the Somali National Front (SNF) and Aideed's Somali National Alliance (SNA), and subsequent attacks on the Bajuni islands, the UNHCR suspended returns. [7a] (pp 28-30) [31b] (pp 5-6)

6.78 As noted in the OCHA Minorities Study of August 2002, though recent Marehan settlers still have effective control of the islands, Bajuni can work for the Marehan as paid labourers. This is an improvement on the period when General Morgan's forces controlled Kismayo and the islands, when the Bajuni were treated by the occupying Somali clans as little more than slave labour. The position of the Bajuni is more one of denial of economic access by Somali clans than outright abuse. [31b] (p 4) As reflected in the JFFMR March 2004, the Bajuni population is estimated to number 11,000, [7c] (p 37) The JFFMR March 2004 also 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." [7c] (pp 37-8)

(See also Annex C: Main Minority Groups)

Bantu

6.79 As reflected in the US State Department's Report on Human Rights Practices (USSD) covering 2003 and the JFFMR July 2002, 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 34) 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) The JFFMR December 2000 note that other Somalis, including those of Bantu origin commonly refer to Bantu as "Jarer". [7a] (p 32)

6.80 As reflected in the JFFMR December 2000, the Bantu 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] (pp 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 36) As noted in a UN Integrated Regional Information Networks (IRIN) article of 25 June 2003, the Bantu are represented by Somali African Muki Organisation (SAMO) which is aligned to the Somali Salvation Alliance (SSA) that aligned itself with the G8 group at the Eldoret/Nairobi peace talks. [10ab]

6.81 According to the JFFMRs December 2000 and July 2002, conditions for Bantu reportedly vary according to the region in which they live. [7a] (pp 39-41) [7b] (pp 59-60) As stated in the JFFMR July 2002 and the OCHA minorities report of August 2002, Bantu have been largely displaced along the Juba and Shabelle rivers. They are usually able to remain in their home areas, to work mainly as labourers for the Somali clans (mainly the Marehan, Ogadeni and Habr Gedir) that have taken their traditional land. They can usually retain about 10% of their land for their own use. [7b] (p 60) [31b] (p 4) However, the JFFMR December 2000 noted that in some cases Bantu work as plantation labourers in what Bantu Elders describe as situations of near slavery. [7a] (p 39)

6.82 According to the JFFMRs December 2000 and July 2002, 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] (pp 36-7) [7b] (pp 59-60) However, the JFFMR July 2002 notes that 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 60) 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 [10c] (pp 1-2)

(See also Annex C: Main Minority Groups)

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Benadiri and Bravanese

6.83 As reflected in the JFFMR December 2000, the Benadiri are an urban people of East African Swahili origin, living mainly in the coastal cities of Mogadishu, Merka and Brava; and the Bravanese are a people long established in the city of Brava, believed to be of mixed Arab, Portuguese and other descent. These groups suffered particularly badly at the hands of armed militia and bandits as their home areas were fought over by competing United Somali Congress (USC) factions and the Somali Patriotic Movement (SPM). USC/SNA (a sub group of the USC) forces in particular singled out the Benadiri and Bravanese, with a campaign of systematic rape of women. Members of the minority populations, such as the Reer Hamar, the original Benadiri population of Mogadishu (known in Somali as Hamar) living in the Hamar Weyne and Shingani districts found themselves particularly exposed at times of heavy fighting. Most homes belonging to the Benadiri and Bravanese in Mogadishu had been taken over by members of clan militias, although sometimes the clan occupants allowed them to reside in one room. [7a] (pp 44, 47-9, 51)

6.84 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 including forced labour,

sexual slavery and general intimidation. [7b] (p 60) As reflected in the JFFMR March 2004, it was estimated that 90% of the Rer Hamar population in Mogadishu have left the city as a consequence of civil war and lack of security. The majority of Rer Hamar who are still in Mogadishu are older people who live in Mogadishu's traditional Rer Hamar district; Hamar Weyn which is controlled by militias of the Habr Gedir sub-clan, Suleiman. As to how those Rer Hamar families still living in Mogadishu were able to cope with the situation in the city, it was explained that some of the families have accepted, or have been forced to marry off their daughters to members of the majority clans such as Habr Gedir. Such a marriage can provide a Rer Hamar family with some degree of security but the alliance is not an even one, as the Habr Gedir son-in-law (nicknamed 'Black Cat') to a large degree controls the economy of his family-in-law. [7c] (p 39)

(See also Annex C: Main Minority Groups)

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Hamar Hindi

6.85 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)

"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)

"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)

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Midgan, Tumul, Yibir and Galgala

6.86 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), Tumul and Yibir (a group said to have Jewish origins) traditionally lived in the areas of the four main nomadic clan families of Darod, Isaaq, Dir and Hawiye in northern and central Somalia. In the last few decades many of them migrated to the cities, these groups are now scattered throughout the country but are mainly found in northern and central regions; Midgan have been able to settle in Puntland. [7a] (pp 54-5, 58)

6.87 According to the JFFMR December 2000, 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 57) As reflected in OCHA report of 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, Tumul 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, Tumul and Yibir who assimilated with Hawadle, Murasade and Marehan clans in Galgaduud region." [31b] (p 3)

