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**Danish Refugee Council**

DANISH IMMIGRATION SERVICE



## **Human rights and security in central and southern Somalia**

**Joint fact-finding mission by the Danish Refugee Council and  
the Danish Immigration Service**

*14 – 27 March 2007*

*Copenhagen, August 2007*

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## Overview of fact-finding reports published in 2006 and 2007

Børneforsorg, børnehjem og forholdene for forældreløse børn i **Sri Lanka**, Rapport fra fact-finding mission til Colombo, Sri Lanka, 26. november – 5. december 2005

2006: 1

Sygdomsbehandling i Sri Lanka, Rapport fra fact-finding mission til Colombo, **Sri Lanka**, 26. november – 5. december 2005

2006: 2

Familieret og verifikation af dokumenter samt behandlingsmuligheder m.m. i **Cameroun**, Rapport fra fact-finding mission til Yaoundé, Buea og Bamenda, Cameroun, 17. – 27. marts 2006

2006: 3

Familieret og verifikation af dokumenter samt behandlingsmuligheder m.m. i **Ghana**, Rapport fra fact-finding mission til Accra, Ghana, 10. – 17. marts 2006

2006: 4

Rapport om fængselsforhold i **Nigeria**, Fact-finding mission til Lagos og Abuja, Nigeria, 12. – 21. december 2006

2007: 1

Menneskehandel (trafficking) i **Nigeria**, Rapport fra fact-finding mission til Lagos og Abuja, Nigeria, 12. – 21. december 2006

2007: 2

Menneskerettighedsforhold i den **Demokratiske Republik Congo** (DRC), Rapport fra dansk-norsk fact-finding mission til Kinshasa, DRC, 9. – 24. januar 2007

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2007: 4

**Syria**: Kurds, Honour-killings and Illegal Departure, Report from a fact finding mission to Damascus, 15-22 January 2007

2007: 5

Praktik i de **ukrainske** landbrugsuddannelser, Rapport fra fact finding mission til Kiev, 5.-9. februar 2007

2007: 6

Risiko for forfølgelse fra tidligere medlemmer og ledere af oprørsbevægelser i **Liberia** og mulighed for beskyttelse, Rapport fra fact-finding mission til Monrovia, Liberia, 22. – 27. april 2007

2007: 7

Human rights and security in central and southern **Somalia**, Joint fact-finding mission by the Danish Refugee Council and the Danish Immigration Service, 14 – 27 March 2007

2007: 8

## Table of contents

<b>1 Introduction.....</b>	<b>3</b>
<b>2. Political developments, armed conflict and security in central and southern Somalia.....</b>	<b>5</b>
Police force .....	10
Areas of relative stability in central and southern Somalia .....	10
The National Reconciliation Conference.....	11
<b>3. Human rights issues .....</b>	<b>16</b>
3.1. Monitoring human rights in central and southern Somalia.....	16
3.2. Minority populations.....	18
3.2.1. Ethnic Oromos .....	20
3.3. Internally Displaced Persons (IDPs).....	20
3.4. Returnees.....	24
3.4.1. Returnees from Europe and Internal Flight Alternative (IFA) .....	24
3.4.2. Returnees from Ethiopia .....	25
3.5. Forced recruitment, child soldiers and forced labour .....	26
3.6. Risk of double jeopardy .....	29
3.7. Clan protection.....	29
3.8. Cross clan marriages .....	30
3.9. Women .....	31
3.9.1. Female Genital Mutilation (FGM).....	32
3.9.2. Victims of rape.....	32
3.9.3. Re-education trips to Somalia .....	34
3.9.4. Orphans .....	34
3.10. Persons affected by HIV/AIDS.....	35
3.11. Religious conversion and situation for Christians .....	36
3.12. Homosexuals.....	36
3.13. Politically motivated persecution and assassinations.....	38
3.13.1. Persons affiliated with the UIC and other opposition groups.....	38
3.13.2. Persons affiliated with the TFG and the TFI.....	40

3.13.3. Human rights activists, members of civil society groups and journalists.....	41
<b>4. Organisations, authorities and individuals consulted.....</b>	<b>43</b>
<b>5. Bibliography .....</b>	<b>45</b>
<b>6. Acronyms and abbreviations .....</b>	<b>46</b>

## 1 Introduction

The Danish Immigration Service and the Danish Refugee Council undertook a joint fact-finding mission to Nairobi, Kenya in March 2007. The delegation originally planned also to visit Mogadishu in Somalia. However, the security situation in Mogadishu deteriorated severely during March, and for security reasons the delegation was advised not to travel to Mogadishu.

Therefore, the information presented in the delegation's report is based on information provided by sources consulted in Nairobi. The sources consulted comprised United Nation (UN) agencies, the European Union, Non-Governmental Organisations (NGOs) and International Non-Governmental Organisations (INGOs), individuals, consultants and a representative of the Somali government.<sup>1</sup>

The Royal Danish Embassy in Nairobi kindly assisted the delegation with advice and identification of a number of the sources consulted. The British Home Office, Border and Immigration Agency, Country of origin Information Service has proof read the report. However, the delegation's report and its content is solely the responsibility of the Danish Immigration Service and the Danish Refugee Council.

It should be noted that during the writing up in March-April of the delegation's report the armed conflicts in Somalia escalated severely, especially in Mogadishu. It was therefore decided to include information from various news agencies, NGOs as well as UN reports and other written sources concerning the most recent developments in Somalia. Therefore the delegation's report includes information on developments in Somalia up to the end of June 2007. The delegation found it imperative that its report was not concluded in the midst of chaos and the heaviest fighting in Somalia for many years.

During the mission in late March 2007 the delegation was informed that the fighting in Somalia most likely would cease after a few weeks. However, the fighting continued at the end of March and throughout April, and it culminated at the very end of April 2007 with extremely heavy fighting in Mogadishu. So far the Ethiopian forces and the Transitional Federal Government (TFG) have not succeeded in totally quelling the insurgents that fight against the Ethiopian troops in Somalia as well as against the TFG and its allies.

The recent fighting was described as the worst fighting in Somalia since the catastrophe in the early 1990's. The political outcome of the fighting in 2007 is not yet clear, but from a military perspective it seems as if the Ethiopian troops and the TFG had defeated the Union of Islamic Courts (UIC) by early May 2007. Several hundred thousands of civilians fled the fighting in Mogadishu and many others have relocated in the city between February and April 2007, and only a few had returned to the city by mid May 2007.

The delegation to Nairobi comprised Mette Marie Honoré, Senior Legal Adviser, Danish Refugee Council and Jens Weise Olesen, Senior Adviser, Documentation and Project Division, Danish

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<sup>1</sup>All UN-organisations as well as most INGOs operating in central and southern Somalia have their headoffices in Nairobi and not in Somalia. This is due to the fact that the security situation in central and southern Somalia has been and still is one of the most dangerous places for international organisations to work in.

