

COUNTRY OF ORIGIN INFORMATION REPORT

SOMALIA

12 NOVEMBER 2007

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by Country of Origin Information Service, 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. The main body of the report includes information available up to 30 September 2007. The 'latest news' section contains further brief information on events and reports accessed from 1 October 2007 to 12 November 2007.
- ii The 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.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Bulletins are produced on lower asylum intake countries according to operational need. Home Office officials also have constant access to an information request service for specific enquiries.
- x In producing this COI 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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Website: <http://www.homeoffice.gov.uk/rds/country-reports.html>

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- xii It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases,

the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

EVENTS IN SOMALIA, FROM 1 OCTOBER 2007 TO 9 NOVEMBER 2007

- 8 November Shabelle news reported that the “the cabinet of Hawiya traditional and unity elders”, identified with Mohamed Hassan Had, stated that they “granted that no more attacks will be carried out against the government soldiers any more, but that is if the Ethiopian troops entirely pullout [sic] from Somali soil.”
Shabelle News, Hawiya clan elders say attacks against Ethiopians will stop if..., 8 November 2007
<http://www.shabelle.net/news/ne3958.htm>
Date accessed 8 November 2007
- 6 November Garoweonline states that a Hawiye elder has claimed that Mayor Mohammed Dheere ordered evacuations from parts of Mogadishu during the security operations.
Garoweonline.com, Mogadishu mayor accused of displacing civilians, 6 November 2007
http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Mogadishu_mayor_accused_of_displacing_civilians.shtml
Date accessed 7 November 2007
- 6 November Shabelle news reported that many civilians were fleeing the following areas of Mogadishu: Towfiq, Eltubowyne, Tawaka, Arafat, Isse Abdi (districts of), and that “... women and children could be seen walking towards Daynile district in the outskirts of Mogadishu.”
Shabelle News, The biggest exodus in the recent days seen today in Mogadishu city, 6 November 2007
<http://www.shabelle.net/news/ne3948.htm>
Date accessed 6 November 2007
- 6 November Shabelle news reported “the fighting began after a group of armed men have attacked [sic] one of the Banadir region administrator’s house [sic] in Ceel Tuba Wayne zone in Yaqshid district.”
Shabelle News, Fierce battle in Mogadishu city overnight, 6 November 2007
<http://www.shabelle.net/news/ne3943.htm>
Date accessed 6 November 2007
- 6 November Shabelle news reported that the Ethiopian forces had closed streets around the Industrial Street and entered the Gubta and the Isse Abdi sections of Daynile district in Mogadishu city.
Shabelle News, Ethiopian troops closed some streets in Mogadishu city, 6 November 2007
<http://www.shabelle.net/news/ne3944.htm>
Date accessed 6 November 2007
- 5 November Shabelle news reported that Ethiopian bases in Mogadishu have been under attack from mortar fire.
Shabelle.net, Mortar attacks convulse Ethiopian military base in Somali capital
<http://www.shabelle.net/news/ne3941.htm>
Date accessed 6 November 2007
- 5 November Mohammed Dheere talks of Al Shabaab involvement, claiming that Al Shabaab “ ‘is calling on private numbers and threatening to kill them’.”
Garoweonline.com, Al Shabaab is responsible for the exodus from Mogadishu, says mayor

- http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Al_Shab_aab_is_responsible_for_the_exodus_from_Mogadishu_says_mayor.shtml
Date accessed 6 November 2007
- 4 November Garoweonline reports on claimed Ethiopian troop movements into Somalia.
Garoweonline.com, Ethiopia reinforces troops in Somalia: witnesses
http://www.garoweonline.com/artman2/publish/Somalia_27/Ethiopia_reinforces_troops_in_Somalia_witnesses.shtml
Date accessed 6 November 2007
- 2 November The TFG security operation has been called off, according to Mayor Mohammed Dheere, after talks with Hawiye elders.
Shabelle.net, 2 November 2007, Mogadishu mayor says operations in the city is ceased
<http://www.shabelle.net/news/ne3915.htm>
Date accessed 5 November 2007
- 2 November The BBC reports that fighting between Ethiopian troops and insurgents is intense.
BBC News, 2 November 2007, Heavy battles in Somali capital
<http://news.bbc.co.uk/1/hi/world/africa/7074973.stm>
Date accessed 5 November 2007
- 1 November The BBC reported "Shells fell on Mogadishu on Saturday, Sunday and Monday as Ethiopian-Somali government troops and Islamist rebels battled. And on Sunday, thousands were forced to flee from Ethiopian troops after they opened fire on protestors. UNHCR says the level of militancy and intensity of the fighting has escalated as Ethiopian troops supporting the fragile Somali transitional government try to flush out insurgents."
BBC News, Warning of Somali 'catastrophe'
<http://news.bbc.co.uk/1/hi/world/africa/7070750.stm>
Date accessed 5 November 2007
- 29 October The article announces and discusses the stepping down of prime Minister Gedi.
BBC News, Somali prime minister steps down
<http://news.bbc.co.uk/1/hi/world/africa/7067053.stm>
Date accessed 1 November 2007
- 28 October The latest Ethiopian / TFG offensive against the Insurgents began on 27 / 28 October with Ethiopian troops deployed from their bases to comb the northern districts of Mogadishu, including the Bakara market area; encountering civilian demonstrations and insurgent / Hawiye militia armed resistance, and responding with force. Areas of Mogadishu have been reportedly shelled by both Ethiopian and Insurgent forces. "Fighting between Ethiopian and Somali government troops and Islamist forces has continued in the Somali capital Mogadishu for a second day. ...Gunfire echoed through the streets and angry residents demonstrated in protest at the presence of Ethiopian troops in their battle-damaged city. Three people were reported to have been shot dead when Ethiopian troops opened fire during one demonstration. The unrest came a day after 10 people were reported killed in gun battles. ... The BBC's Africa editor Martin Plaut says the latest clashes began after Ethiopia moved reinforcements and a convoy of 20 tanks and armoured cars into the city late on Friday. One of the vehicles was hit by a landmine

- and exploded. On Saturday, Ethiopian troops moved out of their barracks and started fanning out across the city.”
BBC News, Mogadishu hit by fresh fighting
<http://news.bbc.co.uk/1/hi/world/africa/7066144.stm>
Date accessed 1 November 2007
- 28 October “An AFP correspondent saw hundreds of people leaving the restive neighbourhoods of Ali Kamin and Hamar-Jadid, in the south of the seaside capital.”
Garowe Online, Hundreds of families flee latest Mogadishu violence
http://www.garoweonline.com/artman2/publish/Somalia_27/Hundreds_of_families_flee_latest_Mogadishu_violence.shtml
Date accessed 1 November 2007
- 25 October “Two people, among them a government soldier, have been killed and six other have been wounded after a military vehicle they were travelling in hit a road-side bomb in Hawlwadaag neighbourhood in Beled Weyne town of Hiiraan Region [in central Somalia] this morning.”
Shabelle Media Network, Two killed, four wounded following blast in central Somalia town of Beled Weyne
Via Lexis Nexis
Date accessed 1 November 2007
- 25 October “Three Ugandan peace keepers who were injured in an attack on African Union troops in Somalia's capital, Mogadishu on Tuesday have been evacuated to Nairobi, Kenya for specialised treatment.”
The Monitor (Uganda), INJURED UPDF PEACEKEEPERS EVACUATED TO KENYA HOSPITAL
Via Lexis Nexis
Date accessed 1 November 2007
- 25 October “At least seven people were wounded in an explosion targeted at the district commissioner of Afgoi district 30km west of the Somali capital Mogadishu.”
Shabelle Media Network, Seven People Wounded in an Explosion in Afgoi
Via Lexis Nexis
Date accessed 1 November 2007
- 24 October **Associated Press, Roadside bomb explodes near minibus, killing 5 Somalis and wounding 16**
Via Lexis Nexis
Date accessed 1 November 2007
- 23 October **Xinhua, Two policemen killed in Mogadishu**
Via Lexis Nexis
Date accessed 1 November 2007
- 22 October **BBC Monitoring International Reports, Eight government soldiers killed in accident, fighting in Southern Somalia**
Via Lexis Nexis
Date accessed 1 November 2007
- 22 October **Agence France Presse, Three soldiers, two children killed in Mogadishu explosion**
Radio, Simba, One killed, two injured in clan fighting [in Cadaale]
Via Lexis Nexis
Date accessed 1 November 2007

- 21 October **Radio Banaadir, Four killed as Ethiopian troops clash with insurgents in Mogadishu [Suuqa Xoolaha district]**
Via Lexis Nexis
Date accessed 1 November 2007
- 21 October **BBC Monitoring International Reports, Somalia media executive of prominent radio station assassinated in Mogadishu**
Via Lexis Nexis
Date accessed 1 November 2007
- 21 October **Agence France Presse, Nine killed in Mogadishu clashes**
Via Lexis Nexis
Date accessed 1 November 2007
- 20 October **Radio HornAfrik, One killed in fighting between Somali insurgents, Ethiopian troops [Mogadishu Stadium / Tawfiliq Junction]**
Via Lexis Nexis
Date accessed 1 November 2007
- 19 October **Agence France Presse, Six killed in Somali clashes**
Via Lexis Nexis
Date accessed 1 November 2007
- 11 October **BBC news reported that two Ethiopian soldiers were killed by a car bomb in Baidoa, central Somalia. The article notes: "The bomber's target was an Ethiopian military post close to the hotel where the prime minister, Ali Mohamed Ghedi, was staying. After the attack, Mogadishu-based Simba Radio aired an Islamist insurgent commander's claim of responsibility for the attempted assassination. Somali forces have raided the radio and arrested its chief Abdullahi Ali Farak. A reporter at the station said a journalist was also arrested in the raid, and the radio ordered to shut down".**
BBC News, Somali car bomb kills Ethiopians, 11 October 2007
<http://news.bbc.co.uk/1/hi/world/africa/7039018.stm>
Date accessed 11 October 2007
- 11 October **IRIN (Integrated Regional Information Networks) noted: "Somalia's transitional federal government (TFG) has been thrown into disarray after 22 ministers signed a letter demanding a vote of confidence in the government". The article claims that 22 out of 30 ministers signed the letter after it became clear to them that the government was not functioning effectively.**
IRIN, Ministers demand confidence vote, 11 October 2007
<http://www.irinnews.org/Report.aspx?ReportId=74741>
Date accessed 12 October 2007
- 8 October **An article by IRIN noted: 'armed opponents of Somalia's Transitional federal Government (TFG) have increased their attacks on government targets in the capital, Mogadishu, killing at least four officials over the weekend...The attacks and the response by the Ethiopian backed government have led to more people being displaced.. The TFG deputy attorney-general, Abdulkadir Mohamed Sheik, a senior security official and two municipal officials were among those killed'.**
IRIN, Families flee escalating violence, 8 October 2007
<http://www.irinnews.org/Report.aspx?ReportId=74696>
Date accessed 11 October 2007

- 6 October Suspected Islamist insurgents killed General Ahmed Jilaow Adow, a Somali general and member of Interpol, in Mogadishu. Reuters noted: "Five men armed with pistols killed General Ahmed Jilaow Adow, his bodyguard and his driver late on Friday after he left his office in north Mogadishu...In a separate incident, two women in their twenties were killed on Friday night after being held hostage for hours in the Suq Holaha vicinity in north Mogadishu". Before they were killed witnesses heard insurgents asking the women if they had had relationships with Ethiopian troops.
Reuters, Suspected Islamist rebels kill Somali army general, 6 October 2007
<http://www.reuters.com/article/worldNews/idUSL0640748120071006?feedType=RSS&feedName=worldNews>
Date accessed 15 October 2007
- 3 October BBC news noted that at least one person has died after a fire engulfed Bakara market in Mogadishu. The article recounts: "Traders at the market say the cause of the fire is unknown but they suspect it was started during a fight between insurgents and government forces."
BBC News, Fire engulf main Somali market, 3 October 2007
<http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/africa/7025899.stm>
Date accessed 11 October 2007
- 2 October At least ten people were killed in heavy fighting between forces from breakaway states of Somaliland and Puntland. *The Gulf Times* notes: "The fighting, which lasted for more than an hour and involved exchanges of heavy artillery fire, took place in and around Las Ano, a town near the Ethiopian border claimed by both Puntland and Somaliland. A Puntland military commander on the frontline said Somaliland forces had started the hostilities".
The Gulf Times, Somaliland, Puntland battle over border town, 10 killed, 2 October 2007
http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=176079&version=1&template_id=39&parent_id=21
Date accessed 12 October 2007

REPORTS ON SOMALIA PUBLISHED OR ACCESSED SINCE 1 OCTOBER 2007

US Department of State

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

Report on International Religious Freedom, 14 September 2007

The introduction to the report states: "While the Transitional Federal Government (TFG) Charter, article 15 states that "All citizens of the Somali Republic are equal before the law ... have the right to equal protection and equal benefit of the law without distinction of race, birth, language, religion, sex or political affiliation," there were limits on religious freedom [in 2007]". The report gives an overview of restrictions on religious freedom; forced religious conversion; and societal abuses and discrimination that occurred during 2007.

US Department of State via UNHCR RefWorld,

<http://www.unhcr.org/cgi-bin/txis/vtx/refworld/rwmain?docid=46ee676850>

Date accessed 8 October 2007

United Kingdom, Foreign and Commonwealth Office

Letter, 12 November 2007, "Past and current levels of armed violence in Somalia"

United Nations, Office for the Coordination of Humanitarian Affairs (OCHA) - Somalia

"Nearly 90,000 Mogadishu residents fled during the past weekend following the most intense fighting in months. The United Nations High Commissioner for Refugees (UNHCR) and local partners indicate that a huge wave of more than 70,000 people left the capital in the three-day period between 27 to 29 October, while some 17,000 are estimated to be displaced within the city. The movement of people was also triggered by an announcement advising those living in districts surrounding the Bakara market to vacate the area due to security operations. In addition to causing fear and panic among the city residents, the busiest market in Somalia was essentially closed between 26–30 October, cutting off access to livelihoods and basic necessities. Currently, Bakara is open and business is gradually picking up. Civilians continued to be caught in the crossfire of the conflict between Ethiopian/TFG forces and antigovernment elements. About 130 civilians were admitted to the two main hospitals in Mogadishu over the weekend and Monday with weapons-related injuries, adding to the more than 3,400 war-wounded in Mogadishu since January."

Somalia: Situation Report – 2 November 2007

<http://ochaonline2.un.org/LinkClick.aspx?link=ocha&docid=1076492>

Date accessed 5 November 2007

"Insurgents in Mogadishu continued to target Ethiopian/TFG forces. Civilians continue to be caught in the crossfire, with an unconfirmed number of dead and injured. In one incident at least five people died when a bus in which they were riding hit a landmine. The attacks in Mogadishu are now more out in the open, better organised and occurring on a near daily basis. Attacks include the use of improvised explosive devices and roadside and suicide bombs. African Union peacekeepers were also targeted, attacked by unknown assailants as they were guarding the seaport in Mogadishu; three peacekeepers were injured."

Somalia: Situation Report – 26 October 2007

<http://ochaonline2.un.org/LinkClick.aspx?link=ocha&docid=1074634>

Date accessed 5 November 2007

"This week, Mogadishu saw one of its worst fighting between government troops and anti-government elements. Reportedly, over 30 people were injured and an unknown number killed due to the crossfire. This follows the intensification of arms searches by the TFG to rid the city of insurgents. As the targeting of government officials by unknown groups continues, for the third time this year, a Yaqshid District Commissioner was assassinated. The continuing clashes in Mogadishu further aggravated the daily lives of the neediest people, as they have not been able to meet their basic social needs on a regular base since February. ... During the reporting period, UNHCR Population Movement Tracking (PMT) reported that since September, 34,000 people have fled Mogadishu, there have been over 900 returns, and 7,700 residents and IDPs have been evicted from their homes in government and public buildings since June. Between February and May 2007, about 400,000 IDPs moved from Mogadishu; between April and June, about 125,000 IDPs returned and nearly 88,000 people have fled Mogadishu since June."

Somalia: Situation Report – 19 October 2007

<http://ochaonline2.un.org/LinkClick.aspx?link=ocha&docid=1073175>

Date accessed 6 November 2007

"Insecurity in Mogadishu during the reporting month persisted, causing an additional 25,000 people to flee the city. The United Nations High Commissioner for Refugees (UNHCR's) Population Movement Tracking (PMT) estimates that everyday, at least 1,000 people move out of Mogadishu. Worrying statistics from one of the main hospitals in Mogadishu in September recorded about 120 gun shot and shell wounded casualties admitted. The United Nations Mine Action Service (UNMAS), in a report on Mine Action Assessment released in June 2007, reported 466 people died of mine-related incidents since January. This indicates that Somalia has the highest rate, relative to any other African country. ... The first week of October, the TFG announced it would deploy more soldiers in the city, intensifying arms search in an effort to restore peace and order in response to the continuing violence in the capital. Insecurity persisted in Mogadishu as anti-government elements targeted Ethiopian/TFG forces and those perceived to support the TFG. The night-time curfew imposed on Mogadishu since June was lifted on 13 September to allow free movement during Ramadan. Insurgency attacks subsided somewhat during the month, although direct armed confrontations and assassinations continued with at least four district commissioners, two local courts magistrates and on 6 October a former army general killed."

Somalia: Monthly Analysis, September 2007,

<http://ochaonline2.un.org/Default.aspx?tabid=5064>

Date accessed 7 November 2007

Background Information

GEOGRAPHY

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

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

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

- 1.03 As noted 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] (p1-15)

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

MAP

1.04 Map of Somalia.



Maps of Somalia are available from the following websites:

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

Date accessed 26 October 2006.

Reliefweb

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

Date accessed 26 October 2006.

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ECONOMY

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

“The economy has long been heavily dependent on livestock and agriculture. Stock rearing is practised throughout the country and accounted for about 40% of GDP [Gross Domestic Product] and 65% of export earnings in 2000, according to World Food Programme (WFP) estimates. Most of the farmland lies between the Jubba and Shabeelle rivers in the south of the country. The small manufacturing sector is based on the processing of agricultural products. In the south, the absence of a central government has meant that no economic data have been produced by national sources since 1990. In Somaliland, by contrast, the government collects tax and duties levied on trade.” [17a] (p16)

- 2.02 The EIU in its profile added:

“There is little formal economic policy beyond the collection of duties and tax. In southern Somalia, taxes are often levied by local warlords or clan leaders and used to pay militiamen. Some factions in the south have made attempts to manage various cities, in some cases using collected funds to restore schools and hospitals. Elsewhere, collection of taxes and duties is more like extortion by armed groups in the areas that they control” [17a] (p16).

The EIU in its profile added:

“In Somaliland, duties levied at the port of Berbera generate an estimated 85% of government revenue, although these duties were depleted severely during the ban on livestock imports by Saudi Arabia and other Gulf states ... Consequently, Somaliland’s government revenue, which is mostly spent on the armed forces and civil service salaries, has been extremely modest in recent years. The US\$25m total for 2005 was an increase of 13% over the 2004 budget of US\$22m. In many areas, all over Somalia, duties on the import of a mild narcotic, khat, represent a significant source of income for those in power.

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

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

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

- 2.04 The EIU, in its Somalia Country Profile for 2006, noted:

18 This Country of Origin Information Report contains the most up-to-date publicly available information as at 12 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

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

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HISTORY

COLLAPSE OF CENTRAL GOVERNMENT AND CIVIL WAR

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

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

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

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

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

“Barre fled the country in January 1991 when another rebel group, the United Somali Congress (USC) gained control of Mogadishu. A full-blown

civil war developed in the capital when the USC fragmented into rival, clan based factions. This contest remains unresolved and control of Mogadishu is divided among a variety of principally Hawiye warlords.” [16a] (History)

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

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

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

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

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

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

“The Union of Islamic Courts, which had gained control of 8 of the country's 18 administrative regions, was dislodged between 24 December 2006 and

early January 2007 by the military forces of the Transitional Federal Government and Ethiopia. Remnants of the Union of Islamic Courts militia were then pursued in southern Somalia by Transitional Federal Government and Ethiopian forces. Clashes between Union of Islamic Courts militia and forces allied to the Transitional Federal Government began on 21 October 2006 near the town of Buale in the Middle Juba region. Other clashes followed around the town of Burhakaba in the Bay region, 60 kilometres (km) south-east of Baidoa.