6.88 According to the OCHA Minorities Study of 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, Tumul 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. [31b] (p 4)

(See also Annex C: Main Minority Groups)

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Women

6.89 According to the US State Department's Report on Human Rights Practices (USSD) covering 2003, "Women and children suffered disproportionately heavily in the fighting following the fall of Barre's administration." [2a] (p 10)

General legal provisions relating to women

6.90 The UN Security Council's Report (UNSCR) of June 2003 and a UNHCR-sponsored trend assessment of Somalia in August 2003, refer to a rapid assessment of women's justice. Women were 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) remained inadequate and contradictory to an extent, leaving women vulnerable and insufficiently protected. The reports noted that there are an almost negligible number of women in service within the judicial process. [3b] (p 9) [8a] (p 9)

6.91 According to the USSD, 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) The USSD noted that "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] (p 10) According to the USSD, while polygamy was allowed, polyandry was not. The TNG charter, not implemented at the end of 2003, contained provisions that prohibited discrimination on the basis of sex or national origin. The Somaliland Constitution also contained provisions that prohibited discrimination on the basis of sex or national origin. The TNG charter provided for universal suffrage as did both the Puntland and Somaliland administrations. [2a] (p 10)

Women in government

6.92 The JFFMR December 2000 indicated that women's groups played a prominent role in the Arta Conference of 2000 and were allocated 25 reserved seats in the TNA in Mogadishu. [7a] (pp 11-12) 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 11)

6.93 According to a UN Integrated Regional Information Network (IRIN) report of 14 July 2003, 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 had 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% female representation in the new government. Most male delegates at the talks reportedly supported the concept of greater women's involvement, but this had 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% representation. Delegates agreed instead on women having 12% of seats, this was, however, slightly more than they were allocated at the Arta conference. [10ag]

Position in society and discrimination

6.94 According to the USSD, the position of women in the patriarchal Somali society was largely subordinate and societal discrimination is widespread. [2a] (p 10) The USSD stated that "Several women's groups in Mogadishu, Hargeisa (Somaliland), Bossaso (Puntland), and Merka (Lower Shabelle) were 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)

6.95 As noted in the UNSCR 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 Garoowe, Hargeisa and Mogadishu so as to enhance their ability to engage with and lobby law enforcement agencies on women's rights." [3d] (p 9) The UNSCR of June 2004 reported that the UN had worked with a Somali women's NGO network (SAACID) in the demobilisation of 300 militia, including 75 girls who recently completed a disarmament programme in Mogadishu [3e] (p 9)

(See also the JFFMR March 2004 [7c] (pp 52-5))

Violence against women

6.96 The USSD noted that violence against women in Somalia was widespread; robbery and rape were particularly common. [2a] (p 10) The USSD indicated "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] (pp 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)

6.97 According to the USSD, domestic violence against women existed, although there were no reliable statistics on its prevalence. [2a] (p 10) The JFFMR July 2002 noted that there were no laws that specifically address domestic violence, this was treated through traditional means rather than as a legal issue, although both customary law and Shari'a law addressed the resolution of family disputes. [7b] (p 62) According to the USSD, there were no laws against spousal rape. [2a] (p 10) As noted in the JFFMR March 2004, the number of reported violations against women in the capital increased considerably in 2003. [7c] (p 21)

Female genital mutilation (FGM)

6.98 According to the USSD, FGM was a widespread practice. The Puntland authorities passed legislation banning FGM in Puntland, but the law was not enforced. [2a] (p 10)

6.99 As reflected in the JFFMR March 2004:

"Gary P. Jones, Country Director, Somalia, Kenya and Djibouti, Norwegian People's Aid (NPA), Horn of Africa Programme stated that, until recently, no NGOs worked with FGM in Somalia. Presently there are several NGOs that are addressing the issue of FGM. Jones explained that NPA is one of a small number of NGO's in Somalia, which attempts to educate people with the purpose of eradicating FGM. NPA seeks to change the culture of FGM by educating young girls. However, Jones explained that it is very difficult for girls in primary schools to complete their education due to them being kept at home to undertake domestic duties. It was suggested that boarding schools might be the only way enable girls to focus on their education without their parents interfering." [7c] (p 33)

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

to make any impact on the issue." [7c] (p 33)

(See also the JFFMR March 2004 [7c] (pp 33-4))

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Children

6.100 As noted in the US State Department Report on Human Rights Practices (USSD) covering 2003, children were been major victims in areas affected by fighting; children throughout the country had also suffered as a result of the collapse of basic social and educational services since 1991. [2a] (p 10)

6.101 In December 2002, the UN's independent human rights expert noted that with the deterioration of the traditional social networks an increasing number of children are exposed to abandonment, delinquency and institutionalisation. [4a] (p 10) According to an IRIN article of 23 June 2003, UNICEF expressed concern at increased attacks targeting children since late 2002, including kidnappings and killings. [10y] As noted in the JFFMR March 2004, the number of reported violations against children in the capital increased considerably in 2003. [7c] (p 21)

6.102 As noted in the UN Security Council Reports of October 2003, and February 2004, UNICEF produced a comprehensive countrywide child protection study 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 were often not sent to school and married young. Street children were 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. [3c] (p 10) [3d] (pp 8-9) [22d] (pp 1-11)