## Human rights and security in central and southern Somalia

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Immigration Service. The delegation's report is a joint product by the Danish Immigration Service and the Danish Refugee Council.

## 2. Political developments, armed conflict and security in central and southern Somalia

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

Failed peace talks in Khartoum, Sudan between the UIC and the TFG resulted in an Ethiopian intervention in Somalia. On 22 December 2006 heavy fighting broke out around Baidoa between Ethiopian troops and the TFG on one side and the UIC on the other. The UIC was quickly defeated and soon after the Ethiopian troops entered Mogadishu and drove the UIC out of the city and other areas of central and southern Somalia. Following the ousting of UIC from Mogadishu the Transitional Federal Parliament (TFP) swiftly decided to relocate from Baidoa to Mogadishu. By January 2007 the TFG and its supporter, the Ethiopian forces, controlled most of central and southern Somalia, including Mogadishu.

On February 20 2007 the UN Security Council authorized the African Union (AU) to establish a mission in Somalia for six months. The aim of the mission is to support the national reconciliation conference. The Security Council also requested the General-Secretary to send a technical assessment mission to look into the possibility of a UN peacekeeping operation following the deployment of the African Union Mission in Somalia (AMISOM).<sup>2</sup>

The United States (US) government has been deeply concerned about the potential threat of an Islamic state in Somalia, and the Office of the Coordinator for Counterterrorism has reported: "The rise of the Council of Islamic Courts (CIC)<sup>3</sup> and their expansion of control into southern and central Somalia created a more permissive operating environment and safe haven for foreign terrorists. In June, the CIC gained control of Mogadishu and were initially welcomed as bringing a modicum of peace and stability to the city. Over the course of the following months, the broader CIC organization was hijacked by al Shabaab ("The Youth"), a small, extremist group affiliated with AQ

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<sup>2</sup> Security Council, *Security Council Authorizes Six-Month African Union Mission in Somalia, Unanimously Adopting Resolution 1744 (2007)*, Security Council 5633rd Meeting (PM), SC/8960, New York, 20 February 2007.

<sup>3</sup> Council of Islamic Courts (CIC) is also named Somali Council of Islamic Courts (COSIC) by some sources. CIC/COSIC was formed in June 2006. Some sources only speak of the Union of Islamic Courts (UIC), which was formed in early 2006 by the merging of a number of Sharia courts in Mogadishu. For practical reasons the term UIC is being applied throughout this report.

[al-Qaeda] that consists of radicalised young men, between 20 and 30 years of age. The CIC began to pursue an increasingly hostile strategy of military expansion and aggression designed to provoke a broader regional conflict. Al Shabaab militia participated in CIC military offensives and served as something akin to a "special forces" unit for the CIC. Although not formally a part of the CIC structure, members of al Shabaab held senior positions within the CIC, particularly in the security, finance, and education departments. The group was reputed to be extremely violent and brutal, and its members are suspected of murdering an Italian nun in Mogadishu in September, targeted assassinations of dozens of Somali nationals inside Somalia, including the murder of peace activist Abdulqadir Yahya Ali in July 2005, and the murder of foreign aid workers in the self-declared Republic of Somaliland in late 2003 to early 2004. In late June [2006], the CIC elected Hassan Dahir Aweys chairman of the CIC Shura Council. Aweys is designated as a terrorist by the United States and the United Nations because of his links to AQ, the Taliban, or Usama bin Laden."<sup>4</sup>

The fighting between the TFG, the Ethiopian forces and remnants of the UIC and other anti-TFG militias (mostly Hawiye supported militias) continued during the period January to May 2007. The UN has described the battles in Mogadishu as the worst fighting since 1991. Clan fighting also took place in other locations in central and southern Somalia, including in Kismayo (between the Marehan and the Majerteen) and south of the city.

United Nations High Commissioner for Refugees (UNHCR) reported in May 2007 that over 394,000 persons – more than one third of Mogadishu's estimated population – fled the city between 1 February 2007 and the end of April 2007. The majority of the Internally Displaced Persons (IDPs) are women, children and the elderly.<sup>5</sup>

During the last two weeks of April 2007 Mogadishu experienced the most extreme fighting between the TFG/Ethiopian troops and anti-TFG/Ethiopian militias. In early May the UNHCR reported that only about 800 IDPs had returned to the city, a figure far lower than had been reported in the local media. The UN Office for the Coordination of Humanitarian Affairs (OCHA) also reported in early May: "the overwhelming majority of those who fled Mogadishu in the past two to three months are not yet attempting to return, largely due to fear of renewed fighting." OCHA added that the returnees are mainly urban poor who are coming back to Mogadishu in an attempt to restore their livelihoods. There are reports of IDPs arriving in Mogadishu – particularly Oromos – being harassed and arrested. Returns may be further discouraged by the fact that some public buildings formerly occupied by IDPs were destroyed in the fighting, as well as tension over the planned use of public buildings that were, until recently, occupied by IDPs.<sup>6</sup>

On June 22 2007 OCHA reported that "Insecurity and violence in Mogadishu continued, with grenade attacks, assassinations and roadside bombs resulting in troop and civilian deaths, including children. The TFG has continued with house-to-house weapons searches and arrests, and movement within the city is said to be severely restricted and dangerous. The violence, which has escalated

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<sup>4</sup> U.S. Department of State, *Country Reports on Terrorism, Chapter 2 – Country Reports: African Overview, Somalia*, released by the Office of the Coordinator for Counterterrorism, April 30, 2007.

<sup>5</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: 4<sup>th</sup> May 2007, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 4 May 2007.

<sup>6</sup> OCHA-Somalia, *Situation Report # 38 – 04 May, 2007*.



since the 13 June postponement of the National Reconciliation Conference, is restricting livelihood activities in the city and the ability of aid agencies to operate. The TFG's announcement on 19 June that it is offering amnesty to former members of the ICU (except those the government deems linked to terrorist groups) has of yet had no apparent effect on security in Mogadishu. In an effort to stem the violence, the TFG announced a 7pm curfew, effective today, 22 June."<sup>7</sup>

Furthermore OCHA reported "An atmosphere of fear has intensified within the population of Mogadishu. Intimidation is obstructing the implementation of humanitarian activities. On 18 June, four staff members of a Somali NGO – including the Director – were arrested. Though the four were released on 20 June, the Director was re-arrested the following day and interrogated before being released again."<sup>8</sup>

Finally OCHA reported "Unrest continued in other parts of South/Central, spreading last week to Baidoa, former seat of the TFG. Two grenade attacks in Baidoa – targeting a cinema (14 June) and a government-run bank (17 June) – resulted in six deaths, including one child, and several injured. A 9pm curfew has since been imposed on the town. Tensions are high in Kismayo as residents anticipate an outbreak of fighting between TFG troops and local militia who have been in control of the key port city. Recent clan fighting in Kismayo over a land dispute has already resulted in an estimated 52 deaths in Berhano settlement. Meanwhile, there have been reports from protection partners of arbitrary arrests by Kenyan police near the Kenyan border in Kulbiyo, Dobley and Amumua. This follows the discovery last week near Mandera of the bodies of two Kenyan policemen who disappeared 9 June while patrolling the border."<sup>9</sup>

During the delegation's mission in march 2007 an international organisation (A) explained that the insertion of Ethiopian troops was a way of reinforcing and legitimating the TFG administration. The intervention was backed by several states, including the United Kingdom, Kenya and the United States, and the UIC was defeated very quickly by the Ethiopian troops.