“Following the request of the African Union (AU) and the Intergovernmental Authority on Development (IGAD), the Security Council adopted resolution 1725 (2006) modifying the arms embargo on Somalia and, inter alia, authorizing the deployment of an AU/IGAD force to protect the Transitional Federal Government in Baidoa. The resolution also emphasized the need for continued dialogue between the transitional federal institutions and the Union of Islamic Courts. Efforts were made to revive the Khartoum peace process initiated under the auspices of the League of Arab States, which stalled following the postponement of the third round of talks in October 2006 owing to differences between the two parties over preconditions and procedural issues. Preconditions set by the Union of Islamic Courts included the withdrawal of Ethiopian troops from Somalia. The Union of Islamic Courts also objected to Kenya serving as co-chair of the talks on behalf of IGAD. Following the postponement of the Khartoum talks, Sharif Hassan Sheikh Aden, the then Speaker of the Transitional Federal Parliament, travelled to Mogadishu with a number of parliamentarians, reportedly to encourage the Union of Islamic Courts to resume dialogue with the Transitional Federal Government. Although the Speaker and the Union of Islamic Courts leadership reached an agreement, the Transitional Federal Government refused to accept it on the basis that the Speaker had not consulted with either the Parliament or the Transitional Federal Government.

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

“On 23 December 2006, the Union of Islamic Courts leaders called for jihad against the Ethiopian troops and appealed to foreign fighters for support. In an apparent response to those statements, the Ethiopian Government, on 24 December 2006, admitted that it had combat troops inside Somalia. In an official statement, Prime Minister Meles Zenawi said that his Government

had taken self-defensive measures and started counter-attacking the aggressive extremist forces of the Islamic Courts and foreign terrorist groups. The Transitional Federal Government forces, supported by Ethiopian ground and air forces, engaged with the Union of Islamic Courts forces on a front stretching more than 400 km, from the lower Juba Valley in the south to the region of Galkayo in central Somalia. Within days, the towns of Bandiradley (Galkayo), Beletweyne (Hiran), Bullo-bardhe (Middle Shebelle), Burhakaba (Bay) and Dinsor (Bay) fell to the Transitional Federal Government/Ethiopian coalition. Mogadishu and the key port city of Kismayo also fell to the Transitional Federal Government coalition on 28 December 2006 and 1 January 2007, respectively.

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

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

“On 19 January 2007, unidentified gunmen attacked Villa Somalia, the official Mogadishu residence of the President, with grenades and explosives. Three days later, an attack on Ethiopian forces in Mogadishu left at least four people dead and several others wounded. On 24 January 2007, a mortar attack on the Mogadishu international airport killed one person and injured three others. The attack occurred soon after a United Nations flight had landed, but there were no injuries to United Nations personnel. Since then, several violent incidents, including mortar attacks, have targeted the Transitional Federal Government and Ethiopian troops in Mogadishu, in particular the nascent police force that has been deployed in the city to restore law and order. No one has claimed responsibility for these incidents.

In the course of February 2007, insecurity continued to increase dramatically in Somalia, with almost daily gun, grenade and mortar attacks, most of them hitting the capital. The security situation also remained volatile in the south-west and Lower and Middle Juba regions and in the Kismayo area. The Ethiopian Government started to withdraw its troops in three phases. It also initiated training of former armed elements to be integrated into Somalia's armed forces.

"The fall of the Union of Islamic Courts has also brought to the fore some of the inter- and intra-clan rivalries that had been suppressed during the conflict. Serious clan-related fighting was reported in Bardera (Gedo region), Tayeglo (Bakool region) and elsewhere. The Transitional Federal Government has yet to establish effective authority or to establish law and order in Mogadishu and other main population centres. The true intentions and future influence of the former warlords also remain to be seen." [3b] (p1-4)

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

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

PEACE INITIATIVES 2000-2007

- 3.08 The US State Department in its Background Note of March 2007 noted:

"Efforts at mediation of the Somali internal dispute have been undertaken by many regional states. In the mid-1990s, Ethiopia played host to several Somali peace conferences and initiated talks at the Ethiopian city of Sodere, which led to some degree of agreement between competing factions. The Governments of Egypt, Yemen, Kenya, and Italy also have attempted to bring the Somali factions together. In 1997, the Organization of African Unity and the Intergovernmental Authority on Development (IGAD) gave Ethiopia the mandate to pursue Somali reconciliation. In 2000, Djibouti hosted a

major reconciliation conference (the 13th such effort), which in August resulted in creation of the Transitional National Government (TNG), whose 3-year mandate expired in August 2003. The absence of a central government in Somalia since 1991 has allowed outside forces to become more influential by supporting various groups and persons in Somalia, particularly Djibouti, Eritrea, Ethiopia, Egypt, Yemen, and Libya, all of which have supported various Somali factions and transitional governments. The status of expatriate Somalis has also been an important foreign and domestic issue.

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

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

3.10 *The Power and Interest News Report (PINR)*, after noting that reconciliation discussions broke down into clan disputes in the second week of August 2007, commented:

“The fact that the clan-based conference is taking place at all and has not been disrupted by violence shows the limits of the insurgency and indicates that substantial sectors of Somali society have at least acquiesced in the reconciliation process and are willing to try to see if it can work. Although the political opposition to the T.F.G. has boycotted the N.R.C. and has its own clan support, the N.R.C. is not entirely composed of President Yusuf's allies. There has been genuine debate and the conference has not served as a rubber stamp for the T.F.G. executive”. [15c]

Please see [Recent Developments](#) for further information.

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

3.11 Europa Online, when accessed on 3 April 2007, reported:

“The reconciliation process in Somalia was further endangered in early April 2002, when the Rahanwin Resistance Army (RRA) announced that it had established a new autonomous region in south-western Somalia, based in Baidoa, to be known as the ‘State of South-western Somalia’. The Chairman of the RRA, Mohamed Hasan Nur, was elected as ‘President’ of the new region for a four-year period.” [1a] (**Recent History**)

'PUNTLAND' REGIONAL ADMINISTRATION

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

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

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

THE 'REPUBLIC OF SOMALILAND'

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

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

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

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

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

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RECENT DEVELOPMENTS

- 4.01 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact Finding Mission report on human rights and security in central and southern Somalia, published August 2007, noted:
- “The fighting between the TFG, the Ethiopian forces and remnants of the UIC and other anti-TFG militias (mostly Hawiye supported militias) continued during the period January to May 2007. The UN has described the battles in Mogadishu as the worst fighting since 1991. Clan fighting also took place in other locations in central and southern Somalia, including in Kismayo (between the Marehan and the Majerteen) and south of the city”. [7e] (p6)
- 4.02 The Danish joint fact-finding mission report continues: “United Nations High Commissioner for Refugees (UNHCR) reported in May 2007 that over 394,000 persons – more than one third of Mogadishu’s estimated population – fled the city between 1 February 2007 and the end of April 2007.” [7e] (p6)
- 4.03 The UN Secretary Council’s Report of the Secretary-General on the Situation in Somalia, 25 June 2007, noted this large scale movement of civilians from Mogadishu as the “largest new population displacement anywhere in the world this year”. [3c]
- 4.04 During this period of heavy fighting Somali MPs voted unanimously for the cabinet to relocate to Mogadishu from Baidoa after Africa Union (AU) troops ‘took control of the airport in Mogadishu from Ethiopian forces’. [8k] A few weeks later, on 26 April 2007, Prime Minister Ghedi announced that the worst of the fighting against Islamists and clan gunmen was now over. [8l] On 30 April 2007 BBC News reported that hundreds of Somalis had started returning to the capital, but not to the areas which had seen the heaviest fighting. The article noted that ‘people were still suspicious that more conflict might erupt, despite appeals from President Abdullahi Yusuf for the hundreds of thousands who fled fighting in Mogadishu to return’. [8m]
- 4.05 The UK Border and Immigration Agency, in its Fact Finding Mission report on Somalia, 11 – 15 June 2007 noted:
- “The number of the returns of refugees to Mogadishu after the recent displacement has varied. The UNHCR reports of June 2007 have mentioned numbers of around 90,000 returnees, which was supported by the information provided to the fact-finding team by an Embassy Official. However the fact finding team were told by two sources that the number of returnees may reach up to 200,000 in reality. Four sources explained the difficulty in estimating the numbers of those returning to Mogadishu as many IDPs seem to be moving back and forth, entering the city only to evacuate it again due to security concerns and lack of food and shelter. Although this was supported by two other sources, a relevant department of the UN told the fact-finding team that there is no evidence that returnees are leaving the city again. This source explained that about 50 percent of those displaced in the fighting earlier this year [2007] have now returned to Mogadishu and that people are continuing to return, but that the rate of return has slowed down”. [7f] (p6)
- 4.06 PINR, in their report “Somalia: The Dynamics of Post-Intervention Political Failure”, dated 24 May 2007, noted:

“After a brief lull in violent conflict, the opponents of the T.F.G. -- particularly the jihadist wing of the I.C.C. -- switched their tactics from artillery attacks to roadside bombings and targeted assassinations that have continued on a nearly daily basis since May 5 [2007], including attacks on the T.F.G.'s prime minister and Mogadishu's mayor, former warlord Mohamed Dheere, who attributed them to Hawiye efforts to ‘sabotage’ the government, which clan leaders denied.” [15f]

- 4.07 The Economist Intelligence Unit (EIU), in its Somalia Country Report, dated August 2007, reported:

“The attempts on the lives of Mr Ghedi and Mr Dhere in mid-May [2007] prompted Mr Dhere to order Mogadishu residents to cut down any clumps of bushes around their homes or face a fine of SoSh1m [Somali Shilling] (US\$62), saying that the foliage could be used as cover for Islamic insurgents planning surprise attacks. The TFG attempted to curb insecurity on June 22nd [2007] by introducing a curfew between 7pm and 5am, but to little effect: local media reported 16 bomb explosions in the city during the first two nights of the curfew.

“On June 26th [2007] a roadside bomb explosion in the Bakara open-air market killed five women, and on June 27th [2007] two Ethiopian soldiers were killed when their military convoy hit a roadside bomb. The attacks resulted in intensified house to- house searches for Islamist gunmen as part of efforts to secure the city ahead of the national reconciliation conference, focusing on the area in and around Bakara market, which was closed for several days in early July [2007]. The speaker of the interim parliament, Aden Madobe, formally announced on July 8th [2007] that the period of martial law imposed on Somalia in January [2007] to pacify the country, supposedly for a three month period, was over. The announcement was not marked by any apparent let-up in the violence. A bomb explosion killed two people and wounded five others at Bakara the following day”. [17c]

- 4.08 The National Reconciliation Conference began on 19 July 2007, after several postponements due to increased violence in the city and a lack of key delegates. During the weeks of the conference, the level of violence rose in Mogadishu as insurgents attempted to undermine the credibility of the conference. [15c]

- 4.09 OCHA, in its Monthly Analysis for July 2007, noted:

“An increased number of civilians fled Mogadishu in July mostly because of the deteriorating security situation, notably due to the continuing indiscriminate shelling resulting in the death of civilians, arbitrary arrest and detentions, various attacks and security operations. UNHCR’s Population Movement Tracking (PMT) recorded the departure of about 25,000 people from Mogadishu while the movement of return is on hold”. [26d]

- 4.10 This instability continued throughout the month of August with OCHA stating in its monthly analysis August 2007:

“Violence permeated daily life in Mogadishu in August with civilians under fire as Ethiopian and TFG troops responded to attacks by firing indiscriminately. According to a human rights NGO in Somalia, more than

200 civilians were killed and 400 others wounded in the month of August, the highest death toll since the beginning of intense conflict in February 2007. Assassination of TFG officials, including the District Commissioner for Yaaqshid and his deputy, as well as other leaders also continued unabated; a prominent clan elder involved in reconciliation negotiations was also killed. Additionally, media continued to be targeted with the killing of two prominent journalists on 11 August within a space of hours". [26e]

- 4.11 An article by Voice of America (via Reliefweb), dated 3 September 2007 noted that 18, 000 people fled Mogadishu in August 2007 (figures provided by the UN), bringing the number to 50,000 since June 2007. However the article notes: "there's a certain amount of movement [of IDPs] going both directions. And one would have to know how many returned in the previous three or four months in order to know how meaningful it is that this additional number has left in August [2007]". [34a] The FSAU, in the USAID Somalia Situation report dated 28 September 2007, reported that "approximately 1.5 million people in southern and central Somalia are in need of emergency assistance, representing a 50 percent increase since March 2007." [13b]
- 4.12 The National Reconciliation Conference ended on 30 August 2007 with mixed opinion on its success. Although organisers of the conference and the TFG praised the 'historic' results of the NRC, [35a] an article by IRIN notes that many analysts have expressed their doubts, with Timothy Othieno, Horn of Africa analyst at the Institute for Global Dialogue in Johannesburg describing the conference as "a total failure." [10p] This was due to the selective nature of the way the participants were chosen and the arbitrary tactics of the TFG. "The TFG determined who was going to attend and who wasn't. You cannot place conditions on participants if you are trying to reconcile a nation." The Hawiye clan and the Union of Islamic Courts (UIC) were left out of the process which "signalled the end of the 'conference' even before it began." [10p] IRIN also notes the opinion of Francois Fall, the UN Special Representative for Somalia, on behalf of the International Advisory Committee, said: "Whilst the conclusion of this Congress marks yet another milestone in the quest for peace and reconciliation in Somalia, it does not however, signify the end of the reconciliation process". [10p]
- 4.13 The Foreign and Commonwealth Office (FCO), in a letter addressed to the UK Home Office on 11 October 2007, added:

"Whilst we recognise that the NRC [National Reconciliation Conference] did not, of itself, achieve a great deal, we are encouraged by the NRC having convened for its planned duration and concluded in an organised manner and by its having agreed a list of conclusions and action points that the TFG have committed to taking forward over the remaining transitional period. Although flawed in its own right, in the wider context the NRC still represents a significant first step in the Somali political reconciliation process". [16b]
- 4.14 Insecurity persisted in Mogadishu during September as insurgents continued to target Ethiopian/TFG forces. OCHA, in its weekly Situation Report dated 21 September 2007, noted:

"Attacks on Shabelle media office [occurred] in Mogadishu on 18 September [2007] where allegedly TFG forces opened fire on the premises. Earlier on 16 September [2007], police stormed into the offices of the same media house and briefly detained about 15 journalists accusing them for throwing a

grenade at the police. The station was on 19 September [2007] forced to shut down due to damaged premises... Assassinations of those perceived to support the TFG continue". [26f]

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

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

- 4.16 PINR in its report "Somalia's President Yusuf Loses His Grip on Power", dated 3 October 2007, summarized the security situation in Mogadishu in September 2007:

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

- 4.17 This increased instability in Mogadishu sparked new waves of displacement from the capital. OCHA, in its weekly Situation Report dated 28 September 2007, noted:

"Since the beginning of September [2007], UNHCR's Population Movement Tracking (PMT) reported the displacement of about 11,000 people. During the same time, the PMT project reported some 20 IDP returned to Mogadishu from Galgadud and Mudug regions (21 September 2007). Although updated PMT information has not been received for this week, indications are displacements of vulnerable people out of Mogadishu continued." [26g]

- 4.18 Clashes also occurred in September 2007 between Puntland and Somaliland concerning the disputed Sool region. Fighting between the two regions was reported on 17, 20, and 24 of September 2007. PINR noted: "By 28 September 2007 the situation had become so fraught that the Coordination of International Support for Somalia, which is composed of representatives of the World Bank and United Nations, called for a pullback of forces and for dialogue between the anagonists." [15g]

For a detailed overview of the fall of the Union of Islamic Courts and the events that followed up to March 2007, see [History](#).

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

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CONSTITUTION

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

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

‘PUNTLAND STATE OF SOMALIA’ CHARTER

- 5.02 The US State Department report on human rights practices covering 2006 (USSD report for 2006) recorded that the autonomous ‘Puntland State of Somalia’ also has a Charter. As noted by the USSD, this prohibits torture except where this is imposed by Shari’a courts. [2a] **(Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)**

‘REPUBLIC OF SOMALILAND’ CONSTITUTION

- 5.03 As reflected in the USSD report, the self-declared ‘Republic of Somaliland’ adopted a new Constitution based on democratic principles but continued to use the pre-1991 Penal Code. [2a] **(Trial Procedures)**

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POLITICAL SYSTEM

6.01 The US State Department in its Background Note of March 2007 noted:

“A two-year reconciliation process led by the Inter-governmental Authority on Development (IGAD) concluded in 2004 following the formation of a transitional government, the components of which are known as the Somalia Transitional Federal Institutions (TFIs). The TFIs include a transitional parliament, known as the Transitional Federal Assembly (formed in August 2004), as well as a Transitional Federal Government (TFG) that includes a transitional President, Prime Minister and a cabinet known as the ‘Council of Ministers.’ For administrative purposes, Somalia is divided into 18 regions; the nature, authority, and structure of regional governments vary, where they exist.” [2d] (Government)

6.02 The Background Note added:

“Two regional administrations exist in northern Somalia – the self-declared ‘Republic of Somaliland’ in the northwest and the semi – autonomous region of Puntland in the northeast. In Somaliland, which is made up of the former British protectorate, Dahir Riyale Kahin was elected President in presidential elections deemed free and fair by international observers in May 2003. The area of Puntland declared itself autonomous (although not independent) in 1998 with its capital at Garowe. General Mohamed Adde Muse was elected President by the Puntland parliament in January 2005. Puntland declared it would remain autonomous until a federated Somalia state was established.” [2d] (Political conditions)

PUNTLAND

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

“Puntland established a parliament and a Regional Government in 1998 and enjoys relative peace and stability. It defines itself as a federal state and has no aspirations to independence. A political crisis occurred in 2001 when President Colonel Abdullahi Yusuf (now TFG President) refused to stand down at the end of his constitutional term. Col. Jama Ali Jama won fresh elections but Yusuf refused to accept the vote. After clashes between their respective militias, Yusuf eventually triumphed and went on to consolidate his position. Gen Ade Musa has taken over the leadership in Puntland since Yusuf’s election as TFG President.” [16a] (Puntland)

6.04 PINR, in its report “The ‘Puntland State of Somalia’ comes into play”, (dated 2 August 2007) reported that Puntland experienced a “bout of unaccustomed political instability” in June – July 2007. PINR comments:

“At the heart of Puntland's present instability is a failure of governance that spills over into a host of interrelated issues involving the economy, control of resources, security, governmental functioning and the de jure and de facto status of the sub-state”. [15d]

6.05 PINR further states:

“The most pressing problem confronted by Muse's administration is hyper-inflation, which triggered the unprecedented July 26 [2007] protest demonstration in Garowe that was organized by civil society organizations and had the support of the business community”. [15d]

SOMALILAND

6.06 The US State Department in its Background Note of March 2007 noted:

“In 1991, a congress drawn from the inhabitants of the former Somaliland Protectorate declared withdrawal from the 1960 union with Somalia to form the self-declared Republic of Somaliland. Somaliland has not received international recognition, but has maintained a de jure separate status since that time. Its form of government is republican, with a bicameral legislature including an elected elders [sic] chamber and a house of representatives. The judiciary is independent, and various political parties exist. In line with the Somaliland Constitution, Vice President Dahir Riyale Kahin assumed the presidency following the death of former president Mohamed Ibrahim Egal in 2002. Kahin was elected President of Somaliland in elections determined to be free and fair by international observers in May 2003. Elections for the 84-member lower house of parliament took place on September 29, 2005 and were described as transparent and credible by international observers.”
[2d] (Government)

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Human Rights

INTRODUCTION

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

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

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

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

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

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

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

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

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

- 7.04 Human Rights Watch (HRW), in their report ‘Shell Shocked: Civilians under siege in Mogadishu’ dated August 2007, asserted that “successive political and military upheavals [in Somalia] generated a human rights and humanitarian crisis on a scale not seen since the early 1990s”. The report argues that the deployment of insurgent forces in densely populated neighborhoods and the deliberate bombardment of these areas by Ethiopian forces ‘strongly suggests’ the commission of war crimes.

