

COUNTRY OF ORIGIN INFORMATION REPORT

SOMALIA

28 FEBRUARY 2007

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by Research, Development and Statistics (RDS), 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 6 February 2007. The 'latest news' section contains further brief information on events and reports accessed from 6 February 2007 to 27 February 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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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,

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Latest News

EVENTS IN SOMALIA, FROM 6 FEBRUARY 2007 TO 27 FEBRUARY 2007

- 24 February **Red Cross appeal for human rights to be respected in Somalia**
International Committee of the Red Cross (ICRC) (via reliefweb), Somalia: ICRC calls for protection of civilians caught up in clashes in Mogadishu, 24 February 2007
<http://www.reliefweb.int/rw/RWB.NSF/db900SID/EK0I-6YS3BZ?OpenDocument>
Date accessed 27 February 2007
- 23 February **A detailed overview of recent violence, and political developments**
Power and Interest News Report (PINR), Somalia reverts to political fragmentation, 23 February 2007
http://www.pinr.com/report.php?ac=view_report&report_id=621&language_id=1
Date accessed 27 February 2007
- 22 February **Peacekeeping force authorised**
UN Office for the Co-ordination of Humanitarian Affairs, Integrated Regional Information Networks (IRIN), Gov't [Government] welcomes authorisation of peacekeeping force, 22 February 2007
<http://www.irinnews.org/Report.aspx?ReportId=70315>
Date accessed 27 February 2007
- 20 February **Media ban imposed**
UN Office for the Co-ordination of Humanitarian Affairs, Integrated Regional Information Networks (IRIN), Government bans media reports of displacement, rocket and mortar fire, 20 February 2007
<http://www.irinnews.org/Report.aspx?ReportId=70274>
Date accessed 27 February 2007
- 16 February **Dfficulties facing relief agencies operating within Somalia**
United States Agency for International Development (USAID) (via reliefweb), Somalia: complex emergency fact sheet # 8, 16 February 2007
<http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-6YGTVN?OpenDocument&rc=1&cc=som>
Date accessed 27 February 2007

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The Somali Democratic Republic humanitarian country profile

UN Office for the Co-ordination of Humanitarian Affairs, Integrated Regional Information Networks (IRIN), February 2007

<http://www.irinnews.org/country.aspx?CountryCode=SO&RegionCode=HOA>

Date accessed 27 February 2007

Background note: Somalia

US Department of State, February 2007

<http://www.state.gov/r/pa/ei/bgn/2863.htm>

Date accessed 27 February 2007

Background Information

GEOGRAPHY

- 1.01 As recorded in Europa Regional Surveys of the World online version:
- “The Somali Democratic Republic lies on the east coast of Africa. After the overthrow of Mohamed Siad Barre’s regime by the United Somali Congress (USC) in 1991, hostilities between rival insurgents, exacerbated by clan-based enmities and regionally-based territorial aspirations, proliferated nation-wide. The UN’s largest ever peace-keeping operation (UNOSOM II, initiated in 1993) failed and its associated troops and civilian personnel were evacuated. No sustained progress towards resolving Somalia’s multi-factional conflict was achieved until after mid-2000 when a charter was approved paving the way for Somalia’s transition to a federal democracy. In early 2005 the Prime Minister, Ali Mohammed Ghedi, announced from exile in Kenya a new 91-member Cabinet and declared his intention to return the Government to Somalia. Mogadishu is the capital. The national language is Somali.” [1a] (Location, Climate, Language, Religion, Flag, Capital)
- 1.02 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2006 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)
- 1.04 The JFFMR December 2000 indicated that in addition to these languages some minority groups speak their own language; the Bajuni, for example, speak Ki-Bajuni. However in all contacts with the Somali – speaking population there would be a need to speak at least some Somali. [7a] (p26)

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

MAP

1.05 Map of Somalia.



Map No. 3890 Rev. 6 UNITED NATIONS
July 2004

Department of Peacekeeping Operations
Cartographic Section

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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12 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 February 2007. Older source material has been included where it contains relevant information not available in more recent documents.

ECONOMY

- 2.01 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2006, 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. By contrast, 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 April and November 2000 and several similar deliveries arrived in Mogadishu under the Transitional National Assembly (TNA) from 2000-03. 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 profile noted:

“The economy is likely to have contracted in recent years because of the impact of the ban on livestock imports imposed by Saudi Arabia and other Gulf states. Economic activity was further hampered by the US-led international seizure of assets of the *Al-Barakat* money transfer company in November 2001, which stemmed the flow of overseas remittances from the Somali diaspora. In the first half of 2001 inflation rose dramatically throughout the country as substantial amounts of foreign-printed currency were injected into the economy. Generally, food insecurity is the main cause of significant change in the inflation rate.” [17a] (p17)

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HISTORY

COLLAPSE OF CENTRAL GOVERNMENT AND CIVIL WAR

3.01 Europa 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 and the SPM agreed to co-ordinate their separate military campaigns to overthrow Siad Barre. In October [1990] 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, 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 [1990] 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 11 September 2006, 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 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)

PEACE INITIATIVES 2000-2006

3.04 The US State Department in its Background Note of October 2006 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.

“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, with Shariff Hassan Sheik Adan as its Speaker. 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)

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

3.05 Europa reported:

16 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 February 2007. Older source material has been included where it contains relevant information not available in more recent documents.

“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

3.06 Europa noted:

“In July 1998 Col Abdullahi Yussuf Ahmed, a former leader of the SSDF, announced the formation of ‘Puntland’, a new autonomous administration in north-eastern Somalia. In August 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 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 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 Yussuf was elected President of Somalia ... 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'

3.07 The Foreign and Commonwealth Office (FCO), in its Country Profile on Somalia dated 11 September 2006, 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)

3.08 The FCO profile 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 Power and Interest News Report (PINR) in an article dated 1 January 2007 reported:

“With the defeat and dissolution on December 27 [2006] of the Islamic Courts Council (I.C.C.), which had sought to unify Somalia in an Islamic state based on Shari'a law, at the hands of the country's clan-based and internationally recognized Transitional Federal Government (T.F.G.), propelled to victory by major Ethiopian military action, Somalia opens a new chapter of its chaotic political history.

“From the I.C.C.'s takeover of Somalia's official capital Mogadishu from the warlords who had divided it and then dispersed – as the I.C.C. now has done – until its recent expulsion from the city, the Courts movement had taken Somalia through an attempted Islamic revolution that extended through most of the country south of the breakaway sub-states of Somaliland and Puntland.

“Now that the I.C.C. has disbanded its institutional structure and most of its fighters have returned to support their clans, the revolution is over. Even if the hard line elements of the I.C.C. regroup their forces -- estimated to number 3,000 – in Somalia's deep south and mount a guerrilla war, they will be just another player in a decentered game; it will only add an Islamist insurgency to Somalia's myriad other conflicts. The I.C.C.'s majority of moderates have no taste for a guerrilla war and will recede into their respective sub-clans: Somalia will revert to its accustomed condition of political entropy.” [14a] (p1)

- 4.02 The report added:

“On December 30 [2006] in Mogadishu, Ethiopian forces were keeping a low profile and the T.F.G.'s prime minister, Ali Mohamed Gedi, was working to install his government and promising that he would disarm clan militias. Addis Ababa would like to withdraw its troops and armor from Somalia as quickly as possible to avoid an armed backlash against its presence and to stop the drain on its resources; Gedi wants the Ethiopians to stay for at least a month longer to secure his position. Disarmament is unlikely to occur as the sub-clans adopt a self-protective posture, the warlords return to reclaim their former positions, and Ethiopia stays out of the picture, leaving insufficient T.F.G. forces to carry out the mission. After a day of calm in Mogadishu, gun fire has resumed, although there are no signs of insurrection.

“With the appointment of Osman Boqore as the T.F.G.'s new parliamentary speaker, Gedi has eliminated his major rival Sharif Hassan Sheikh Adan, who had attempted to broker a reconciliation agreement between the T.F.G. and I.C.C. Nonetheless, the rise of Gedi to a central position for the moment does not betoken the emergence of a strong central government in Somalia. The Ethiopians will withdraw and the T.F.G. will not have the power to prevent political fragmentation.

“Addis Ababa has accomplished its own mission in Somalia, which was to eliminate the threat of an Islamic state on its eastern border, and is content

to leave the country in a condition of political weakness. Having leagued with the warlords and Puntland militias, as well as the T.F.G., in its campaign against the I.C.C., and needing to mend its relations with Somaliland, which is resistant to unification with the T.F.G. and has serious border disputes with Puntland, Addis Ababa is unlikely to give whole-hearted support to Gedi. Since Somalia launched an unsuccessful irredentist war against Ethiopia in 1977 to gain control of the latter's ethnic-Somali Ogaden region, Addis Ababa has striven to keep Somalia fragmented and to play factions off against one another. Addis Ababa has not changed that strategy and should not be considered the T.F.G.'s reliable patron." [14a] (p1-2)

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CONSTITUTION

5.01 As recorded in Europa Regional Surveys of the World, online version:

“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 2005 (USSD) recorded that the autonomous ‘Puntland State of Somalia’ also has a Charter. As noted by the USSD, it provides for freedom of expression and 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 October 2006 noted:

“Somalia has no national government at present; however, 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)

PUNTLAND

6.02 The Foreign and Commonwealth Office (FCO), in its Country Profile on Somalia dated 11 September 2006, 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)

SOMALILAND

6.03 The US State Department in its Background Note of October 2006 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 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 FCO in its profile of 11 September 2006 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 [Islamic Courts Union] 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)

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SECURITY SITUATION

- 8.01 The UN Integrated Regional Information Networks (IRIN) in a report dated 29 December 2006 noted:

“The Somali capital of Mogadishu was quiet but tense on Friday [29 December 2006] as thousands of displaced residents who fled their homes earlier in the week stayed away out of fear, local sources in the city said.

“The security situation remained fragile across the country, aid workers said, citing an incident on Wednesday [27 December 2006] when Somali government and Ethiopian troops entered a hospital run by the medical charity, Médecins Sans Frontières (Switzerland) in Dinsor, 130 km southwest of Baidoa.

“The troops threatened Somali staff and confiscated all patients' medical records. ‘It happened on the day after the TFG [Transitional Federal Government] and Ethiopian troops took control of Dinsor town,’ Gustavo Fernandez, head of the MSF-Switzerland mission in Somalia told IRIN on Friday.

‘We have no idea why they took the files - which are confidential by nature and have no other information except the medical information of the patients,’ he added.

MSF has formally protested to both the Ethiopian and Somali governments. ‘We are deeply concerned over this incident, and over our ability to attend to those affected by the current situation,’ Fernandez added. “At the time, there were no war-related patients.” [10n] (p1)

- 8.02 The report added:

“Fighting between rival militias in north Mogadishu displaced thousands of people and claimed the lives of 13 people on Thursday [28 December 2006] after Ethiopian-backed Transitional Federal Government (TFG) forces took the city from the Union of Islamic Courts (UIC) that had controlled it since June [2006].” [10n] (p1)

- 8.03 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) [10q] (p1-2) (Agence France-Presse (AFP) 9 January 2007) [18b] (p1-2)**

- 8.04 The *Power and Interest News Report* (PINR), in an article dated 2 February 2007, gave an overview of recent developments; the article noted:

“After three days of deceptive calm in mid-January [2007], the devolution cycle swung into gear. On January 19 [2007], Steve Bloomfield of Britain's *Independent* newspaper reported that Islamist militias identified by the red scarves worn by their members had taken up positions in four key areas in Mogadishu. On January 20 [2007], insurgents in Mogadishu opened fire on

an Ethiopian convoy, to which the Ethiopians responded by discharging heavy weapons, killing four people. The same day, mortar rounds were fired into Villa Somalia, the seat of the T.F.G. executive. A half-hour firefight ensued, after which Ethiopian armor sealed off the area.

“The I.C.C. [Islamic Courts Council], which had regrouped into militant and conciliatory wings, took responsibility for the attacks through its deputy chairman, Ahmed Qare, who declared: ‘This is a new uprising by the Somali people.’ He added that the only solution to the emerging conflict was genuine reconciliation talks.

“Responding to an incipient insurgency, Ethiopian and T.F.G. forces attempted a crackdown, instituting house-to-house weapons searches primarily in neighborhoods dominated by the dissident Ayr sub-clan, resulting in arrests of suspected I.C.C. sympathizers and in two deaths. Members of parliament loyal to Adan were reported to have gone into hiding, along with people who had ties to the Courts movement. Private citizens were reported to be settling grudges by reporting their adversaries to the T.F.G. as Courts sympathizers.

“On January 23 [2007], Ali Ganey, the new security commander for the Lower Shabelle region, requested assistance from the T.F.G. to stop the proliferation of armed gangs extorting tolls on major roads.