An international organisation (A) estimated that between 1,000 and 1,500 persons were killed on each side during the war in December 2006. There were a number of human rights violations during the war and both sides committed these violations. Summary executions might have taken place. Many of the UIC fighters were poorly trained and they faced well-equipped and well-trained Ethiopian soldiers. It was added that it is very difficult to document alleged human rights violations. There was no reporting on human rights violations during the war, but the probable cause of so many dead people was summary executions.

Mohammed Ali Nur, Somali Ambassador, Embassy of the Somali Republic, Nairobi explained that the peace process in Somalia will be long, but eventual successful. The Somali people are exhausted; for 17 years the people have only seen guns and bullets. Young people have never experienced a functioning government or a sufficient school system. Ali Nur found it crucial for the schools to start now and expressed that the people are very supportive of the TFG government.

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<sup>7</sup> OCHA, *SOMALIA, Situation Report # 43*, 22 June, 2007.

<sup>8</sup> OCHA, *SOMALIA, Situation Report # 43*, 22 June, 2007.

<sup>9</sup> OCHA, *SOMALIA, Situation Report # 43*, 22 June, 2007.

Ali Nur admitted in March 2007 that remnants of UIC are still fighting for control of government, but UIC oppressed the people when they were in government and people remember that they had no rights during UIC regime, especially women who had to stay inside and also had to cover their faces. Furthermore UIC closed theatres and hampered people's social lives. Ali Nur added that Somalis are Sunni Moslems and have a more liberal tradition of living with Islam.

An international organisation (A) expressed doubt whether it would be feasible to find and employ all 8,000 soldiers and considered that it would be more likely that a maximum of 4,000 AU-soldiers will be deployed in Somalia. The troops already in Somalia consisted so far of troops from Uganda, Burundi and Nigeria. The TFG is very weak and is now very much dependent on the support from Ethiopia.

An international organisation (C) emphasized that the presence of AMISOM troops in Mogadishu, has not improved the security situation so far. Only 300 out of the planned 1,500 Ugandan troops in Mogadishu have so far arrived. The intention is to deploy a total of 8,000 AMISOM troops in Somalia. The organisation explained as a comparison that in 1991-92 about 20,000 UNOSOM troops were deployed in Mogadishu and at other locations in central and southern Somalia and UNOSOM was not able to stabilize or improve security at that time. It was added that the insurgents and militias are militarily stronger today compared to the situation in 1991-92. Mogadishu is the most insecure place in Somalia but any improvement in central and southern Somalia is dependent on the situation in Mogadishu.

According to an international organisation (C) since January 2007 the situation in the south of the country has been malicious. The Ethiopian troops and the US are beginning to withdraw, which has left a vacuum of power leading to an increase of violence and attacks, especially as various warlords take over. The TFG is not ready to take control of the south or Kismayo, where anarchy is prevalent, and the population of the south does not regard the TFG as having any legitimacy to control the area.

Other areas of central and southern Somalia are fairly calm. However, the political processes are not on sufficiently solid ground in order for the security situation to improve. In the south the IDP-population has no clan protection and accordingly is attacked.

An international organisation (C) added that a joint UN Technical Assessment Mission (TAM) has visited Somalia to assess a possible replacement of the AMISOM forces after its six-month mandate runs out. Despite all efforts to address the situation in Somalia the international organisation (C) stated that it does not have any objective reasons to see a bright future for Somalia.

An international organisation (C) explained that the UIC had brought some governance and order and safer streets in Mogadishu. Now unlawfulness reigns again in Mogadishu and the despoilers are remnants of UIC, various warlords, and business people as well as arms traders. Militias are driving their trucks with mortar-launching devices up close to IDP-camps and firing at Ethiopian troops, and then hurrying away. The Ethiopians respond immediately by firing in the direction of the attackers and the victims are very often the IDPs in the camps, especially women, children and old people. By this strategy the UCI anticipates provoking resistance against the Ethiopian forces as well as the TFG.

The situation is now very difficult and complex due to the lack of a functioning state authority; complex clan alliances; poverty, and the large scale displacement of persons. An international

organisation (C) described the situation in Mogadishu in March 2007 as much more complex than in Baghdad and that the level of violence might be higher than in Baghdad. Those who can afford it flee Mogadishu, while others move from one place to the other inside the city. This is the situation for the 200 IDP-settlements in Mogadishu.

Philippe Lazzarini, Head of Office, United Nations Office for the Coordination of Humanitarian Affairs – Somalia (OCHA-Somalia) explained that the Somalis are definitely exhausted and only have a little left of a dream of a normal life. The period of the UIC was, however, the safest period in Mogadishu in many years. Somalis are not extremists but they accepted the trade of insecurity for the strict *Sharia* law and that was the basis for their support of the UIC.

The United Nations Security Council reported in April 2007, that the UN security phases in effect in Somalia are indicative of the security situation. Mogadishu and the district of Badhadwe are in phase five (evacuation of all UN staff), and the remainder of Somalia is in phase four (emergency operations only), except for the western part of “Somaliland”, which is phase three. The Security Council added that Somalia presents one of the most challenging security environments worldwide: threats include protracted inter-clan conflicts, banditry and terrorist attacks.<sup>10</sup>

Hatem Bamehriz, Resident Director – Somalia, National Democratic Institute (NDI) explained in March 2007 that of the 275 members of TFP only 33 are women. The main reasons why the TFP has not transferred to Mogadishu are lack of security, logistical problems and clan related issues. However the Prime Minister has declared that the TFG will move to Mogadishu except for three to four ministries that will remain in Baidoa. Bamehriz added that the NDI is training members of the TFG in human rights, good governance and other topics.

Bamehriz mentioned that some ministers are ‘dying to work’, but they lack resources and capacity. NGOs get funding from the international community, but it will be necessary also to guide and train the state structures. Bamehriz explained that the NDI will assist seven of the 31 ministries and the prime minister’s as well as the president’s office in capacity building. Such support is extremely important and must be implemented as soon as possible if the TFG is to function.

When the government moves to Mogadishu IDPs must be given other housing as many IDPs are now living in public buildings. These buildings are in very bad shape, no roofs etc. and need renovation before they are suitable for official purposes.

The security situation is a major concern. Bamehriz explained that it would be devastating to the TFG if any minister were killed after moving to Mogadishu. This would put a big question mark on the TFG’s ability to perform and stabilize Somalia.