6.103 The USSD and UN's human rights expert report of December 2002 noted that the long-standing Somali practice whereby parents send their disobedient children to be kept in prison until they order their release was reported to be widespread. [2a] (p 4) [4a] (p 10) The UNSCR of June 2003 recorded that Somaliland is one area where this practice has been particularly prevalent; children were being detained in prison alongside adults and on occasion, are victims of violence or abuse. [3b] (pp 8-9) 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 was identified as a priority in Somaliland. [3b] (pp 8-9)

6.104 In the UNSCR October 2003, it was noted:

"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." [3c] (p 10)

6.105 The UNSCR June 2004 noted that during the first quarter of 2004, child protection networks were established in 6 regions in southern Somalia to facilitate information sharing and advocacy initiatives on behalf of child victims of violence and exploitation. A team of 24 child protection advocates began work in 40 communities in the first quarter of 2004. Though involvement by community leaders had varied greatly, successful efforts included: better access to education; support for street children; protection against prostitution and exploitation; and the commitment of some militia leaders to support children's attendance in school. [3e] (p 10)

Child care arrangements

6.106 According to an IRIN report published in June 2001 principally focusing on Somaliland, there were 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 worker's comment that "Urbanisation, prostitution and drugs are the most common reason now for unwanted pregnancies." [10b] The UN's human rights expert found in December 2002 that orphans and abandoned children were rendered especially vulnerable by the absence of clan support and identity, given the cultural context. [4a] (p 10) [10b]

6.107 According to the IRIN report of June 2001, after reaching 15 years of age Somali children were considered to have reached the age of independence, and were unlikely to be kept in orphanages; this leaves orphaned teenagers with very little support. With regard to the possibility of adoption the report suggested that the clan structure worked prohibitively against adoption, a practice that is not regarded as a "cultural norm". In the self-declared independent "Republic of Somaliland" the Hargeisa Orphanage Centre had been run by the local administration since 1991. Since 2001 the centre had come under the auspices of the Ministry of Education which provided for the running costs; the Ministry of Justice and the prison service had formerly operated it. As of June 2001, the centre had a total of 355 children, approximately 60 full and part-time staff, and received some support from the UN World Food Programme and the international NGO Hope World Wide. [10b]

6.108 According to an IRIN report of May 2003, 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 were fears the children would join the vast number of young gunmen on the streets of Mogadishu. [10c] In February 2004 IRIN reported that the Islamic aid agency-sponsored orphanages formally closed down, leaving around 3,000 orphans homeless. [10m]

Child soldiers

6.109 The USSD and UN's human rights expert in December 2002 noted that use of child soldiers, by both the militias of faction leaders and the authorities, continued to be reported during 2002 and 2003 [2a] (p 10) [4a] (p 9) There were no clear statistics on conscription of children. The UN independent expert on human rights reported in December 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." [4a] (p 7)

6.110 According to the USSD, during the year [2003] it was reported "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) 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. [4a] (p 7) Successive UNSCR reports during 2003, stated that a local NGO in Mogadishu successfully worked in conjunction with UNICEF on a demobilisation project for child soldiers; in a second phase the initiative had been expanded to cover other southern cities. [3a] (pp 8-9) [3b] (p 7)

6.111 In June 2003 the UN Security Council Somalia update referred to 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. [3b] (p 8) On 30 January 2003 the UN Security Council adopted a new resolution on children and armed conflict. This provided 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. [32a]

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Homosexuals

6.112 According to the British Broadcasting Corporation (BBC) in February 2001, homosexual activities were known to exist in Somalia but were rarely mentioned in public. [14a] According to a report by the International Lesbian and Gay Association (ILGA) in 1999 and the African organisation Behind the Mask in 2004, sexual intercourse with a person of the same sex is punishable under Article 409 of the Somali Penal Code by imprisonment from three months to three years. An "act of lust" other than sexual intercourse is punishable by imprisonment from two months to two years. Under Article 410 of the Somali Penal Code, a security measure, which normally means police surveillance to prevent re-offending, may be attached to a sentence for homosexual acts. [34a][35a]

6.113 It was not clear whether the laws on homosexual acts applied to lesbian sexual acts. The ILGA and Behind the Mask, both drew the conclusion that the law probably does not apply to lesbian acts. The basis for this view was that the Somali Penal Code is based on the Indian Penal Code that applied in the former British Somaliland

protectorate. Therefore, Articles 409 and 410 of the Somali Penal Code would not apply to lesbian acts, as the Indian laws that they are based upon do not. [34a][35a]

6.114 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. [14d] In May 2004, Behind the Mask reported on the activities of 'Queer Somalia' (a community group based in Ethiopia) which indicated that the problems for homosexuals in Somalia relate to the lack of central government, loosely applied Islamic law and pressures from families. [35b]

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6.C Human Rights - Other Issues

Humanitarian Issues

6.115 It was noted in the UN's Consolidated Appeal Process Report 2004 (CAP 2004) and reflected in the UNHCR position paper of January 2004:

"Against this backdrop of unpredictability 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 lighting 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." [39b] pp 6-7) [23a] (p 3)

6.116 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." [39b] (pp 6-7)

6.117 The UNHCR position paper of January 2004 noted:

"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)." [23a] (p 3)

