



Covering events from January - December 2000

## SOMALIA

### Somalia

**Head of state:** Abdiqasim Salad Hassan; Head of Somaliland Republic: Mohamed Ibrahim Egal; **Head of Puntland Regional State:** Abdullahi Yusuf Ahmed

**Head of transitional government:** Ali Khalif Gelayadh

**Capital:** Mogadishu

**Population:** 6.9 million

**Official language:** Somali

**Death penalty:** retentionist



After having no central government since 1991, the collapsed state of Somalia gained a transitional government in July, which started to work for control of the south of the country. Outbreaks of fighting in the south between armed clan-based militias linked to political factions were frequent throughout 2000. There was no central judicial or police system, leaving Islamic courts, which did not follow international standards of fair trial, as the only courts in the south. They condemned several prisoners to death and their militias executed them. Scores of civilians were killed in inter-clan fighting. Human rights abuses also included kidnappings (often for ransom) of civilians and humanitarian agency staff. Prisoners of conscience were held in Somaliland and Puntland for attending or supporting a Somali peace conference in Djibouti, and their trials failed to meet international fair trial standards.

### Background

#### Peace conference and formation of transitional central government

Somalia has had no central government since the state collapsed in 1991. Twelve previous peace conferences in the past decade had failed to resolve the conflict.

In 2000, a major new peace and reconciliation conference was held in Arta, Djibouti, supported by the UN and other donors and intergovernmental organizations including the European Union and Arab League. The conference met between May and August with over 2,000 delegates from Somalia and the worldwide Somali diaspora. Delegates included clan elders, leaders of most of the armed and unarmed political factions, and representatives of civil society including human rights groups, women and minorities. Notable absentees opposing the conference were the self-proclaimed governments of Somaliland and Puntland and four "war-lords" heading armed factions in Mogadishu.

In July the conference agreed on the formation of a transitional national assembly, which in August elected Abdiqasim Salad Hassan, an exile and former Somalia government Minister of the Interior, as President for three years. The assembly comprised 245 members, 44 from each of the four major clans, with 25 seats for women and 24 for the minorities, leaving 20 members to be appointed later by the President of Djibouti. In October President Abdiqasim Salad Hassan appointed a Prime Minister, who formed an interim government based in Mogadishu. It faced opposition from the governments of Somaliland and Puntland, Hussein Mohamed Aideed's Somali National Alliance faction, and other factions which controlled parts of Mogadishu and the south. There were promises of substantially increased international aid and support. The new President made a commitment to protect human rights. He began to form a new national army and police force, to demobilize faction militias, and to seek international recognition as well as support among Somalis for the peace process and for the transitional government.

### **Somaliland and Puntland**

The Somaliland Republic in the northwest continued to seek international recognition. In February its parliament declared that attendance at the peace conference or participation in any resulting transitional government constituted treason. Somaliland continued to consolidate its institutions of government and economic reconstruction, although adherence by courts to international fair trial standards was weak. In early 2000 the Somaliland authorities arrested some Ethiopian and Eritrean refugees, deporting some and raising fears of forcible return of people at risk of human rights violations.

The Puntland Regional State accepted that it could be part of a federal unitary Somali state in the future, but its government boycotted the peace conference, repressing any local support for it. A constitution was drafted for a proposed Puntland constitutional conference in 2001.

### **Civilian victims of armed conflict**

Throughout 2000 there were periodic outbreaks of fighting between clan or faction militias in the south, involving killings of civilians as well as combatants. Weapons were easily available. The greatest areas of tension - the UN-designated "zones of conflict" - were in the Kismayu area, in Mogadishu where different clan-based factions controlled territory, in the Bay and Bakol region and Lower Shebelle where the Rahanwein Resistance Army had Ethiopian army support against Hussein Mohamed Aideed's forces, and in Gedo region bordering Ethiopia which was contested between Ethiopian troops, Islamist militias and local clan forces.

There were killings and reprisal killings of clan opponents, expulsions of members of other clans, cases of kidnapping as well as acknowledged detention, and torture or ill-treatment of prisoners. Women and the minorities were particularly vulnerable to abuses including rape, killing and theft of land and property. The minorities at risk, who had suffered most from militia attacks in the civil wars and social discrimination, included urban coastal peoples (Benadiri or Rer Hamar), Bantu agriculturalists frequently subjected to forced labour, artisan groups (Midgan, Tumul, Yibir) and fishing people (Bajuni).