OCHA reported on 15 June 2007 that fighting between Ethiopian forces and anti-government factions took place in Mogadishu on 13 June involving grenades, machine guns and mortars. A District Official was assassinated the next morning. The violence followed the previous day’s

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<sup>10</sup> United Nations Security Council, *Report of the Secretary-General on the situation in Somalia pursuant to paragraphs 3 and 9 of Security Council resolution 1744 (2007)*, (S/2007/204), 20 April 2007, p. 5-6.

announcement by the Chairman of the National Reconciliation Committee that the Reconciliation Conference had been postponed. The Conference is now set to take place in mid-July 2007.<sup>11</sup>

### *Police force*

An international organisation (B) stated that Mogadishu is the same size as Nairobi but without a functioning police force.

Bamehriz explained that the TFG recruits policemen from within some of the warlords' militias and from the former Siad Barre-regime police force. This force has been trained with assistance from some European countries. Bamehriz found it extremely important that a police force is being established but emphasized the importance that the members of the police receive human rights training.

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

An international organisation (C) added that every family in Mogadishu has weapons to protect itself, and disarmament of the population in the city will be very complicated as people fear for their lives and they will not let go of their weapons.

### **Areas of relative stability in central and southern Somalia**

An international organisation (B) informed the delegation that since the ousting of the UIC Somalia has had a government that is in control of the major part of Somalia, including Puntland. It was noted that Puntland recognises the TFG.

An international organisation (C) explained that Somalia, as a failed state and with no state structure, 'areas of stability' is always a relative term. An international organisation (C) warned against describing the security situation in Somalia on a basis of 'snapshot pictures' and emphasized that a comparatively quiet and stable area can quickly, due to conflict in neighbouring area, become unstable and insecure.

In late March 2007 an international organisation (C) mentioned Galcayo, Baidoa, and Belet Weyne as relative stable areas, but stressed that the relative stability in these areas is easily affected by conflicts in other areas. Regarding 'safe areas' in central and southern Somalia, an international organisation (C) stressed that an absence of conflict does not imply that there is no potential for a conflict and subsequent human rights violations. Even Galcayo, where it was relatively peaceful in March 2007, has the potential for extensive conflicts between authorities, local residents and IDPs. An international organisation (C) described such situations as "a tenuous, negative peace". Even though an area is quite stable it often provides horrible conditions for its marginalized groups, like the IDPs, as well as the general situation for people which is not acceptable at all. Peace does not only mean absence of war. The quieter areas still have serious protection gaps. In these areas the IDP children risk being kidnapped if their parents have not been able to pay rent in time. Mere

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<sup>11</sup> OCHA, *Situation Report # 42* – 15 June, 2007.

contact with the UN puts people at risk. Displaced people from areas of conflict can also be exposed to repeated displacement due to drought, flooding or new conflicts.

An international organisation (C) declined to identify 'safe areas' in central and southern Somalia, as there is a potential for clan-based conflicts anywhere, even in areas that could be considered safe today. Conflicts can erupt at any time and this is even more likely after so many IDPs have fled from Mogadishu into areas that may be stable at the moment but may be unstable tomorrow. The increasing pressure from IDPs on the meagre resources can destabilize the situation quickly.

### **The National Reconciliation Conference**

An international organisation (B) explained that half of the population in Somalia is young and pointed out that for the last 16 years young people in Somalia have never experienced a governance system with effective authorities, police or any other government institution. The building of a functioning government and a state is years away. The source explained that many warlords, religious extremists and some people from the business community do not even have any interest in a strong and functioning government. They have benefited from the continuing civil war and the absence of a government, and they have no interest in reconciliation and peace.

Even with the deployment of Ethiopian and AU troops and the establishment of the TFG a functioning government is years away. However, the present developments are a step in the right direction but one cannot expect that the TFG will be able to establish itself in a year or even before 2009. The TFG has its mandate as a transitional government up to 2009 when democratic elections are scheduled. It was added that Ethiopia will not maintain its presence in Somalia and is committed to leaving the country.

There is a crisis of leadership in Somalia and as long as president Yussuf is alive he will fight to stay in power as president. However, if he dies the situation in Somalia will go back to square one. The international organisation (B) emphasized that this illustrates the fragile political situation in Somalia. Mogadishu has not seen peace for 16 years except for the period of six months from June to December 2006, when the UIC was in control of Mogadishu and large parts of central and southern Somalia. It was emphasized that neither Ethiopia, nor AU or the US would be able to restore security in Somalia; this can only be achieved by the Somalis themselves. It is necessary to have Somalis included in the process and taking ownership of the peace process in the country. The formation of a Somali security force is crucial if security is to be safeguarded. Somalis are still thinking along clan lines and until a united Somali security force is able to secure control of the country conflicts will continue.

An international organisation (C) expressed concern that the planned reconciliation conference does not have a clear objective. There is a serious risk that the conference will only address social issues and that it will become a social gathering, while the essential political issues will not be addressed. The TFG-president probably prefers the conference to focus on social issues while the real issues are the political issues. The organisation added that bringing 3,000 participants of the conference together in Mogadishu might not be possible because of security concerns.

Bamehriz also referred to the discussion as to whether the reconciliation conference was to address social or political issues. The TFG government is known to prefer a conference focussing on social issues such as revenge killings and blood compensation (*Diya*). Bamehriz found it important to

address political issues like a permanent constitution for Somalia and a positive effect of this would be resolving the land and property issues.

In connection with the subject of security and reconciliation in Somalia Lazzarini, also stressed that the very sensitive question of land and property issues which has to be resolved before real reconciliation could be achieved in Somalia. Many Somalis have occupied land and property that will be re-claimed by the previous owners. In Mogadishu people other than the original owners occupy almost all the property. According to Lazzarini no one is addressing the property issues. The UIC had the intention, but did not have the time or the mechanisms to settle it.

Bamehriz pointed to other important political issues such as the disarmament of militias and civil society issues. Bamehriz considered that NGOs and civil society groups should be invited to the reconciliation conference as these are often cross clan organisations and they often have a constructive view on these objectives. Civil society groups will probably be the most neutral group of participants in the conference. Bamehriz was convinced that should the conference not address political issues it will fail to bring reconciliation and peace to Somalia. The political issues are supposed to support the social issues, i.e. stop the fighting and the bloodshed. Even small conflicts can develop into major conflicts if they are not addressed politically.

Bamehriz emphasized that a national reconciliation conference is a precondition for any peaceful progress in the country. This conference must be designed very carefully and it has to be clearly defined.

Lazzarini explained that the international community could choose to be reluctant about the planned reconciliation conference in Somalia, but at the moment there is a 'window of opportunity' and the only alternative to this opportunity is a return to 'warlordism'. The so-called 'peace dividend approach' which took place in Somaliland and in Puntland have got to take place in central and southern Somalia, but today there is only a minimum presence of international organisations in this area.