The report adds:

“They [the insurgency] fired weapons, particularly mortars, in a manner that did not discriminate between civilians and military objectives, and they targeted TFG civilian officials for attack. In at least one instance, insurgent forces executed captured combatants in their custody, and subjected the bodies to degrading treatment. Ethiopian forces failed to take all feasible precautions to avoid incidental loss of civilian life and property, such as by failing to verify that targets were military objectives. Ethiopian commanders and troops used both means of warfare (firing inherently indiscriminate “Katyusha” rockets in urban areas) and methods of warfare (using mortars and other indirect weapons without guidance in urban areas) that violated international humanitarian law. They routinely and repeatedly fired rockets, mortars, and artillery in a manner that did not discriminate between civilian and military objectives or that caused civilian loss that exceeded the expected military gain. The use of area bombardments in populated areas and the failure to cancel attacks once the harm to civilians became known is evidence of criminal intent necessary to demonstrate the commission of war crimes. The Ethiopian forces also appeared to conduct deliberate attacks on civilians, particularly attacks on hospitals. They committed pillaging and looting of civilian property, including of medical equipment from hospitals.

“The Transitional Federal Government forces failed to provide effective warnings when alerting civilians of impending military operations, committed widespread pillaging and looting of civilian property, and interfered with the delivery of humanitarian assistance. TFG security forces committed mass arrests and have mistreated persons in custody”. [30a]

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SECURITY SITUATION

8.01 [10k] (p1)

8.02 In both Mogadishu and Kismayo violence and crime were reported after the Islamic Court abandoned the cities. TFG and Ethiopian forces would appear to have restored some form of order in both cities, but in Mogadishu the possibility remains of a return to fighting along clan lines. The TFG had offered an amnesty, and had set up weapon collecting points in Mogadishu, but suspended this program, as few weapons were surrendered. (IRIN 8 January 2007) [10n] (p1-2) (*Agence France-Presse (AFP) 9 January 2007*) [18b] (p1-2)

8.03 The *Power and Interest News Report* (PINR), in an article dated 19 March 2007, gave an overview of recent developments; the article noted:

“For the past three weeks, Mogadishu has been the scene of persistent violence, including mortar and rocket attacks on T.F.G. and Ethiopian installations, and the city's airport and seaport; machine gun attacks on police stations and checkpoints; targeted assassinations of public officials and their relatives; unexplained homicides; intra-clan gun fights; car jackings; and the erection of road blocks by local militias to extort tolls from motorists. ...The T.F.G. has responded to the insurgency and civil disorder by alternately placing its forces in the streets and withdrawing them. The Ethiopians, who have attempted to keep a low profile, have often responded to attacks on their installations by returning fire with heavy artillery, causing civilian casualties and inciting greater anger against their presence. Joint T.F.G.-Ethiopian operations have undertaken sporadic searches of houses and vehicles, and there have been reports of abductions of opposition and religious figures by the government.

“During the first week of March [2007], the AMISOM deployment began and, during the second week of March, the T.F.G. announced that it was deploying 4,000 newly-trained forces on the streets and would proceed to secure Mogadishu and disarm its population. The many previous declarations by the T.F.G. that it was on the verge of establishing order have not proven to be true, and this one is unlikely to be an exception.

“As the violence escalated in Mogadishu, people began to flee the city in large numbers; on 14 March [2007], the United Nations reported that 40,000 people had left Mogadishu since mid-February [2007]. Local media reported that some of them had returned, preferring to face the possibility of death and injury to the miserable conditions and hostility that they had experienced in the regions to which they had relocated.” [15b] (**Armed Opposition Escalates**)

8.04 The *Power and Interest News Report* (PINR), in an article dated 19 March 2007, added:

“The AMISOM mission, which was envisioned by donor powers to have 8,000 troops, only has the Ugandan battalion on the ground and pledges of a battalion from Burundi and half a battalion from Nigeria, which are scheduled to arrive in mid-April, bringing the projected total number of forces to 4,000. In any case, AMISOM's mission is limited to protecting infrastructure and the transitional institutions, and providing security for the

reconciliation process and humanitarian aid deliveries, and excludes engaging in conflict with opposition factions or disarming them.” [15b] (**Armed Opposition Escalates**)

8.05 In an article dated 2 April 2007, the BBC noted:

“Tens of thousands of people have fled the Somali capital, Mogadishu, after days of intense violence said to be the worst in 15 years, the UN has said. Many used a lull in the fighting to flee the city on Monday, after four days of Ethiopian troop attacks on Islamist insurgents and local militias...Hospitals have reported scores of people killed, while residents have spoken of indiscriminate shelling. [8h] (p1)

Despite efforts to broker a ceasefire, violence continued in Mogadishu during April 2007. There were estimates that over 1,000 people were killed in clashes between Ethiopian forces, and Hawyie/Islamist militias. UNHCR is reported to have estimated that 124,000 persons have left Mogadishu due to the violence. (BBC 10 April 2007) [8j] (p1-2) (*Agence France-Presse* (AFP) 11 April 2007) [18f] (p1-2)

8.06 PINR in its report 'Somalia falls into political collapse', dated 3 May 2007, noted:

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

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

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

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

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

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

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

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

- 8.10 Analysts have posited that although the Shabaab has been damaged, there are many more troops being trained and different sections of the insurgency are grouping together with the common aim of eliminating Ethiopian troops from Mogadishu. [7f], [31a]

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

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

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

- The regional government comprised of Mohamed Dheere and his forces; which one source described as 'the personal force of a very powerful warlord, and the worst dictator in Somalia'. Another source stated that Dheere's police were based in 16 police stations in the city, mounting ad hoc mobile patrols.

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

"There was some discrepancy as to whether the AU could be classed as a fifth security force on the streets.

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

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

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

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

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

"The fact-finding team received semi-conflicting information regarding the security situation for ordinary Somalis. One source told the delegation that although the security situation in Mogadishu is unpredictable, it is rare for an ordinary Somali to be randomly targeted in a shooting. A Somali researcher said that in his opinion, except for attacks on TFG and associated forces, and the often over-zealous retaliatory action on the part of those forces, in which civilians are often victims in the cross-fire, levels of violence in Mogadishu are currently fairly low. But there is still general insecurity and high levels of crime, so although people can and do move around, on the whole they tend to stay in their home area. An NGO working in Somalia claimed that there is also the risk of arrest to ordinary Somalis as after a suspect insurgent attack, the security forces would arrest anybody near the scene, and also arrest ordinary citizens for extortion purposes as well, with ransom demands sent by phone. A native Somali researcher told the fact-finding team that, "if you are not from the Abgal (the Prime Minister's sub-clan) or from the Majerten (the President's sub-clan), then you are not

immune from TFG attacks, and that if you are in anyway associated with the TFG, you are also not immune from the insurgent attacks.

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

8.13 OCHA, in its Monthly Analysis for July 2007 noted:

“An increased number of civilians fled Mogadishu in July mostly because of the deteriorating security situation, notably due to the continuing indiscriminate shelling resulting in the death of civilians, arbitrary arrest and detentions, various attacks and security operations. UNHCR’s Population Movement Tracking (PMT) recorded the departure of about 25,000 people from Mogadishu while the movement of return is on hold”. [26d]

This instability continued throughout the month of August with OCHA stating in its monthly analysis:

“Violence permeated daily life in Mogadishu in August with civilians under fire as Ethiopian and TFG troops responded to attacks by firing indiscriminately. According to a human rights NGO in Somalia, more than 200 civilians were killed and 400 others wounded in the month of August, the highest death toll since the beginning of intense conflict in February 2007. Assassination of TFG officials, including the District Commissioner for Yaaqshid and his deputy, as well as other leaders also continued unabated; a prominent clan elder involved in reconciliation negotiations was also killed. Additionally, media continued to be targeted with the killing of two prominent journalists on 11 August within a space of hours”. [26e]

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

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

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

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

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

“The insurgency in Mogdishu led by the jihadist Youth Mjahideen Movement (YMM) spiked [in late September 2007], with groups of several dozen fighters attacking police stations and TFG and Ethiopian military bases with heavy machine guns and rocket-propelled grenades, and fighting

42 This Country of Origin Information Report contains the most up-to-date publicly available information as at 12 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

pitched battles with government and occupational forces. The attacks peaked on September 29 [2007] when three police stations and two Ethiopian bases came under fire, resulting, according to some reports, in the deaths of 100 insurgents and 45 government forces, and the arrests of 700 people supporting the insurgency". [15g]

Please see [Recent Developments](#) for up to date information on the National Reconciliation Conference and the humanitarian situation in Somalia.

POLICE

- 8.17 The US State Department report on Human Rights Practices covering 2006 (USSD) stated:

"The police were generally ineffective. Corruption was endemic within the various police forces. Members of titular police forces throughout the country were often direct participants in politically based conflict, and owed their positions to other politically active individuals. In Somaliland an estimated 60 percent of the budget was allocated to maintain a militia and police force comprised of former soldiers. Abuses by police and militia members were rarely investigated; impunity was a problem. Police generally failed to prevent or respond to societal violence. In December [2006] police officers, angry over lack of pay, reportedly exchanged gunfire with presidential protective services during a visit of Puntland President Adde Musse Hirsi to the central police station in Garowe." [2a] (**Role of the Police and Security Apparatus**)

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

"A relevant department of the UN explained: "At the moment it is unclear where real power lies in Mogadishu. It is difficult to identify exactly who is behind the armed groups, the general opposition and the media shutdowns. 'There is a proliferation of government uniforms, with three different types of police or militias claiming to be police or government security forces. There is also no way for lay observers to tell the difference between TFG and Ethiopian troops'." [7f] (p14)

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

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

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

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

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

TORTURE

- 8.21 The US State Department’s (USSD) Report on Human Rights Practices covering 2006 stated:

“The Transitional Federal Charter (TFC) prohibits torture. The Puntland Charter prohibits torture ‘unless sentenced by Islamic Shari’a courts in accordance with Islamic law’. However, there were reports of the use of torture by the Puntland and Somaliland administrations and warring militiamen against each other or against civilians. Observers believed that many incidents of torture were not reported. Prison guards beat inmates in prison.

“The Islamic Courts carried out public floggings that resulted in death, and other executions For example, in October [2006] two persons were publicly flogged in Kismaayo by the Islamic Courts for allegedly eating during the day and drinking alcohol during Ramadan. Security forces, police, and militias abused and beat persons during the year [2006]. During a 2005 mission to Somaliland, the UNIE [UN Independent Expert on Human Rights in Somalia] noted an increase in police brutality in that region.

“In December [2006] Sheikh Mohamed Sheikh Ismail was sentenced to 20 years in prison. He had been charged in October 2005 with terrorism-related crimes against the state of Somaliland. Ismail (and 15 others arrested on the same charge) was accused of planning terrorist attacks during the parliamentary election campaign the previous month. His supporters alleged that he was tortured in detention, and circulated a video that purported to show him being tortured by Somaliland police. The Somaliland government denied the allegations of torture and called the video a forgery

“There continued to be reports of rapes committed by militia members. Factions used rape as a weapon of war to punish and intimidate rival ethnic factions.

“There were prisoners of war in Somaliland and Puntland. In December 2005, authorities from Puntland and Somaliland exchanged 24 detainees from Somaliland and 12 from Puntland. The detainees had been captured a year earlier in clashes over the disputed Sool border area.

“No action reportedly was taken against Somaliland or Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2005 or 2004.” [2a] (**Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**)

EXTRA–JUDICIAL KILLINGS

8.22 The USSD report for 2006 stated:

“Since the collapse of the government in 1991, tens of thousands of persons, mostly noncombatants, have died in interfactional and interclan fighting. Incidents of arbitrary deprivation of life occurred in numerous contexts: factional militias fighting for political power and control of territory and resources, including revenge reprisals; criminal activities and banditry; private disputes over property and marriage; and revenge vendettas after such incidents as rapes, family disagreements, and abductions. The vast majority of killings during the year [2006] resulted from clashes between militias or from unlawful militia activities. With the breakdown of law and order, very few of these cases were investigated by the authorities and there were few reports that they resulted in formal action by the local justice system.

“In February [2006] Puntland security forces attacked the Puntland parliament building in Garowe in response to the seizure of the building by the personal militia of a cabinet member; four persons were killed.

“In May [2006] elders of a minority group accused the Somaliland police of unlawfully killing a member of their clan. In a subsequent protest, police allegedly used excessive force to break up the demonstration. In July [2006] police shot and killed a prisoner in Bossaso for allegedly attempting to jump bail.” [2a] (**Arbitrary or Unlawful Deprivation of Life**)

8.23 The USSD report for 2006 also noted:

“Security forces killed street children. At least two incidents were reported during the year [2006] of shoe-shine boys shot and killed by militia members or soldiers as a result of disputes over payment.

“In September [2006] forces aligned with the Islamic Courts shot and killed a teenage boy during a protest against the Islamic Courts following its takeover of the port city of Kismaayo. In October [2006] forces aligned with the Islamic Courts killed three wounded prisoners of war in the Buale District Hospital.

“Several deaths during the year [2006] were the result of random shooting by Islamic Courts militia as they attempted to impose strict social edicts, such as a ban on viewing televised soccer matches within the territory they controlled. In July [2006] at a cinema hall in Galgadud, shots fired by Islamic Courts militia killed two spectators watching a World Cup soccer match.

“In May [2006] Omar Hussein was publicly executed in Mogadishu by the Islamic Courts. Hussein was tied to a stake, hooded, and stabbed to death by the 16-year-old son of the man he was convicted of killing; he had been

sentenced to death only hours earlier by one of the Islamic Courts.”
[2a] (Arbitrary or Unlawful Deprivation of Life)

8.24 The BBC in a report dated 18 September 2006 stated:

“Gunmen have shot dead a 65-year-old Italian nun and her bodyguard at a hospital in Somali capital, Mogadishu. The attackers shot the nun three times in the back at the women and children’s hospital in the south of the city before fleeing the scene.

“It is unclear if the shooting is connected with strong criticism by a radical Somali cleric about the Pope’s recent comments on Islam.” [8c] (p1)

8.25 The report added:

“Yusuf Mohamed Siad, security chief for the Union of Islamic courts (UIC) which controls Mogadishu, said two people had been arrested.” [8c] (p1)

8.26 *Agence France-Presse (AFP)*, in an article dated 7 January 2007, reported:

“And, overnight Saturday [6 January 2007], gunmen attacked and killed a member of the Islamist movement, while three women were injured in a separate incident after assailants threw grenades into their house.” [18b] (p2)

ARMED FORCES

8.27 As reflected in *Europa Regional Surveys of the World*, online version, accessed 3 April 2007:

“Of total armed forces of 64,500 in June 1990, the army numbered 60,000, the navy 2,000 and the air force 2,500. In addition, there were 29,500 members of paramilitary forces, including 20,000 members of the People’s Militia. Following the overthrow of the Siad Barre regime in January 1991, there were no national armed forces. Somalia was divided into areas controlled by different armed groups, which were based on clan, or sub-clan, membership. In March 1994 the UN announced that 8,000 former Somali police-officers had been rehabilitated throughout the country, receiving vehicles and uniforms from the UN. Following the UN withdrawal from Somalia in early 1995, these police-officers ceased receiving payment and their future and their hitherto neutral stance appeared uncertain. In December 1998 a 3,000-strong police force was established for the Banaadir region (Mogadishu and its environs). An additional 3,000 members (comprising former militiamen and police-officers) were recruited to the force in early 1999; however, the force was disbanded within months. Following his election to the presidency in August 2000, Abdulkasim Salad Hasan announced his intention to recruit former militiamen into a new national force: by December some 5,000 Somalis had begun training under the supervision of Mogadishu’s Islamic courts. However, efforts to establish a new national armed force have made little progress since the Government’s return to Somalia from exile in 2005. In August 2004 the total armed forces of the self-proclaimed ‘Republic of Somaliland’ were estimated to number 7,000” [1a] (Defence)

8.28 The US State Department in its Background Note of March 2007 stated:

46 This Country of Origin Information Report contains the most up-to-date publicly available information as at 12 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

“There are no Somali armed forces. Prior to 1991, the Somali National Army was made up of the army, navy, air force, and air defense command. The Transitional Federal Government and other various groups throughout Somalia are estimated to control militias ranging in strength from hundreds to thousands. Some groups possess limited inventories of older armored vehicles and other heavy weapons, and small arms are prevalent throughout Somalia.” [2d] (Defence)

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ABUSES BY NON-GOVERNMENT ARMED FORCES

CLAN-BASED MILITIAS

9.01 As noted in the Joint UK-Nordic Fact-Finding Mission Report of January 2004 (JFFMR March 2004), there were three types of militia 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] (p31) According to the JFFMR July 2002, Musa Sude was the only faction leader who could effectively raise and maintain a militia. Musa Sude achieved this and thus retained the loyalty of his militia by distributing money fairly equitably across his forces. Ali 'Ato' and Hussein Aideed had militias that fought for them but they had to provide for themselves on a day-to-day basis. [7b] (p36)

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

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

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

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

9.03 The ICG, in its report, outlined proposals for a multinational force to ensure stability after Ethiopians forces, and the practical difficulties that would face such a force in Somalia:

"The tasks envisioned in the plan are ambitious for such a small force. Fewer than 8,000 troops would be hard pressed to provide security for key institutional sites such as parliament and the presidency and strategic installations such as ports and airports, as well as keep the roads open. But the force is also expected, inter alia, to 'provide assistance to the TFG to consolidate its authority over the whole of Somalia', prevent illegal inflows of arms and assist in disarmament of all armed groups not under TFG control

as well as in the training of TFG security forces. Unless a more limited and realistic set of objectives is assigned, the proposed force is likely to be stretched too thin to do any of this effectively. More to the point, without a political process that turns the TFG into a true government of national unity, an AU force – while perhaps less provocative than the Ethiopians – would in time also be seen as an occupying army.” [24a] (Section E. PEACE OPERATIONS)

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JUDICIARY

- 10.01 As noted in the US State Department's (USSD) report on human rights practices covering 2006, dated 6 March 2007:

"The TFC [Transitional Federal Charter] provides for an independent judiciary, but there was no functioning judicial system for the TFG to administer. The TFC is intended to replace the 1990 constitution; however, for many issues not addressed in the charter the former constitution still applies in principle.

"The TFC provides for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, no such courts existed. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of elements from traditional and customary law, Shari'a, and the Penal Code of the pre-1991 government. In March [2006], for example, an alleged killer from the Jeron subclan of the Rahanweyn was publicly executed by order of the Jeron elders in Wajid. In September [2006] Somaliland police executed three persons for murder after a court sentenced them to death. A fourth suspect in the case was released after his relatives opted to pay blood money in place of the death sentence. Under the system of customary justice, clans often held entire opposing clans or subclans responsible for alleged violations by individuals.