6.118 Professor Menkhaus, in his trend analysis paper of November 2003 (based on a UNHCR-sponsored paper of August 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. [8a] (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 [28c]

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Internally displaced persons (IDPs)

6.119 As noted in the Norwegian Refugee Council's country profile of Somalia (NRC) May 2004:

“Some 375,000 people are internally displaced, about five percent of the population of a country which has been in a state of collapse longer than any other. Internally displaced people (IDPs) in Somalia are the most vulnerable of the vulnerable as they have lost all their assets and are subject to multiple human rights violations. They lack access to protection from clan affiliation; the de facto authorities throughout Somalia do not protect them and often divert humanitarian assistance. Most displaced are from southern minority groups and continue to suffer political and economic discrimination. In the insalubrious urban slums where they flee, they receive little or no assistance and most survive through casual work and begging. Income is barely sufficient for one meal a day. In Somaliland, the self-proclaimed entity in the north-west, displaced people are at risk of deportation from a new directive. As Somali leaders are negotiating peace in the south, the future of IDPs remains uncertain. Unless international support drastically increases, their chances of reintegration will remain illusory.” [30a] (p 1)

“Although there have not been large-scale new displacements in Somalia [since June 2003], thousands of people are temporarily displaced by localised conflicts every year. As a result of insecurity, very few IDPs are returning to their areas of origin and most have lived for over a decade in crowded and unsanitary urban slums. Tracking displaced populations in Somalia is particularly difficult as virtually all Somalis have been displaced by violence at least once in their life. Wars and severe droughts have complicated and hampered their seasonal migrations, and since the 1990s families have increasingly moved to the main towns in search of work and humanitarian assistance.” [30a] (p 3)

“In the overcrowded slum areas where they settle, IDPs are grouped in planned and unplanned settlements according to clan affiliations. There they mingle with other indigent groups and waves of returning refugees. Some 36,500 IDPs live in relatively stable Somaliland and Puntland, but the biggest concentration of displaced people is found in Mogadishu, where approximately 250,000 people live in about 200 squatter settlements and camps.” [30a] (p 3)

“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. Warlords have deliberately displaced people, looted and destroyed food stocks, mined watering places, grazing lands and major trading roads, and destroyed medical and administrative infrastructures in order to prevent people from other clans from sustaining a livelihood. The most ravaged regions have been the south and central areas, and the main ports of Mogadishu and Kismayo, where the livestock trade is concentrated. Armed factions waged battles in order to claim clan sovereignty over their supposed "native territories", forcing local populations either to become subservient to the invaders, who levy taxes in exchange for "protection", or to leave." [30a] (p 3)

"Since October 2003, about 7,000 people have been displaced by inter-clan fighting over the control of grazing lands and water in the Galgadud region. Most of the displaced belong to the Dir sub-clan and fled to their clan area in search of protection. However the IDPs whose houses and water stores have been destroyed and livestock killed had little to survive on. And host communities had little food and water to share as the region is suffering from prolonged drought. In the Bakool region, thousands of people who had been displaced by a power-struggle in the higher ranks of the Rahanweyn Resistance Army in October 2003, were able to return home a few months later thanks to successful reconciliation efforts between Rahanweyn Elders. [30a] (p 3)

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Returning refugees

6.120 As noted in CAP 2004 and reflected in the UNHCR position paper of 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." [39b] (p 13) [23a] (p 4) As noted in the JFFMR March 2004, "The UNHCR arrange facilitated returns of 2-3 persons a month to southern and central regions" [7c] (p 44).

6.121 As stated in CAP 2004, and reflected in the UNHCR paper of 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." [23a] (p 6)

"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." [23a] (p 6) [39b] (p 13)

6.122 As stated in the UNSCR October 2003, 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)." [3c] (p 11) In October 2003, the UNSCR of February 2004 noted "205 Somalis were repatriated from Ethiopia to Somaliland, in addition 19 Somali refugees were repatriated from various other countries." [3d] (p 9) The UNSCR of June 2004 noted that in the first half of 2004, UNHCR repatriated 2,918 refugees from camps in Djibouti [3e] (p 8) Furthermore, on 1 June 2004, the UNHCR announced the repatriation of some 2,000 refugees from the Aisha camp in Ethiopia. [23b] The closure of Hartishek (what had been the world's largest refugee camp) was announced by UNCHR in an IRIN article of 2 July 2004, following the repatriation of the remaining 719 refugees. [10g]

6.123 As noted in UNHCR position paper of January 2004 and reflected in the JFFMR March 2004:

"Although the levels of faction and large-scale inter-clan conflicts may have reduced in southern Somalia, insecurity continues to be a significant problem. Lives continue to be threatened by violence, crime, clan feuds, lack of justice as well as poverty. Furthermore, humanitarian agencies have real problems gaining access to many areas. Militia loyal to different strongmen succeed one another in a perpetual move to establish a sustainable control 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." [7c] (p 44-5) [23a] (p 9)

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Security Situation 2003 - 2004

6.124 As reflected in the Report of the Joint UK-Nordic Fact-Finding Mission (JFFMR) of 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 had 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. [7c] (p 11)