“On January 24 and 25 [2007], disorder spread throughout Somalia. In Mogadishu, four people were injured in a mortar attack on the airport. In the south-central Bay region, three people were killed in inter-clan violence stemming from a dispute over land ownership. In the central Galguduud and Hiraan regions, fighting over pastoral lands and water wells resumed between the Hawadle and Murasade clans, reportedly resulting in 80 deaths. In the deep southern Lower Jubba region, inter-clan conflict broke out in Berhano, and an Ethiopian soldier was killed and another wounded in an attack in the strategic port city of Kismayo.

“Violence continued on January 26 [2007], with five people killed in gun and mortar attacks in Mogadishu. In the central Mudug region, pirate gangs, which had been driven from the town of Haradhere by the I.C.C., were reported to have re-established their bases.

“On January 27 [2007], gunmen attacked a police station in southern Mogadishu, wounding five people, and mortar rounds were fired on an Ethiopian barracks in the northern part of the capital. On the same day, three assassinations were reported following home invasions.

“On January 28 [2007], a police patrol attempting to prevent a carjacking was fired on in Mogadishu and bazooka attacks were reported on two police stations in the city. On January 29 [2007], gunmen attacked another police station, killing one officer and one civilian. Roadblocks manned by gangs extorting tolls were reported to have gone up in the Middle Shabelle region.

“In a telling speech to the transitional parliament meeting in Somalia's provisional capital Baidoa on January 30 [2007], Gedi chastised legislators and government officials for bringing their own militias into the town, along with battlewagons.

“As a result of the upswing in political violence and gang crime, prices of arms in Mogadishu's weapons markets skyrocketed, with the price of an AK-47 rising from US\$50 at the beginning of January [2007] to \$350 at the end of the month; similar increases were registered for rocket propelled grenades, machine guns, anti-aircraft guns and other heavy weapons.

“Although the T.F.G. has attributed the disorder to I.C.C. “remnants,” and the regrouped militant I.C.C. has taken responsibility for some of the attacks (Courts moderates deny any involvement), local observers believe that the violence originates from dissident clan militias, disaffected warlords and common criminals, as well as I.C.C. militants.

“As January ended, Addis Ababa announced that it had already withdrawn one-third of its occupation forces from Somalia and would remove the rest by mid-February [2007], rendering the T.F.G. vulnerable. Local media reported that the Ethiopians had entered a force-protection mode and were keeping a low profile, exposing T.F.G. forces to attacks.” [14b] (**Signs of Devolution**)

POLICE

- 8.05 The USSD report US State Department report on Human Rights Practices 2005 stated:

“The police were generally ineffective. Corruption within the various police forces was endemic. Members of titular police forces throughout the country were often direct players in politically-based conflict, and owed their positions to other politically active individuals. In Somaliland, more than 60 percent of the budget was allocated to maintain a militia and police force composed of former troops. Abuses by police and militia members were rarely investigated, and impunity was a problem. Police generally failed to prevent or respond to societal violence.” [2a] (**Role of the Police and Security Apparatus**)

- 8.06 Reuters Alertnet reported the murder of BBC journalist Kate Peyton in February 2005 on 10 February 2005. The same report gave an insight into the problems facing the police: “The Somali police boss investigating the murder of BBC journalist Kate Peyton has no force to patrol his perilous beat and no money to pay them even if he had.” The article also noted:

“Three years ago Awale headed Mogadishu’s beleaguered police, and he then told Reuters he would dearly like technical help and training from foreign police forces to restore law and order. ‘I ask them to come here and assist us,’ Awale said in 2002. ‘We welcome international assistance with our policing.’ His appeal was never heeded, amid suspicions in Washington in the wake of the September 2001 attacks that the administration he worked for harboured radical Muslims. That government collapsed in 2003, unlamented by the Western nations that had repeatedly brushed aside its requests for help. Siad Barre’s old security chief, Ahmad Jilow Adow, told Reuters in Nairobi lack of trained police meant ordinary people were effectively held hostage by people with guns. ‘We can restore order if we have 10,000 trained policemen,’ Jilow, currently living in Nairobi, said. ‘But we cannot do this without the financial support of the international community. They have to invest the funds.’” [19a] (p1-2)

8.07 The article added:

“In 2000 Jilow came out of retirement to serve as security chief for the same ill-fated government that employed Awale. He watched in consternation as Western nations spent money patrolling the coasts in an expensive counter-terror operation but failed to train his men or fund disarmament. Now Awale is helping a similarly penniless successor administration by using his informal network of unpaid police to find the men who gunned Peyton down in the capital on Wednesday [9 February 2005].” [19a] (p2)

8.08 The report also observed:

“As Awale’s contacts went about their work – some of them greying holdovers from Siad Barre’s era – Somalis expressed sadness at Peyton’s death and doubts about the abilities of the new government formed last year in the relative safety of Kenya.” [19a] (p2)

TORTURE

8.09 The US State Department’s (USSD) Report on Human Rights Practices covering 2005 stated:

“The unimplemented Transitional Federal Charter (TFC) prohibits torture, and the Puntland Charter prohibits torture “unless sentenced by Islamic Shari’a courts in accordance with Islamic law”; however, there were some 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.

“Security forces, police, and militias also abused and beat persons during the year [2005]. During a January 26 to February 7 [2005] mission to Somaliland, the UNIE [UN Independent Expert on Human Rights in Somalia] noted an increase in police brutality in Somaliland. Acts of violence, including several killings, continued against TFG [Transitional Federal Government] supporters or members ...

“On February 2 [2005], 16-year-old Zamzam Ahmed Dualeh was unconditionally freed by authorities and released into the custody of the UNIE. In August 2004 in Hargeisa, Somaliland police arrested and detained Dualeh and Omar Jama Warsame, her taxi driver, on espionage charges; both allegedly were beaten in detention, and Dualeh claimed that six policemen tortured and raped her. In December 2004 Dualeh was tried as an adult without legal representation and sentenced to five years’ imprisonment. The four attorneys retained by local human rights activists to represent Dualeh were detained and sentenced to four years’ imprisonment after they asked the judge to withdraw from the case due to alleged bias; in December 2004 the attorneys were released on appeal after they paid a fine.” [2a] (Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)

EXTRA-JUDICIAL KILLINGS

8.10 The USSD report 2005 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 the right to life occurred in the following contexts: factional militia fighting for political power and control of territory and resources, including revenge reprisals; criminal activities, widespread banditry, settlement of private disputes over property and marriage; and revenge missions after incidents such as rapes, family disagreements, and abductions. The vast majority of killings during the year [2005] resulted from clashes between militias or from unlawful militia activities; several occurred during land disputes, and a number involved common criminal activity. Numerous killings continued as a result of inter-clan and intra-clan fighting between the following groups: The RRA [Rahanweyn Resistance Army] sub-factions in Bay and Bakol regions; the Somali National Front sub-factions in north Gedo; the Awlyahan and Bartire subclans in Buale; the Dir and Habar Gidir subclans in Galkacyo; the Dir and Marehan subclans in Galgudud; the former Transitional National Government and gunmen in Mogadishu; Abgal intra-clan fighting in and around Jowhar; Habar Gidir intra-clan fighting in Mudug; Puntland’s forces and those of Somaliland in the disputed regions of Sool and Sanaag; and General Mohammed Said Hersi Morgan’s Somali Patriotic Movement and those of the Juba Valley Alliance in Kismayu.”

[2a] (Arbitrary or Unlawful Deprivation of Life)

8.11 The USSD report also noted:

“During the year [2005] hundreds of civilians were killed, mostly during inter-clan or intra-clan militia clashes. For example, in the Kenya-Somalia border area of el-Waq, April and July [2005] fighting between the Garre and Marehan clans resulted in dozens of deaths, the displacement of thousands, and the closure of the border crossing in Mandera. In April [2005] fighting in central Somalia, in Galkayo and Obiyo, between subclans Habar Gidir Sa’ad and Habar Gidir Sulieman resulted in numerous deaths. In June [2005] fighting in Beledweyne between militias from the Galje’el and Jajele subclans, reportedly triggered by a land dispute and revenge for the killings of two Jajele men and one Galje’el man, resulted in at least 30 killings.”

[2a] (Arbitrary or Unlawful Deprivation of Life)

8.12 Extra – judicial killings, and attempted assassinations, continue to be reported. On 19 September 2006, the BBC reported:

“Somalia’s interim government has increased security around its base after Monday’s [18 September 2006] assassination attempt on President Abdullahi Yusuf. Cars and people entering and leave the town of Baidoa were being checked, reports the *AP [Associated Press]* news agency.

“Some officials have accused the Islamist group which controls much of southern Somalia of links to the blast.

“At least 11 people were killed after a suicide bomber drove a car into President Yusuf’s convoy.

“He escaped virtually unharmed but his younger brother and a Ugandan security official were among the five people killed in the blast.

“Six attackers were killed in an ensuing gun battle and two were arrested, officials say.

“It is not clear who carried out the attack.” [8g] (p1)

8.13 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.” [8f] (p1)

8.14 The report added:

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

8.15 *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

8.16 As reflected in *Europa Regional Surveys of the World*, online version:

“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 [1999] 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)

8.17 The US State Department in its Background Note of October 2006 stated:

“There are no Somali armed forces. Before the collapse of the Siad Barre regime and dissolution of the national armed forces in 1991, the Somali National Army was made up of the army, navy, air force, and air defense command. Various groups throughout Somalia currently 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.” [31a] (Section C. DISARMAMENT)

9.03 Reuters in a report dated 4 February 2007, noted the arrival of a delegation from the African Union (AU) to assess security prior to the deployment of a peacekeeping force; the article also noted that the AU had had limited success in securing sufficient forces to undertake this task:

“An African Union delegation assessed security in Mogadishu and met with officials of the interim Somali government ahead of a proposed deployment of a peacekeeping force, officials said on Sunday [4 February 2007].

“African leaders meeting in Addis Ababa last week scrambled to find thousands more African Union troops for a peacekeeping force in Somalia

fearing failure to deploy in time could plunge the Horn of Africa country back into anarchy.

“With only 4,000 troops pledged out of the required 8,000, leaders urged more countries to raise more troops.

“On Sunday [4 February 2007], an AU team comprising of military experts visited several installations in the anarchic city where the would-be deployed troops are expected to be based.

“The African Union officials came to look at where the troops will stay,’ Deputy Defence Minister Salad Ali Jelle told Reuters after taking the team around Mogadishu.

“The team's visit to Mogadishu, came at a time when unrest has gripped the city of approximately 10 million [sic] which has lacked central rule since the 1991 ouster of former dictator Mohamed Siad Barre.” [19c] (p1)

9.04 The article added:

“They visited the airport, port and seaport. They seemed content with our preparations,’ Jelle said, predicting deployment would take place very soon after the visit.

“We hope 4,000 troops will be deployed. The troops are expected to come from Uganda, Ghana, Nigeria and other countries including even Burundi.”

“To underscore the challenges to be faced by the AU troops, a senior policeman was shot dead in the streets on Saturday [3 February 2007], in the latest spate of attacks the government says is caused by remnants of the defeated Somali Islamic Courts Council (SICC).” [19c] (p1)

9.05 The IGC, 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.” [31a] (Section E. PEACE OPERATIONS)

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JUDICIARY

- 10.01 As recorded in Europa Regional Surveys of the World, online version:
- “Following the withdrawal of the UN peace-keeping force, UNOSOM, in early 1995, most regions outside of Mogadishu reverted to clan-based fiefdoms where Islamic (Shari’a) law (comprising an Islamic Supreme Council and local Islamic high courts) prevailed. In October 1996 Ali Mahdi Mohamed endorsed a new Islamic judicial system under which appeals could be lodged on all sentences passed by Islamic courts, and no sentence imposed by the courts could be implemented prior to an appeal court ruling. In August 1998 the Governor of the Banaadir administration announced the application of Shari’a law in Mogadishu and its environs thenceforth.”
[1a] (Judicial System)
- 10.02 As noted in the US State Department’s (USSD) Report on Human Rights Practices covering 2005:
- “The unimplemented TFC [Transitional Federal Charter] provides for an independent judiciary; however, there is no national judicial system. The charter replaced the 1990 constitution; however, for many issues about which the charter is silent, the constitution still applies.
- “The charter provides for a high commission of justice, a supreme court, a court of appeal, and courts of first reference. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most regions relied on some combination of traditional and customary law, Shari’a, the Penal Code of the pre-1991 government, or some elements of the three. For example, in September [2005] the managing operator of K-50 airport was killed by a local man who was angry over removal of teashops from the terminal area. An aviation security force apprehended the man, who was turned over to traditional authorities. They summarily found him guilty and condemned him to death. Under the system of customary justice, clans often held entire opposing clans or subclans responsible for alleged violations by individuals.”
[2a] (Denial of Fair Public Trial)
- 10.03 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)**
- 10.04 The BBC in an article dated 11 July 2006 stated:
- “If you go around the city and ask people about the changes in Mogadishu, many would first tell you about how things are more secure, however fragile the security may seem.
- “Car drivers and owners tell you they have no fear of robbery because there is no shelter for the perpetrators under the rule of Islamic courts.