"Beginning in June [2006] the Islamic Courts began to implement public floggings and executions, ostensibly according to Shari'a law but without the due process protections afforded to an accused that would be considered essential elements of a fair justice system. Amnesty International reported that they did not meet international standards for fair trials." [2a] (**Denial of Fair Public Trial**)

- 10.02 As noted in the US State Department's International Religious Freedom Report covering 2005 (USSDRF):

"The judiciary in most regions relies on some combination of Shari'a, traditional and customary law (*Xeer*), and the penal code of the pre-1991 Siad Barre government. Shari'a courts throughout Mogadishu were asserting their authority, attracting support from businessmen, and sometimes, at least superficially, working across clan lines that traditionally form the primary basis for identity and loyalty." [2b] (**Legal/Policy Framework**)

- 10.03 Following the ousting of the UIC in December 2006, it remains too early to say what effect the establishment of the TFG in Mogadishu will have on security within the city; or Somalia generally. There have been reports of roadblocks being manned by militias, and attacks on Ethiopian forces. (BBC, 10 January 2006) [8d] (p2) (IRIN, 8 January 2007) [10n] (p1)

SOUTHERN SOMALIA

- 10.04 The Freedom House Report on Somalia covering 2005 stated:

50 This Country of Origin Information Report contains the most up-to-date publicly available information as at 12 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

“Somalia's charter provides for an independent judiciary, although a formal judicial system has ceased to exist. In Mogadishu, Sharia (Islamic law) courts have been effective in bringing a semblance of law and order to the city.” [20a] (p4)

PUNTLAND

10.05 As reflected in the USSD Country Report for 2006:

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

SOMALILAND

10.06 The USSD Country Report for 2006 stated:

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

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ARREST AND DETENTION – LEGAL RIGHTS

- 11.01 As reflected in the US State Department (USSD) Report on Human Rights Practices covering 2006, dated 6 March 2007:

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

- 11.02 The USSD report stated:

“Arbitrary arrest was a problem. Authorities in all four separately governed regions arbitrarily arrested journalists during the year [2006] ... In September [2006] the male chairman of the Karate Club of Somalia and six female members of the club were arrested in Mogadishu. Reportedly all were imprisoned for anti-Islamic activities, and the chairman's head was shaved.” **[2a] (Arrest and Detention)**

- 11.03 Amnesty International (AI), in its annual report covering events in 2005, stated:

“There was no rule of law or justice system in the central and southern regions of Somalia, apart from a number of Islamic (Sharia) courts, which did not follow recognized international standards of fair trial.” **[6a] (Justice and the rule of law)**

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PRISON CONDITIONS

12.01 As reflected in the USSD report for 2006:

“Prison conditions remained harsh and life threatening in all regions of the country. The main Somaliland prison in Hargeisa, designed for 150 inmates, held more than 700 prisoners. The UNIE [UN Independent Expert on Human Rights in Somalia] had noted the previous year [2005] that in general Somaliland prisons lacked funding and management expertise. Overcrowding, poor sanitary conditions, lack of access to health care, and inadequate food and water supply persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and pneumonia were widespread. Abuse by guards reportedly was common in many prisons. Detainees' clans generally were expected to pay the costs of detention. In many areas prisoners depended on food received from family members or from relief agencies.” **[2a] (Prison and Detention Center Conditions)**

12.02 As reflected in the USSD report for 2006, convicted juveniles continued to be kept in jail cells with adult criminals. **[2a] (Prison and Detention Center Conditions)**

12.03 The Independent Expert appointed by the Secretary-General to report on the situation of human rights in Somalia, noted that prison conditions, within the areas that he was able to visit, remained poor. (United Nations Commissioner on Human Rights (UNHCHR) 13 September 2006) **[4a]**

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DEATH PENALTY

- 13.01 The death penalty is retained in Somalia. AI reported that during 2005:

“Eight men, including one tried in his absence, were sentenced to death in Somaliland in November [2005] for the murders of two British aid workers in 2003 and a Kenyan aid worker in 2004. They were alleged to be members of a group linked to *al-Qa’ida*. Their appeals were pending at the end of the year [2005].” [6a] (Death Penalty)

- 13.02 Amnesty International, in its International Report on Somalia, dated 23 May 2007 noted:

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

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

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

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

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

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

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POLITICAL AFFILIATION

14.01 The USSD report noted:

“From June to December [2006] the area that was traditionally considered the territory of the Somali state was fragmented into regions in part or whole presided over by four distinct entities: the Transitional Federal Government (TFG), centered around Baidoa; the Supreme Council of Islamic Courts (Islamic Courts) in Mogadishu and the surrounding regions; the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast. The TFG was formed in late 2004, with Abdullahi Yusuf Ahmed as president and Ali Mohamed Gedi as prime minister.” [2a] (p1)

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MOGADISHU

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

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

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

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

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

14.03 The EIU in its report of February 2007 noted:

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

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

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

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

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

PUNTLAND

- 14.05 As recorded in the USSD report for 2006:

“In 1998 Puntland declared itself a semi-autonomous regional government during a consultative conference with delegates from six regions who included traditional community elders, the leadership of political organizations, members of local legislative assemblies, regional administrators, and civil society representatives. Puntland has a single-chamber quasi-legislative branch called the Council of Elders, which has played a largely consultative role. Political parties were banned. General Mohamud Muse Hersi was elected president by the Puntland Parliament in January 2005. In February [2006] conflict erupted over a cabinet change, and the personal militia of a cabinet member briefly occupied the parliament building. Four persons were killed and one was wounded when the Puntland security forces counter-attacked. Most Puntland cabinet ministers have their own militias, which contributed to a general lack of security.” [2a] (Elections and Political Participation)

- 14.06 The EIU, in its Somalia Country Profile 2006, reported:

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

SOMALILAND

- 14.07 The USSD report for 2006 stated:

“Somaliland has a constitution and bicameral parliament with proportional clan representation, and an elected president and vice president. The

Hargeisa authorities have established functioning administrative institutions in virtually all of the territory they claim, which is the same as the Somaliland state that achieved international recognition briefly in 1960 before entering into a union with the former Italian colony of Somalia. In a 2001 referendum, 97 percent of voters supported Somaliland independence.

“Presidential elections in Somaliland were held in 2003 with participation by three political parties: the Democratic United People's Movement (UDUB), the Solidarity Party (Kulmiye), and the Party for Justice and Democracy. The incumbent UDUB president, Dahir Riyale Kahin, won the election by a very small margin. Most international observers considered the elections credible and sufficiently transparent. Parliamentary elections were held in September 2005. In May [2006] President Kahin postponed elections for the Parliament's House of Elders and initiated a process to extend the mandate of the upper house for four years. Opposition parties declared the process illegal. At year's end [2006] the government and opposition had formed a committee to address the constitutional impasse.” **[2a] (Elections and Political Participation)**

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FREEDOM OF POLITICAL EXPRESSION

- 15.01 As stated in the US State Department's (USSD) report on human rights practices covering 2006:

"The TFC and the Somaliland Constitution provide for freedom of assembly; however, the lack of security effectively limited this right in many parts of the country. The ban on demonstrations continued; nevertheless, numerous demonstrations took place throughout the country during the year [2006].

"In September [2006] the Hargeisa (Somaliland) Regional Emergency Committee arrested 56 demonstrators – 44 women and 12 men – and sentenced them to three to six months in prison. The demonstrators were protesting the alleged torture in prison of Sheikh Mohamed Sheikh Ismail, who had been charged in October 2005 with terrorism-related crimes against the state of Somaliland ..." [2a] (Freedom of Assembly)

CHARTER PROVISIONS IN PUNTLAND

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

CONSTITUTIONAL PROVISIONS IN SOMALILAND

- 15.03 The USSD report for 2006 stated:

"The Somaliland Constitution provides for freedom of association, and this right was generally respected in practice. Legislation governing the formation of political parties limits the number of parties allowed to contest general elections to three. An ad hoc commission nominated by the president and approved by the legislature was responsible for considering applications. The law provides that approved parties obtaining 20 percent of the vote are allowed to operate. There were three approved political parties operating since the 2003 elections." [2a] (Freedom of Association)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

16.01 The USSD report for 2006 stated:

“The Islamic Courts did not permit demonstrations of opposition to court rule or edicts. In September one person was killed and three were wounded during demonstrations against the Islamic Courts in Kismaayo. The fatality reportedly occurred when Islamic Courts militia fired in the air to disperse the demonstrators. [2a] (Freedom of Assembly)

“Following their takeover of Mogadishu in July [2006], the Islamic Courts began to impose strict social edicts. They used violence and intimidation to shut down public cinemas. Soccer was declared a ‘satanic act’ and playing it or even watching it was prohibited. In June [2006] a young girl and the owner of a cinema were killed when Islamic Court militia opened fire on civilians watching a banned World Cup soccer match on television. In September [2006] a 13-year-old boy was shot and killed in another raid by Islamic Courts militia on a crowd watching a football match. Also in September a man was killed and four others wounded in a clash with Islamic Courts militia who had ordered a cinema closed during a soccer match. In November [2006] Islamic Courts militia stormed a cinema in the Hiiraan region and arrested 25 youths who were watching a soccer match. The youths, some reported to be as young as 10, had their heads shaved and were jailed.” [2a] (Freedom of Assembly)

16.02 Amnesty International (AI), in its annual report covering events in 2005, reported:

“In Somaliland in May [2005], dozens of minority rights activists and supporters were briefly detained at a demonstration in Hargeisa at the trial of a police officer, who was given a prison sentence for killing Khadar Aden Osman of the Gaboye minority.” [6a] (Minority rights)

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FREEDOM OF SPEECH AND MEDIA

- 17.01 The US State Department (USSD) Report on Human Rights Practices covering 2006 stated:

“The TFC and the Somaliland Constitution provide for freedom of speech and press. However, there were instances of harassment, arrest, and detention of journalists in all regions of the country, including Puntland and Somaliland. The Puntland Charter provides for press freedom ‘as long as they respect the law’; however, this right was not respected in practice. Freedom House has ranked the country as ‘not free’ every year from 1972 to the current year. Reporters Without Borders also gave the country a low rating for press freedom, although marginally improved from the previous year [2005]. Journalists engaged in rigorous self-censorship in order to avoid reprisals.

“In October [2006] the Islamic Courts announced a 13-point code of conduct for the media that effectively eliminated freedom of the press in the areas they controlled. Among other provisions, the code of conduct stipulated: media must not disseminate anything that could create confrontation between the people and the Islamic Courts; journalists are required to reveal sources; the media must not serve foreign interests; and journalists may not attend foreign seminars without the formal permission of the Islamic Courts. Later in October [2006] Abdirahim Ali Mudey, the Islamic Courts’ head of communication and information, said the code of conduct for the media were only proposals and could be discussed. Media monitors criticized the Islamic Courts for banning music, concerts, cinemas, home videos, and the watching of international sports on satellite television. In October [2006] the International Federation of Journalists condemned attacks on the country’s media, which included the forced closure of East Africa Radio in Mogadishu, where the Islamic Courts were in control, and the burning of newspapers published by Haatuf in Hargeisa, Somaliland, and the barring of foreign journalists from entering Somaliland.” [2a] (Freedom of Speech and Press)

MEDIA INSTITUTIONS

- 17.02 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2006, noted:

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

- 17.03 The USSD report stated:

“Most citizens obtained news from foreign radio broadcasts, primarily the BBC, which transmitted a daily Somali-language program. There were

reportedly eight FM radio stations and one short-wave station operating in Mogadishu. A radio station funded by local businessmen operated in the south, as did several other small FM stations in various towns in the central and southern parts of the country. There was at least one FM station in both Puntland and Somaliland.

“Harassment of journalists continued in all regions, including detention without charge, assaults, and one killing. In June [2006] Martin Adler, a foreign journalist and photographer, was killed in Mogadishu. Adler was covering a demonstration organized by the Islamic Courts. Another international reporter covering the event witnessed a gunman shoot Adler in the back at close range before disappearing into the crowd. There have been no arrests in the case, nor were there any developments in the investigations of the 2005 murders of journalists Kate Peyton and Duniya Muhyadin Nur.” [2a] (Freedom of Speech and Press)

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

- 17.05 As noted in a Freedom House report on Somalia covering 2005:

“Somalia’s charter provides for press freedom, but journalists face threats and harassment. The country has about 20 privately owned newspapers, a dozen radio and television stations, and several internet websites. Most of the independent newspapers or newsletters that circulate in Mogadishu are linked to a specific faction. Although journalists face harassment, most receive the protection of the clan supporting their publication. The former transitional government launched its first radio station, Radio Mogadishu, in 2001. Press freedom is very limited in the country’s two self-declared autonomous regions of Somaliland and Puntland.

“The Paris-based Reporters Without Borders (RSF) said in September that Somali journalists were finding it more difficult to work. RSF expressed concern over alleged threats against the National Union of Somali Journalists by ‘warlords, Islamic courts, and businessmen.’ The killing of two reporters in Somalia in 2005 highlighted the dangers of practicing journalism in the country. In February [2005], unknown gunmen shot dead BBC producer Kate Peyton outside her hotel in Mogadishu. In June [2005], Duniya Muhyadin, a journalist for the privately owned radio station *HornAfrik*, was shot dead in Mogadishu as she covered a demonstration. Another *HornAfrik* journalist, Abdallah Nurdin Ahmad, was shot and wounded by an unknown gunman in a separate incident.” [20a] (p4)

- 17.06 The BBC Country Profile in December 2006 reported that there were four main newspaper titles in Mogadishu and three in Puntland. [8f] (p3) The profile also noted that Somaliland had two daily newspapers, and a third weekly newspaper produced in the English language. [8f] (p3)

- 17.07 The CPJ, in a report entitled Attacks on the Press in 2006, noted:

“Against a background of military conflict between the U.N. – backed transitional government and the Islamic Courts Union (ICU), journalists faced attacks, imprisonments, and censorship so pervasive that the National

Union of Somali Journalists described 2006 as 'the most dangerous year for press freedom for more than a decade.' Many attacks on journalists went unreported for fear of reprisal, according to the union, also known as NUSOJ. Both sides in the conflict abused press freedom as tensions escalated, driving the media to censor itself. The year [2006] was marked by dramatic shifts in the balance of power, with the ICU seizing the capital, Mogadishu, and a large swath of the south in early June only to be routed in late December when Ethiopia's powerful military launched an all-out offensive in support of the transitional government." [12a] (p1)

- 17.08 The CPJ report noted a number of occasions when radio stations were banned, or journalists were detained. These actions were carried out by the ICU, the TFG and the Puntland authorities. (CPJ 2006) [12a]

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

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

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

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

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

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

LEGAL POSITION AND ACTUAL PRACTICE

- 17.11 During 2006, the USSD noted that there were incidents of harassment, arrest and detention of journalists throughout Somalia:

"Numerous journalists were arrested and detained during the year [2006]. In October [2006] TFG security forces arrested three radio journalists accused of spreading pro-Islamic Courts propaganda and held them for nine days at

a Baidoa police station. In September [2006] the Islamic Courts arrested three journalists working for the *HornAfrik* radio station in Kismaayo for broadcasting statements critical of their presence in the city. In November [2006] TFG forces arrested Abdullahi Yasin Jama of privately owned Radio Warsan after he broadcast a report indicating that Ethiopian troops had entered the Bay region and might be headed to Mogadishu. He was held for three days. Reporters Without Borders criticized the arrest and claimed that Yasin Jama was physically abused while in detention.

“Abdiaziz Mohamud Guled was arrested December 1 [2006] by Puntland authorities in Bossaso. He was held for establishing and broadcasting a branch of the Galcayo-based Radio Voice of Peace, for which the authorities said he needed prior authorization. He was released December 17 [2006] after the International Federation of Journalists and the National Union of Somali Journalists appealed on his behalf.

“In September [2006] the Islamic Courts closed down a radio station in Kismaayo, accusing the station of broadcasting false information with intent to incite the public to violence. Also in September [2006] the Islamic Courts shut down *Radio Jowhar* for several days after the station refused to stop playing music and songs. In October [2006] the Islamic Courts closed *East Africa Radio*, owned by Bashir Raghe, a warlord and former member of the ARPTC [Alliance for the Restoration of Peace and Counter-Terrorism, a group opposed to the Islamic Court]. That same month the *HornAfrik* radio station in Kismaayo was shut down for five days, allegedly for incitement to violence.” [2a] (Freedom of Speech and Press)

17.12 The CPJ report added:

“The ICU’s brief hold on power was marked by attacks and harassment of the press. On June 23 [2006], less than three weeks after seizing Mogadishu, the ICU organized a rally in the center of the capital. Martin Adler, an award-winning Swedish freelance journalist and documentary filmmaker, was in the thick of the crowd filming when an unidentified gunman came up behind him and shot him in the back.

“Adler, a long-time contributor to Britain’s Channel 4 News and several newspapers, including the Swedish daily *Aftonbladet*, died instantly. The gunman escaped. Several reports said Adler, 47, was filming demonstrators burning U.S. and Ethiopian flags. Anti-foreigner sentiment had been stoked by reports that the widely despised warlords who had opposed the ICU had received financial backing from the CIA to capture al-Qaeda suspects in Somalia. International journalists had previously been stoned or heckled while reporting on demonstrations, The Associated Press said. [sic]

“NUSOJ reported that Adler was working outside the heavily guarded area where many other journalists and Islamist leaders were standing. The ICU condemned the murder and promised to investigate, but no one was brought to justice immediately. The murders of two journalists the previous year also remained unpunished. Kate Peyton of the BBC, one of several foreign reporters who entered the country to cover the peace process in early 2005, was shot outside her hotel in Mogadishu, while local radio journalist Duniya Muhyadin Nur was shot six months later while covering a protest near the capital.” [12a] (p1-2)

17.13 The Islamic Court issued guidelines regarding safety in Mogadishu shortly after this killing. (Integrated Regional Information Networks (IRIN) 3 July 2006) [10f]

17.14 The CPJ report noted:

“In August [2006], unidentified gunmen ambushed NUSOJ leaders on the road from Baidoa to Mogadishu, fatally shooting their driver, Madey Garas, according to NUSOJ Secretary-General Omar Faruk Osman. Another NUSOJ official who was in the car, Fahad Mohammed Abukar, was injured. Osman told CPJ that he, Abukar, and Garas were traveling with two bodyguards to Mogadishu, where they hoped to hold talks with ICU officials on press freedom issues. The attack took place in no-man’s-land, about 28 miles (45 kilometers) outside Baidoa. Osman said it was not clear what had motivated the attack. He said it had been well known that NUSOJ officials were traveling to Mogadishu.” [12a] (p2)

17.15 The CPJ report added:

“The ICU showed increasing signs of intolerance to criticism. In July [2006], authorities in Jowhar, an airport town 50 miles (80 kilometers) north of the capital, briefly detained Abdikarim Omar Moallim, a correspondent for the private, Mogadishu-based Radio Banadir, after he reported on clashes between militiamen and traders protesting new taxes. Although Moallim was released, ICU authorities banned him from continuing to work for *Radio Banadir*. In September [2006], Islamist authorities jailed journalist Osman Adan Areys of the private station *Radio Simba* for two days in the western town of Beledweyne, then released him without charge. Local journalists said they believed the arrest was linked to interviews in which local residents criticized ICU-imposed restrictions. A CPJ source said the restrictions included a curfew in Beledweyne, which lies near the border with Ethiopia.” [12a] (p2)

17.16 Reporters Without Borders (RSF) in its report on Somalia for 2006 noted the prevailing country conditions and stated:

“As a result, some 30 journalists were arrested during the year [2006] both in Mogadishu in the south-east of the country, the UIC base, as well as in the regions taken by the Islamic Courts, such as Baidoa in the south-west, the headquarters of the government, as well as in semi-autonomous Puntland in the north-east.

“Fahad Mohammed Abukar, journalist working for *Radio Warsan*, Mohammed Adawe Adam, of *Radio Shabelle*, and Muktar Mohammed Atosh, of privately-owned *HornAfrk* radio station were arrested by government militia on 24 October [2006] in the village of Daynunay, 15 kms from Baidoa. The three journalists were found in possession of a digital film camera on which there was footage of an Ethiopian soldier of Somali origin killed in Burhakaba, as well as of Ethiopian troops on Somali territory. They were held for one week before being released. The footage which they had taken was never broadcast. Likewise, Abdullahi Yasin Jama, journalist on *Radio Warsan*, fell into a trap set by transitional government militia in Baidoa, on 24 November [2006]. He was seized after being invited to a fake press conference and kept captive for three days by militiamen who maltreated him, punishing him for reporting on the ‘massive presence’ of

Ethiopian soldiers in Somalia, which the governments in Baidoa and Addis Ababa had spent half the year denying, but without really convincing anyone.

“UIC militia in Kismayo in the south-east arrested three journalists from *HornAfrik* radio on 29 September [2006]. Sahro Abdi Ahmed, Layla Sheik Ismail and Adam Mohammed Salad were released a few hours later after being order [sic] to stop reporting on the Islamic Courts. Moreover, on 17 December [2006], the secretary general of the National Union of Somali Journalists (NUSOJ), Omar Faruk Osman, and the organisation’s co-ordinator, Ali Moalim Isak, were arrested at Mogadishu airport before starting on a business trip. They were first transferred to a police station at the airport before being taken blindfolded to the police station in Waberi district. Police confiscated Osman’s computer and documents he was carrying, and both men’s passports and mobile phones. A police officer interrogated them in the cell and forced them to reveal the password so they could read the journalist’s emails. They were released the same evening but their property was never returned to them. Following this, for fear of reprisals, several NUSOJ officials went into exile.” [14a] (p1-2)

17.17 RSF in its report added:

“Reporters Without Borders’ partner organisation in Somalia also experienced numerous setbacks during the year [2006] as its reputation grew as an organisation defending press freedom. Militiamen in the pay of a rival expelled the NUSOJ management from its Mogadishu offices, on 3 July [2006], forcing the organisation to find new premises elsewhere. In October, [2006] after negotiations with the UIC leadership, the organisation managed to avert the imposition of a draconian ‘code of conduct’ on the press, preventing them from putting out news ‘likely to create conflicts between the people and the Islamic Courts’.