6.125 In February 2003 the Africa Research Bulletin (ARB) noted that a panel of experts issued its 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. 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. [11c] In December 2003, the British Broadcasting Corporation (BBC) reported that UN Security Council (UNSC) announced it would set up a unit to investigate violations of the 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 (Inter-Governmental Authority on Development) and the UN Monitoring Group [10i]

Mogadishu

6.126 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." [10q] However, the UN Security Council Report on Somalia (UNSCR) of 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. [3b] (p 6)

6.127 According to UNSCR October 2003, and reflected in an Agence France Presse article of 31 August 2003, mounting criminality in Mogadishu 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 Musa Sude ("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. [3c] (p 6) [20c] As noted in the JFFMR March 2004, "The number of reported violations against women and children in the capital increased considerably in 2003". [7c] (p 21) The UNSCR October 2003 stated that in August 2003 some efforts were made to establish neighbourhood security patrols. In at least one case, neighbouring security organisations fought over their boundaries. [3c] (p 6)

6.128 As stated in UNSCR February 2004: 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. [3d] (p 5) On 23 January 2004, HornAfrik reported that four people were killed following a clash between two rival militias. [37j] As stated in UNSCR February 2004, "Tensions between Mohamed Dhereh and Musa Sude continued. On 22 December 2003, Mohamed Dhereh'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." [3d] (p 5)

6.129 As reflected in the UNSCR of June 2004: the problem of crime continued unabated in the reporting period, in addition to the continuation of inter and intra clan fighting. Clashes between two Wa'eysle sub-clans in the Bermuda area of the city on 6 of April resulted in 13 fatalities while a clashes between the Warsangeli and Waabudan sub clans (Abgal) in May 2004 resulted in large displacement and 60 fatalities, including 30 civilians. Clan Elders later diffused the conflict. A serious fire in the Bakaara market in Mogadishu, killing eight, was also reported. [3e] (p 6) An IRIN article of 1 June 2004 stated that calm had been restored to Mogadishu after weeks of violence [10h], though the calm was subsequently broken by a militia attack on a TNG camp, as reported by Radio Shabeelle on 27 June 2004, which resulted in 12 fatalities [27h] and a conflict between militias of Inda Ade and Mohammed Qanyare Afrah, reported by Puntland based SBC Radio on 5 August, in which five died. [19a]

Lower Shabelle

6.130 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. [3c] (p 7) The JFFMR of March 2004 reflects the UNSCR of February 2004 which stated that "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." [3d] (p 5) [7c] (pp 22-3) On 24 November 2003, IRIN reported eight fatalities following clashes between pro-TNG factions and Sa'ad businessmen over trading access in Merka, in the so-called 'banana wars' [10j] [7c] (p 23) On the same day, seven fatalities were reported by Puntland-based Radio Gaalkacyo in Dhanaane following inter-clan clashes. [29a]

6.131 The UNSCR for June 2004 stated that tension over the banana trade led to several violent confrontations in the reporting period, including 17 people being killed on 17 March 2004. [3e] (p 6) Subsequently, Radio HornAfrik reported fighting between rival clans in the Buur Hakaba district on 12 and 19 June 2004, and further serious attacks on herdsmen reported in Bullo Marer village, resulting in seven fatalities on 25 July 2004. [37p][37q][37r]

Middle Shabelle

6.132 The JFFMR July 2002 reported that the Governor of Middle Shabelle, Mohammed Dehreh, maintained 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". [4a] (pp 5-6)

6.133 According to IRIN, unrest in the region was reported in March and June 2003 when clashes between Dhreh'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 Dhreh, who controls the town of Jowhar, to extend his area of influence. There was a suggestion that violence occurred whenever Dhreh returned to the region from the Nairobi peace talks. [10x] As noted in UNSCR October 2003, "Tensions between Sude and Mohammed Dhreh, led to fierce clashes around Jowhar in July 2003, although calm had been restored by early September 2003." [3c] (p 6) As noted in the JFFMR March 2004, "According to UN sources Jowhar seemed to have stabilised through the course of 2003". [7c] (p 20)

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Kismayo and Juba regions

6.134 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. [3a] (p 2) [39a] 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 reported that local leaders had made efforts to improve security in Kismayo. This prompted humanitarian NGOs to re-establish operations and compliment the long standing work of UNICEF, Muslim Aid and the Somali Red Crescent Society. [3b] (pp 5-6, 7)

6.135 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 were a major source of insecurity in the town. The JVA forces had 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 was reported that previous operations of this nature had been undertaken but not sustained. [10a] 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. [10a] The JVA are also reported to intend expanding its anti-crime operation to remove militia checkpoints on the road to Mogadishu. [10a]

6.136 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 the Juba valley, but that

tensions remained. [3b] (p 6) [39a] 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. [3b] (p 6) [7c] (p 25)

6.137 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. [7c] (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]." [3c] (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. [10a] 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. [37k] 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. [28b]

6.138 As noted in the UNSCR of June 2004, there was a general increase in tension reported in the Kismaayo area in the Juba region. The JVA militia fought with the Shekhal militia in Haramka area. At least 13 people were reported killed and 29 wounded. While reports indicate large-scale displacement resulting from clashes in February in Buale and Jilib districts of the Middle Juba region, insecurity has so far prevented a full assessment of conditions. [3e] (p 6) On 17 June 2004, HornAfrik Radio and the BBC reported that Kismayo seaport had been closed due to inter-militia fighting. [14q][37d] A subsequent HornAfrik report of 29 June 2004 indicated that the port had reopened following the mediation of clan Elders, though on 19 July 2004 the same source reported a further closure due to a pay dispute. [37s][37t]