“Those who have mobile phones are happy that now they can answer their calls anywhere.

“But with the young Islamic militia opposed to dancing, television and music, residents fear the future may turn into something like Afghanistan under the Taleban.

“Being Muslims, most residents are reluctant to reject the idea of Islamic rule. Yet they are not happy with what they see as increasing radicalism in the city.

“Robbers are arrested every day and are being put in jail.

“In the 1990s, the first Islamic courts amputated the hands of thieves and stoned to death murderers and rapists.

“One of the UIC’s leaders, Sheikh Sharif Sheikh Ahmed, say [sic] it is not possible to enforce such Islamic punishments now but he says Sharia should become Somalia’s law in the future.” [8c] (p2)

- 10.05 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) [8i] (p2) (IRIN, 8 January 2007) [10q] (p1)

SOUTHERN SOMALIA

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

“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

- 10.07 As reflected in the USSD Country Report for 2005:

“The Puntland Charter has been suspended since the infighting between Abdullahi Yusuf and Jama Ali Jama began in 2001. The Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The Puntland Charter also provides for a Supreme Court, courts of appeal, and courts of first reference. In Puntland clan elders resolved the majority of cases using traditional methods; however, those with no clan representation in Puntland were subject to the administration’s judicial system.

“In July [2005] there was a clash between the traditional justice methods and the state judiciary when Puntland President Adde Musa would not allow blood compensation by the clan of an accused killer of a police officer. President Musa insisted Puntland courts handle the case with the possibility of a death sentence if the accused was found guilty. On July 20 [2005], the

sub-clan of the accused attacked the hotel outside where President Musa and TFG President Yusuf were residing, which resulted in the deaths of several security guards. The subclan also freed their imprisoned clansman.” [2a] (Trial Procedures)

SOMALILAND

10.08 The USSD Country Report for 2005 stated:

“The Somaliland constitution provides for an independent judiciary; however, the judiciary was not independent in practice. Although Somaliland has a constitution based on democratic principles, it continued to use the pre-1991 laws. There was a serious lack of trained judges and of legal documentation in Somaliland, which caused problems in the administration of justice. Untrained police and other 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 has been used to detain and imprison people 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 2005, dated 8 March 2006:

“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. Respect of codified law requiring apprehension with warrants based on sufficient evidence issued by authorized officials; prompt judicial determinations; prompt access to a lawyer or family members; or other legal protections for the detained was rare. There is no evidence of a functioning bail system or equivalent.

“Arbitrary arrest was a problem. Authorities in Puntland and Somaliland arbitrarily arrested journalists during the year [2005] as did faction and militia leaders ...” **[2a] (Arrest and Detention)**

- 11.02 The USSD report stated:

“Lengthy pretrial detention was a problem. Persons were sometimes held for extended periods while awaiting trial. Militias and factions detained persons for unduly long periods without trial and without charge.” **[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 2005:

“Prison conditions remained harsh and life threatening. The main prison in Hargeisa, built in 1942 to hold 150 inmates, held over 800 prisoners. After his January-February visit, the UNIE [UN Independent Expert on Human Rights in Somalia] stated that in comparison to his previous visits in 2002 and 2003, the prison had deteriorated to an appalling condition. The UNIE noted that the prisons lacked funding and management expertise. Overcrowding, poor sanitary conditions, a lack of access to adequate 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. The detainees’ clans generally were required to pay the costs of detention. In many areas, prisoners were able to receive food from family members or from relief agencies.” **[2a] (Prison and Detention Center Conditions)**

12.02 As reflected in the USSD report for 2005, convicted juveniles continued to be kept in jail cells with adult criminals. **[2a] (Prison and Detention Center Conditions)** In addition, the United Nations Commission on Human Rights (UNCHR) in its report by its independent expert Ghanim Alnajjar dated 11 March 2005, and the USSD both cited the practice of parents having their children incarcerated when they want them disciplined; these children were also reportedly held with adults. **[2a] (Prison and Detention Center Conditions) [4a] (p12 & 17)**

12.03 The UNCHR in its report dated 11 March 2005 stated:

“From his discussions with prison inmates, the independent expert noted that prisoners seem, in general, to be treated adequately in Somalia’s prisons. The main problem identified during this mission, and acknowledged by prison officials, concerns the lack of basic care and amenities (medicines, nutrition, etc.) vocational training, and cramped conditions, which could be accounted for by lack of finances rather than a lack of willingness to improve the conditions of those incarcerated. For example, while in Hargeisa, the mission again visited the main prison, which was built in the 1940s to hold about 150 prisoners, but today houses over 800 inmates. The independent expert noted that, compared to his previous visits in 2002 and 2003, the prison had deteriorated to an appalling condition. In this regard, the independent expert notes that support from the international community and NGOs working on prison conditions and treatment would be welcomed. During his mission, the independent expert raised the issue of the treatment of female prisoners in Somalia. Following the independent expert’s request in an earlier mission to establish a special unit in each police station staffed by women, and the success of such experiments thus far, he calls upon all authorities in Somalia to follow such a model.” **[4a] (p9-10)**

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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)

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POLITICAL AFFILIATION

14.01 The USSD report noted:

“The country is fragmented into three autonomous areas: the Transitional Federal Government (TFG) in the south, the self-declared Republic of Somaliland in the northwest, and the State of Puntland in the northeast. In August 2004 a 275-member clan-based Transitional Federal Assembly (TFA) was selected, and in October 2004 the TFA elected Abdullahi Yusuf Ahmed, former Puntland president, as the Transitional Federal president. In December 2004 Yusuf Ahmed appointed Ali Mohammed Ghedi as Prime Minister. Presidential elections in Somaliland, deemed credible and significantly transparent, were held in April 2003. During Somaliland parliamentary elections in September there was little evidence of election violence or intimidation, and most voters were able to cast their ballots without undue interference. In January [2005] after years of internecine power struggles, Puntland’s unelected parliament selected General Adde Musse as president. The civilian authorities did not maintain effective control of the security forces.” [2a] (p1)

14.02 The BBC in an article dated 26 February 2006 reported:

“Somalia’s parliament has met inside the country for the first time since it was formed in Kenya more than a year ago. The meeting was held in a food warehouse in the central town of Baidoa, far from the dangers of the capital Mogadishu.” [8b] (p1)

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MOGADISHU

14.03 The EIU in its report of August 2006 noted:

“The Union of Islamic Courts (UIC) militia, which run Mogadishu’s network of Islamic courts, took control of most of the capital in early June [2006], after driving out the forces of the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT), a coalition of several Mogadishu-based clan factions formed in February [2006] specifically to counter the city’s Islamist groups ... Fierce street battles between the two groups, which had raged since February [2006], left an estimated 350 people dead, most of them civilians, and some 1,500 others wounded. Islamic leaders claimed victory at a public meeting in Mogadishu on June 5th [2006], when they also occupied the Daynile district of Mogadishu and the former site of the ARPCT headquarters in the capital. The chairman of Mogadishu’s Islamic courts, Sheikh Sharif Sheikh Ahmed, pledged to restore peace and security in the capital in a message broadcast by several radio stations in the city the same day. The meeting came a day after Islamic militia took control of the strategic town of Balad, 30 km north of Mogadishu, in a battle that left another 18 people dead. Balad is on the northern supply route from Jowhar, the former base of the interim government, which included several ARPCT leaders among its ministers.” [17b] (p6-7)

14 04 *Agence France-Presse (AFP)*, in an article dated 7 January 2007, reported an upsurge in violence following the TFG taking control of Mogadishu in

December 2006; including the death of a 13 year girl killed by a stray bullet during an attack on Ethiopian soldiers based in Mogadishu:

“The Islamists were forced to abandon their urban strongholds in southern and central Somalia when joint Somali-Ethiopian forces mounted heavy attacks against their rivals in 10 days of battles that erupted on December 20 [2006].

“Islamist fighters have vowed to wage a guerrilla war to destabilise the weak government and its Ethiopian backers, but no Islamist leaders could be reached Sunday [7 January 2007] for comment on the latest government claim.

“The presence of Ethiopian troops in Mogadishu has sparked street protests but relative calm returned Sunday [7 January 2007], a day after a teenage boy was killed in a demonstration to denounce their stay and a now-postponed disarmament drive.” [18b] (p1-2)

- 14.05 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.” [31a] (Section A. MOGADISHU ADMINISTRATION)

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

- 14.06 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

- 14.07 As recorded in the USSD report for 2005:

“In 1998 Puntland declared itself a regional government during a consultative conference with delegates from six regions, including traditional community elders, the leadership of political organizations, members of legislative assemblies, regional administrators, and civil society representatives. Representatives of Puntland-based subclans chose Abdullahi Yusuf as president. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which played a largely consultative role. Political parties were banned in Puntland. Regional elections in Puntland were held during 2001; however, President Yusuf refused to step down. In November 2001 elders elected Jama Ali Jama as the new President of Puntland, and he assumed power in Garowe. Yusuf refused to accept the decision and militarily seized Garowe, which forced Jama to flee to Bosasso. In 2002 Yusuf occupied Bosasso and declared himself president of Puntland. During 2003 General Adde Musse, a former army general, organized Jama Ali Jama’s militiamen, drawn primarily from the Majerten Osman Mohamoud subclan, and established a base in Somaliland. General Musse’s forces attacked Puntland twice from their base in Somaliland without success. Puntland traditional elders then intervened and brokered a peace agreement between Musse and Yusuf, which was signed in May 2003. In May 2003 the two joined their forces and began sharing power. Mohammed Abdi Hashi, Yusuf’s vice president, assumed the presidency of Puntland after Yusuf’s election in October 2004 as TFG president.” [2a] (Elections and Political Participation)

- 14.08 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

14.09 The EIU, in its Somalia Country Report of August 2006, noted:

“The international unease over the seizure of Mogadishu by conservative Islamists may help the self-declared Republic of Somaliland in its quest for much needed international recognition, since another functioning ally in the Horn of Africa in the US-led ‘war on terror’ could be seen in certain quarters as a benefit worth the price of Somaliland’s recognition as a sovereign state (neighbouring Djibouti hosts both US and French troops). One step towards this objective – Somaliland’s application for full membership of the African Union (AU) made in late 2005 – was unsuccessful, as foreign ministers decided to remove the application from the AU’s agenda of the leaders’ summit in early July [2006]. Dodging the issue will not make it go away; it also undermines the AU’s credibility. Although there has long been a preference in Africa to maintain the borders defined at independence, hence stemming fears of a flood of secessionist claims, Somaliland’s government claims a special case: formerly ruled by Britain, Somaliland was independent for a few days after June 26th 1960, until it voluntarily joined the rest of the formerly Italian-ruled Somalia on July 1st. The EU, the UK and the US are thought to be broadly in favour of officially acknowledging Somaliland’s de facto sovereignty, but none is likely to be the first to grant recognition. Some governments in east and central Africa may privately support Somaliland’s independence bid, but the prospects of any one of them volunteering international recognition continue to be slim.

“Should international recognition come to pass, it would open the doors to significant donor aid, increasing the flow of finances to the government, which is currently reliant for 80% of its revenue on import and export duties, mainly from the port of Berbera.” [17b] (p6)

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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 2005:

"The unimplemented 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; however, demonstrations occurred throughout the country during the year [2005]. The government of Somaliland banned political demonstrations following the closely contested April 2003 multiparty elections ...

"In May [2005] 100 members of the minority Gaboye community were detained after holding demonstrations in Hargeisa in response to a fatal shooting of one of their clansmen by a police officer. They were held incommunicado for a short period and then freed without charge."
[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 2005 stated:

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

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FREEDOM OF ASSOCIATION AND ASSEMBLY

16.01 The USSD report stated:

“During the year [2005] there were a number of apparently politically motivated killings by unknown assailants. In most cases, the victim had made statements in support of the deployment of international peacekeeping forces to the country to facilitate the relocation of the TFG [Transitional Federal Government] from Kenya to Mogadishu, a proposal opposed by various armed groups: some preferred the protection of individual cabinet members’ militias to the imposition of foreign forces, particularly those drawn from neighboring countries; other groups were believed to be allied with domestic Islamist groups opposed to any central government. Observers noted that some of the killings were intended as a warning to the TFA [Transitional Federal Assembly], the TFG, and any outside intervention force. In January [2005] three men shot and killed Abdirahman Diriye Warsame, a veteran of the insurgency against former president Siad Barre. On January 22 [2005], gunmen shot and killed Mogadishu police chief General Yusuf Sarinle. In May [2005] a former military officer, Colonel Mohamed Sa’id Abdulle was killed near his home in Mogadishu. There were at least nine other politically motivated killings of former security officials, activists, or intellectuals during the year [2005]. No suspects had been identified in these cases or in other politically motivated cases from previous years.