“This country is still one of the most dangerous in the world. A car in which NUSOJ officials were travelling was ambushed on the road between Baidoa and Mogadishu on 4 August [2006], and their driver, Madey Garas, was killed. And 18 months after the still unpunished murder of BBC reporter Kate Peyton, a Swedish journalist was killed in the capital in broad daylight during a rally in support of the Islamic Courts. A freelance reporter accustomed to working in conflict zones, Martin Adler, was killed by a hooded man who fired a bullet into his chest, while he was filming a group of demonstrators on 23 June [2006]. The Islamic Courts, which condemned the murder, said it had made a number of arrests, but gave no further details.” [14a] (p2)

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

LOCAL HUMAN RIGHTS ORGANISATIONS

18.01 The USSD report for 2006 noted:

“A number of domestic and international human rights groups generally operated in areas outside the control of the Islamic Courts without official restriction, investigating and publishing their findings on human rights cases. Authorities were somewhat cooperative and responsive to their views.

“In August [2006] a senior Islamic Courts cleric stated that the Islamic Courts did not recognize civil society groups or NGOs. In October [2006], faced with broad public opposition, the Islamic Courts agreed to an accommodation with civil society groups and the Islamic Courts’ Office of Civil Affairs and Regional Cooperation issued a statement calling on all civil society organizations to register by the end of the month. In November the Islamic Courts met with NGOs to discuss registration, and the Islamic Courts agreed to extend the deadline. A four-member delegation of the Nairobi-based NGO Consortium, representing more than 190 civil society groups, traveled to Mogadishu to present the ICRC [International Committee of the Red Cross] Code of Conduct to the Islamic Courts and to make the case for allowing humanitarian NGOs to operate in the country. The consortium negotiated an extension with the Islamic Courts to allow registration of all NGOs beyond the end of the year [2006].

“Several human rights groups were active during the year [2006], including the Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC), Isha Baidoa Human Rights Organization in the Bay and Bakol regions, and KISIMA in Kismaayo. The DIJHRC investigated the causes of the continuing conflict in the Mogadishu area, conducted effective human rights monitoring, and protested the treatment of prisoners before the Shari’a courts. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, women’s NGOs, and other members of civil society also played a role in promoting dialogue between the TFG and the Islamic Courts.” [2a] **(Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)**

INTERNATIONAL HUMAN RIGHTS ORGANISATIONS

18.02 The United Nations Secretary General, in his situation report on Somalia to the Security Council (UNSC) dated February 2006, noted the following:

“On 18 November 2005, a court in Hargeisa, ‘Somaliland’, sentenced eight people to death for the killing of three international relief workers between 2003 and 2004. Four other people were sentenced to life imprisonment for their involvement in the murders.” [3a] (p5-6)

18.03 The USSD report for 2006 stated:

“Several human rights groups were active during the year [2006], including the Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC), Isha Baidoa Human Rights Organization in the Bay and Bakol regions, and

KISIMA in Kismaayo. The DIJHRC investigated the causes of the continuing conflict in the Mogadishu area, conducted effective human rights monitoring, and protested the treatment of prisoners before the Shari'a courts. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, women's NGOs, and other members of civil society also played a role in promoting dialogue between the TFG and the Islamic Courts.

"Security problems complicated the work of local and international organizations, especially in the south. Attacks and incidents of harassment against humanitarian, religious, and NGO workers resulted in numerous deaths. There were numerous occurrences of looting, hijacking, and attacks on convoys of WFP [World Food Programme] and other humanitarian relief shipments during the year [2006]. In January [2006] an ICRC staff member was killed at his residence in Mogadishu by an unidentified masked gunman. In April [2006] a convoy hired to deliver humanitarian aid was attacked in Gedo region by militia from a subclan of the Marehan, resulting in the death of a driver and a passenger. In June a UN driver was stabbed and wounded in Garowe. In August [2006] a long-serving Somali staff member of the DIJHRC was shot and killed and a driver wounded while driving to Burhakaba after a meeting with an international NGO. In November [2006] two UN vehicles were fired upon in Gedo region; a UN staff member was wounded. According to the UN, there have been no investigations or arrests in connection with any of these cases.

"In recent years UN staff or consultants have been kidnapped, often for use as leverage by former UN workers dismissed by the organization and seeking compensation. For example, in March a UN Children's Fund (UNICEF) official was held hostage for 24 hours by gunmen allegedly acting on behalf of a businessman who claimed that the UN owed him money. Most hostages were released unharmed after mediation by clan elders.

"In February [2006] demonstrations against the cartoons depicting the prophet Mohammed that were published by several European newspapers turned violent. Demonstrators in Bossaso pelted the compounds of UN agencies with stones. Security forces guarding the compounds reacted with deadly force, leaving one dead and three wounded. Also in February [2006] it was reported that a hand grenade was thrown into the compound of a local NGO in Merka; there were no casualties resulting from the incident. In October the President of Somaliland issued a statement claiming that the Islamic Courts were responsible for carrying out attacks against humanitarian aid workers in Somaliland. In October [2006] demonstrators angry over hiring policies threw stones at the offices of an international NGO in Wajid before being repulsed by security guards. In November [2006] vehicles of an international NGO were fired upon in Gedo region.

"Attacks on NGOs also disrupted flights and food distribution during the year [2006]. In January [2006] clan militia stole 11 metric tons of WFP food aid from the Mother and Child Hospital in Baidoa that was destined for an IDP camp. In April [2006] one person was killed and another was injured when militia attacked a building in Baidoa where humanitarian food supplies were stored for distribution to drought victims. In May [2006] fighting broke out between local militia and guards at a food distribution center in the Middle Juba region, leaving three dead. In July [2006] two persons were killed and

five wounded when conflict erupted between militia escorting a UN food convoy and local militia. In August [2006] part of a UN food shipment to Galkayo was stolen. Unlike in the previous year [2006], there were no reports that pirates hijacked food aid.” [2a] (Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

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FREEDOM OF RELIGION

- 19.01 The US State Department's (USSD) Report on Human Rights Practices covering 2006 noted:

"There were no legal provisions for the protection of religious freedom, and there were limits on religious freedom in practice. The TFC, Somaliland Constitution, and the Puntland Charter establish Islam as the official religion. The Islamic Courts also made Islam the official religion in the areas they controlled.

"In Puntland only *Shafi'lyyah*, a moderate Islamic doctrine followed by most citizens, is allowed. Puntland security forces closely monitored religious activities. Religious schools and places of worship must receive permission to operate from the Ministry of Justice and Religious Affairs, and such permission was granted routinely. In February [2006] there was a report that three religious leaders in Bossaso were arrested by the Puntland intelligence services over alleged links to extremist activities. The three were later released, apparently in response to pressure from other religious leaders.

"According to the Somaliland Constitution, Islam is the religion of the Somaliland nation. Religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. The ministry must approve entry visas for religious groups, and certain unspecified doctrines were prohibited. In October [2006], allegedly under pressure from Muslim religious scholars, President Dahir Riyale Kahin stated that Shari'a law would be applied in Somaliland; the constitution says only that Shari'a should be the basis for all legislation.

"Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland, and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operated freely, to the extent permitted by the general security situation, as long as they refrained from proselytizing.

"Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. There was strong social pressure to respect Islamic traditions. Organized Islamic fundamentalist groups, whose goal was the establishment of an Islamic state, were active in business and political activities throughout the country.

"Islamic religious leaders in Puntland or Somaliland who publicly opposed government policy on Shari'a law or spoke out in favor of the Islamic Courts increasingly came into disfavor with government authorities during the year [2006]. In October [2006] a prominent cleric in Somaliland was arrested after speaking out against the detention and alleged torture of Sheikh Mohamed Sheikh Ismail ...

In November [2006] imams and opposition figures in Somaliland protested the alleged firing of two women in the Ministry of Information for the sole reason that they wore Islamic dress to work." [2a] (Freedom of Religion)

- 19.02 The US State Department's Report on Religious Freedom released in 2006 stated:

"The activities of the Islamic courts appeared to be largely welcomed by Mogadishu because the courts have brought a degree of order to what was long a lawless city. Some, however, have objected to strict interpretations of Islamic law that forbid the viewing of movies or soccer matches. In one instance, a Shari'a court reportedly ordered that one group of youths have their heads shaved and be whipped for protesting a ban on public broadcasts of World Cup soccer matches.

"There is strong societal pressure to respect Islamic traditions, especially in enclaves still influenced but not controlled by Islamists espousing violent political agendas in Doble, Ras Kaambooni, and Kolbiyow in the Lower Juba region. Organized Islamic groups whose goal is the establishment of an Islamic state include *Al-Islah*, a generally nonviolent political movement that operates primarily in Mogadishu, and AIAI [al-Itihaad al-Islami], a militant Islamic organization. AIAI committed terrorist acts in Somalia and Ethiopia in the mid-1990s and remains on the U.S. government's Terrorist Exclusion List. Although individuals continued to claim to be adherents to its precepts, AIAI remained heavily factionalized and its membership decentralized. Unlike AIAI, *Al-Islah* is a generally nonviolent and modernizing Islamic movement that emphasizes the reformation and revival of Islam to meet the challenges of the modern world." [2b] (**Societal Abuses and Discrimination**)

- 19.03 The same report reflected that:

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

- 19.04 The report noted:

"Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operated without interference, provided that they refrain from proselytizing.

"In April 2004 thousands of citizens marched through the streets in Mogadishu and in the southern coastal town of Merca to protest what they believed was an attempt by aid agencies to spread Christianity. Muslim scholars organized the protest following reports that schoolchildren received gifts with Christian emblems alongside charitable aid. The protesters set ablaze hundreds of cartons containing goods, some marked only as gifts from the 'Swiss Church.' The protesters warned the aid agencies against using relief items to evangelize.

"In March 2004 Mohamed Omar Habeb, also known as Mohamed Dheere, who controlled the Middle Shabbelle region, countered the general Islamic trend in the country by banning women from wearing veils. He subsequently jailed at least seventeen women who had violated his decree, claiming that veils made it difficult to distinguish women from men who might be

concealing weapons. Habeb was quoted as saying that he was committed to curbing violent attacks by extremists, but he later released the women following an outcry from many Islamic scholars throughout the country, particularly in Mogadishu.” [2b] (Restrictions on Religious Freedom)

- 19.05 The report stated: “Christians, as well as other non-Muslims who proclaim their religion, face occasional societal harassment.” [2b] (Societal Abuses and Discrimination) Freedom House, in its report covering 2005, supported this view, and noted:

“Somalia is an Islamic state, and religious freedom is not guaranteed. The Sunni majority often views non-Sunni Muslims with suspicion. Members of the small Christian community face societal harassment if they proclaim their religion, but a number of international Christian aid groups operate without hindrance” [20a] (p4)

- 19.06 The UN Integrated Regional Information Networks (IRIN) in a report dated 21 November 2006 noted that Puntland was to adopt Islamic law:

“The authorities of the self-declared autonomous region of Puntland, northeastern Somalia, have agreed to adopt Shari’a law after Islamic leaders in the region recommended the move, local sources said.

“The announcement was made by the authority after a committee of religious leader met the leader of Puntland, Gen. Muhammed Adde Muse, and recommended that Shari’a law be adopted in the region, Sheikh Fuad Mahamud, a member of the religious leaders said on Tuesday.

“‘We presented our recommendations that Puntland adopt Shari’a law and the President and his cabinet accepted it,’ said Sheikh Mahamud.

“A local journalist said the announcement followed ‘intense pressure from Islamic leaders supported by traditional elders’ from the region. ‘He [Muse] has been visiting Galkayo [Mudug region, and close to the border with Islamic court forces] and was told by elders there of the need to adopt Shari’a,’ said the journalist.

“The Union of Islamic Courts (UIC) controls most of south and central Somalia, including the capital Mogadishu, and has been pressuring Puntland to join it.

“Puntland is the home of the interim President Abdullahi Yusuf. On 6 November [2006], fighting broke in the town of Galinsoor, in Mudug region, 780 km north of Mogadishu, between forces of the UIC and those allied with Puntland. The fighting marked the first clashes between forces in Puntland and the UIC and came amid fears that an all-out war in Somalia is imminent” [10h]

- 19.07 There are no reports as to how the UIC’s loss of influence may effect this decision.

UNION OF ISLAMIC COURTS (UIC)

- 19.08 The US State Department’s Report on Religious Freedom released in 2006 stated:

72 This Country of Origin Information Report contains the most up-to-date publicly available information as at 12 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

“The Union of Islamic Courts (UIC), which grew out of individual courts’ efforts to establish a degree of order in Mogadishu, took control of the Somali capital on June 4, 2006, following a military confrontation with a loose coalition of Somali warlords. The UIC is heterogeneous and serves as an umbrella coordination mechanism between individual Shari’a courts, with individual courts reflecting a moderate interpretation of Islam and others espousing an extremist form of Islam that has proven intolerant to traditional Somali societal and cultural practices. The UIC was subsequently renamed the Supreme of Islamic Courts Council (SICC) [sic] on June 24 [2006].” [2b] (p1)

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

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

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

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

- 19.11 The article stated:

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

“However, when the ultimatum’s deadline came on December 20 [2006] without Ethiopian withdrawal, the I.C.C. backtracked, saying that it had not meant that it would mount its major offensive immediately and that the ultimatum was aimed at showing Addis Ababa the I.C.C.’s determination. Nonetheless, the probing attacks initiated by both sides escalated, resulting

finally in Ethiopia's full-scale operation utilizing air power and heavy armor that crushed the Courts movement.

"In making its move, Addis Ababa had the tacit backing of Washington, which announced that Ethiopia had genuine security concerns and derailed a nonbinding draft resolution at the U.N.S.C. presented by Qatar that called for immediate withdrawal of foreign forces from Somalia. The other external actors – regional states, the A.U. and the Arab League (A.L.) – were reduced to espousing the Qatari position without being willing to exert any but rhetorical pressure." [15a] (p4)

19.12 The article added:

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

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

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

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

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

19.14 The article added:

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

"Residents of Kismayo said the remaining Islamists were heading toward Ras Kamboni, a small town in an isolated area on the Kenyan border that the Islamists had used before as a hide-out. Ethiopian intelligence officials

say operatives of Al Qaeda, invited by the Islamists, planned the 1998 attacks on American Embassies in Kenya and Tanzania from Ras Kamboni.

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

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

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

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

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ETHNIC GROUPS

- 20.01 As reflected in the Report of the Joint British, Danish and Dutch – Fact-Finding Mission (JFFMR) of December 2000, Somali society is characterised by membership of clan-families. These are sub-divided into clans, and many sub-clans (clan members are classified as ethnic Somali), or minority groups (minority groups are usually defined as those of non-ethnic Somali origin). Any political affiliation generally follows clan lines. [7a] (p6-7)

SOMALI CLANS

- 20.02 As reflected in the JFFMR December 2000, the clan structure comprises four major ‘noble’ clan-families of Darod, Hawiye, Isaaq and Dir. [7a] (p6-7) The US State Department’s (USSD) Report on Human Rights Practices covering 2006 stated:

“More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. In most areas members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.” [2a] (National/Racial/Ethnic Minorities)

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

- 20.04 The USSD report stated:

“Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. The UNIE [UN Independent Expert on Human Rights in Somalia] estimated that minority groups may constitute a higher percentage of the population than previously thought – perhaps as many as two million persons (around 22 percent of the estimated population). In the absence of any census data for the past 30 years any demographic statement can only be an estimate. Inter-marriage between minority groups and mainstream clans was restricted. Minority groups had no armed militias and continued to be disproportionately subject to killings, torture, rapes, kidnappings for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.” [2a] (National/Racial/Ethnic Minorities)

- 20.05 The JFFMR March 2004 noted:

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

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

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

- 20.07 However, the report also notes:

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

- 20.08 The report goes on to note:

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

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

RAHANWEYN CLANS

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

See also Annex C – Somali clan structure.

MINORITY GROUPS

- 20.10 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), Tumul and Yibir. As with the majority clans several of these individual groups are divided into sub-groups. The minority groups were the only people in Somalia who, when Siad Barre was overthrown in 1991, did not have their own armed militia to protect them. During the civil war minority groups were among the most vulnerable and victimised populations in the country. [7a] (p20-22) [26a] (p1) As reflected in the JFFMR December 2000 certain minority groups, most notably the Benadiri and Bravanese, were particularly disadvantaged and targeted by clan militia since the collapse of central authority in 1991. [7a] (p48)
- 20.11 As reflected in the JFFMR December 2000: "Minority groups are not evenly distributed throughout Somalia; there is a higher concentration in the central and southern parts of the country." [7a] (p21) However, some groups, such as those with special occupational skills (Midgan, Tumul and Yibir), are more likely to be found in different parts of the country. [7a] (p87) The USSD report for 2006 and the JFFMR December 2000 reflect that politically weak social groups are less able to secure protection from extortion, rape and other human rights abuses by the armed militia of various factions. [2a] [7a] (p21) As stated in the UN Office for the Coordination of Humanitarian Affairs (OCHA) Minorities Study of August 2002: "In a country where there is no national Government that would be responsible for safeguarding and upholding the rights of minority groups, Somalia minorities are truly in a vulnerable position." [26a] (p1)
- 20.12 During the JFFM of January 2004, the delegation asked the UN High Commissioner for Refugees (UNHCR) branch officer for Somalia about the discrepancy which seems to exist between the information collected on the 2004 mission and previous missions, regarding the situation in Somalia for persons belonging to minority groups, and the information provided during refugee status determination interviews in some European countries:
- "[The UNHCR source] firstly stated that she obviously did not know whether the case profiles of the persons referred to by the delegation were the same profiles as the ones who approach UNHCR in the region. With this reservation in mind, and presuming that the persons referred to are in fact coming from minority clans, the UNHCR source said that the discrepancy could to some extent be caused by the difference in conception between the person interviewing the asylum-seeker and the asylum-seeker him/herself as to what, for example, constitutes forced labour. If an asylum seeker has been used to working for example two hours every day for someone (belonging to a 'noble' clan) without being paid, the asylum-seeker may consider this normal and would not define it as forced labour if asked. It was suggested that the interviewer would have to ask specifically about all the small details of the asylum-seekers daily life in order to assess whether the person had in fact been subjected to forced labour or other human rights violations. Specifically with regard to sexual abuse including rape, she stated that pride and status might often prevent an asylum-seeker from coming forward with this information during an asylum interview or elsewhere." [7c] (p37)

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

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

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

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

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

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

“Regarding the land issue Abdulle explained that there have always been land disputes and that there has always been inequality at all levels of society. Looting of property still takes place and the minorities are still

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

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

20.16 However, the report also notes:

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

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GENERAL SECURITY POSITION FOR MINORITY GROUPS

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

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

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

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

Communities seemed prepared to tolerate a strict interpretation of Sharia law in return for peace and security.