According to the National Reconciliation Congress's budget a total of 32,680.000 US\$ is requested to cover the costs of the conference which shall be composed of 3,000 participants, including representatives of the Diaspora. The conference was originally scheduled to take place in Mogadishu from April 16 to June 15 2007<sup>12</sup>. Lazzarini added that it is crucial that the TFG receives support to establish itself and be able to administer in Somalia. Should the reconciliation conference fail the TFG might collapse.

An international organisation (A) found it hard to see how disarmament could take place in Mogadishu and it could be expected that more bloodshed will take place in the city as well as in other locations in central and southern Somalia. It was added that it is extremely difficult to make any reliable forecasts for the political and security developments in Somalia, and it was emphasized that every time this is attempted by the international organisations they are proved wrong. An international organisation (A) also found it hard to see how the scheduled democratic elections in 2009 could take place and how a reconciliation conference would be accomplished. It would be

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<sup>12</sup> Roadmap to Governance, National Dialogue and Reconciliation in Somalia, Baidoa, March 1, 2007, p. 14-18.

necessary to thoroughly disarm Mogadishu before a realisation of a peace and reconciliation conference can be carried through in the capital.

An international organisation (C) did not express optimism with regard to disarmament in Mogadishu and the planned peace conference in the city. However the organisation stressed that disarmament and reconciliation is the only way out and it is necessary to support the political process due to a humanitarian imperative and a need for stability. The pre-condition for stability is to meet the everyday needs of the population in order to generate legitimacy in Somalia. This will be the responsibility of the humanitarian organisations operating in central and southern Somalia.

An international organisation (A) explained that the TFG tries to concentrate power and has put Majerteen in all key places and positions. So far the TFG has not sought an all-inclusive dialogue on a clan basis despite the call for this by the international community. It was added that the representation of the Majerteen clan in the TFG is relatively strong.

An international organisation (B) explained that the notion of the Majerteen clan domination the TFG administration must be taken with a huge pinch of salt. It could not be confirmed that persons of the Majerteen clan take up 60% of all significant governmental positions. Actually only one ministerial position in the TFG is occupied by a Majerteen. Former governments have had up to five or six Majerteen as ministers. However, various Harti clans<sup>13</sup>, especially the Majerteen, dominate the armed forces of the TFG.

On May 15 2007 the European Union's General Affairs and External Relations Council called for a reconciliation process and dialogue in Somalia. It appealed to the Transitional Federal Institution (TFI) to "engage in an inclusive, meaningful and consensual dialogue involving all sections of Somali society...and the Council expects the TFI to convene a national reconciliation Congress as soon as possible". The EU emphasized "its readiness to support the Congress financially and otherwise, provided that the TFG will ensure an all inclusive and transparent process". However the TFG's minister for information said he was "perplexed" by the EU's attitude and said that lately the EU "seem to be putting obstacles in our way" and added that "the EU seemed to have developed an attitude of supporting any opposition to the government". The minister refused "any support that has conditions attached to it". On the other hand a civil society source welcomed the EU's stand and explained that Somalia's problems could only be solved through dialogue involving all Somalis.<sup>14</sup>

The EU emphasized that the problems of Somalia can only be solved by political means, building on the Transitional Federal Charter<sup>15</sup> and the EU reiterated the need for a genuine political process, as set out in United Nations Security Council Resolution 1744 (2007).<sup>16</sup>

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<sup>13</sup> The Harti clan comprises the Majerteen, Warsangeli and Dulbahante clans. These clans have their origin in Northeastern Somalia.

<sup>14</sup> IRIN, *Somalia: EU calls for reconciliation*, Nairobi, 15 May 2007.

<sup>15</sup> The Transitional Federal Charter is based on the Somali National Reconciliation Conference that was held in Eldoret and Mbagathi, Kenya between 2002 and 2004.

<sup>16</sup> IRIN, *Somalia: EU calls for reconciliation*, Nairobi, 15 May 2007.

An international organisation (C) did not express optimism with regard to disarmament in Mogadishu and the planned peace conference in the city. However the organisation stressed that disarmament and reconciliation is the only way out and it is necessary to support the political process due to a humanitarian imperative and a need for stability. The pre-condition for stability is to meet everyday needs of the population in order to generate legitimacy in Somalia. This will be the responsibility of the humanitarian organisations operating in central and southern Somalia.

An international organisation (F) considered that forced disarmament of Mogadishu will hamper the political solution as force is a bad start for reconciliation and peace talks. The organisation found the situation of Mogadishu too insecure for a large conference and stressed that disarmament is necessary if the conference is to take place in Mogadishu.

An international organisation (F) pointed out another political concern: The Hawiye clan's representation in Parliament and in the reconciliation process is based on appointment of members from the warlords' militias and is not elected genuinely and does not rightly represent today's Hawiye clan. An international organisation (F) stated that it was important to adjust the representation and appoint new delegates of the Hawiye clan. An international organisation (F) explained that the Darod clan did not have any interest in supporting a more legitimate constellation of the Hawiye representation as this could improve the contesting clan's position.

An international organisation stated that the TFG needs to create a fair administration with a fair representation of the population's clan affiliations. Right now the TFG dangerously creates more Darod areas by dividing districts already characterised by another clan or dividing one Darod district into two and thereby contributing more seats to the Darods. An international organisation also stated that most important ministries and police chiefs are from the Darod clan.

In April 2007 the United Nations Security Council reported, "The proposed congress would provide an important opportunity to promote national reconciliation. However, it is only one element in a broader ongoing reconciliation process. While the Congress will be based on the 4.5 power-sharing formula<sup>17</sup>, recent developments in Somalia suggest that a wider, more inclusive dialogue and reconciliation process will be required in order to incorporate all clans and sub-clans that are willing to engage with the transitional institutions within the framework of the [Transitional Federal] Charter, so as to widen the support base for the political process and make it more representative."<sup>18</sup>

Furthermore the United Nations Security Council reported that the UN "Special representative has been in contact with moderate leaders of the former Union of Islamic Courts [...] Some moderate leaders of the Union have expressed an interest in participating in the Congress but have insisted that they should do so as representatives of the Union. However, the Transitional Federal Government is insisting that the participation in the congress be in strict accordance with the 4.5 formula and that former Union members who renounce violence may participate in the Congress as

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<sup>17</sup> The 4.5 power-sharing formula provides for the equitable distribution of positions in the transitional institutions among the four main Somali clans (the Hawiye, the Darod, the Dir, and the Digil-Merifle), with the remaining posts to be allocated to minority clans.