“In May [2005] during a rally at the stadium in honor of the TFG prime minister’s visit, an explosive device went off, killing 14 and injuring at least 38 persons. The explosion could have been an accidental discharge of a grenade by a bodyguard, although it remained unclear at the year’s end [2005].” [2a] (Arbitrary or Unlawful Deprivation of Life)

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)

16.03 *Agence France-Presse, (AFP)* in an article dated 7 January 2007, reported protest in Mogadishu, and also in the north of Somalia:

“In Beledweyne, about 300 kilometres (185 miles) north of Mogadishu, Somali forces killed one person and wounded three others at a demonstration to protest the arrest by Ethiopian forces of a police official who released Islamist Sheikh Farah Moalim from prison.

“‘The government forces tried to disperse the people and opened fire and shot one person. He died in the hospital,’ said Osman Adan Ares, a Beledweyne resident.” [18b] (p2)

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FREEDOM OF SPEECH AND MEDIA

- 17.01 The US State Department (USSD) Report on Human Rights Practices covering 2005 stated:

“The unimplemented TFC and the Somaliland constitution provide for freedom of speech and the press; however, there were incidents of harassment, arrest, and detention of journalists in all areas of the country, including Puntland and Somaliland. The Puntland charter provides for freedom of the press ‘as long as they respect the law’; however, this right was not respected in practice.

“A law requires all media to register with the minister of information and imposes penalties for false reporting; however, the law had not been enforced by year’s end [2005]. Critics alleged that if enforced, the law would provide authorities with censorship powers.

“The print media consisted largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally were independent and criticized faction leaders. In its annual survey on press freedom, Freedom House has ranked the country as ‘not free’ every year from 1972-2004.” [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 Gaalcaakyo* 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:

“The majority of citizens obtained news from foreign news broadcasts, primarily the BBC, which transmitted a daily Somali language program. The major faction leaders in Mogadishu, as well as the authorities of Somaliland, operated small radio stations. There were reportedly 11 FM radio broadcasts and 1 shortwave station in Mogadishu. A radio station funded by local businesses operated in the south, as did several other smaller FM stations in various towns in central and southern parts of the country. There was at least one FM station in both Puntland and Somaliland.” [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. [8h] (p3) The profile also noted that Somaliland had two daily newspapers, and a third weekly newspaper produced in the English language. [8h] (p3)

17.07 The CPJ, in a report entitled ‘Attacks on the Press in 2005’, noted:

“Amid ongoing lawlessness, impunity, and increased political tension, journalists faced threats, censorship, arbitrary detentions, and murder. Two journalists were killed and one narrowly escaped assassination. Attacks came from ‘warlords, regional administrations, independent militias, clan-built Islamic courts, armed business groups, and bands of soldiers,’ according to the National Union of Somali Journalists (NUSOJ).” [12a] (p1)

17.08 The CPJ report added:

“Private radio stations have proliferated in Mogadishu and elsewhere, but many continue to struggle to cover Somali issues across regional and clan divides, and to shake off accusations of clan bias. Attacks on the press increased as the TFG [Transitional Federal Government] split. TFG President Abdullahi Yusuf, a Puntlander, refused to move to Mogadishu for security reasons, and Mogadishu-based TFG leaders remained in the capital.” [12a] (p1)

LEGAL POSITION AND ACTUAL PRACTICE

17.09 During 2005, the USSD noted that there were incidents of harassment, arrest and detention of journalists throughout Somalia:

46 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 February 2007. Older source material has been included where it contains relevant information not available in more recent documents.

“During the August [2005] general assembly of the Somali Journalist Network in Mogadishu, delegates pointed out that warlords, regional administrations, independent militias, clan-governed Islamic courts, and armed business groups posed security problems for journalists.

“Harassment of journalists including detention without charge, assaults, and killings increased during the year [2005]. In February [2005] according to BBC news, a BBC international journalist, Kate Peyton, was shot from a passing car in front of her hotel shortly after arriving in Mogadishu. She was reportedly speaking to TFG officials about the security situation and whether it was safe for the government to relocate to Mogadishu. She died later from her wounds. No suspects were identified. In June [2005] a well-known radio commentator and poet was shot and killed in Mogadishu. Also in June [2005] a *HornAfrrik* female reporter was shot and killed while attempting to cover the dismantling of a militia checkpoint in Mogadishu. In September [2005] the chairman of the supreme council, Mohamed Barre Haji, and the secretary general, Omar Faruk Osman, of the National Union of Somali Journalists (NUSOJ) received death threats.

“Numerous journalists were arrested. In April [2005] two journalists in Somaliland were dismissed from *Radio Hargeisa* and subsequently detained reportedly for the sake of national security; they were subsequently released. On June 30 [2005], authorities in Puntland arrested two STN journalists in Bossasso and held them for 13 days before they were released without charges. In September [2005] a journalist was detained after he failed to publish the proceedings of a press conference held by Yusuf Ali, the self-appointed governor of the Hiiran region. Supporters of Yusuf Ali reportedly put a pistol to the journalist’s head and ordered him to tell his editor to publish the press conference. The NUSOJ facilitated the journalist’s release. Militia loyal to Mohamed Dheere detained Abdullahi Kulmiye Adow after a controversial report on the TFG. He was released several days later and expelled from Jowhar. In September the editor of *Kaaha Bari* weekly newspaper, which is the oldest newspaper in Puntland, was arrested after reportedly publishing an article critical of an agreement between Puntland authorities and oil refineries.” [2a] (Freedom of Speech and Press)

17.10 The CPJ in its 2005 report stated:

“Kate Peyton of the BBC, one of several foreign reporters who entered the country to cover the peace process in early 2005, was killed in Mogadishu in January [2005], shocking the journalist community. Peyton was shot from a passing car outside the well-guarded Sahafi Hotel, where other foreign journalists were also staying. Local sources said Peyton, a Briton who had lived in Africa for 10 years, may have been targeted to discourage foreigners and to maintain a climate of insecurity.

“In June [2005], radio journalist Duniya Muhyadin Nur was shot dead while covering a protest in Afgoye, 19 miles (30 kilometers) from Mogadishu. She was a reporter for the Mogadishu-based radio station Capital Voice, owned by the *HornAfrrik* media company.

“In May [2005], veteran journalist Abdallah Nurdin Ahmad, who also works for *HornAfrrik*, was wounded when an unidentified gunman opened fire at close range outside the snack bar Nurdin operated in Mogadishu. The same month, at least two journalists were injured in a huge blast at a Mogadishu

stadium, where they were covering a rally by TFG Prime Minister Ali Mohamed Gedi. At least 15 people were killed in the blast and dozens were injured, according to news reports.

“Executives of NUSOJ (formerly the Somali Journalists Network) complained of death threats via anonymous phone calls during the run-up to a NUSOJ General Assembly in Mogadishu in August. They said unidentified, heavily armed militia members were cruising around the organization’s premises.” [12a] (p1-2)

17.11 The CPJ report noted:

“In August [2005], *HornAfrik* reporter Abdullahi Kulmiye Adow was imprisoned in Jowhar, 56 miles (90 kilometers) north of Mogadishu, for five days by a militia loyal to local faction leader Mohamed Dhere. Dhere is a supporter of TFG President Yusuf, who had recently established a temporary headquarters in Jowhar. Yusuf was appointed interim president in 2004 following two years of peace talks.

“Adow was released without charge but was expelled from the town. Speaking through an interpreter, Adow told CPJ that he was transported out of Jowhar under armed guard and told not to return. Adow’s arrest came after he reported that TFG officials had taken over Jowhar school buildings for their operations, displacing some 1,500 students. *HornAfrik* told CPJ that the station considered it too dangerous to send a reporter back to Jowhar to cover the TFG leadership’s activities there. TFG institutions are supposed to oversee disarmament, demobilization, and a reunification of the country under a loose federal arrangement.” [12a] (p2)

17.12 The CPJ report added:

“In Puntland, journalists who dared criticize the regional authorities or the TFG were frequently intimidated, imprisoned, and censored. TFG President Yusuf continued to wield considerable influence in Puntland, according to local sources.

“Puntland authorities harassed the critical weekly newspaper *Shacab* (Voice of the People). In April [2005], *Shacab* editor Abdi Farah Nur and reporter Abdirashid Qoransey were detained, tried, and acquitted on charges of incitement and insulting the president. Those charges were based on a mid-April [2005] article suggesting that citizens with complaints about the Puntland government contact their representatives in Parliament, and on a reader’s letter criticizing authorities, according to Farah.

“In May [2005], authorities issued a decree ordering *Shacab* ‘temporarily suspended’ for publishing unspecified articles that they claimed could lead to unrest. In June [2005], police arrested Farah after *Shacab* tried to resume publication in defiance of the ban. Farah was released without charge after two and a half weeks but then fled the country, fearing for his life.

“Puntland officials exerted pressure on radio stations in the region to avoid coverage of controversial political issues such as whether neighboring states should be allowed to send peacekeeping troops to Somalia, according to NUSOJ and other local sources. They said members of the public had criticized the government’s stance on such issues during radio

talk shows. Sources told CPJ that, at a press conference in Bossasso in April [2005], Deputy Information Minister Ibrahim Artan Ismail threatened to ban call-in shows. These sources said that the talk shows were continuing but tended to focus on social rather than political issues." [12a] (p2-3)

17.13 The USSD report stated:

"In September [2005] authorities in the Puntland city of Bossasso arrested STN radio editor Awale Jama Salad, who had reported on his July [2005] detention at Bossasso prison, according to NUSOJ. Those reports, broadcast on STN and picked up by some local newspapers, alleged that officials at Bossasso prison were taking bribes to free prisoners and that conditions in the jail spread disease. Authorities accused Awale Jama of defamation and publishing false information, although he had not been officially charged, NUSOJ said. Authorities released Awale Jama after four days of detention in the Bossasso prison and the Puntland Intelligence Service headquarters." [2a] (Freedom of Speech and Press)

17.14 In Somaliland the CPJ report noted:

"In Somaliland, which declared independence from the rest of Somalia in 1991 but has not won international recognition, the government kept the media on a tight leash. Private radio stations were banned. In March [2005], two reporters for government-owned *Radio Hargeisa* were fired after they were accused of working for *Horyaal Radio*, a pro-opposition station based in London. *Horyaal* had begun broadcasting into Somaliland via shortwave and the Internet only days earlier, according to CPJ sources." [12a] (p3)

17.15 The USSD report stated:

"In September 2003 Somaliland's information minister, Abdullahi Mohammed Duale, issued a statement banning independent television and radio stations in Somaliland, alleging that they posed a threat to national security; the ban remained in effect at year's end [2005]. Somaliland Television, which operated under a temporary license, was exempt from the ban. In March [2005] Somaliland police allegedly attempted to shut down a new radio station, *Radio Horyaal*, on the grounds that it was illegal because it was not registered." [2a] (Freedom of Speech and Press)

17.16 Reporters Without Borders in an article dated 23 June 2006 stated:

"Reporters Without Borders said it was appalled by today's murder of Swedish freelance photo-reporter Martin Adler, who was shot by a hooded gunman while covering a street demonstration in Mogadishu.

"Once again a journalist had been gunned down in cold blood and in broad daylight on a Mogadishu street,' the press freedom organisation said. 'Our thoughts go out to Martin Adler's family and friends, whose grief we share. This was an appalling murder, one that turns journalists into pawns in the hands of rival armed clans that use such crimes in their battle for power.'

"Referring to four other foreign and Somali journalists killed in Mogadishu in the past 12 years, the organisation added: 'Like the murders of Kate Peyton, Duniya Muhiyadin Nur, Ilaria Alpi and Miran Hrovatin, this killing should be

exhaustively investigated, and all those responsible should be identified and punished.'

"Adler, who worked for several media including the Swedish daily Aftonbladet, was covering a demonstration by several thousand people today in support of the peace accord reached yesterday between the Islamic courts and the Somali federal transition government. A group of demonstrators had just set fire to an Ethiopian flag when a shot fired by a hooded man hit Adler in the left side of his chest and entered his heart, killing him instantly.