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

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

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

BAJUNI

- 20.20 As noted in the JFFMR December 2000, the Bajuni are mainly sailors and fishermen who live in small communities on the coast south of Kismayo and on islands between Kismayo and the border with Kenya. The Bajuni are of mixed Arabic, Bantu, Somali and possibly Malay ancestry. Their principal language is Kibajuni, a dialect of Swahili. Bajuni Elders who met with the delegation of a joint British-Danish-Dutch Fact-Finding Mission on Somali minority groups to Nairobi in September 2000 informed the delegation that most Bajuni also speak Somali. Bajuni Elders stated that the Bajuni do not regard themselves as Benadiri people, although they had some trading links with the Bravanese people. [7a] (p26-28)
- 20.21 As reflected in the JFFMR December 2000, and the OCHA minority groups report of August 2002, the Bajuni had traditionally held a low status in Somalia. As Siad Barre’s administration collapsed in the early 1990s, the Bajuni were attacked by groups of Somali militia who wanted to force them off the islands. Many Bajuni left Somalia for Kenya, the majority having fled during 1992. Some Bajuni earned money by transporting refugees out of towns such as Brava and Kismayo to Kenya. In Kenya the Bajuni went to the Jomvo refugee camp in Mombasa. When the Jomvo camp was closed in 1997 many Bajuni were returned by the UN High Commissioner for Refugees (UNHCR) to the Bajuni islands, which at the time were considered

safe. However, with the fall of Kismayo in 1999 to the allied forces of the Somali National Front (SNF) and Aideed's Somali National Alliance (SNA), and subsequent attacks on the Bajuni islands, the UNHCR suspended returns. [7a] (p28-30) [26a] (p5-6)

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

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

"When asked what languages are spoken and understood by the Bajuni in the Lower Juba, Abdalla Bakari stated that the Bajuni in Kismayo and the outlying islands speak their own dialect. He estimated that 50% of these are also able to speak Somali, but noted that the vast majority of those that can understand Somali are from the mainland (the Kismayo coast, rather than the islands). ... When asked what proportion of the younger generation of the mainland-based Bajuni was able to understand Somali, Abdalla Bakari confirmed that all such persons were able to understand and speak Somali." [7c] (p37-38)

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

BANTU

20.24 As reflected in the US State Department's (USSD) Report on Human Rights Practices covering 2006 and the JFFMR July 2002, the Bantu, the largest minority group in Somalia, are an agricultural group found in small groups, usually in the river valleys of southern Somalia in Hiran region (the Reer Shabelle and Makanne groups), Gedo (the Gobaweyne), Lower and Middle Shabelle (the Shidle and "Jereer") and Lower Juba (the Gosha). [2a] (National/Racial/Ethnic Minorities) [7b] (p59) The JFFMR July 2002 stated: "Some Bantu have adopted Somali clan identity while others maintain their East African tribal identity. Some Bantu are descendants of pre-Somali Bantu populations while others are descendants of slaves taken from East Africa to Somalia." [7b] (p56) The JFFMR December 2000 noted that other Somalis, including those of Bantu origin commonly refer to Bantu as "Jarer". [7a] (p29)

20.25 As reflected in the JFFMR December 2000, the Bantu mainly occupy the territory between the two main rivers in Somalia, the Shabelle and the Juba, the so-called inter-riverine area of Somalia. The area covers eight regions in southern and central Somalia. The Elders stated that in the regions of Middle and Lower Shabelle, Middle and Lower Juba, Bay, Benadir and former Upper Juba (parts of which are now in Gedo region) the Bantu population was still [in 2000] actually a majority. [7a] (p31) As noted in a UN Integrated Regional Information Networks (IRIN) article of 25 June 2003, the

Bantu are represented by Somali African Muki Organisation (SAMO), which is aligned to the Somali Salvation Alliance (SSA) that aligned itself with the G8 group at the Eldoret/Nairobi peace talks. [10b]

20.26 The JFFMRs December 2000 and July 2002, noted conditions for Bantu reportedly vary according to the region in which they live. [7a] (p35-37) [7b] (p56-57) As stated in the JFFMR July 2002 and the OCHA minorities report of August 2002, Bantu have been largely displaced along the Juba and Shabelle rivers. They are usually able to remain in their home areas, to work mainly as labourers for the Somali clans (mainly the Marehan, Ogadeni and Habr Gedir) that have taken their traditional land. They can usually retain about 10 per cent of their land for their own use. [7b] (p57-58) [26a] (p4) However, the JFFMR December 2000 noted that in some cases Bantu work as plantation labourers in what Bantu Elders describe as situations of near slavery. [7a] (p35)

20.27 The JFFMR July 2002 noted that in Bay and Bakool Bantu had largely been incorporated into the Rahanweyn clan structure and were able to retain their land. Bantu that had assimilated themselves with the indigenous clans they live with were reportedly known as "*sheegato*", which means they were not bloodline clan members, but adopted. [7b] (p28-29) As noted in the JFFMR March 2004:

"The Somali Bantu population is now the best known of these minorities; representing about 5% of the total population, the Bantu are prone to theft of their land, rape, forced labour, and a range of discriminatory behaviour. Minority and low status groups such as the Bantu are afforded little protection under customary clan law and have virtually no recourse to a system of justice when victimized. Those who do bring complaints to clan, legal, or religious authorities place themselves at great risk of intimidation and assault." [7c] (p17)

20.28 The USSD report for 2006 stated:

"There were 31 members of the minority Bantu or Arab ethnic groups in the 275-seat Transitional Federal Parliament and four in the TFG cabinet. The Somaliland parliament and cabinet had no members of minority groups." [2a] (Elections and Political Participation)

BENADIRI AND BRAVANESE

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

clan militias, although sometimes the clan occupants allowed them to reside in one room. [7a] (p28,38-41,44-45)

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

HAMAR HINDI

- 20.31 As noted in the JFFMR July 2002:

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

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

"The same sources stated that all Indians in Somalia could speak the Somali language, usually to a good standard but at the very least all would have

had a basic command of the language. In the cities, the Indian businessmen would have had to speak Somali to be able to engage in business activities. Likewise, the Indian foremen on the Italian plantations, who each managed between 100 and 150 plantation workers, had to speak Somali in order to communicate with their men. Also, under Siad Barre's rule, society was much regulated and a good command of Somali would have been essential for Indians to be able to deal with official bureaucracy." [7b] (p58)

MIDGAN, TUMAL, YIBIR AND GALGALA

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

See also Annex D: Main minority groups.

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

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

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

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

21.03 However, the article also noted:

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

21.04 The “Behind the Mask” article of May 2004 stated:

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

There are a lot of people who are queer [in Somalia] but they are afraid they will miss their basic rights if they express themselves.” [29b]

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DISABILITY

- 22.01 As reflected in the US State Department's (USSD) Report on Human Rights Practices covering 2006:

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

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

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

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

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WOMEN

- 23.01 The US State Department's (USSD) Report on Human Rights Practices covering 2006 noted:

"Domestic violence against women remained a serious problem. There are no laws specifically addressing domestic violence; however, both Shari'a and customary law address the resolution of family disputes ... No statistical information was available on the extent of domestic violence. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. Women have suffered disproportionately in the country's civil war and inter-factional fighting.

"Laws prohibiting rape exist; however, they were not generally enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year [2006]. NGOs documented patterns of rape of women with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans. Police and militia members raped women, and rape was commonly practiced in inter-clan conflicts. Traditional approaches to dealing with rape tended to ignore the victim's situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator's and victim's clans. Victims suffered from subsequent discrimination based on attributions of 'impurity.' Women and girls in IDP camps were especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS.

"In Somaliland there was an increase in incidents of gang rape in urban areas, primarily by youth gangs, members of police forces and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and rural displaced populations. Many cases were not reported." [2a] (Women)

- 23.02 Amnesty International (AI) in its annual report covering events in 2005, stated:

"Several women's rights organizations were active in reconciliation, militia disarmament, child rights protection and development initiatives. Women's organizations, including in Somaliland, also campaigned against violence against women, including female genital mutilation, rape – especially of internally displaced women – and domestic violence. There was deep concern that women's representation in Somalia's Transitional Federal Parliament fell short of an agreed quota of 12 per cent of seats." [6a] (Women's rights)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 23.06 Further:

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

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

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

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

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

LEGAL RIGHTS

- 23.08 The USSD report noted:

“In the country's overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated. Polygyny was permitted. Under laws issued by the former government, female children

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

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

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

POLITICAL RIGHTS

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

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

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

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

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

- 23.13 The USSD report stated that:

92 This Country of Origin Information Report contains the most up-to-date publicly available information as at 12 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

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

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

23.14 Freedom House, in its report on Somalia covering 2005, noted:

"Women's groups were instrumental in galvanizing support for Somalia's peace process. The country's new charter prohibits sexual discrimination, but women experience intense discrimination under customary practices and variants of Sharia. UN agencies and NGOs are working to raise awareness about the health dangers of female genital mutilation." [20a] (p1)

23.15 UNHCHR, in its report dated 13 September 2006, noted:

"The expert held a series of meetings with representatives of various local and international non-governmental organizations to discuss the human rights situation in 'Somaliland', with a particular emphasis on recent trends and developments, in particular in relation to his previous mission and to the parliamentary elections. Some of the representatives voiced their concern over the lack of involvement of civil society in the electoral process, claiming that the authorities had not done enough to ensure that the process would be fully inclusive and transparent. A result of this, they argued, was the very low representation of women and minority candidates on the electoral lists of all three parties competing in the elections. Thus, out of 246 candidates, seven were women, and two were from minority groups." [4a] (Visit to "Somaliland")

UNHCHR, in its report dated 13 September 2006, noted that two of seven women candidates were elected. (UNHCHR 13 September 2006) [4a]

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

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

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

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

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

VIOLENCE AGAINST WOMEN

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

23.18 As noted in the JFFMR March 2004, the number of reported violations against women in the capital increased considerably in 2003. A UNHCR source stated that there were serious human rights violations in Mogadishu towards women. These violations included savage killings and mutilation. It was stressed that these incidents were unusual given that women and children are not overtly targeted in clan conflict. When commenting on the killings of women in Mogadishu (and in Baidoa) in the second half of 2003, a further source suggested that such incidents might have happened before but that they had not been reported. An international NGO suggested that women and children had become a new target of human rights violations in Mogadishu. The source added that there was a tendency that women in general had become much more cautious about their movements. Many women did not dare to go to the market or other public places, especially those belonging to minority groups or minor clans. [7c] (p20-21)

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

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

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

23.20 The UNHCHR’s report dated 13 September 2006 added:

“In the absence of law and order, sexual assault and rape is widespread in Somalia. Whether in cities (such as the capital, Mogadishu) or in smaller towns and villages, women are often targeted for this gender-based sexual

violence. Many NGOs report that rape is [a] common act during inter-clan fighting. The plight of young girls and unmarried women, widowed and divorced women, women of smaller clans and 'Bantu' women was highlighted. IDP camps remained a very dangerous place for women as the reported [sic] number of rapes against women in IDP camps continues to be very high, with an estimated one third of the reported cases involving children under the age of 16." [4a] (**Rape and other forms of sexual violence**)

"Domestic violence against women is also a serious concern in many parts of Somalia. Some civil society groups focussing on women's rights as well as human rights defenders are working to sensitize the public as the government and clan elders have yet to engage on this issue.

The United Nations Commission on Human Rights (OHCHR), in its report by its independent expert Ghanim Alhajjar dated 13 September 2006, noted:

"Active local women's organizations are leading the promotion of education for girls, gender equality, human rights education and literacy programmes for women and advocacy for the improved representation of women in the TFG, TFP [Transitional Federal Parliament] and other government institutions. The Independent Expert is disappointed at the continuing exclusion of the participation of women in the TFP and TFG as well as in the institutions of 'Somaliland'." [4a] (**The human rights of women**)

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

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

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

"Lazzarini referred to a network called Protection Monitoring Network (PMN), which undertook a research of Sexual Gender-Based Violence (SGBV). The research covered 600 reported cases of rape. After a period of six months 10% of the assaulted women had committed suicide and 25% had disappeared. The culprits were typically militiamen at check points or individual militiamen who would approach their victims when they went to fetch water or went on their own to the toilet during the night. The women are fairly safe inside the settlement where they are together with many other people. The culprits are not prosecuted and enjoy impunity.

"Women who have been sexually abused or raped are stigmatised, according to NOVIB. An unmarried and raped woman will typically meet a demand from her own family and clan to marry the rapist as she will not have a chance to marry anyone else. As a consequence many rapes go unreported by the women. An unmarried woman who gets raped and

refuses to marry the rapist may face severe consequences from her own family and clan, and she may be excluded from the clan. A married woman who has been the victim of rape may also risk being divorced by her husband. NOVIB added that divorced women might be stigmatised, depending on their particular situation. NOVIB added that even though rape of women and killings comprise the majority of the reported human rights violations in Somalia many rapes go unreported". [7e] (p32)

23.22 The Danish fact-finding mission report continued:

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

FEMALE GENITAL MUTILATION (FGM)

23.23 The USSD report noted:

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

23.24 As reflected in the JFFMR March 2004:

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

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

change the attitude towards FGM, and providing education and information to young girls might be the only way to make any impact on the issue.”
[7c] (p33)

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

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

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CHILDREN

- 24.01 As noted in the US State Department (USSD) report on human rights practices covering 2006:

“Children remained among the chief victims of the continuing societal violence. From March to July [2006] in Mogadishu, more than 30 children were reported killed as a result of the conflict between the ARPCT and the Islamic Courts. Boys as young as 14 or 15 participated in militia attacks, and many youths were members of the marauding gangs known as moryaan (parasites or maggots). The UN's annual report on Children and Armed Conflict documented grave violations against children in the country. The report focused on violations systematically committed against children: killing and maiming; recruitment and use of children as soldiers; attacks on schools and hospitals; rape and other severe sexual violence against children; abduction; and denial of humanitarian access”. [2a] (Children)

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

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

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

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

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

98 This Country of Origin Information Report contains the most up-to-date publicly available information as at 12 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

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

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

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

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

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

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

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

EDUCATION

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

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

24.06 The US State Department Report on human rights practices, Somalia, covering 2006 (USSD report for 2006) reported:

“The authorities were generally not meaningfully committed to children's rights and welfare. An estimated 28 percent of the school-age population attended school, according to a recent UNICEF school survey: 34 percent of boys and 22 percent of girls. Overall enrollment rates appear to show a rising trend in recent years, with considerable regional variation. Since the collapse of the state in 1991, education services have been revived in various forms: a traditional system of Koranic schools; public primary and secondary school systems financed by communities, foreign donors, and the administrations in Somaliland and Puntland; a system of Islamic charity-run schools; and a number of privately run primary and secondary schools, universities and vocational training institutes. Few children who entered primary school went on to complete secondary school. Schools at all levels lacked textbooks, laboratory equipment, toilets, and running water. Teachers were poorly qualified and poorly paid; many relied entirely on community support for payment. The literacy rate was estimated at 25 percent. There was a continued influx of foreign teachers into the country to teach in private Koranic and Madrassa schools. These schools were inexpensive and provided basic education; however, there were reports that they required veiling of small girls and other conservative Islamic practices not traditionally found in the local culture.” **[2a] (Children)**

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

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

24.08 The report added:

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

24.09 As noted in the US State Department’s International Religious Freedom Report released in 2006:

“There are a significant number of externally funded Qur’anic schools throughout the country. These schools provide inexpensive basic education but may require young girls to wear veils and participate in other conservative Islamic practices not generally found in the local culture. Mogadishu University, the University of East Africa in Bosaso, Puntland, and many secondary schools in Mogadishu are externally funded and administered through organizations affiliated with the conservative Islamic organization Al-Islah.” **[2b] (Societal Attitudes)**

24.10 The USSD report for 2006 noted:

“There were two universities in Mogadishu, two in Somaliland, and one in Puntland; however, there was no organized higher education system in most of the country. There were restrictions on academic freedom, and academicians practiced self-censorship. In Puntland a government permit was required before conducting academic research. Unlike in the previous

year [2005], there were no reports that academicians were prevented from travel.” [2a] (Academic Freedom and Cultural Events)

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CHILD CARE

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

CHILD SOLDIERS

- 24.14 During the fighting in December 2006, it was reported that the Union of Islamic Court [UIC] closed schools and recruited children and teenagers into its militia. There are reports that these suffered a high level of casualties, as they opposed the professional army of Ethiopia. This led, indirectly, to clan leaders withdrawing their support from the UIC. (IRIN, 2 January 2007) [10j] (p1-2) (New York Times, 28 December 2006) [25a] (p2)
- 24.15 As noted in the US State Department (USSD) report on human rights practices covering 2006:
- “UNICEF [United Nations Children's Fund] reported that street children and other children employed in markets and other public settings were particularly vulnerable to violence, including from security forces. Disputes over the buying and selling of khat (a green leaf chewed for its narcotic effect) led to several killings of children during the year [2006]. In January [2006] in the Hiiran region, a 13-year-old boy was shot dead because of a

quarrel over khat. In April [2006] in the Galgudud region seven children were killed by militia in several incidents involving procurement of khat. In September [2006] in the Bay region a 15-year-old boy was killed when the khat market where he was working was attacked by armed militia, who fired indiscriminately into the crowd. It could not be determined whether there were investigations or arrests by the authorities in any of these cases.

“The Somaliland Constitution contains no minimum age for recruitment into the armed forces, but there were no reports of minors in its forces. An inadequate system of birth registration made it difficult to establish the exact age of recruits.

“The recruitment and use of children in militias and other fighting forces is a longstanding practice in the country, and recruitment of children increased significantly during the year [2006]. UNICEF reported that children as young as 11 were found at checkpoints and in the vehicles of various parties to the conflict in Mogadishu. The militias of warlords Abdi Qeybdid and Musa Sudi Yalahow recruited children as young as 13. The Islamic Courts, in the name of jihad, significantly increased the identification and training of new recruits and publicly declared their intention to recruit from schools. In September [2006] headmasters from Mogadishu schools were summoned to meetings at which they were required to commit to a quota of children from each school for a three-to-six-month training. In October [2006] recruitment of boys and girls from schools in Mogadishu began. UNICEF reported that students would be forcibly conscripted if there were not enough volunteers.”
[2a] (Children)

HEALTH ISSUES

24.16 UNICEF, in an article outlining the background of health care in Somalia stated:

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

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

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

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

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

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TRAFFICKING

- 25.01 As stated in the US State Department report on human rights practices, Somalia, covering 2006 (USSD report for 2006):

“The pre-1991 law prohibits trafficking. The TFC does not explicitly prohibit trafficking. Information regarding trafficking in the country's territory is extremely difficult to obtain or verify; however, the Somali territory was known to be a source, transit, and possibly destination country for trafficked women and children, and there were reports of trafficking during the year [2006]. Ethiopian women were believed to be trafficked to and through the country to the Middle East for forced labor or sexual exploitation. Armed militias reportedly also trafficked Somali women and children for forced labor or sexual exploitation, and some of those victims also may have been trafficked to the Middle East and Europe. Trafficking networks were reported to be involved in transporting child victims to South Africa for sexual exploitation.

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

“There continued to be reports that children were sent out of the country to relatives and friends in western countries, where they worked or collected welfare and sent money back to family members in the country.

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

- 25.02 The USSD Trafficking in Persons Report (TPR) of June 2006 stated:

“Information regarding trafficking in Somalia remains extremely difficult to obtain or verify; however, the Somali territory is known to be a source, transit, and possibly destination country for trafficked women and children. Ethiopian women may be trafficked to and through Somalia to the Middle East for forced labor or sexual exploitation. Armed militias reportedly traffic Somali women and children for sexual exploitation and forced labor. Some victims may be trafficked to the Middle East and Europe for forced labor or sexual exploitation. Trafficking networks are also reported to be involved in transporting child victims to South Africa for sexual exploitation.” [2c] (Somalia)

- 25.03 As noted in the TPR 2006:

“Individuals presenting themselves as political authorities within Somaliland and Puntland have expressed a commitment to address trafficking, but corruption and a lack of resources prevent the development of effective policies. Many of these individuals are known to condone human trafficking. In the absence of effective systems of revenue generation, as well as any legal means to collect resources and then distribute them for some common good, no resources are devoted to preventing trafficking or to victim protection across the majority of the Somali territory. Various forms of trafficking are prohibited under the most widespread interpretations of Shari’a and customary law, but there is neither unified policing in the territory to detect these practices, nor any authoritative legal system within which traffickers could be prosecuted. Self-styled government officials are not trained to identify or assist trafficking victims. NGOs work with internally displaced persons, some of whom may be trafficking victims.” [2c] (Somalia)

25.04 The USSD report for 2006 noted:

“During the year [2006] more than 30,000 persons crossed the border to refugee camps in the Dadaab region of eastern Kenya, or moved north into Puntland, from which many attempted to cross the Gulf of Aden to Yemen.

“UNHCR reported that monthly movements to Yemen doubled over the 2005 figure. In November 3,617 made the crossing. An effort in September by the Puntland authorities to interdict human trafficking to Yemen resulted in the movement of many IDPs south instead from Bossaso to Galkayo (see section 5, Trafficking). A substantial number of these people may be more accurately characterized as economic migrants than as refugees or victims of trafficking, but no reliable data is available.” [2a](Internally Displaced Persons (IDPs))

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MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"The situation is most critical in Hiran region, with the heaviest case load of AWD in Somalia: a total of 1,229 cases and 30 deaths between 30

106 This Country of Origin Information Report contains the most up-to-date publicly available information as at 12 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

December 2006 and 23 February 2007 in Beletweyne, Jalalaqsi and Buloburti districts. That said, adequate supplies have been dispatched to Beletweyne and the number of new reported cases has decreased with increasing water and sanitation interventions. Partners are conducting hygiene promotion and chlorination activities, and UNICEF [United Nations International Childrens Fund] and the Hiran Water Supply authority are rehabilitating thirteen shallow wells and repairing nine existing water sources. In total, nine hygiene promotion sessions were organized for 270 participants.