<sup>18</sup> United Nations Security Council, *Report of the Secretary-General on the situation in Somalia pursuant to paragraphs 3 and 9 of Security Council resolution 1744 (2007)*, (S/2007/204), 20 April 2007, p. 2.



clan members, not as Union representatives. This view is widely shared among members of the international community.”<sup>19</sup>

In spite of all the violence in Mogadishu the US ambassador to Kenya has stated that he is optimistic that a successful reconciliation conference can take place in Somalia. The ambassador explained that the TFG and the National Reconciliation Commission want the agenda of the conference to focus on power sharing and the road map for 2009, including focus on the constitutional drafting process and how the elections will be carried out. The ambassador found that “That is a reasonable agenda and it is one which all Somalis should be able to rally”. The ambassador also said that he has seen some “recent promising political developments in Somalia”, including president Yusuf’s latest meeting with Hawiye elders.<sup>20</sup>

On 13 June 2007 the conference was postponed until July 15 2007. A regional analyst explained to IRIN<sup>21</sup> that this “is a setback for reconciliation efforts in the war-torn country [...] Somalia cannot afford to wait; besides, the clock is ticking on the Transitional Federal Government [TFG, whose five-year mandate expires in 2009]”. According to the analyst the postponement was a reflection of the TFG’s “procrastination and the lack of transparency of the agenda and selection of the delegates”, according to the analyst. IRIN added that “One of the leaders expected to attend the conference cast doubt on the intentions of the government and the viability of Mogadishu as a venue.” Furthermore IRIN reported that Haji Abdi Iman, the chairman of the Hawiye Elders’ Council, said that it was incorrect to say that the Hawiye clan was opposed to the conference. “We want a conference, but it must be transparent and free from manipulation”, he said [...] Ali Mahdi Mohammed, chairman of the National Reconciliation Committee said those expressing their reservations over Mogadishu as the venue “were people looking for an excuse not to attend the conference”. Mahdi added that “the government would guarantee the safety and security for all the delegates”.

OCHA reported on June 22 that the violence in Mogadishu has escalated since the 13 June postponement of the conference.<sup>22</sup>

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<sup>19</sup> United Nations Security Council, *Report of the Secretary-General on the situation in Somalia pursuant to paragraphs 3 and 9 of Security Council resolution 1744 (2007)*, (S/2007/204), 20 April 2007, p. 3.

<sup>20</sup> Voice of America, *US Ambassador Optimistic About Somali Reconciliation Conference*, 03 May 2007.

<sup>21</sup> IRIN, *SOMALIA: Conference delay will affect reconciliation efforts*, Nairobi, 13 June 2007.

<sup>22</sup> OCHA, *SOMALIA, Situation Report # 43 – 22 June, 2007*.

### 3. Human rights issues

#### 3.1. Monitoring human rights in central and southern Somalia

A UN Security Council report stated in April 2007 that “Long-term economic, social and cultural rights violations, including widespread impoverishment of the population, are compounded by serious civil and political rights violations perpetrated by all parties, which have created an alarming human rights situation. Civilians continue to be exposed to indiscriminate violence, in particular in south-central Somalia. In the absence of law and order, they are often caught in the crossfire and are subject to forced displacement”.<sup>23</sup>

“Freedom of expression and opinion and threats to the media remain issues of serious concern. Unresolved land and property rights issues are often the root cause of clan-based conflicts. Discrimination and abuse of marginalized groups and minorities continue unabated. Sexual abuse and exploitation of women and the recruitment of children into armed groups are further concerns. In the absence of mechanisms for protection of human rights defenders, Somali human rights organizations continue to operate in a context of insecurity and fear. The efforts of human rights defenders and independent journalists in Somalia must be respected and protected by the transitional institutions and supported by the international community.”

“The Transitional Federal Charter contains many positive human rights provisions, including specific reference to international human rights treaties ratified by Somalia. Implementation of these provisions is, however, severely lacking. The transitional institutions, including the judiciary, remain weak, while the Transitional Government has minimal capacity for law enforcement and the protection of the people’s rights. Customary law, Sharia and various national legal standards are applied arbitrarily in the absence of a national legal framework. The drafting of a national constitution will be an important next step in building a legal framework with strong provisions for the protection of all human rights.”<sup>24</sup>

The UN Security Council stated in April 2007: “Detailed information and data about the human rights situation in Somalia, in particular in south-central Somalia, remains difficult to obtain owing to insecurity and the relative weakness of independent actors conducting systematic information collection activities on the ground.”<sup>25</sup>

Mila Font, Civil Society – Technical Assistant, Delegation of the European Commission in the Republic of Kenya/Somalia Operations, European Union (EU) explained that 16 human rights organisations – all based in Nairobi – monitor human rights issues in Somalia. However, the information from these organisations is not regular and it could be improved by further training of these organisation’s own staff.

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<sup>23</sup> United Nations Security Council, *Report of the Secretary-General on the situation in Somalia pursuant to paragraphs 3 and 9 of Security Council resolution 1744 (2007)*, (S/2007/204), 20 April 2007, p. 9.

<sup>24</sup> United Nations Security Council, *Report of the Secretary-General on the situation in Somalia pursuant to paragraphs 3 and 9 of Security Council resolution 1744 (2007)*, (S/2007/204), 20 April 2007, p. 9.

<sup>25</sup> United Nations Security Council, *Report of the Secretary-General on the situation in Somalia pursuant to paragraphs 3 and 9 of Security Council resolution 1744 (2007)*, (S/2007/204), 20 April 2007, p. 9.

In central and southern Somalia there are eight local, Somali human rights organisations that are supported by the EU. Four of these are based in Mogadishu and the other four in Kismayo, Belet Weyne, and Baidoa respectively. The EU through Nederlandse Organisatie voor Internationale Bijstand (NOVIB) supports these organisations. They are being trained in monitoring, reporting and advocacy.

Font explained that in addition to the eight NGOs there are a number of local NGOs that also assist in monitoring human rights violations in Somalia and these are now and then requested to check up on information in certain matters. The eight NGOs supported by the EU together with two other organisations originally formed a group called G-10, which was later renamed G-16 as six additional NGOs joined the group. In spite of the fact that this group is assembling information from many, various sources in Somalia it is still less than the tip of an iceberg that are being reported and documented.

In addition to the 16 NGOs there are a number of children-centred NGOs that are supported by UNICEF. Besides this OCHA has established a support-group, which NOVIB as well as the DRC is part of.

Font also mentioned that Amnesty International (AI) recently appointed a staff member to focus on Somalia. AI will focus on the border issues between Kenya and Somalia, the activities of AMISOM, justice and impunity as well as the reconciliation process.

Font added that the EU is discussing the issue of monitoring human rights in Somalia with NOVIB, DRC, OCHA and AI. The purpose is to seek to harmonize each of these organisation's human rights reporting and eventually produce joint monthly human rights reports.

Font explained that there is no independent human rights commission in Puntland or in the rest of Somalia, i.e. central and southern Somalia. However there are signs that this is in the process of taking place and local NGOs are advocating for this to happen. The intention is to include G-16 in a Somalia Human Rights Commission and one of the tasks of this commission is to work for the establishment of a National Human Rights Commission.