"Somali journalists told Reporters Without Borders they thought the killing was designed to send a message to the Islamic court militias that recently took control of Mogadishu after ousting the warlords that had carved up the city. Those behind the killing probably wanted to show that, contrary to the claims of the heads of the Islamic courts, security has not been re-established in Mogadishu, they said. It may also have been motivated by anti-western sentiment." [15a]

17.17 The Islamic Court issued guidelines regarding safety in Mogadishu shortly after this killing. [10g]

17.18 The BBC in a report dated 11 September 2006 stated:

"A Somali radio station has resumed broadcasting after it was closed down by Islamist leaders for playing local love songs. However, *Radio Jowhar* is no longer playing any music, even jingles. The Union of Islamic Courts, which controls much of the south, is split between hardliners, who want Taleban-style rule, and moderates.

"Some cinemas in Mogadishu have also been closed for showing foreign films but others are allowed to operate.

"The BBC's Hassan Barise in the capital, Mogadishu, says *Radio Jowhar* did not get many adverts and so was dependent on the goodwill of the local administration to continue operating.

"The warlord who controlled Jowhar before being chased out by the UIC in June used to provide free electricity and premises." [8e]

17.19 The report added:

"'It is useless to air music and love songs for the people,' said Jowhar Islamic official Sheik Mohamed Mohamoud Abdirahman.

"Some residents were upset by the radio ban. 'This directive is like the Taliban,' Ali Musse told the *AP [Associated Press]* news agency. 'It is censorship against independent media and freedom of expression.' But others point out that different Islamic Courts have different ideas about what is acceptable. In some parts of Mogadishu, cinemas showing Bollywood films or international football have been closed down but these still operate in other areas of the city.

“Our correspondent says the capital’s radio stations are still broadcasting normally, playing all kinds of music, including western hip-hop and R ‘n’ B.”
[8e]

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

LOCAL HUMAN RIGHTS ORGANISATIONS

18.01 The USSD report noted:

“Security problems complicated the work of local and international organizations, especially in the south. There were reported incidents of harassment against NGOs, resulting in at least three deaths. In April [2005] there were two separate attacks on international aid agencies that claimed the life of one Somali national and injured three, including a foreign nun. In July [2005] assailants broke into the home of peace activist and NGO worker Abdulqadir Yahya Ali who they subsequently shot and killed. In recent years UN staff or consultants were kidnapped, often for use as leverage by ethnic Somali former UN workers dismissed by the organization and seeking compensation. Most hostages were released unharmed after mediation by clan elders. The UNIE [UN Independent Expert on Human Rights in Somalia] reported that four lawyers and human rights defenders were detained in Somaliland. They were later released.

“Attacks on NGOs also disrupted flights and food distribution during the year [2005]. On July 27 [2005], gunmen seized the MV [Motor vessel] Semlow with 10 crewmembers from Kenya, Tanzania, and Sri Lanka, plus 850 tons of food aid sent by the WFP [World Food Programme] for 28 thousand tsunami survivors. In July [2005] the WFP suspended all shipments of humanitarian assistance to the country. An International Maritime Organization report listed the country’s coast as one of the most dangerous areas for piracy. In October [2005] the 10 crewmembers were released and most of the food aid was intact, according to press reports. The release reportedly was orchestrated through a deal between the gunmen and a local businessman.” [2a] (Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

INTERNATIONAL HUMAN RIGHTS ORGANISATIONS

18.02 Freedom House, in its report covering 2004, noted:

“Several indigenous and foreign nongovernmental organizations (NGOs) operate in Somalia with varying degrees of latitude. A number of international aid organizations, women’s groups, and local human rights groups operate in the country” [20a] (p4)

18.03 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)

18.04 The UNSC report of February 2006 also noted:

“There is serious concern in the region and among humanitarian agencies over the persistence of piracy and its impact on humanitarian shipments into

Somalia. The IGAD Council of Ministers, in its communiqué after its meeting in Jawhar on 29 November [2005], decided to coordinate its strategies and action plans to face this common challenge in close collaboration with the international community..." [3a] (p7)

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FREEDOM OF RELIGION

- 19.01 The US State Department's (USSD) Report on Human Rights Practices covering 2005 noted:

"There was no legal provision for the protection of religious freedom, and there were some limits on religious freedom. The unimplemented TFC establishes Islam as the national religion. Some local administrations, including Somaliland and Puntland, have made Islam the official religion in their regions.

"Only *Shafi'iyyah*, a moderate Islamic doctrine followed by most citizens, is allowed in Puntland. Puntland security forces monitored religious activities very closely. In Puntland, religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate; such permission was granted routinely.

"Under the regulations in Somaliland, 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.

"Proselytizing for any religion except Islam is prohibited by law in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operated without interference, 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 actively engaged in the private sector and in political activities throughout the country." [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,

54 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 February 2007. Older source material has been included where it contains relevant information not available in more recent documents.

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 Shabelle 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” [10k]

- 19.07 There are no reports as to how the UIC’s loss of influence may effect this decision (See Union of Islamic Courts (UIC) for further information).

UNION OF ISLAMIC COURTS (UIC)

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

“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.” [10h] (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.” [14a] (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.” [14a] (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.” [14a] (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)

- 19.15 The United Kingdom's Foreign and Commonwealth Office (FCO) does not have any representation in Somalia. However, the south and central areas of Somalia, including Mogadishu, are covered by dedicated staff in the British High Commission in Nairobi. These staff, together with staff from the British Embassy in Addis Ababa, Ethiopia, have regular contact with the Somalia Transitional Government, and many international organisations, agencies, journalists, parliamentarians and other members of the Somali civil society. In its advice note dated 29th January 2007, the FCO made the following observation:

"The Islamic Courts's influence is greatly diminished. There are indications that remnant Islamist extremists might be trying to mount an insurgency style campaign aimed at the Ethiopian forces and Government forces. But such attacks are not clan based and there is no evidence these are affecting security on the streets of Mogadishu, from which the Ethiopian forces have almost entirely withdrawn." [16b] (p3)

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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 2005 stated:

“More than 85 percent of citizens shared a common ethnic heritage, religion, and nomadic-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 estimated that minority groups living in the country might constitute up to one-third of the population, approximately two million persons. Inter-marriage between these groups and mainstream clans was restricted. Some of these groups had limited access to whatever social services were available, including health and education. Minority groups had no armed militias and continued to be subjected to killings, torture, rapes, kidnappings for ransom, and looting of land and property with impunity by faction militias and clan members. These groups continued to live in conditions of great poverty and to suffer 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 As reflected in the JFFMR March 2004, the delegation met with Abdiiaziz Omar Daad:

60 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 February 2007. Older source material has been included where it contains relevant information not available in more recent documents.

“Omar Daad, formerly minister of reconciliation under President Siad Barre from 1986 to 1990, explained that he is a Marehan himself and the nephew of Siad Barre and next to Siad Barre’s son the closest relative. Omar Daad left Mogadishu in 1991 and he has returned there several times since. Omar Daad stated that he works as a mediator in central Somalia and he has been accredited to the peace process in Kenya for the Darod clan. Omar Daad explained that it is too difficult for Marehan to live in Mogadishu as they are conceived to be wealthy because many of them used to work for the Siad Barre regime. He stated that all Marehan clan members would be blamed for the suffering caused by the SiadBarre regime and they risk being killed. Omad Daad estimated that approximately 200 persons of the Marehan clan live in Mogadishu today who are able to stay there only because they have intermarried with members of stronger clans. An independent Marehan could not live in Mogadishu safely and run a business. Omar Daad stated that a Marehan who had worked for the Siad Barre regime could not return to Mogadishu. Even family members of a Marehan who had worked for Siad Barre would have problems today. Any other clan member (e.g. a Hawiye or Habr Gedir) who had worked in the administration (including the police) of Siad Barre would not have any problems returning to Mogadishu today.

“According to Abdi Mamow, members of the Darod clan Majerteen will not be able to reside safely in Mogadishu as the Hawiye clans regard them as a challenge to their power in Mogadishu.” [7c] (p41)

RAHANWEYN CLANS

- 20.07 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

- 20.08 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) [26b] (p1) As reflected in the JFFMR December 2000 certain minority groups, most notably the Benadir and Bravanese, were particularly disadvantaged and targeted by clan militia since the collapse of central authority in 1991. [7a] (p48)
- 20.09 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 2005 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." [26b] (p1)

- 20.10 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)

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GENERAL SECURITY POSITION FOR MINORITY GROUPS

- 20.11 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)

- 20.12 The United Kingdom's Foreign and Commonwealth Office (FCO) does not have any representation in Somalia. The south and central areas of Somalia, including Mogadishu, are covered by dedicated staff in the British

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High Commission in Nairobi. These staff, together with staff from the British Embassy in Addis Ababa, Ethiopia, have regular contact with the Somalia Transitional Government, and many international organisations, agencies, journalists, parliamentarians and other members of the Somali civil society. In its advice note dated 29th January 2007, the FCO stated:

“The risk for minority clans is the same as for majority clans. Individuals, regardless of clan are generally safe, unless they are part of a militia. If two militias clash, for example over a business interest, they may fight. But individuals are not targeted simply because of clan affiliation.” [16b] (p4)

20.13 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.” [31a] (Section I. OVERVIEW)

- 20.14 As the FCO have noted in their advice, emergency laws had been enacted by the TFG. The IGC report reflected the rapidly developing situation, and these factors that may have an indirect effect on the security of minority groups. (IGC 26 January 2007) [31a] The *Power and Interest News Report* (PINR), in its article dated 2 February 2007, also gave an overview of recent security developments. (PINR 2 February 2007) [14b]

BAJUNI

- 20.15 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)
- 20.16 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) [26b] (p5-6)
- 20.17 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. [26b] (p4)
- 20.18 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

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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

- 20.19 As reflected in the US State Department’s (USSD) Report on Human Rights Practices covering 2005 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)
- 20.20 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]
- 20.21 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) [26b] (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)
- 20.22 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)

BENADIRI AND BRAVANESE

- 20.23 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)
- 20.24 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

- 20.25 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

- 20.26 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)
- 20.27 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)
- 20.28 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. [26b] (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 does 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 2005:

"In the absence of a functioning state, the needs of persons with disabilities were not addressed. There were several local NGOs in Somaliland that 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, and it was common to chain such persons to a tree or within their homes for up to seven years." [2a] (Persons With Disabilities)

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WOMEN

- 23.01 The US State Department's (USSD) Report on Human Rights Practices covering 2005 noted:

"Domestic violence against women was a serious problem. There are no laws that specifically address domestic violence; however, both Shari'a and customary law address the resolution of family disputes ... Women suffered disproportionately in the civil war and in the strife that followed. There was no information available on the prevalence of domestic violence in the country. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. UNHCR [UN High Commissioner for Refugees] reported that in refugee camps husbands frustrated by losing their traditional role as provider sometimes abused their wives.

"Laws prohibiting rape exist; however, they generally were not enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year [2005]. NGOs documented patterns of rape of women with impunity, particularly those who have been displaced from their homes due to civil wars or were members of the minority clans. Police and militia members raped women, and rape was commonly practiced in inter-clan conflicts. Traditional approaches to dealing with rape tend to ignore the victim's situation and instead communalize the abuse by negotiating with members of the perpetrator's clan. Victims sustained subsequent discrimination based on attributions of 'impurity.' There were reports of rapes of Somali women and girls in refugee camps in Kenya during the year [2005] ... Women and girls in displaced persons camps were also especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS." [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)

LEGAL RIGHTS

- 23.03 The USSD report noted:

"Women do not have the same rights as men and were subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny was permitted, but polyandry was not. Under laws issued by the former government, female children could inherit property, but only half of the amount to which their brothers were entitled. Similarly, according to the Shari'a and local tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family as for

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a male victim. As a predominantly Muslim society, many women wore traditional religious dress.” [2a] (Women)

POLITICAL RIGHTS

- 23.04 The US State Department (USSD) Report on Human Rights Practices covering 2005, dated 8 March 2006 noted:

“There were 22 women in the 275-seat TFA [Transitional Federal Assembly], and 1 female minister and 4 female deputy ministers in the TFG [Transitional Federal Government]. However, the number of women in parliament did not fulfill the legal requirement that at least 12 percent of the 275-member parliament be reserved for women. A woman, Fowiza Mohamed Sheikh was appointed cabinet minister for Gender and Family Affairs in the TFG. A woman held the post of Foreign Minister in the Somaliland cabinet, and two women were elected to the lower house of parliament; in addition, several women were important behind-the-scenes figures in the various factions. There were 5 women in the 69-seat Puntland council of elders.” [2a] (Elections and Political Participation)

- 23.05 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)

- 23.06 The USSD report stated that:

“Several women’s groups in Mogadishu, Hargeisa (Somaliland), Bossasso (Puntland), and Merka (Lower Shabelle) actively promoted equal rights for women and advocated the inclusion of women in responsible government positions. The UNIE noted an improvement in recent years in the profile and political participation of women in the country.” [2a] (Women)

- 23.07 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)

- 23.08 The United Nations Commission on Human Rights, in its report by its independent expert Ghanim Alnajjar dated 11 March 2005, noted:

“In ‘Puntland’, the Government had agreed to a request by women’s groups to establish a Ministry for Women’s Affairs. During a meeting with representatives of the Ministry for Women’s Affairs in Bossaso on 4 February [2005], they noted that they were extremely lacking in material resources and that this prevented them from assisting Somali women who have suffered immeasurably as a result of the long conflict. The independent expert encouraged them in their work and urged them to seek resources in creative ways.