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

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

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

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

“A total of 391 cases were reported from Mogadishu, between 24 February [2007] and 2 March [2007], with nine deaths. Partners are dispatching necessary supplies, including WHO that has sent one full diarrhoeal disease kit, and UNICEF that is sending thirty extra diarrheal [sic] kits by boat and plane. Chlorination and sanitation activities also carry-on. While Mogadishu has not reported the largest number of cases, insecurity in the city gives rise to serious concerns over how conditions will evolve. On the one hand, increasing numbers of people fleeing the capital increase the risk of AWD spreading to other locations. On the other, limited mobility within the city to target beneficiaries also poses logistical and security concerns for aid workers. Aside from scaling up supplies and services within Mogadishu to the extent possible, pre-positioning of supplies in accessible hubs is also being done to provide services and assistance in other locations. The

response will likely continue into April [2007] and May [2007], particularly in the Juba regions where access remains limited and coverage is thus the most challenging. WHO is coordinating outbreak task forces in all affected regions.

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

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

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

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

“To meet some of the basic needs of women’s reproductive health among IDPs in Mogadishu, UNFPA in partnership with Muslim Aid-UK and the SRCS have, since January 2007, established mobile health teams to service the ‘Coca Cola’, ‘21 October’, and ‘Polytechnic’ IDP sites. The teams consist of midwives, community health workers, Traditional Birth Attendants, and community mobilizers who can provide on the spot services

or referrals to the SOS hospital in Mogadishu. UNFPA coordinates closely with WHO, UNICEF, and ICRC [International Committee of the Red Cross] on all activities.” [26b] (Health)

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

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

- 26.07 Further:

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

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

HIV/AIDS

- 26.08 The JFFMR March 2004 referred to a representative of Médecins Sans Frontières (MSF) who highlighted that there was no social recognition of the virus in southern and central regions. It was stated that MSF did not provide treatment for the virus. It was emphasised that there was no availability of anti-retroviral medicine in Somalia. According to United Nations High Commissioner for Refugees (UNHCR), medical facilities in all parts of Somalia were not equipped to render the necessary assistance for HIV/AIDS sufferers. Except for those few who could afford to import the drugs, anti-retroviral treatment was not available in Somalia. Accordingly the UNHCR recommended that the involuntary removal of persons with HIV/AIDS should be strictly avoided. [7c] (p36)

- 26.09 IRIN, in its ‘The Somali Democratic Republic humanitarian country profile’ dated February 2007, noted:

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

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

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

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

“The major impediments to the AIDS response are insecurity and lack of capacity among government departments and other service providers. There is little effective Somali institutional and human capacity to develop resource-mobilisation strategies, making the response dependent on Nairobi-based international community leadership.” [100] (HIV/AIDS)

26.10 IRIN, in an article dated 5 December 2006, reported:

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

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

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

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

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

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

110 This Country of Origin Information Report contains the most up-to-date publicly available information as at 12 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

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

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

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

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

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

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

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

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

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

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

prolonging antiretrovirals are being given to 80 patients in Hargeisa, the capital of Somaliland.

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

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

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

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

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

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

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

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HOSPITALS

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

“With the collapse of the State health service, the few remaining hospitals in Somalia struggled to cope with the constant flow of war-wounded and other trauma patients. Most international aid was directed towards primary health care, leaving the ICRC as one of only a handful of organizations supporting medical and surgical treatment.

“The ICRC continued to support Keysaney Hospital in Mogadishu North, run by the Somali Red Crescent, and the community run Medina Hospital in Mogadishu South. These were the main referral hospitals for war-wounded patients throughout central and southern Somalia. The ICRC provided the hospitals with staff salaries, medical supplies, equipment, training and on-

the-job supervision. The hospitals covered about 15% of their running costs through community support, which was gradually increasing, and a cost-sharing scheme was introduced by the ICRC. In 2005, the ICRC initiated a physiotherapy training programme, and in December [2005] a physiotherapy unit serving both hospitals opened in Medina Hospital, which improved the management of trauma cases. The organization also trained and supervised staff on building and generator maintenance, according to standard.” [5a] (Supporting Hospitals)

26.14 The ICRC report for 2005 added:

“In the absence of a public health service, primary health care was provided by the private sector, the Somali Red Crescent, international organizations and NGOs, with varying levels of community support. The ICRC supported a total of 19 Somali Red Crescent health-care posts that offered free first aid and curative care to a combined population of around 200,000 residents and IDPs. The posts were located in conflict-affected areas not covered by the private sector or other organizations. The ICRC provided the posts with supplies, including dressing materials to be used mainly to treat the war-wounded, assisted in staff training and on-the-job supervision and contributed to the running costs, including salaries, of the majority of the posts. UNICEF supported the mother-and child-care activities in the posts. The two ICRC-supported health posts that closed during 2004 because of security constraints could not be reopened during 2005 for the same reason.” [5a] (Providing Health Care)

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PROVISION OF HOSPITAL CARE BY REGION AS REFLECTED IN JFFMR

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

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

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

“Middle Shabelle. It was indicated that this was the most stable of regions in terms of the provision of medical facilities. Basic treatments are available

at the large hospital in Jowhar, where surgeons operate. A number of INGOs administer dispensary posts in the region.

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

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

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

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

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

PRIVATE SECTOR AND NGO PROVISION

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

MENTAL HEALTH CARE

114 This Country of Origin Information Report contains the most up-to-date publicly available information as at 12 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

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

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

- 26.18 The report added:

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

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FREEDOM OF MOVEMENT

- 27.01 The United States Department Report on human rights practices, Somalia, covering 2006 (USSD report for 2006) stated:

“As security conditions remained relatively stable in the northern parts of the country, some refugees returned to their homes. According to the UN High Commissioner for Refugees (UNHCR), 1,300 refugees were repatriated to Somaliland from Djibouti, and 300 to Puntland from Yemen during the year [2006]. There were no reported returnees in the south of the country.”
[2a](Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation)

- 27.02 As noted in a Landmine Monitor Report covering 2005 (LMR 2005):

“Landmines have been used extensively in Somalia for decades in a variety of conflicts. Since the fall of Siyad Barre in 1991, many of the factions vying for power in Somalia have used antipersonnel and antivehicle mines, although many of the charges of ongoing use have been unclear and lack detail. **[22a] (p3)**

- 27.03 The Landmine Monitor Report covering 2006 (LMR 2006) noted:

“The Transitional Federal Government (TFG) reiterated its intention to join the Mine Ban Treaty. There apparently has been ongoing use of antipersonnel mines by various factions in different parts of the country. In May 2006, the UN arms embargo monitoring group reported that the government of Eritrea had delivered 1,000 antipersonnel mines to militant fundamentalists in Somalia. In October 2005, the monitoring group reported that members of the TFG, including its president, and an opponent of the TFG had been involved in weapons transfers that included unspecified types of landmines. The monitoring group also stated that the governments of Ethiopia and Yemen had provided unspecified types of mines to factions in Somalia. The Somali region of Puntland completed a Landmine Impact Survey of three regions in 2005. The survey found 35 mine-impacted communities, equivalent to an estimated 6 percent of the communities of the three regions. At least 276 new mine/UXO casualties were recorded in 2005, a significant increase over the previous year. Police explosive ordnance disposal teams in Puntland reported the destruction of more than 3,000 items of unexploded ordnance between July 2004 and the end of 2005. Puntland Mine Action Center staff, jointly with EOD personnel, started providing mine risk education”. **[22b]**

- 27.04 The report adds:

“In May 2006, the UN group monitoring the arms embargo on Somalia reported that the government of Eritrea transferred 1,000 antipersonnel mines to ‘militant fundamentalists’ in Somalia on or around 5 March 2006. Eritrea, a State Party to the Mine Ban Treaty, denied the claims as ‘baseless and unfounded’ and labeled the report as ‘outrageous and regrettable.’ An October 2005 report from the UN monitoring group had previously stated that between 25 March and 10 April 2005, Sheik Yusuf Indohaadde, an opponent to the TFG, received two shipments of arms, including mines, from a neighboring state that was seeking to counter Ethiopian support for the

TFG; it did not specify antipersonnel or antivehicle mines. The May 2006 report identified the 'neighboring state' as Eritrea.

"The May 2006 report also stated that, in January 2006, the government of Ethiopia, a State Party to the Mine Ban Treaty, provided 'landmines' to Mohamed Dheere, warlord and head of Jowhar administration in Somalia. ... The May 2006 report also said that Mohamed Qanyare Afrah, a key member of the US-backed Alliance for the Restoration of Peace and Counter-Terrorism, purchased mines and other arms at the Bakaraaha market in October 2005". [22b]

27.05 The LMR 2006 also noted:

"Casualties continued to be recorded in [Somalia] 2006, with PMAC recording two people killed and six injured as of 15 June 2006. One mine incident killed two men and injured four others in Bossaso. In February 2006, two women were injured in an UXO incident.[83] Reportedly, one person was killed and five were injured when their truck hit a landmine near Garowe in Puntland in April 2006.[84] SOCREd was not able to collect casualties, as it did not have a presence in Somalia in 2006.[85] SOMMAC has not provided any casualty data for 2006.

"In the first four months of 2006, ICRC-supported centers treated six people who were reported as injured by mines/UXO. However, ICRC could not directly confirm the data regarding mine/UXO casualties.

"Landmine casualties are not systematically recorded in Somalia and the number of casualties is likely inaccurate and understated for some parts of the country. Due to the security situation, UNDP, which is supporting mine action in the country, has not been able to establish the two planned centers in southern and central Somalia, and as a result it cannot obtain reliable casualty information from these regions. Additionally, it seems that casualty data in the IMSMA is not updated regularly. However, UNDP has claimed that it would be addressing these issues in the second half of 2006 and expected to have more accurate data by 2007.[87] Specialists "are not 100 percent confident in the data being reported. Many are casualties of tampering with UXO and it is possible that some are victims of inter/intra-clan fighting and not necessarily landmine victims (for example, gunshot wounds)". [22b]

27.06 For a detailed analysis concerning the possibility of Somali citizens travelling safely in central and southern Somalia, see the UK Border and Immigration Agency's Fact Finding Mission report on Somalia, 11 – 15 June 2007. [7f] (p22-26)

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EXTERNAL MOVEMENT

27.07 There is little information on the present availability of passports and other documents. See section [Citizenship and Nationality](#) for information on the new passports issued by the TFG on 1 July 2007.

27.08 The EIU, in its Somalia Country Profile for 2006, reported:

“Private and chartered aircraft use an estimated 61 airports, most with unpaved runways. Ethiopian Airways began twice-weekly flights between Addis Ababa and Hargeisa in March 2001, and the private carrier, Daallo Airlines, links Hargeisa, Mogadishu, Burao, Bossasso and Kismayu with Asmara and Djibouti. Control of Somali air space has been conducted from Nairobi since the UN pulled out of Somalia in 1995.

“Because Mogadishu and Kismayu ports have operated only sporadically during the civil war, Berbera and Bossasso in the north have become the focus for maritime activity. Both have undergone some modernisation in recent years. Ships near the Somali coast are vulnerable to attack by pirates.” [17a] (p14)

- 27.09 The UK Border and Immigration Agency, in its Fact Finding Mission report on Somalia, 11 – 15 June 2007 noted:

“All sources who were asked agreed that Mogadishu International Airport (MIA) was operational with flights regularly arriving and departing”. [7f] (p22)

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

“All airfields are accessible except for Bardera, Garbahare (Gedo), Bullo Burti (Hiran), Dinsor (Bay) which are closed due to constant insecurity, while Galkayo (Mudug – Puntland) and Merka (Lower Shabelle) are open but subject to UNDSS security clearance”. [26f]

SOMALI REFUGEES

- 27.11 In a news report of 28 December 2006, the UNHCR gave details of the trafficking of refugees into the Yemen:

“Seventeen people are confirmed dead and some 140 missing after the smugglers' boats they were travelling in from Somalia across the Gulf of Aden capsized off the Yemen coast.

“The incident, involving four boats smuggling 515 people, occurred late Wednesday [27 December 2006] as the vessels were spotted approaching the coastline by Yemeni authorities. Survivors said the boats had set sail from Shimbarale in Somalia, carrying mainly Somalis and Ethiopians. Two of the smugglers' boats had reportedly offloaded their passengers and were then fired on by Yemeni security forces. According to Yemeni officials, the smugglers returned fire. The third and fourth boats – which had been waiting further offshore in the dark – tried to escape back to sea. One capsized near Al-Baida after it became unbalanced by agitated passengers. Authorities said several people were trapped under the boat. The other vessel, pursued by two Yemeni coastguard boats and a helicopter, was forced to head back to shore. But 300 metres from the beach, it capsized in the heavy seas.” [23e] (p1)

- 27.12 The report added:

“More than 25,800 people have been recorded arriving in Yemen from Somalia this year. At least 330 people have died making the dangerous journey. Nearly 300 are missing, including 141 [N.B. earlier in the report the

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figure was given as 140] from Wednesday's [27 December 2006] incident, according to UNHCR records.

"The boats from Somalia usually land along a remote, 300-km stretch of tribal-ruled coastline. UNHCR has only limited access to much of the insecure coast.

"Somalis reaching Yemen get automatic refugee status because many are fleeing violent conflict, though not all apply for it. Ethiopians are not automatically considered refugees, but can have cases heard individually. There are currently more than 88,000 registered refugees in Yemen, of whom 84,000 are Somalis." [23e] (p2)

27.13 IRIN, in an article dated 3 January 2007, noted:

"Several thousand asylum seekers fleeing recent fighting in Somalia have been stranded for days near the border with neighbouring Kenya which has blocked their entry, aid workers said on Wednesday.

"According to local community workers in the Doble area of Somalia (about 30 km from the border), the people trying to enter Kenya were mainly women and children.

27.14 The article added:

"Those sent back included 194 refugees who were ready for transportation to refugees camps, which already host an estimated 160,000 refugees from Somalia.

"The UNHCR has written to the Kenyan immigration ministry seeking clarification on whether government policy on receiving refugees from Somalia had changed, Mutuli said.

"There was a heavy police and military presence in Liboi on Wednesday, but Kenyan officials were not immediately available for comment on the decision to send away the refugees.

"Kenya has stepped up security along its border with Somalia in a bid to prevent militias loyal to the Union of Islamic Courts (UIC) entering the country. The UIC was defeated by a combined force of Ethiopian troops and soldiers of the Somali Transitional Federal Government (TFG)." [10m] (p1)

27.15 The BBC in a report dated 3 April 2007, noted:

"Hundreds of Somali refugees who fled heavy fighting in the capital, Mogadishu, are stranded near the Kenyan border in a desperate condition. A BBC correspondent says six children died following a diarrhoea outbreak in Doble town where they are camped.

"Kenya closed its borders with Somalia last year and insists it will not accept the fleeing families". [8i] (p1)

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

“The Government of Kenya continues to close its border with Somalia to asylum-seekers. Some Somalis have nonetheless succeeded in the first months of 2007 to reach the Dadaab refugee camps and request asylum. Kenyan authorities have agreed to their registration on the condition that asylum-seekers be transferred to the Kakuma refugee camp in north - western Kenya”. [3c]

27.17 OCHA, in its Situation Report, dated 28 September 2007, noted:

“Last week it was reported that at least 14 smuggling boats arrived at the Yemeni shores from Bossaso carrying a total of 1,511 people out of which a vast majority from Somalia and a few from Ethiopia. Sixty-two people died either during the journey or after disembarkation. The new arrivals talked extensively about the violent treatment of the smugglers during the whole trip as they used iron bars, belts, plastic tubes and daggers to beat and stab them. All the Somalis who approached the reception centre reported that they left their home country due to bombings, arbitrary arrests, killings and tribal conflicts as well as different types of violence in Benadir, and central regions”. [26g]

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INTERNALLY DISPLACED PEOPLE (IDPs)

28.01 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2007, published 1 December 2006, referring to Somalia, noted:

“Against a backdrop of grave insecurity and political instability, and the high probability of further displacement in the coming months, the United Nations and NGOs strive to assist the estimated 400,000 IDPs in Somalia. The majority live in cities in densely populated temporary settlements on privately owned land, frequently subject to abuse from landowners and with no access to basic services. Usually unskilled and disempowered, many resort to casual labour and begging.

“In early 2006, the UN Country Team developed a protection response plan for IDPs. This linked protection to community services, emergency shelter and provision of non-food items as well as basic services. The entire concept has been developed within the cluster approach to situations of internal displacement, with UNHCR leading the Protection and Shelter Clusters. The clusters have begun work, focusing on four areas:

- **Community Mobilization:** In late 2006, a framework for community mobilization in the IDP settlements throughout Somalia was being developed. The framework consolidates the community-service work already being done to inject protection and human rights approaches where necessary, fostering the concept of ‘community-based protection’. In 2007, it will also devise criteria and methodologies for the selection of beneficiaries of the various initiatives.
- **IDP Profiling Exercise:** In June 2006, the IASC [Inter-Agency Standing Committee] Protection Cluster sought to develop an inter-agency framework for the collection and analysis of IDP-related information. Somalia has been chosen as one of the first countries to test the draft guidelines on IDP profiling, recently produced by the IASC. Under UNHCR’s protection cluster leadership, the first step was a review of existing data to take stock of information already available, identify gaps and plan a separate profiling exercise. The gaps were analyzed and IDP locations to be profiled were agreed on. The profiling was to be conducted from October 2006.
- **Population Tracking:** This would capture information on IDP population and any new population displacement to allow the humanitarian community to plan assistance.
- **Protection Monitoring:** A network of national partners has been established to gather information on human rights violations. The network’s reports will inform interventions to prevent or redress abuses inasmuch as possible in view of the severely limited humanitarian access.
- **Shelter Cluster:** UNHCR and UN-HABITAT jointly lead the newly established Shelter Cluster. UNHCR will be the lead agency for emergency and temporary shelter, while UN-HABITAT will take responsibility for permanent shelters. In 2007, UNHCR will continue with these activities and strive for durable solutions for IDPs in line with the joint UN IDP strategy for

Somalia. This links an overall improvement in the situation of IDPs with future possible durable solutions for them and returning Somali refugees.

The main strategic objectives for this project are thus to:

- Ensure better protection of IDPs and other vulnerable populations.
- Improve the current living conditions of IDPs and other vulnerable populations.
- Promote and foster durable solutions for IDPs, returnees and other vulnerable populations.” [23d] (p138)

28.02 United Nations Office for the Coordination of Humanitarian Affairs (OCHA-Somalia), in its situation report covering February 2007, provided an overview of the IDP situation:

“During February 2007, Mogadishu experienced escalating violence and insecurity with a stark increase in mortar attacks on strategic locations as well as indiscriminate shelling that resulted in dozens of civilian casualties. As a result of the unrest, according to UNHCR, over 40,000 people fled the capital in the course of the month, moving to the regions of Lower and Middle Shabelle, Bay, Gedo, and as far as Hiran and Somaliland. The information is based on field reports, which are hard to confirm. The vast majority of those who left moved to areas where they benefit from clan support; others have settled in with host communities. Those who left mostly also had the means to do so. On the other hand, with fewer resources to pay their way, IDPs in the capital primarily moved to safer districts in the north of the city, to escape the violence. These movements too are hard to quantify. Insecurity in the capital has also resulted in reduced mobility and access, which is negatively impacting on the ability of humanitarian organizations to comprehensively respond to emerging needs. To reach the displaced, given the limitations imposed by insecurity, partners are looking at ways of reaching the displaced from, and in other locations. In early March [2007], the first AMISOM troops arrived in Mogadishu. It is hoped that the deployment will improve the security environment for the delivery of humanitarian assistance.

“Restricted access continues to characterize areas of southern Somalia, particularly the Juba regions. Lack of access to main airstrips in other key locations such as Merka (Lower Shabelle), Jowhar (Middle Shabelle) and K50 (Mogadishu) also undermines efforts to re-engage on a level that would facilitate a commensurate response to humanitarian needs. In this respect, discussions are ongoing with the TFG to address the situation. On a more positive note, since the cessation of major hostilities, a greater number of missions and movements of aid workers have been possible and efforts to reengage continue. Continued improved access in Galkayo (Mudug) is enabling aid organizations to respond to underserved IDPs in the area. Along the Kenyan-Somali border, progress was finally made in terms of cross-border movement of humanitarian supplies; at the time of drafting supplies were crossing without problems. Cross-border movement of asylum seekers, on the other hand, remains impossible and an outstanding concern.” [26b] (Highlights)

- 28.03 The report gave a breakdown of recent developments, which reflected the difficulties of obtaining information within the country:

“Almost all the population movements recorded during February [2007] were from Mogadishu to flee the increasing violence in the city. Insecurity, fear of attacks, removal from public buildings and outright violence were the reasons cited for the movements. As of 8 March [2007], UNHCR received reports of over 40,000 people leaving Mogadishu in the past month. The figures are based on field reports that remain hard to confirm. Nearly 20,000 have reportedly gone to Lower Shabelle, mainly to the areas of Ceelasha, Xaawo Cabdi, and Lafole (all located on the road between Mogadishu and Afgoye) as well as Qoryoley town. Another 8,500 have moved to Bay region, primarily to Baidoa and the surrounding villages. Many of those moving to Baidoa, are said to be originally from the area and became IDPs in Mogadishu over the past years. Another 900 have moved to Gedo under similar circumstances. Approximately 4,500 have moved to Middle Shabelle, primarily to Jowhar town and Balad district. An estimated 3,000 have moved to Hiran region, mainly Beletweyne. The rest are scattered throughout other regions of Somalia, some as far as Hargeisa (Somaliland).