Font emphasized that it is extremely difficult to monitor and document human rights violations in Somalia. The presence of human rights organisations in Somalia does not imply that any person in need or danger can rely on protection by these NGOs. There are no institutions in Somalia that can protect and assist victims of human rights violations. Font added that human rights activists or advocates and all members of G-16 are being informed regarding the risk they take as human rights workers. Human rights activists are being targeted and attacked in Somalia. Recently a human rights activist from Kismayo was killed in Mogadishu. Political violence and politically motivated killings are on the increase in Somalia, and all sides in the conflict are responsible for this.

IRIN reported in May 2007 that years of violence have turned Somalia, particularly Mogadishu "into one of the most dangerous places in the world for aid workers. Across the country, faction fighting, road-blocks manned by money-extorting gunmen, kidnapping and killings have reduced humanitarian activity to a minimum". According to a 2006 Overseas Development Institute (ODI) Briefing Paper the incidence rate is on the rise for national NGO-staff and Somalia is the worst such situation. The ODI report stated that in both absolute and relative terms [with the exception of Iraq in 2003-2004], Somalia remains the most violent place for operations. National staff of local NGOs in Somalia, mostly civil society groups, carry out operations on behalf of international agencies

based in Nairobi. This approach is sometimes called ‘remote control’. A Somali working for an international agency said that “In most cases we are on our own, with no back-up [...] Many Somali staff working for international agencies are not entitled to evacuation; the best they will do is tell you to go to another town and lie down”. IRIN added that analysts say national staff are the unsung heroes of the aid community operating in Somalia.<sup>26</sup>

NOVIB explained that from time to time local consultants monitor human rights issues in Somalia on behalf of NOVIB. NOVIB supports and cooperates with 17 local NGOs in Somalia and the organisation’s main focus has been on training and monitoring human rights. NOVIB also runs a child protection programme in cooperation with UNICEF. NOVIB has developed a human rights monitoring system database, which contains registered cases on human rights violations and analyses reports. NOVIB emphasized that the monitoring is only rudimentary and NOVIB records less than the tip of an iceberg of human rights violations. Most incidents never get reported and documented, and NOVIB explained that it is a natural human instinct among Somalis not to report human rights violations. Of those incidents that are being reported most of them refer to either rapes or killings.

NOVIB emphasized that lawlessness and insecurity in Somalia makes it impossible for local NGOs, including human rights organisations, to assist a person in danger or to protect such persons from attacks by others. Practical assistance and protection of individuals is generally not possible. However, local NGOs may bring a particular case forward and provide temporary assistance to a person in danger.

An international organisation (C) explained that vulnerability in Somalia is a complex subject and it depends to a large extent on the clan’s position as a minority clan or group and in which area this clan or group is residing, i.e. whether or not the minority clan or group is enjoying protection from another major clan. Vulnerability is also related to the fact that the number of women headed households, elderly people and unaccompanied children in the clan. Female-headed households are amongst the most vulnerable as they are without the protection of a male. Women in various situations can be vulnerable as they in general are easier targets for abuse and they have few rights in Somali society. Elders and unaccompanied minors are also in vulnerable situations. People who have experienced loss of the family network will most commonly also lose clan support and will accordingly become vulnerable.

An international organisation (C) added that whether or not a person is vulnerable depends on specific circumstances such as surroundings, location and personal circumstances. In order to assess vulnerability it will be necessary to apply an *ad hoc* approach and a concrete assessment in each individual case.

### 3.2. Minority populations

Hibo Yassin, Regional Coordinator, Cooperazione per lo Sviluppo dei Paesi Emergenti (COSPE) explained that minority populations in Somalia, i.e. members of ethnic minority groups and members of clans being in a minority position are no longer victims of targeted looting and other targeted human rights violations. However, it was added that any person in Somalia who does not

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<sup>26</sup> IRIN, Somalia: *National staff, local partners carry out the load in a dangerous environment*, Nairobi, 10 May 2007.

enjoy strong clan protection because he or she is from a weak clan or minority group has to keep a low profile. Such a person should never be outspoken or express political opinion openly or he or she will have to go into hiding or conceal his/her identity. During the period of UIC control members of minority populations were in a much better position and some were even able to reclaim property, however today this is no longer so. Everyone is now under threat and many are afraid, not least members of minority groups.

In May 2007 Amnesty International (AI) reported that AI “talked to a number of refugees from the Somali minority groups, who have no clan protection. Most of them asserted that they had been specifically targeted for persecution by the different armed groups such as COSIC [UIC] fighters or clan-based armed or militia groups, solely on the basis of being minorities and not members of a clan. According to the refugees, this often resulted in targeted attacks on them and their families resulting in deaths and injuries, the looting of their belongings and property, and their forced conscription into armed groups.”<sup>27</sup> AI informed that the above information is based on interviews with Somali refugees in Dadaab refugee camp in Kenya between 17 and 20 March 2007.

Regarding blood-compensation (*Diya*) Yassin explained that minority groups cannot expect to obtain compensation from major clans such as the Hawiye or the Darod, and to obtain compensation from the Abgal clan is also very difficult since this clan is dispersed over a large area. However, if blood-compensation is being negotiated on a lower, sub-sub clan level it is very likely that compensation may take place. Even the Reer Hamar, Shekhal and other ethnic minority groups today have profiled elders who can negotiate blood compensation.

Lazzarini explained that OCHA does not have specific information on the present situation on minorities, but he stated that they suffer from the fact that offenders of their rights enjoy impunity.

NOVIB explained that the situation of minority populations and minority clans have not changed for the better for many years. They are still vulnerable, targeted and marginalized.

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

Regarding the land issue Abdulle explained that there have always been land disputes and that there has always been inequality at all levels of society. Looting of property still takes place and the minorities are still targeted, but there is not much land anymore to take away from these populations. However, looting of humanitarian aid from minorities still continues.

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

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<sup>27</sup> Amnesty International, *Kenya, Denied Refuge, The effect of the closure of the Kenya/Somalia border on thousands of Somali asylum-seekers and refugees*, (AI Index: AFR 32.002.2007), London 2 May 2007, p. 6.

Abdulle explained that many members of the minority groups supported the UIC as they had enjoyed a relatively safe and calm period under the rule of UIC. However, since December 2006, when the UIC was ousted their situation has deteriorated. There is no detailed information on this, but it is clear that minority members that are perceived to have supported or be supporters of the UIC are at risk of persecution and of being targeted. Members of minority groups are also more vulnerable during armed conflicts as they do not have the same access to medical treatment and hospitals as many others have. Member of minority groups also find it harder to flee and move around to escape the fighting, as they are not as easily accepted in new surroundings, as is the case for many other IDPs from major clans. IDPs from more influential clans often have a better chance of being tolerated in the area to which they have fled.

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

### 3.2.1. Ethnic Oromos

Lazzarini explained that there are approximately 15-20,000 Oromos in Mogadishu<sup>28</sup> and this population group is a target for the Ethiopian troops. Even killings of Oromos are taking place and they are harassed at checkpoints and in general.