“The Somali Reunification Women’s Union, an NGO which had been working with UNDP [UN Development Programme] and UNHCR since 1992

on IDP and returnee issues, noted that, since 2004, three new IDP camps had been added bringing the total to 16. They explained that the last three camps were set up to house people fleeing the effects of the droughts. A 2002 estimate was that 4,320 families or about 20,000 people resided in these makeshift camps. A one-month assessment of the current situation funded by UNDP was planned to commence shortly.” [4a] (p19)

VIOLENCE AGAINST WOMEN

23.09 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)

23.10 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)

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

“UNDP has also developed a nationwide strategy with the goal of enhancing the ability of Somali women leaders to participate meaningfully in the political sphere through effective advocacy for the protection of their human rights and economic security. Based on these overall goals, the strategy focuses on the training of women leaders to enhance their leadership skills and the use of advocacy and communication tools to address issues such as: female genital mutilation; land and property rights; domestic violence; and building the capacity of legislators (both women and men) and civil society to advocate gender-responsive policies, legislative reform and gender mainstreaming within the political sphere at the district, regional and national level.

“Other ongoing UNDP activities include support for the Somalia Women Journalists Association to train women journalists to investigate, advocate and disseminate information through the media against abuses of women’s rights. Another project involves management training for 105 female staff of the ‘Somaliland’ Civil Service Commission. Under the UNDP Rule of Law and Security Programme, 54 women were recruited for the Mandera Police Academy in ‘Somaliland’. Their training commenced in November [2005]. In addition, 20 women were among a total of 180 recruits selected for training at the Armo Policy Academy in ‘Puntland’ ... The United Nations Children’s Fund (UNICEF), in partnership with Oxfam-Netherlands (Novib), is working with the Coalition of Grassroots Women Organization, based in Mogadishu,

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the Nagaad Women's Coalition and the Coalition of 'Somaliland' non-governmental organizations, on human rights monitoring and on child protection.

"In the last quarter of 2005, the United Nations Development Fund for Women (UNIFEM) collaborated with local partners to implement a gender equality programme. These activities have supported public awareness on issues related to HIV/AIDS and human rights and training for internally displaced women to combat HIV/AIDS and gender-based violence. A newly established legal aid clinic in Hargeisa has, to date, represented six women in land disputes." [3a] (p12-13)

FEMALE GENITAL MUTILATION (FGM)

23.12 The USSD report noted:

"The practice of FGM is widespread throughout the country. There were estimates that approximately 98 percent of women have undergone FGM. The majority of women were subjected to infibulation, the most severe form of FGM. In Somaliland FGM was illegal; however, the law was not enforced. In Puntland legislation prohibited FGM in northeastern areas of the country; however, in practice the law was not effectively enforced. UN agencies and NGOs have made intensive efforts to educate persons about the danger of FGM; however, no reliable statistics were available on the success of their programs." [2a] (Women)

23.13 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)

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CHILDREN

- 24.01 As noted in the US State Department (USSD) Report on Human Rights Practices covering 2005:

“This year’s annual report [2005] of the Secretary-General on children and armed conflict documented grave violations against children in Somalia. The report focused violations that are being systematically committed against children in Somalia: killing or maiming of children; the recruitment or use of child soldiers; attacks against schools or hospitals; rape or other grave sexual violence against children; abduction of children; and denial of humanitarian access for children.” [2a] (Children)

- 24.02 The USSD report and the UN’s human rights expert report of March 2005 noted that the long-standing Somali practice whereby parents send their disobedient children to be kept in prison until they order their release was reported to be widespread. [2a] (Prison and Detention Center Conditions) [4a] (p10)

- 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)

- 24.04 The United Nations Commission on Human Rights, in its report by its independent expert Ghanim Alnajjar dated 11 March 2005, noted:

“During his mission, the independent expert once again took up the issue of the custom and practice of asiwalid, where some parents place their children in prison for disciplinary purposes and without any legal procedure. During discussions, authorities in both ‘Somaliland’ and ‘Puntland’ stated that they were aware of this custom, and committed themselves to working towards its eradication. The custom is also practiced elsewhere in Somalia.

“Somalia has the sixth-highest infant mortality rate in the world and enrolment for school-age children is just 22 per cent, according to UNICEF [UN Children’s Fund] representatives. They also raised the issues of female genital mutilation and general violence against children, noting that these violations were often gender-based. UNICEF representatives on various occasions during the mission also reported the human rights concerns of Somali children in prisons (often housed with adults), street children, children of minority groups and clans, children as primary caregivers, child labour, and children with physical and mental disabilities.

“In these discussions and on the matter of child protection and the human rights of children, the independent expert noted the importance of calling on the Transitional Federal Parliament to sign and ratify the Convention on the Rights of the Child.” [4a] (p12)

- 24.05 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.” [10f] (p1)

EDUCATION

24.06 As recorded in Europa Regional Surveys of the World, online version:

“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)

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

“During the period under review, the 2004/2005 primary education survey was completed and distributed to educational institutions. The survey

indicated a rise of about 2 per cent in the gross enrolment ratio, from 19.9 per cent in 2004 to 21.9 per cent in 2005, with the girls' ratio recording a modest improvement, from 14.3 to 15.9 per cent. Related to this, new user friendly education management information system tools were introduced to over 9,000 teachers and education managers through a cascade model across all three zones of Somalia. The tools are expected to enhance local capacities in educational data management.

"Progress continued to be registered in the ongoing enrolment and advocacy drive across all three zones of the country, with a special focus on girls and children in settlements for internally displaced persons. A total of 114,359 new children were enrolled during 2005. This enrolment drive involved partnerships with educational authorities, communities and schoolchildren themselves. In order to increase access, about 34 schools of four-classroom blocks each were rehabilitated and 430 tents were procured to serve as temporary learning spaces.

"The United Nations Educational, Scientific and Cultural Organization (UNESCO) through its Programme of Education for Emergencies and Reconstruction, continued to support the peace process in Somalia through primary, secondary, vocational and civic education projects. Key results registered under this programme thus far include: the provision of in-service induction training to about 3,000 teachers in 11 Somali centres to support the use of textbooks distributed by UNESCO; the distribution of teacher guides to support curricula to 160 primary schools in 'Somaliland'; and the provision of about 100 university scholarships to Somali students to pursue further studies in east Africa and in 'Somaliland' and 'Puntland'." [3a] (p14-15)

- 24.08 The US State Department Report (USSD) on Human Rights covering 2005 reported:

"The lack of resources limited the opportunity for children to attend school. Approximately 22 percent of the school-aged population attended school, according to UNICEF [UN Children's Fund] officials. Disproportionately more boys than girls were enrolled in school. Overall enrollment rates have been on the rise in recent years with considerable regional variability. Since collapsing in 1991 education services have been revived in various forms: a traditional system of Koranic schools; a public primary and secondary school system financed by communities, foreign donors and the administrations in Somaliland and Puntland; a system of Islamic charity-run schools; and a system of privately-run primary schools, secondary schools, universities, and numerous vocational training institutes. There were three secondary schools in Somaliland and several secondary schools in Mogadishu; however, only 10 percent of those few children who entered primary school graduated from secondary school. Schools at all levels lacked textbooks, laboratory equipment, and running water. Teachers were trained poorly and paid poorly. The literacy rate was estimated at 25 percent throughout the country; however, reliable statistics did not exist. There was a continued influx of foreign Muslim 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 these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture. In south-central regions of the country, over 100 thousand children were enrolled in educational establishments funded by Islamic charities" [2a] (Children)

24.09 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.” [10f] (p1)

24.10 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’.” [10f] (p1)

24.11 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)

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CHILD CARE

24.12 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]

24.13 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]

- 24.14 In February 2004 IRIN reported that the Islamic aid agency-sponsored orphanages formally closed down, leaving around 3,000 orphans homeless. [10c]

CHILD SOLDIERS

- 24.15 The USSD report stated:

“Boys as young as 14 or 15 years of age have participated in militia attacks, and many youths were members of the marauding gangs known as ‘*morian*’ (parasites or maggots).” [2a] (Children)

- 24.16 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. These losses led, in part, to clan leaders withdrawing their support from the UIC. (IRIN, 2 January 2007) [10o] (p1-2) (New York Times, 28 December 2006) [25a] (p2)

HEALTH ISSUES

- 24.17 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)

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TRAFFICKING

- 25.01 As stated in the US State Department's (USSD) Report on Human Rights Practices covering 2005:

"The pre-1991 law prohibits trafficking; however, there were reports of trafficking during the year [2005]. The unimplemented TFC does not specifically prohibit trafficking. Puntland was noted by human rights organizations as an entry point for trafficking. The UNIE [UN Independent Expert on Human Rights in Somalia] reported that trafficking in persons remained rampant in Somalia and that the lack of an authority to police the country's long coastline contributed to trafficking. Various forms of trafficking are prohibited under the most widespread interpretations of Shari'a and customary law, but there was no unified policing in the territory to interdict these practices, nor any authoritative legal system within which traffickers could be prosecuted.

"Trafficking in children for forced labor was a serious problem. There were reports of a significant increase in the trafficking of children 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.

"The country was a source and destination for trafficked women and children. Armed militias reportedly trafficked Somali women and children for sexual exploitation and forced labor. Some victims were trafficked to the Middle East and Europe for forced labor or sexual exploitation. Trafficking networks also were reported to be involved in transporting child victims to South Africa for sexual exploitation." [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 In early 2003 the UN Office for the Coordination of Humanitarian Affairs produced "A Gap in their Hearts", a report focusing on the experience of Somali Children separated from their families. The report referred to parents paying up to US\$10,000 to smugglers to take their children out of Somalia and reports that unaccompanied children were given new names and imaginary histories; the children were coached in these, and threatened, to maintain their new identities. [26a] (p7)

- 25.04 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)

25.05 The USSD report stated:

"Authorities within Somaliland and Puntland have expressed a commitment to address trafficking, but corruption and a lack of resources prevented the development of effective policies. Many of these individuals were known to condone human trafficking. In the absence of effective systems of revenue generation, no resources were devoted to preventing trafficking or to victim protection across the majority of the country. Government officials were not trained to identify or assist trafficking victims. NGOs worked with IDPs, some of whom were possibly trafficking victims." [2a](Trafficking in Persons)

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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 UN Development Programme's (UNDP) Human Development Report for Somalia 2005 reflected that access to health care is poor. The report added that the infant mortality rate was 133 per 1,000 live births. [13a] (Sections 6-10)
- 26.03 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)
- 26.04 MSF in its report of January 2006, entitled ‘Top ten under-reported humanitarian stories of 2005’, gave the following overview:
- “Since 1991, Somalia has been a state without a functioning central government. Fourteen years of conflict has precipitated the collapse of public health structures and a total absence of health care services.
- “In most parts of the country, clinics and hospitals have been looted or seriously damaged by armed groups, while the UN estimates that there are only four doctors and 28 nurses or midwives for every 100,000 people.

Sometimes, people travel 500 miles just to reach one of the few existing health centers. The result of this situation has been catastrophic, with malnutrition, extreme poverty, and drought just some of the many scourges faced by Somalis...

“Few aid agencies, though, choose to work in Somalia because violence is so widespread and the country’s clan structure so complex, yet with no state medical services, there is a desperate need for assistance. MSF has been working in the country since 1986, and provides emergency assistance in the worst-affected areas in south and central Somalia.

“In addition to primary health-care services, MSF teams perform surgery, treat tuberculosis (TB) and kala azar, and provide pediatric care and therapeutic feeding for severely malnourished children. But the assistance falls far short of what is needed, and thousands of Somalis continue to die in the shadows of this forgotten disaster.” [11a] (p8)

HIV/AIDS

26.05 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)

26.06 The United Nations Country Team for Somalia, in a press release of 1 December 2005, stated:

“Citing the theme for World AIDS Day 2005 – Stop AIDS. Keep the Promise - the UN said Somalis and their partners must rise to the challenge of countering HIV/AIDS at personal, religious, community, organizational and governmental levels.

“Women, media, youth, men, religious leaders, business people, political leaders and professionals all have a unique strength that they bring to the fight against AIDS. Together with the local authorities, UN agencies, local and international NGOs and community based organizations, and especially religious leaders, a critical opportunity exists to generate a society-wide response to HIV/AIDS,’ Elballa Hagona, UNDP Somalia Country Director and chair of the UN theme group on HIV/AIDS said. ‘Such unity is crucial to ensure a continuum of prevention, treatment, care and support with the common goal of keeping infection low.’