“Many of the IDPs who traveled long distances to Hiran and Puntland reported harassment at illegal road blocks and attempted robberies as they traveled to their destination. The vast majority of those who left Mogadishu moved to areas where they benefit from clan support, or moved in with host communities. Those who left Mogadishu mostly also had the resources to do so. With fewer assets and nothing to pay their way, IDPs in Mogadishu primarily moved to safer areas in the northern districts of the city. Due to restricted mobility stemming from insecurity, these movements are hard to quantify and ascertain.

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

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

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

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

- 28.06 The report added:

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

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

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

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

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

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

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RETURNING REFUGEES

29.01 As noted in the JFFMR March 2004:

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

29.02 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2007, referring to Somalia, noted:

"UNHCR helped repatriate almost 1,500 Somali refugees between January and August 2006, bringing the total number of assisted returnees to some 496,000. Another 8,500 refugees returned without UNHCR support. In addition, UNHCR was providing assistance to some 850 refugees in 'Somaliland'" [23d] (p137)

29.03 The report added:

"The lack of central and local authorities and poor governance over the past 15 years, compounded by the renewed fighting, continue to pose obstacles for relief and return operations in central and southern Somalia. Public infrastructure and services have crumbled, and the majority of skilled Somalis have left or plan to leave the country for better opportunities.

"A prolonged drought in 2005 and floods in 2006 have further weakened food security. An estimated 1.4 million people in northern, central and southern Somalia continue to face a humanitarian emergency. Environmental damage caused by charcoal burning and the overuse of firewood, as well as a ban on the export of livestock to Saudi Arabia, have adversely affected the economy. As a result, Somalia continues to face high malnutrition rates, worsened by poor health and hygiene conditions.

"The authorities, particularly in central and southern Somalia, have very limited capacity to deal with the existing problems. The lack of basic services in most parts of the country makes it difficult to integrate returnees and IDPs. Finally, the shortfall in funding for recovery and development activities by UN agencies and NGOs, and a total absence of bilateral aid, is a continuing constraint." [23d] (p139)

UNHCR POSITION ON THE RETURN OF REJECTED ASYLUM SEEKERS

29.04 The following are extracts from the UNHCR's position paper of January 2004:

"Although the levels of faction and large-scale inter-clan conflicts may have reduced in southern Somalia, insecurity continues to be a significant problem. Lives continue to be threatened by violence, crime, clan feuds, lack of justice as well as poverty. Furthermore, humanitarian agencies have real problems gaining access to many areas. Militia loyal to different strongmen succeed one another in a perpetual move to establish a sustainable control on certain areas. There is a constant fear of abrupt change in clan balance

shaking up fragile territorial power bases. This often leads to conflicts between clans and factions. Mines have been laid in many areas as part of current conflicts to either mark territorial control or prevent the movement of people. Moreover, the lack of any effective governing administration may render it impossible for countries with rejected Somali asylum seekers to embark on any comprehensive and coordinated dialogue aiming at removing such cases. Consequently, UNHCR considers that persons originating from southern Somalia are in need of international protection and objects to any involuntary return of rejected asylum-seekers to the area south of the town of Galkayo.” [23a] (p9)

“Despite the fact that security, stability and governance prevail in Somaliland and to an increasing extent in Puntland, the conditions are not generally favourable for the forced return of large numbers of rejected asylum-seekers. While the restoration of national protection, in line with protection standards applicable to all other citizens, is not likely to be a problem for persons originating from these areas, the weak economy, which offers few employment opportunities, and the lack of sufficient basic services, result to [sic] an environment which is not conducive to maintaining harmonious relations among the population. Therefore, UNHCR advises against indiscriminate involuntary returns. It is recommended that cases be reviewed individually, and that States take into consideration the particular circumstances of each case (age, gender, health, ethnic/clan background, family situation, availability of socio-economic support), in order to determine whether possible return of the individuals/families in question can be sustainable, or whether they should be allowed to remain on their territory on humanitarian grounds.” [23a] (p10)

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

“Somali women who unsuccessfully but credibly based their asylum claims on issues related to gender-based persecution should not be subject to involuntary return to any part of Somalia. While authorities in Somaliland and Puntland are to varying degrees prepared to work towards reducing

harmful traditional practices and enhancing respect for the rights of women, they have as yet no real means to enforce such slowly emerging policies for the tangible benefit of women.” [23a] (p10)

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

“States considering the involuntary return of rejected asylum-seekers to Somaliland and Puntland should take careful account of the potential impact of their actions in relation to the already over-stretched community coping mechanisms and basic services, coupled with a weak economy. Forced returns, particularly if implemented in large numbers, could jeopardize the on-going peace, reconciliation and recovery efforts of the administrations and people, which are only modestly being supported by the international community.” [23a] (p11)

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

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

- 29.06 The UNHCR stated in the same document:

“5. In this connection, UNHCR underlines that an internal flight alternative is not applicable in Somalia, as no effective protection can be expected to be available to a person in an area of the country, from where he/she does not originate. In this regard, considerations based on the prevailing clan system are of crucial importance.

“6. Therefore, international protection should not be denied on the basis of the internal flight alternative. Such a denial would effectively condemn the persons in question in a form of internal displacement, which brings along a high risk of denial of basic human rights and violation of socio-economic rights, exacerbating the already high levels of poverty and instability for both the individual and the community. It is especially important to note the likely weakened position of the women, children, elderly and physically and/or mentally disabled, whose overall exploitative circumstances could be expected to increase.

“7. UNHCR acknowledges that not all Somali asylum-seekers may qualify for refugee status under the 1951 Convention. However, UNHCR

considers that asylum-seekers originating from southern and central Somalia are in need of international protection and, excepting exclusion grounds, should be granted, if not refugee status, then complementary forms of protection.

- “8. Correspondingly, UNHCR re-iterates its call upon all governments to refrain from any forced returns to southern and central Somalia until further notice.
- “9. As regards forced returns to northern Somalia, while some returns are possible under certain conditions, notably where there are clan links within the area of return and effective clan protection, large-scale involuntary returns should be avoided. Persons not originating from northern Somalia should not be forcibly returned there.” [23b] (p2)

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FOREIGN REFUGEES

- 30.01 The United States Department Report on human rights practices, Somalia, covering 2006, (USSD report for 2006) stated:

“The 1990 constitution and TFC do not include provisions for the granting of asylum or refugee status in accordance with the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and there was no official system for providing such protection. The authorities provided some protection against refoulement, the return of persons to a country where they feared persecution, and in practice the authorities granted refugee status or asylum.

“The authorities in Somaliland cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.”
[2a] (Protection of Refugees)

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CITIZENSHIP AND NATIONALITY

31.01 The requirements for Somalian citizenship are given in Law No 28 of 22 December 1962 – Somali Citizenship. [23c]

31.02 As this legislation is not being applied, we can provide no information on the acquisition of citizenship. There are reports that Somali passports can be readily acquired, and the BBC, in an article dated 18 November 2004, stated:

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

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

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

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EMPLOYMENT RIGHTS

TRADE UNIONS AND THE RIGHT TO STRIKE

- 32.01 The United States Department Report on human rights practices, Somalia, covering 2006, (USSD report for 2006) stated:

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

“In August 2005 the Somali Journalists Network met in a general assembly for the first time in 15 years and amended their constitution to form the NUSOJ, which is a self-described trade union. In June [2006] Islamic Courts militia raided and shut down the NUSOJ office in Mogadishu, threatening members of the NUSOJ executive committee with death if they did not leave the office and confiscating the union's financial documents, archives, and union seal. The Islamic Courts later returned the organization's materials and NUSOJ resumed activity. In December NUSOJ Secretary General Omar Faruk was arrested as he was trying to board an international flight. He was detained by the Islamic Courts for 12 hours and released. At year's end [2006] his confiscated passport and computer had not been returned.

“The Somaliland Trade Union Organization (SOLTUO), formed in 2004, claimed to have 26,000 members representing 21 individual unions. It has received assistance from the International Labor Organization (ILO) and claims to be democratic and independent. However, there were no reports of activities undertaken by the SOLTUO during the year [2006].” [2a] (**The Right of Association**)

EQUAL EMPLOYMENT RIGHTS

- 32.02 The USSD report for 2006 stated:

“Although the TFC and the Somaliland Constitution both include provisions for acceptable working conditions, there was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year [2006]. There is no national minimum wage. With an estimated 43 percent of the population living in extreme poverty, earning a per capita income of less than \$1 (approximately 1,700 Somali shillings) per day, there was no mechanism to attain a decent standard of living for workers and their families.” [2a] (**Acceptable Conditions for Work**)

FORCED LABOUR

- 32.03 The USSD report for 2006 noted:

“The pre-1991 Penal Code and the TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred ... It could not be confirmed whether it continued to be the case, as had been reported the previous year, that local clan militias forced members

of minority groups to work on banana plantations without compensation or that in Middle and Lower Juba and Lower Shabelle Bantus were used as forced labor.” [2a] (Prohibition of Forced or Compulsory Labor)

- 32.04 As noted in the Report of the Joint British-Nordic Fact-Finding Mission (JFFMR) of March 2004, members of minority groups were subjected to forced labour by majority clans in southern and central regions, though the prevalence of the practice could not be confirmed. Members of majority clans were dependent on the farming skills of minority groups. They are promised either food or money for their work; however, usually no payment is given. Minority clans are not in a position to object to this practice. If they refuse to work, or if they demand payment, they could be killed. [7c] (p32-33)

CHILD LABOUR

- 32.05 The USSD report for 2006 noted:

“The pre-1991 labor code and the TFC prohibit child labor; however, child labor was a problem. The country is not a signatory of ILO Convention 138 on minimum age or 182 on worst forms of child labor.

“There were reports of militias recruiting children, and reports that the Islamic Courts used child soldiers in recruiting efforts and rallies (see section 5). Formal employment of children was rare, but young persons commonly were employed in herding, agriculture, and household labor from an early age. UNICEF estimated that from 1999 to 2005, 36 percent of children between the ages of five and 14 were in the workforce – 31 percent of males and 41 percent of females; however, it was believed that the actual percentage was even higher. The lack of educational opportunities and severely depressed economic conditions contributed to the prevalence of child labor.” [2a] (Prohibition of Child Labor and Minimum Age for Employment)

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Annex A - Chronology of major events

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

- 1995** UN peacekeepers left, having failed to achieve their mission.
- 1996** Warlord Muhammad Aideed died of his wounds and was succeeded by his son, Hussein.
- 1998** Puntland region in northern Somalia declared unilateral independence.
- 2000** **August:** Clan leaders and senior figures met in Djibouti and elected Abdulkassim Salat Hassan president of Somalia.
- 2000** **October:** Hassan and his newly-appointed prime minister, Ali Khalif Gelayadh, arrived in Mogadishu to heroes' welcomes.
- 2000** **October:** Gelayadh announced his government, the first in the country since 1991.
- 2001** **April:** Somali warlords, backed by Ethiopia, announced their intention to form a national government within six months, in direct opposition to the country's transitional administration.
- 2004** **August:** A new transitional parliament was inaugurated at ceremony in Kenya. In October the body elected Abdullahi Yusuf as president.
- 2004** **December:** Prime Minister Ali Mohammed Ghedi was approved in office by parliament. Large waves generated by an undersea earthquake off Indonesia hit the Somali coast and the island of Hafun. Hundreds of deaths were reported; tens of thousands of people were displaced.
- 2005** **May:** An explosion killed at least ten people and injured many more at a rally in Mogadishu where Prime Minister Ali Mohammed Ghedi was giving a speech.
- 2005** **February – June:** Somali government began to return to Somalia from Kenya, but there are bitter divisions over where in Somalia the new parliament should sit.
- 2005** **November:** Prime Minister Ali Mohammed Ghedi survived an assassination attempt in Mogadishu. Gunmen attacked his convoy, killing six people.
- 2006** **February:** The transitional parliament met in Somalia – in the central town of Baidoa – for the first time since it was formed in Kenya in 2004.
- 2006** **March and May:** Scores of people were killed and hundreds injured during fierce fighting between rival militias in Mogadishu. It was the worst violence in almost a decade.
- 2006** **June-July:** Militias loyal to the Union of Islamic Courts (UIC) took control of Mogadishu and other parts of the south after defeating clan warlords. A political stand-off emerged between the Islamic Courts and the transitional government based in Baidoa.
- 2006** **July-August:** Mogadishu's air and seaports are re-opened.
- 2006** **September:** The transitional government and the Union of Islamic Courts began peace talks in the Sudanese capital, Khartoum. President Yusuf was

the target of Somalia's first known suicide bombing targets outside parliament in Baidoa.

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

Source: [8g]

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Annex B - Political organisations

Islamic Union Party (al-Ittihad al-Islam)

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

DSA (Digil Salvation Army)

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

JVA (Juba Valley Alliance)

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

RRA (Rahawayn Resistance Army)

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

RSA (Rahawayn Salvation Army)

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

SDM (Somali Democratic Movement)

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

SNA (Somali National Alliance)

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

SNF (Somali National Front)

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

SNSC (Somali National Salvation Council)

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

SPM (Somali Patriotic Movement)

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

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

SPA (Somali Peace Alliance)

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

SRRC (Somali Reconciliation and Restoration Council)

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

SRSP (Somali Revolutionary Socialist Party)

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

SSA (Somali Salvation Alliance)

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

SSDF (Somali Salvation Democratic Front)

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

USC (United Somali Congress)

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

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

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

USP (United Somali Party)

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

SAMO (Somali African Muki Organisation)

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

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Annex C - Somali clan structure

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

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

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Annex D - Main minority groups

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

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

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

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

Minority group: **MIDGAN (GABOYE)**
 Ethnic origin: Samale
 Est. pop: 0.5%
 Location: Scattered in the north and central Somalia, Hiran, Mogadishu and Kismayo
 Language: Somali (Mahatiri)
 Religion: Islam
 Clan affiliation: Isak in Somaliland, Darod in Puntland Hawadle, Murasade and Marehan in Galgaduud region [26a] (p3)
 Traditional skill: Shoemakers

Minority group: **TUMAL and YIBIR**
 Ethnic origin: Samale
 Est. pop: 0.5% and 0.5%
 Location: North and Central Somalia, Hiran, Mogadishu and Kismayo
 Language: Somali dialect of the clan to which they are attached [7a] (p58)
 Religion: -
 Clan affiliation: Isak in Somaliland, Darod in Puntland Hawadle, Murasade and Marehan in Galgaduud region [26a] (p3)
 Traditional skill: Blacksmiths/Hunters

Minority group: **ASHRAF**
 Ethnic origin: Arab immigrants from Saudi Arabia
 Est. pop: 0.5%
 Location: Merka, Brava, Bay and Bakool
 Language: Mainly May, some Mahatiri
 Religion: Islam
 Clan affiliation: Rahanweyn
 Traditional skill: Farmers and Pastoralists

See also Section 20.08 Minority groups.
[26a] (p11-12)

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Annex E - Prominent people

Col Barre “Hiirale” Aden

Leader of the Juba Valley Alliance (JVA), which controls the surrounding Juba valley area. He is a member of the TFP and was named in the cabinet but has so far declined to be sworn in as a minister. He is from the Marehan sub-clan of the Darod clan. [10d]

Mohamed Qanyare Afrah

Mogadishu faction leader allied to Mr Aideed and Minister of National Security in Mr Ghedi's cabinet. A member of the SRRC (Somali Reconciliation and Restoration Council). [17a] (p9)

Abdullahi Yussuf Ahmed

Interim president in the Federal Transitional Parliament (FTP). Mr Abdullahi is a former Somali Salvation Democratic Front (SSDF) leader and a former President of Puntland. [17a] (p9)

Sheikh Sharif Sheikh Ahmed

Head of the Union of Islamic Courts' (UIC) 15-member executive committee. [8b] [10g] The UIC was expelled from Mogadishu in December 2006, and its organisation within Somalia has been effectively shattered. [8d] In February 2007, he was reported to have been allowed to leave Kenya, where he had been detained, for the Yemen, where he had been granted refuge. [8e]

Hussein Mohamed Aideed

Son of General Aideed. Mr Aideed is Minister of Internal Affairs in the cabinet of Mr Ghedi. A member of the SRRC, his USC/SNA forces control much of south Mogadishu and large tracts of southern Somalia. [17a] (p9)

Abdirahman Mohamed Ali

A former general in the Somali army, appointed as Defence Minister in the cabinet of Mr Ghedi. [17a] (p9)

Sheikh Hassan Dahir Aweys

A leader of the Islamist group which controlled much of southern Somalia, including the capital, Mogadishu. The United States says it will refuse to deal with him, as he has been on the US list of people “linked to terrorism” since shortly after the 9/11 attacks in 2001. He is the head of the UICs' Shura, a consultative body, while Sheikh Sharif Sheikh Ahmed, previously Chairman, now heads the executive committee. [8b] [10g] The UIC was expelled from Mogadishu in December 2006, and its organisation within Somalia has been effectively shattered. [8i] There is no reliable information as to his present whereabouts.

Hassan Abshir Farah

A former Prime Minister of the TNA and former Interior Minister of Puntland. [17a] (p9)

Ali Mohamed Ghedi

Interim Prime Minister in the FTP. Mr Ghedi has taught at Mogadishu University and worked for the AU. He has no formal links to armed groups. [17a] (p8)

Abdikassim Salat Hassan

Former interim President in the Transitional National Assembly (TNA). Mr Hassan has close ties with the Islamic courts and the business community in Mogadishu. [17a] (p9)

Gen Ade Muse Hirsi

President of the self-declared autonomous region of Puntland. Lived in exile in Canada but returned to Somalia in 2001 to lead opposition forces against Abdullahi Yusuf, then leader of Puntland, until 2003 when they signed a peace deal. He is from the Majeerteen sub-clan of the Darod clan. [10d]

Gen Muhammad Said “Morgan” Hirsi

Siad Barre’s son-in-law and former Defence Minister. He controlled Kismayo until his forces were defeated by forces led by Hiirale and Serar in 1999. He is a member of the Majeerteen sub-clan of the Darod clan. A member of the SRRC. [10d] [17a] (p9)

Dahir Riyale Kahin

President of the self-styled Somaliland Republic. Relatively new to politics, before being appointed Vice-President in 1997 his only experience of public administration was a 15-year stint as a secret police officer under the Siad Barre regime. [17a] (p9)

Ali Hassan “Ato” Osman

Construction Minister in the cabinet of Mr Ghedi. A former chief financier of General Aideed, his United Somali Congress (USC)/Somali National Alliance (SNA) forces control parts of south Mogadishu. He also belongs to the SRRC. [17a] (p9)

Mohamed Ali Aden Qalinleh

Former RRA spokesman. Appointed Governor of the RRA administration in the Bay region in 1999. [17a] (p9)

Mohamed Nur Shatigudud

President of the self-declared regional administration of south-western Somalia: one of five co-chairmen of the SRRC, and Minister of Agriculture in Mr Ghedi’s cabinet. [17a] (p9)

Ahmed Mohamed Mohamoud Silanyo

Presidential candidate for the Kulmiye party in the Somaliland elections. A former Chairman of the Somali National Movement (SNM). [17a] (p9)

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Annex F - List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EBRD	European Bank for Reconstruction and Development
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
FTP	Federal Transitional Parliament
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organization for Migration
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation in Europe
STC	Save The Children
STD	Sexually Transmitted Disease
TB	Tuberculosis
TFA	Transitional Federal Assembly
TFG	Transitional Federal Government
TI	Transparency International
UIC	Union of Islamic Courts (also referred to as Islamic Court Union, Supreme of Islamic Courts Council and Islamic Courts Council)
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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