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Bay and Bakool

6.139 A UNSC report of June 2003 noted that as of June 2003 the area within a 40-kilometre radius of Baidoa was off limits to UN staff due to insecurity. [3b] (p 5) 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. [3a] (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. [3b] (p 5)

6.140 As stated in the UNSCR October 2003, inter-clan fighting around Baidoa continued during the reporting period [3c] (p 6), including 35 killed in one clash in October 2003, according to HornAfrik [37j]. As noted in the UNSCR October 2003, and the JFFMR March 2004: the confrontation, which was 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. [3c] (p 6) [7c] (p 24)

6.141 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 killed as they fetched water 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. [3d] (p 5-6) [10ai] Renewed clashes involving several fatalities were reported in Belet Weyne by Radio Shabeelle on 19 January 2004 [27c] and Danyille website on 9 February 2004. [49b] Though HornAfrik Radio reported further clashes in Bay region on 18 June 2004 [37u], the UNSCR of June 2004 stated that the area has been peaceful and access has improved considerably. [3e] (p 5)

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Gedo

6.142 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. [3a] (p 2) [39a] In June 2003, the UN reported that fighting between the Marehan was making access to Gedo difficult for humanitarian staff. [3b] (p 6) 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. [3c] (p 7)

6.143 According to the UNSCR February 2004, and reflected in the JFFMR of March 2004: although the region was generally quiet during the reporting period, no clear authority emerged and many of the clans are embroiled in disputes, resulting in occasional killings. El-Wak had been under the joint administration of the Garre and Marehan clans. In December 2003, Garre militia wrested control of El-Wak from the Marehan. [3d] (p 6) [7c] (p 25) The UNSCR of June 2004 noted: "In the Belet-Hawa district of Gedo region, some 3,500 people became internally displaced persons as a result of intra-Marehan clashes for control of the town on 8 May [2004]. Most of the people affected temporarily crossed into the Kenyan border town of Mandera to seek protection. The fighting has subsided due to the intervention of clan Elders." [3e] (p 6)

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Hiran

6.144 The Hawadle and Galje'el clans that inhabit the regions principle town of Belet Weyne are historically divided and clashes sometimes. When visiting the area 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. It was resolved by clan Elders. [7b] (pp 16-17)

6.145 Inter-clan militia clashes in Belet Weyne were reported by Somali Holy Koran Radio on 19 January 2004, resulting in 17 deaths. [40a] Though HornAfrik reported that the situation in the town had become calm shortly after the fighting, [37m] the same source reported renewed clashes, allegedly between two sub-clans of the Galje'el clan, and 13 fatalities on 4 February 2004. [37n] The UNSCR of June 2004 noted "Clan fighting in February [2004] displaced about 240 families from the west to the east bank of the Shabelle River, in Belet Weyne. ...Reports indicate that some 200 pastoralist families fled to Hiran region from Ethiopia in March [2004] as a result of inter-clan clashes in the Somali region of Ethiopia." [3e] (p 6) Puntland-based SBC Radio reported clashes between rival clans on 5 August [2004], in which five people

Galgudud

6.146 In March 2003, the UNSCR June 2003 reported that humanitarian staff was withdrawn from the Galgudud due to fighting between the Abgal and Habr Gedir sub-clans. [3b] (p 5) In August 2003 there were further reports from the Somalia-based Daynille website of fighting, on this occasion the clans involved were not specified but the dispute arose as a result of an argument over a water well. [38a] 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." [3c] (p 7)

6.147 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 27 October 2003. [3d] (p 5) [27a] 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. [7c] (p 19) [10k][14m][18a] A further 20 fatalities in Herale were reported by Radio Shabeelle on 13 January 2004 [27b], and at least 12 more deaths by 1 March 2004, according to HornAfrik. [37o] According to the UNSCR February 2004 and JFFMR March 2004, there was sporadic inter-clan fighting between Murusade and Duduble in El-Bur district. [3d] (p 5) [7c] (p 19) On 23 March 2004 Somaliweyn website reported that 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. [43b] A Radio HornAfrik report of 10 July 2004 indicated further clan violence in the east of the region which had resulted in an unknown number of fatalities. [37v]

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Mudug

6.148 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. [3b] (p 5) The UNSCR October 2003, and IRIN in July 2003, reported heavy fighting resulting in the death of some 50 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. [10a] [3c] (p 6) This outbreak of fighting involved clashes between the Habr Gedir and Sa'ad sub-clans. 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. [10a]

Puntland

6.149 As recorded in numerous sources, following a period of instability in Puntland, which saw unrest throughout 2002, calm returned to the region in early 2003. A peace deal was formally signed between the rival factions in May 2003. [1a] (p 1000) [3b] (p 5) [10s]

6.150 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." [3d] (p 4) On 10 June 2004, Puntland-based SBC Radio reported that 15 people had been killed as a result of clan fighting in Wardeer district, [19c] while the same source noted the killings of three high profile local authority officials in Bossasso. [19d] Radio HornAfrik reported a further clan-based clash in Bossasso on 23 July 2004, with one fatality. [37w]