“Confronting AIDS is a crucial task for the Transitional Federal Government and it should rise to the challenge and mobilize society so that youth, women and girls who are most vulnerable are equipped to protect themselves from HIV/ AIDS -- a disease which knows no disagreement, clan, faction or political allegiance.

“The UN country team and partners have mobilized resources through the Global Fund to fight AIDS, TB and Malaria, the UK Department for International Development (DFID) and other sources which are now being used in a multi-faceted approach to combat HIV/AIDS. Among the significant achievements of this effort has been the launch of HIV/AIDS commissions in Northwest Somalia (‘Somaliland’) and Northeast Somalia (‘Puntland’). Plans are underway to create a coordinating structure for Central/South Somalia. The commissions aim to increase and improve coordination for the prevention, treatment, care and support of those infected and affected with by HIV/AIDS.” [22a] (p1)

26.07 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.

“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.’” [10m] (p1)

- 26.08 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)

26.09 The article 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

26.10 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)

26.11 The report 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)

PROVISION OF HOSPITAL CARE BY REGION AS REFLECTED IN JFFMR

26.12 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

- 26.13 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

- 26.14 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)
- 26.15 The report added:

90 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 February 2007. Older source material has been included where it contains relevant information not available in more recent documents.

“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 USSD Country Report for 2005 stated:

“As security conditions showed some stability in the northern parts of the country, refugees and IDPs returned to their homes. According to UN High Commissioner for Refugees (UNHCR) figures, 11,633 Somali refugees were repatriated to Somaliland and Puntland areas during the year [2005], although data on countries of origin were not available. Despite sporadic harassment, including the theft of humanitarian provisions from convoys by militiamen, repatriation to the northern parts of the country generally took place without incident. The UNIE [UN Independent Expert on Human Rights in Somalia] continued to report that IDP settlements in Somaliland were overcrowded, had poor sanitation, and offered little or no access to employment and education. No local, regional, or UN authorities have taken responsibility for the settlements.

“This situation differs dramatically from that in the south of the country, where UNHCR can count only six returnees. As harvests failed to materialize in December [2005] due to the failed ‘Deyr’ rains, populations in the south were on the move, with the expectation of IDP and refugee flows rapidly developing in 2006.” [2a] (**Internally Displaced Persons (IDPs)**)

27.02 As stated in a report by the Nairobi-based *East African* newspaper from January 2004, a US \$20 visa fee was payable for transit to and from airports/strips in Puntland and Somaliland, and from Puntland to central and southern regions. In places where a government exists, some of the money went to the state. In other areas, the occupying warlords and militiamen pocketed the money. [30a]

27.03 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.

“In 2004, the use of landmines was reported in several regional conflicts. In Jilib and Barawe, militias from the Shiikhaal clan were reported to have planted mines after clashing with the rival Ayr group... In September 2004, landmines were reportedly used in clashes between the Somali Patriotic Movement (SPM) and the Jubba Valley Alliance (JVA) in the Lower Jubba region near the town of Kismayo. Geneva Call was told in September 2004 that militia in the Bay and Bekol regions have used mines in road blocks set up to tax travelers.

“Clashes with reported use of mines continued in various areas of Somalia in 2005. The Somaliland Mine Action Center told Landmine Monitor in June 2005 that landmines were still being used widely in south and central Somalia; it noted that whenever two clans fight, the first thing each side automatically decides is to use landmines to defend themselves... In April 2005, media reported the arrests of 20 foreigners by Kenyan police following fighting that included the use of antipersonnel mines between the Gare and

Marehan clans in the Somali town of Burhache, approximately 10 kilometers from the Kenyan border.

“There have been reports of mine casualties in 2005, apparently due to new use of mines, particularly in the Galguduud region, where the Saad and Suleyman sub-clans have been fighting in the Adado and Hobyo areas. On 10 March 2005, a young boy reportedly stepped on the tripwire of a POMZ mine [antipersonnel mine] and was killed in Sanaag Ceerigaabo.” [24a] (p3)

27.04 The LMR 2005 also noted:

“Conflict in much of Somalia has largely prevented mine action efforts, including planned survey, clearance and mine risk education activities. There is no functioning mine action center for the whole of Somalia and no mine action strategy... The UN Development Programme (UNDP) has maintained a presence in Somalia focused on mine action capacity-building and technical assistance since 2003. A local mine action NGO, the Somali Demining & UXO Action Group Centre (SOMMAC), was formed in 1992 by engineers and technicians from former Somali military units. SOMMAC became part of SOCBAL, the Somalia Coalition to Ban Landmines, working in collaboration with the Institute for Practical Research & Training, Geneva Call and the ICBL. SOMMAC claims to carry out both operational demining activities such as survey, reconnaissance, clearance and mine risk education as well as advocacy.

“In southern Somalia, the unpredictable security situation continued to prevent coordinated mine action planning throughout 2004... In Puntland, in the northeast of the country, UNDP capacity-building of the Puntland Mine Action Centre (PMAC) was completed in 2004... In March 2004, UNDP started training police explosive ordnance disposal (EOD) teams in Garowe and Jowhar... Training was completed for one team (of four police) in Jowhar, and for one of three teams in Garowe... After deployment of the Jowhar team in 2004, and establishment of the Transitional Federal Government, higher donor interest was expected by UNDP. But, ‘... without any kind of reliable information on the contamination level of the regions no serious intervention can be successful. Therefore, we would like to establish regional MACs as well – similar to the Puntland program...’ that are able to conduct surveys and data collection, and coordinate efficient tasking of the EOD teams.

“UNDP’s mine action workplan for Somalia includes supporting activities to establish sustainable EOD and mine clearance teams based on existing local police and army capacity, and the creation of mine action centers in affected regions to coordinate activities... Although the strategy remains broad in view of the uncertain political and security situation, UNDP’s main aim is to focus on national institution-building and local capacity-building to complement other, more operational, international initiatives. UNDP maintains that international NGOs are expected to gradually shift their activities further to the east and south.

“Projects in the UN Mine Action Portfolio for Puntland and southern Somalia include: further institutional support and capacity-building to PMAC for 2005-2007, provided by UNDP and the Somalia Rule of Law and Security Program, which is deemed vital for the coordination of mine action and treaty-implementation in the region; clearance activities by the Danish

Demining Group in April 2005-March 2006 (budgeted at US\$858,956); continued development, with UNDP and Somalia Rule of Law and Security Program support, of police EOD teams in 2005-2007 (budgeted at \$60,000)... In Puntland, UNDP envisaged the creation of a mine clearance capacity within the armed forces in 2006-2007.” [24a] (p4-5)

- 27.05 The Electronic Mine Information Network (E-MINE) stated in its report covering 2005:

“During 2001/2002, SMAC [Somaliland Mine Action Centre] and other actors conducted a planning process, which resulted in an interim strategic plan. This remained in place until a more detailed plan could be made using LIS [Landmine Impact Survey] data and authorities published a national development plan.

“When LIS results were available, UNDP contracted Cranfield University to conduct a strategic planning workshop in late 2003. It was both a training session and a planning session, resulting in a proposed strategic plan presented to authorities for approval.

“The main goals in Somaliland are to: reduce the number of accidents and incidents from mines and UXO [unexploded ordnance]; clear the high impact areas identified by the LIS by 2006; clear access to water sources and grazing areas; Make Somaliland Free [sic] from the effect of landmines in seven to 10 years.

“The first two goals are being addressed with a comprehensive mine risk education programme and the technical survey and subsequent clearance of the high impact sites by the international NGOs operating in Somaliland. To achieve the last two, the creation of national clearance capacities in Somaliland will have to take place, it is envisaged that this can be done by strengthening the National Demining Agency (NDA) which is now part of the Ministry of Defence with training and equipping 40 deminers from the Somaliland Army, expanding the police EOD [Explosive Ordnance Disposal] teams to all regions of Somaliland, conducting a mine risk education programme to highlight the dangers of ‘intentional risk taking’ and supporting SMAC to ensure continued coordination and planning of mine action in Somaliland.

“The strategy is coordinated by the SMAC in collaboration with implementing agencies. Coordination in Somaliland is mainly achieved through a monthly coordination meeting. SMAC, as the agency charged with coordination of mine action in Somaliland, hosts the meeting on behalf of the authorities.” [21a] (p1-2)

- 27.06 The E-MINE report added:

“Until late summer 2003, there was no functioning mine action centre in Puntland, but during the latter half of 2003, UNDP, funded by the European Commission, worked to develop the capacity of the PMAC [Puntland Mine Action Centre] and in 2004 this capacity building phase was completed. PMAC in the second half of 2004 implemented the LIS Phase II in partnership with SAC [Survey Action Center]. A strategic planning workshop, similar to the one run in Somaliland has been conducted and a strategic plan will be formed by the end of 2005. The results of the LIS in Puntland

show that the problem is extremely 'solvable' and makes Puntland a prime case for the 'completion Initiative'. It is felt that concerted action for a period of two to three years will render Bari, Nugaal and Northern Mudug free from the effects of mines and UXO [Unexploded Ordnance].

"The main goal for 2006 is the establishment of a national clearance capacity in Puntland to address the longer term problem while having an international NGO start immediate activities to clear all the high-impact areas identified in the LIS as well as a reduction in the number of UXO incidents by utilising the police EOD team in Puntland.

"A key aspect of the 2006 Mine Action strategy for the southern, and central of Somalia will be working with the TFG to build capacity and provide institutional support. One result of this support will be that the TFG may accede to the anti-personnel mine-ban treaty. This action will be taken in line with the signing of the Geneva Call; 'Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and Cooperation I Mine Action' (Deed of Commitment) signed by 16 factions in Somalia in 2002. UNDP, with Geneva Call, plans to expand activities in the South to support the ongoing peace initiatives and enhance civil society capacity to bring Somalia to the table and ensure that there is a strong will to comply too the treaty once signed." [21a] (p2)

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

"Maintenance of the road network, a long-standing problem, has come to a virtual standstill because of the civil war, but in Somaliland rehabilitation work on sections of the Berbera-Burao and Berbera-Hargeisa roads has been conducted in recent years. In February 2003, the European Commission approved funding for a project for the rehabilitation of Somaliland's core road network. Some of the main roads in Hargeisa are in quite good condition, whereas the outer roads remain in poor shape." [17a] (p14)

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

"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)

- 27.09 The United Kingdom’s Foreign and Commonwealth Office (FCO) does not have any representation in Somalia. However, the south and central areas of Somalia, including Mogadishu, are covered by dedicated staff in the British High Commission in Nairobi. These staff, together with staff from the British Embassy in Addis Ababa, Ethiopia, have regular contact with the Somalia Transitional Government, and many international organisations, agencies, journalists, parliamentarians and other members of the Somali civil society. In its advice note dated 29th January 2007, the FCO noted the following regarding movement from the airport in Mogadishu:

“There is freedom of movement from the airport [Mogadishu] to where ever the passenger wants to go. Taxis are in operation. Most taxis do not use a protective escort, but it is up to the individual if they want one or not.

“Of relevance to this is the Emergency Law in Somalia which was passed by the Parliament in January [2007] and is due to last until April [2007]. The Law forbids any member of the public from being in the possession of any kind of weapon. It bans any form of militia, gangs or other covert organisations and authorises their arrest by force. It bans organised crime, including unlawful checkpoints. It bans the establishment of relations with international terrorist cells, the hosting and protection of terrorists with domestic or external connections and any act founded on terrorism. It also bans the organisation and incitement of communal conflicts and the organisation of demonstrations contrary to the Emergency Law or acting in the breach of the stability. This in itself has provided greater security for Mogadishu” [16b] (p1)

- 27.10 The FCO in their advice added:

“There is safe passage in Mogadishu in that protection is not required. If it were, the clan militia would normally provide it. But militias are owned by individuals and are run not just for protection but as a commercial enterprise...

“Most, if not all clans, are represented in Mogadishu to some degree or another.” [16b] (p1)

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EXTERNAL MOVEMENT

- 27.11 There is little information on the present availability of passports and other documents.
- 27.12 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)

- 27.13 UN Integrated Regional Information Networks (IRIN), in an article dated 31 July 2006, noted:

“As a sign of improved security in Somalia’s capital, the first commercial flight in more than a decade left Mogadishu’s newly reopened international airport on Sunday [30 July 2006].

“The city, considered one of the most dangerous places in the world, is under the jurisdiction of the Union of Islamic Courts (UIC), which controls much of southern Somalia.” [10i]

- 27.14 In an article dated 24 August 2006, IRIN noted:

“As another sign of improved security in the Somali capital, Mogadishu, the country’s main port was officially re-opened on Thursday [24 August 2006] after more than 11 years.