- In June, six unarmed Bantu people were killed by clan gunmen in a land dispute near Jowhar in central Somalia.

### **Attacks on humanitarian personnel**

In February the Somalia Aid Coordination Body complained of increasing attacks on aid staff, premises and relief convoys, and theft of humanitarian supplies. The UN Security Council in June condemned attacks on civilians and humanitarian personnel. In July, two international staff of Action against Hunger were abducted in Mogadishu and held by faction-related gunmen for almost two months.

### **Freedom of expression**

Freedom of expression was very limited, with little tolerance by government authorities or armed factions for criticism by individuals or the media. Political entities in the south included political factions, mostly with armed militias, and unarmed groups including community-based organizations. Human rights groups such as the Dr Ismail Center for Human Rights, and community groups such as members of the Peace and Human Rights Network in Mogadishu, pressed the factions to observe human rights.

There were no political parties allowed in Somaliland or Puntland. In Somaliland there were several cases of people imprisoned as prisoners of conscience during 2000 on account of their peaceful opinions or beliefs, including Abdiqadir Awil Nur, detained in mid-2000 for converting to Christianity. In June the Somaliland parliament passed a law allowing the formation of three political parties to contest elections planned for 2001.

### **Peace conference supporters**

In several areas there were clashes between supporters and opponents of the Djibouti peace conference. There were violent confrontations in Mogadishu. In Somaliland and Puntland the authorities arrested people returning from the conference. In July the UN Independent Expert on Human Rights in Somalia appealed to the Somaliland and Puntland authorities to stop harassing peace conference supporters. Tensions and threats of violence persisted after the inauguration of the new government. In late 2000 a former army general supervising demobilization of militias and a member of the transitional assembly were assassinated in Mogadishu.

- In Somaliland, police arrested Abdirahman Osman Alin in March in Hargeisa for attending the peace conference preparatory meeting. He was released by a court after three months.
- Garad Abshir Salad, a member of the transitional assembly and also of the Puntland parliament, was arrested in September in Berbera while in transit from Puntland. He was jailed for seven years by a court after a brief, unfair trial. President Egal ordered his pardon and release three weeks later.

Several other dissident Somalilanders, including a Garhajis clan leader, were arrested later in 2000 on the same grounds. They were freed without charge after short periods and President Egal subsequently announced that in future no one would be arrested for supporting the peace conference.

In Puntland, demonstrations in April in support of the peace conference were attacked by police who briefly detained demonstrators, and there were several reported deaths. A Djiboutian television reporter was briefly detained in November on account of his reporting of the peace process.

### **Journalists arrested**

Journalists in Mogadishu were frequently at risk of violence by faction militias. A

new Press Law in Puntland imposed restrictions on media freedom.

- In March, Mohamed Ali Salad of *Qaran* newspaper was abducted and beaten by gunmen in Mogadishu on account of an article criticizing business leaders for causing environmental degradation.
- In Puntland, Mohamed Abdulkadir Ahmed of *Sahan* newspaper was arrested in Bossaso in July for criticizing the official boycott of the peace conference.

### **Absence of rule of law**

There was no central system of administration of justice in the south. In an increasing number of areas, local Islamic courts with their own militias were set up and partially accepted as a means of establishing security and justice, in addition to informal traditional clan mechanisms for conflict resolution. However, they did not follow recognized standards of fair trial and judicial competence. These courts imposed several death sentences, which were immediately carried out, and floggings. No amputations were reported during 2000.

- In April an Islamic court near Merca in Lower Shebelle region reportedly convicted a woman of a morality offence and sentenced her to death by stoning, but the execution was suspended as she was pregnant.

In Somaliland and Puntland there were emergent judicial administrations and police forces, but with inconsistent respect for legal rights. Human rights defenders in Somaliland criticized arbitrary detentions, unfair trials, poor prison conditions and cases of torture and unlawful killing by police.

### **Impunity**

In no part of the former state were public officials known to have been prosecuted for human rights violations, past or present. Several held new public office, including some prominent alleged war criminals of the former Siad Barre government (1969-1991) who were nominated by their clans to the transitional national assembly.

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