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Somaliland

6.151 It was stated in the UNSCRs February and June 2003 that security conditions remained generally calm in Somaliland during 2003, with presidential elections in April 2003 passing peacefully. [3a] (p 3) [3b] (p 5) The UNSCR of June 2003 noted that there were no reports of unrest arising from the subsequent challenge of the result by the party of the second placed candidate. [3b] (p 5)

6.152 As noted in the UNSCR February 2004:

"During the period under review, 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." [3d] (p 5)

"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 the Sool region." [3d] (p 4)

6.153 The UNSCR of June 2004 updated internal developments in Somaliland as follows:

“In March [2004], “Somaliland” authorities reiterated their intent, first announced in September 2003, to deport “illegal immigrants” from areas under their control. However, the deadline has been extended several times. Included in the classification of “illegal immigrants” are some 40,000 internally displaced persons, mainly from southern Somalia. United Nations agencies continue to work with the “Somaliland” authorities to assure the protection of the human rights and humanitarian needs of these groups.” [3e] (pp 4 - 5)

“Meanwhile, the environment for “foreigners” in general and internally displaced persons from southern Somalia in particular has continued to deteriorate in “Somaliland”. Harassment, exploitation and extortion of these groups is quite common. These conditions have forced many of those affected to flee southwards and into “Puntland”, where they are living in squalid conditions.” [3e] (p 5)

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Chronology of Events

- 1950** Italian Somaliland becomes a UN trust territory under Italian control.
- 1956** Italian Somaliland renamed Somalia and granted internal autonomy.
- 1960** British and Italian parts of Somalia become independent, merge and form the United Republic of Somalia; Aden Abdullah Osman Daar elected president.
- 1963** Border dispute with Kenya; diplomatic relations with Britain broken until 1968.
- 1964** Border dispute with Ethiopia erupts into hostilities.
- 1967** Abdi Rashid Ali Shermarke beats Aden Abdullah Osman Daar in elections for president.
- 1969** Muhammad Siad Barre assumes power in coup after Shermarke is assassinated.
- 1970** Barre declares Somalia a socialist state and nationalises most of the economy.
- 1974** Somalia joins the Arab League.
- 1974-75** Severe drought causes widespread starvation.
- 1977** Somalia invades the Somali-inhabited Ogaden region of Ethiopia.
- 1978** Somali forces pushed out of Ogaden with the help of Soviet advisers and Cuban troops.
- 1981** Opposition to Barre's regime begins to emerge after he excludes members of the Mijertyn and Isaq clans from government positions, which are filled with people from his own Marehan clan.
- 1988** Peace accord with Ethiopia.
- 1991** Opposition clans oust Barre who is forced to flee the country.
- 1991** Former British protectorate of Somaliland declares unilateral independence.
- 1992** US Marines land near Mogadishu ahead of a UN peacekeeping force sent to restore order and safeguard relief supplies.
- 1995** UN peacekeepers leave, having failed to achieve their mission.
- 1996** Warlord Muhammad Aideed dies of his wounds and is succeeded by his son, Hussein.
- 1997** Clan leaders meeting in Cairo agree to convene a conference of rival clan members to elect a new national government.
- 1998** Puntland region in northern Somalia declares unilateral independence

2000 August: Clan leaders and senior figures meeting in Djibouti elect Abdulkassim Salat Hassan president of Somalia.

2000 October: Hassan and his newly-appointed prime minister, Ali Khalif Gelayadh, arrive in Mogadishu to heroes' welcomes.

2000 October: Gelayadh announces his government, the first in the country since 1991.

2001 January: Somali rebels seize the southern town of Garbaharey, reportedly with Ethiopian help.

2001 February: French oil group TotalFinaElf signs agreement with transitional government to prospect for oil in south; one of main faction leaders, Mohamed Qanyareh Afrah, signs accord recognising interim government, reportedly in return for promise of ministerial posts.

2001 April: Somali warlords, backed by Ethiopia, announce their intention to form a national government within six months, in direct opposition to the country's transitional administration.

2001 May: Dozens killed in Mogadishu's worst fighting in months between transitional government forces and militia led by warlord Hussein Aideed.

2001 May: Referendum in breakaway Somaliland shows overwhelming support for independence.

2001 August: Forces of the opposition Somali Reconciliation and Restoration Council seize Kismayo for General Mohammed Hirsi Morgan.

2001 August: UN appeals for food aid for half a million people in the drought-hit south.

2001 September: UN, EU evacuate foreign aid workers in period of uncertainty in wake of attacks on US.

2001 November: US freezes funds of main remittance bank, al Barakaat, over suspected al-Qaeda links. UN humanitarian coordinator for Somalia says move is helping to push country towards economic collapse.

2002 April: Warlords in southwest unilaterally declare autonomy for six districts and form "Southwestern Regional Government".

2002 May: New president of breakaway Somaliland Dahir Riyale Kahin takes power after death of Mohamed Ibrahim Egal and pledges to preserve sovereignty.

2002 October: 21 warring factions and transitional government sign ceasefire under which hostilities will end for duration of peace talks.