“The chairman of the courts [Sheikh Sharif Sheikh Ahmed] officially opened the port today [Thursday 24 August 2006],’said Sheikh Umar Ahmed Weheliye, the port manager.” [10j]

- 27.15 The *International Herald Tribune* in its article dated 2 January 2007, noted the closure of the port and airport in Mogadishu, following the fall of the UIC. [25b] (p2) In an article dated 29 December 2006, *Agence France-Presse (AFP)* noted:

“The United Nations on Friday [29 December 2006] resumed humanitarian flights to Somalia after the country’s Ethiopia-backed government, which routed the Islamists from the capital, lifted the flight ban, officials said.

‘The United Nations Common Air Service today resumed flights from Nairobi to northern Somalia ... after the transitional federal government said we can resume,’ World Food Programme [WFP] spokesman Peter Smerdon told AFP.

“Smerdon said the humanitarian flights to southern Somalia would resume on Saturday [30 December 2006].

“On Wednesday [27 December 2006], WFP suspended air operations in Somalia and pulled out its air-support staff as fighting escalated in the lawless Horn of Africa nation, after the government ordered the closure of its air, sea and land borders.

“But the agency, which is providing relief to hundreds of thousands affected by flooding, said land operations had not been affected.

“Floods have killed at least 141 people in Somalia since October [2006] when heavy rains sparked flooding across the south and centre of the country.

“The flight resumption comes as Ethiopia-backed government troops camped in the heart the capital Mogadishu, a day after the Islamists abandoned the city, but vowed to launch a guerrilla warfare.

“The entry into the capital came nine days after Ethiopian forces had defied pressure from other African nations by openly putting their air power and heavy artillery behind Somalia's weak government, which had been left in control of just one town -- Baidoa -- after an Islamist onslaught earlier this year [2006].” [18a] (p1)

- 27.16 The United Kingdom's Foreign and Commonwealth Office (FCO) does not have any representation in Somalia. However, the south and central areas of Somalia, including Mogadishu, are covered by dedicated staff in the British High Commission in Nairobi. These staff, together with staff from the British Embassy in Addis Ababa, Ethiopia, have regular contact with the Somalia Transitional Government, and many international organisations, agencies, journalists, parliamentarians and other members of the Somali civil society. In its advice note dated 29th January 2007, the FCO stated:

“Despite the recent mortar attack on it, Mogadishu airport is regarded as the principal and one of the safest entry points. We expect the African Union's impending stabilisation mission to Somalia to provide additional protection at the airport.” [16b] (p1)

- 27.17 The FCO in their advice added:

“There is currently no formal flight ban, though any carrier wishing to fly to Mogadishu has to obtain clearance in advance (7 days) from the Kenyan authorities. We are not aware of any flight that has been denied clearance though there have been some delays.” [16b] (p1)

- 27.18 The FCO in their advice gave the following figures for persons arriving in Mogadishu since the start of 2007:

“The latest figures we have on the number of passengers who have flown to and disembarked at Mogadishu since 1 January 2007 are as follows:-
Daallo Airlines

Nairobi-Mogadishu: 16
Djibouti & Hargeissa – Mogadishu: 240

Africa Express
Nairobi - Mogadishu (via Djibouti): 135” [16b] (p2)

- 27.19 *Agence France-Presse (AFP)*, in an article dated 24 January 2007, reported the attack on the airport:

“A mortar attack on Mogadishu's main airport wounded five people Wednesday [24 January 2007] as the United States sought to enlist a leader of Somalia's now-vanquished Islamist movement in a bid to stem the tide of violence.

“The strike on the international airport underlined the volatile security situation, the day Ethiopian Prime Minister Meles Zenawi vowed not to pull all his troops out of Somalia until the arrival of African Union peacekeepers.

“One of the victims of the barrage of mortar shells, fired at the airport shortly after a UN plane landed, was said to be in a serious condition.

“The nine-member UN delegation that arrived before the mortars were launched was taken to the UN compound in Mogadishu, where the team met with Somali officials as planned, UN staffers said.

“The airport is operating as normal, there was no panic,” an airport authority official told reporters after the attack. ‘It was a small disruption but there was no damage to the runway.’

“Witnesses however said Somali police forces backed by Ethiopian troops, many of whom are based at the airport, sealed off surrounding areas and then assaulted civilians.” [18c] (p1)

27.20 In late January and early February 2007, it was reported that the port of Mogadishu was attacked by mortars and rockets. Since late January 2007, there have also been reports of mortar attacks in other areas of the city. There is limited information as to who is responsible, but a number of people have been killed and injured. (*Agence France-Presse* (AFP) 24 January 2007) [18d] (Reuters 1 February 2007) [19b] On the 6 February 2007, the Strategy Page website stated: “The mortar attacks and sundry gun battles have resulted in 30-40 casualties a day in Mogadishu.”, but there was no source given for this figure. [32a]

27.21 United States Agency for International Development (USAID), in a report dated 23 February 2007 noted:

“Transport of humanitarian supplies into Somalia remains challenging due to ongoing security incidents in the country, as well as limited overland transport from Kenya. In Mogadishu, threats and attacks on or near the port and airport have constrained incoming transport. In addition, humanitarian agencies have reported numerous official and unofficial checkpoints along key roads, adding further logistical challenges to surface transport.

Humanitarian agencies continue to await clarification from the Government of Kenya on permission for cross-border transport into Somalia.” [33a] (p1)

SOMALI REFUGEES

27.22 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.” [23f] (p1)

27.23 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 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.” [23f] (p2)

27.24 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 Dobley area of Somalia (about 30 km from the border), the people trying to enter Kenya were mainly women and children.

“We understand that there are security concerns, but we hope that the right of those seeking asylum will be respected,” said Amanda Di Lorenzo, spokesperson for the United Nations Office for the Coordination of Humanitarian Affairs (OCHA-Somalia).

“The condition of the asylum seekers, she added, was unknown because no humanitarian agency had been able to reach them. ‘Access is pretty limited in that area,’ said Di Lorenzo.

“The Kenyan authorities have beefed up security along the border, citing security concerns. But according to the UN High Commissioner for Refugees (UNHCR), some 394 Somalis who had crossed the border since fighting flared up in their country about a week ago, have also been sent back.

“The Somalis were at a reception centre in the Kenyan border post of Liboi (15 km from the border), awaiting registration and transfer to a refugee camp in the Dadaab area of Garissa District, Northeastern Province, according to Millicent Mutuli, regional spokeswoman for UNHCR.” [10p] (p1)

27.25 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).” [10p] (p1)

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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

102 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 February 2007. Older source material has been included where it contains relevant information not available in more recent documents.

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.” [23e] (p138)

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RETURNING REFUGEES

29.01 On 1 June 2004, the UNHCR announced the repatriation of some 2,000 refugees from the Aisha camp in Ethiopia. [23c] The closure of Hartishek (what had been the world's largest refugee camp) was announced by UNHCR in an IRIN article of 2 July 2004, following the repatriation of the remaining 719 refugees. [10d]

29.02 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)

29.03 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’” [23e] (p137)

29.04 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.” [23e] (p139)

UNHCR POSITION ON THE RETURN OF REJECTED ASYLUM SEEKERS

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

104 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 February 2007. Older source material has been included where it contains relevant information not available in more recent documents.

“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)

29.06 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)

29.07 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 USSD report stated:

“The 1990 constitution and unimplemented 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 or its 1967 protocol, and there was no official system for providing such protection. In practice the authorities provided some protection against refoulement, the return of persons to a country where they feared persecution. The authorities granted refugee status or asylum.

“The authorities in Somaliland have 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. [23d]
- 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]

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EMPLOYMENT RIGHTS

TRADE UNIONS AND THE RIGHT TO STRIKE

32.01 The USSD report 2005 stated:

“The 1990 constitution and the unimplemented TFC provide workers with the right to form unions; however, the civil war and factional fighting have resulted in the absence of any legal protection for workers’ rights and the disintegration of the country’s single labor confederation, the then government-controlled General Federation of Somali Trade Unions. In view of the extent of the country’s political and economic breakdown and the lack of legal enforcement mechanisms, trade unions did not function freely.

“The unimplemented TFC, the Puntland Charter, and the Somaliland Constitution establish the right of freedom of association, but no unions or employer organizations existed.” [2a] **(The Right of Association)**

EQUAL EMPLOYMENT RIGHTS

32.02 The USSD report stated:

“Wages and work requirements in the traditional culture were established largely by ad hoc bartering based on supply, demand, and the influence of the worker’s clan. In June [2005] there were private strikes by private transportation groups in protest of higher fuel costs. Also in June, a number of Puntland businesses shut down to protest higher taxes. There are no export processing zones.” [2a] **(The Right to Organize and Bargain Collectively)**

FORCED LABOUR

32.03 The USSD report noted:

“The pre-1991 Penal Code and the unimplemented TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred ... Local clan militias generally forced members of minority groups to work on banana plantations without compensation. There were reports that in Middle and Lower Juba, including the port of Kismayu, 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 noted:

110 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 February 2007. Older source material has been included where it contains relevant information not available in more recent documents.

“The pre-1991 Labor Code and the unimplemented TFC prohibit child labor; however, child labor was a problem, and there were child soldiers ... Formal employment of children was rare, but youths commonly were employed in herding, agriculture, and household labor from an early age. Substantial numbers of children worked. From 1999-2003, UNICEF [UN Children’s Fund] estimated that 32 percent of children, 29 percent of males and 36 percent of females, between the ages of 5 and 14 worked; however, the percentage of children engaged in labor was believed to be even higher during the year [2005]. The lack of educational opportunities and severely depressed economic conditions contributed to 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.
- 1997** Clan leaders met in Cairo and agreed to convene a conference of rival clan members to elect a new national government.
- 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** **January:** Somali rebels seized the southern town of Garbaharey, reportedly with Ethiopian help.
- 2001** **February:** Mohamed Qanyareh Afrah, signed an accord recognising the interim government, reportedly in return for a promise of ministerial posts.
- 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.
- 2001** **May:** Dozens were killed in Mogadishu's worst fighting in months between transitional government forces and militia led by warlord Hussein Aideed.
- 2001** **May:** Referendum in breakaway Somaliland showed overwhelming support for independence.
- 2001** **August:** Forces of the opposition Somali Reconciliation and Restoration Council seized Kismayo for General Mohammed Hirsi Morgan.
- 2001** **November:** US froze the funds of main remittance bank over suspected al-Qaeda links. UN humanitarian official said that this move was helping to push country towards economic collapse.
- 2002** **April:** Warlords in the southwest unilaterally declared autonomy for six districts and formed 'Southwestern Regional Government'.
- 2002** **May:** The new president of breakaway Somaliland Dahir Riyale Kahin took power after the death of Mohamed Ibrahim Egal and pledged to preserve sovereignty.
- 2002** **October:** 21 warring factions and the transitional government signed a ceasefire under which hostilities will end for the duration of peace talks.
- 2003** **April:** First presidential elections in breakaway Somaliland; incumbent Dahir Riyale Kahin won but by narrow margin.

- 2004 January:** Breakthrough at peace talks in Kenya; warlords and politicians signed a deal to set up new parliament.
- 2004 May/June:** More than 100 killed in upsurge of fighting. Deadly clashes between ethnic militias in southern town of Bula Hawo.
- 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 June:** The Somali government started to return home from exile in Kenya, but there were 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 November:** Transitional government and Islamists failed to meet for the scheduled round of peace talks, raising fears that they will come to blows and draw neighbouring countries into the conflict.
- 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. Ethiopian troops, government forces routed Islamist militias

24 December: Ethiopia confirmed it is engaged in fighting against the Islamists in Somalia.

25 December – January 2007: In fierce fighting, Ethiopian aircraft, tanks and artillery support forces of the transitional government. Jets strike targets which include Islamist-controlled airports.

28 December: Government forces and their Ethiopian allies marched into Mogadishu after the Islamists abandon the capital.

2007 1 January: Islamists abandoned their last stronghold, the port town of Kismayo.

January: 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.

Source: [8]

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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 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 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 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'alim, 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. [10h] [8i]

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)	All regions of Somalia especially Lower Shabelle and Hiran. Also Kenya and Ethiopia
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. Also Kenya 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 Bulo 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 Galgadud region [26b] (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 Galgadud region [26b] (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.
[26b] (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. [10e]

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. [8d] [10h] The UIC was expelled from Mogadishu in December 2006, and its organisation within Somalia has been effectively shattered. [8i] In late January 2007, it was reported that he was detained by the Kenyan authorities. [8k] In February 2007, he was reported to have been allowed to leave for the Yemen, where he had been granted refuge.

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. [8d] [10h] 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. [10e]

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. [10e] [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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