2003 April: First presidential elections in breakaway Somaliland; incumbent Dahir Riyale Kahin wins by narrow margin.

2003 July: President of transitional government rejects deal on new administration agreed at talks in Kenya.

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

2004 June: More than 100 killed in upsurge of fighting. Deadly clashes between ethnic militias in southern town of Bula Hawo.

2004 August: New transitional parliament inaugurated at ceremony in Kenya; body is tasked with selecting new president.

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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 Luwai 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] (pp 80-7)

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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 sub-clans in the Lower Shabelle region identify themselves with Digil and Mirifle in the Lower Shabelle region	Small scale farming and labourers
RER HAMAR	Immigrants from Far East countries	0.5%	Shangani and Hamarweyne districts in Mogadishu; and Merka	Somali (Rer-Hamar Dialect)	Islam	Some sub-clans have patron clans within Hawadle	Business, fishing
BRAWAN/ BRAVANESE	Arab immigrants mainly from Yemen	0.5%	Mainly in Brava	Bravanese	Islam	No patron clans	Business, fishing
BAJUNI	Kiswahili 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 sub-clans of Maierteen	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 Mahatiri)	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 Galgadud region [31b] (p 3)	Shoemakers
TUMAL and YIBIR	Samale	0.5% and 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 Galgadud region [31b] (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

[31b] (pp 11-12)

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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) [7b] (pp 50-5) [20b]

Al-Itihaad has had no defined organisational structure since the creation of the TNG and the decline of *Shari'a* court 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. It did not have a central structure during 2003. In the mid-1990s 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] (pp 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. 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. [11c] [7b] (pp 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)

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). [1a] (p 1012)

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

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 Colonel Bihi and SAMO. [10ab]

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. [11b]

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. [11b]

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] (pp 16-18) [10ac] [16a]

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. [10r] [11b]

National Democratic League - founded 24 December 2003, local party based in Belet Weyne. Chair: Dr Abdirahman Abdulle Ali [17a]

Northern Somali Alliance (NSA) - founded 1997 as an alliance between USF and USP [1a] (p 1012)

Rahanweyn Resistance Army (RRA) – established 1995 to resist occupation of Rahanweyn-populated Bay and 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 [1a] (p 1012)

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. [11b]

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) [10ab]

Somali Democratic Alliance (SDA) - founded 1989; represents Gadabursi (Dir) clan in northwest; fought with Siad Barre's forces against SNM and opposes secession of Somaliland; led by Mohamed Farah Abdullah; member of SSA [1a] (p 1012)

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) [1a] (p 1012)

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. [1a] (p 1012) [11b]

Somali Eastern and Central Front (SECF) - founded 1991; opposes SNM's secessionist policies in Somaliland; Chairman Hirsi Ismail Mohamed [1a] (p 1012)

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 Colonel Isak Bihi. [1a] (p 1012) [10ab]

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 [1a] (p 1012)

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-Ittihaad al-Islamiya. [1a] (p 1012)

Somali National Movement (SNM) - founded in London 1981; represents Isaaq clan-family; guerrilla group, initially supported by Ethiopia, until 1991 when took control of northwest, proclaiming independence of Republic of Somaliland; leads government of Somaliland, led by Mohamed Ibrahim Egal. [1a] (p 1012)

Somali National Union (SNU) - minor group representing non-ethnic Somalis; member of SSA [1a] (p 1012)

Somali Patriotic Movement (SPM) - founded 1989 by Colonel Omar Jess; represents Ogaden clan in the south; divided into two 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. [1a] (p 1012)

Somali Reconciliation and 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 Ismai'l 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)[10e][11b]

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 [1a] (p 1012)

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 [1a] (p 1012)

Somali Salvation Democratic Front (SSDF) - founded 1981 as Democratic Front for the Salvation of Somalia (DFSS) as a coalition of three factions; represents Majerteen clans in north-east; has formed administration of north-east since 1991 and 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) [1a] (p 1012)

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. [1a] (p 1012)

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. [11b]

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 [1a] (p 1012)

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 [1a] (p 1012)

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 [1a] (p 1012)

United Somali Front (USF) - founded 1989; a marginal group representing Issa (Dir) clan in northwest 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 [1a] (p 1012)

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. [1a] (p 1012)

Unity for the Somali Republic Party (USRP) – founded 1999; the first independent party to be established in Somalia since 1969; Leader Abdi Nur Darman. [1a] (p 1012)

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 and 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 five 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

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

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

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

Omar Mohamoud Mohamed **'Finish'** - chairman of the USC/SSA 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.

General Adan Abdullahi 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 October 2000 but removed from office October 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

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

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

Jama Ali **Jama** – elected President of Puntland by traditional Elders November 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 June 2001 to November 2001 after Abdullahi Yusuf removed from office in constitutional crisis

Dr Aden Abdullah **Osman** - First President of Somali Republic 1960-67

Dahir **Riyale** Kahin - President of Somaliland May 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' September 1998

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

Dr Abd ar-Rashid Ali **Shirmarke** - Second 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. [100] 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. [100][111] Observers rated him as a leading contender in the 2003 presidential election. [100]

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 five co-chairmen of NSC, President of Puntland 1998 until removed from office in constitutional crisis June 2001, but still claims to be the legal President; Majerteen (Darod) clan

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ANNEX F

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