An international organisation (F) explained that when Ethiopia initially sent troops to Somalia the agenda was to clean out Oromos. This was done in approximately two weeks.

Yassin confirmed that many Oromos are living in Somalia and they were targeted and killed by Ethiopian troops.

On May 4 2007 OCHA reported that returnees arriving in Mogadishu – particularly Oromos – are being harassed and arrested, but OCHA did not report who the violators were.<sup>29</sup>

### 3.3. Internally Displaced Persons (IDPs)

According to UNHCR Protection Cluster Update from June 2007 a total of 401,000 persons have fled Mogadishu since 1 February 2007 and nearly 122,000 IDPs have returned to the city by June 22 2007. However, due to ongoing insecurity and sporadic violence in Mogadishu 2,600 fled the city between 1 June and 20 June 2007.<sup>30</sup>

An international organisation (C) explained that at the end of 2006 40% of the 250,000 IDPs in Mogadishu were residing in public buildings, but the TFG will increasingly need to reclaim these buildings for official use, as well as for the AMISOM-troops and for other purposes. As a result of this the IDPs will be forced to leave the public buildings and move to other locations. The

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<sup>28</sup> Lazzarini emphasized that he was uncertain about the exact number of Oromos living in Mogadishu.

<sup>29</sup> OCHA-Somalia, Situation Report # 38 – 04 May, 2007.

<sup>30</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 22 June 2007.

organisation considered that this would have a negative impact on the stability of Mogadishu. However, the TFG does not have the resources to take over all buildings at the moment as most of them are in a very bad condition. It was added that the remaining IDP-population in Mogadishu are residing in about 200 different locations in and around the city.

An international organisation (C) emphasized that the fact that the TFG will have to re-take public buildings in Mogadishu makes humanitarian intervention and political solutions imperative.

According to UNHCR Protection Cluster Update from May 4 2007 the TFG warned on April 30 that the IDPs from Mogadishu will not be allowed to resettle in government buildings where they were housed before they were displaced. The government is planning to repair and use its buildings as offices. The TFG has reportedly set up a committee to prepare the logistics of resettling people but the committee has yet to start its work. Those few IDPs that have returned to Mogadishu have found their previous homes destroyed and looted. Residents of Mogadishu have reported massive looting committed by men in army uniforms. However, with army uniforms easily available, hooligans have been posing as government soldiers and terrorizing residents.<sup>31</sup> OCHA reported on May 4 2007 that returns to Mogadishu may be further discouraged due to the fact that some public buildings formerly occupied by IDPs were destroyed in the fighting, as well as tension over the planned use of public buildings that were, until recently, occupied by IDPs.<sup>32</sup>

In early May 2007 UNHCR's Assistant High Commissioner for Refugees Judy Cheng-Hopkins was on a four-day trip to south-central Somalia and she said she was shocked by the living conditions of people who have been displaced after fleeing recent heavy fighting in Mogadishu. Cheng-Hopkins visited several IDP settlements near Baidoa where 19,000 newly displaced people have arrived, and settlements in Galcayo where more than 10,000 IDPs recently arrived. UNHCR estimates that among the almost 400,000 people displaced from Mogadishu about 152,000 have fled to the two Shabelle regions. Another 109,000 went to Galgaduud province, 44,000 to Hiran region, 40,000 to Mudug region, and 28,000 to Bay region. It was added that the numbers of IDPs leaving Mogadishu have dropped dramatically in recent days [late June – early May] as fighting has eased.<sup>33</sup>

On 11 May UNHCR reported that IDPs are gradually returning to Mogadishu. UNHCR staff in Mogadishu report that people are only returning to those parts of the city, which were not involved in the fighting. At the same time, families who used to live in neighbourhoods affected by the fighting are still reluctant to go back, mainly because of the reported presence of soldiers from the TFG and allied Ethiopian troops. Civilians fear that should they go back, they might be caught once more in the crossfire if the fighting resumes. UNHCR's team reported that, even though fighting has ceased in Mogadishu, the situation remains tense. UNHCR added that an estimated 250,000 people that are internally displaced within Mogadishu by previous conflicts are not able to return to

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<sup>31</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: 4<sup>th</sup> May 2007, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 4 May 2007.

<sup>32</sup> OCHA-Somalia, *Situation Report # 38 – 04 May, 2007*.

<sup>33</sup> UNHCR News Stories, *Head of UNHCR operations division shocked by conditions of Somali displaced*, 4 May 2007.

their homes because their houses have been destroyed by mortar shelling, or because they can no longer access the place where they used to live because of insecurity.<sup>34</sup>

On 22 June 2007 UNHCR noted that there are reports that IDPs are being evicted from public/government buildings.<sup>35</sup> UN also reported that residential properties have been taken by military forces and there is tension over the fate of some public buildings that until recently were occupied by IDPs.<sup>36</sup>

OCHA reported in June that any long-term resettlement of IDPs must be based on outcomes of the National Reconciliation Conference.<sup>37</sup>

An international organisation (C) explained that most of the IDP camps or locations in Mogadishu are being controlled by so-called 'NGOs'. In reality these 'NGOs' are nothing more than militias extracting money from the IDPs when they leave the camps and return to their daily life.

Lazzarini explained that the UN operates with two types of displacement:

- Protracted IDP situation, which amounted to 400,000 in Somalia, including 250,000 in Mogadishu. These figures are from before the fighting in 2007.
- Temporary movements of IDPs – mostly due to insecurity and fighting.

Lazzarini confirmed that IDPs are a targeted group in Somalia, especially in Mogadishu. In Mogadishu technically everyone is an IDP due to the four following factors:

- The arrival of UIC/departure of UIC
- Droughts
- Flooding
- Conflicts

Lazzarini explained that IDPs are living in settlements or public buildings and are not absorbed by a host community.

According to Gorm Pedersen, IDP Profiling Project Manager, Danish Refugee Council (DRC), Nairobi close clan affiliation does not automatically guarantee that an IDP will be integrated into a community as most families have so few resources that a newcomer in the form of an IDP would push their assets to the limit. It was added that about 40 % of the IDPs in Bosasso, Puntland are from Ethiopia. Some of these even arrived in Bosasso before the civil war in Somalia.

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<sup>34</sup> UNHCR Briefing Notes, *Somalia: Some returning to Mogadishu, but situation still tense*, 11 May 2007.

<sup>35</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: 22 June 2007, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 22 June 2007.

<sup>36</sup> United Nations, *Humanitarian Situation in Somalia, Monthly Analysis, May 2007*, Nairobi.

<sup>37</sup> OCHA, *Situation Report # 42 – 15 June, 2007*.



According to UNHCR Protection Cluster Update from May 4 2007 a local NGO in Puntland has reported that some people fleeing the violence in southern Somalia have been arrested by Puntland authorities in Garowe. About 95 men, 33 women and 128 youths are in detention in Garowe. The Puntland authorities are holding this group on suspicion that they have been causing security problems in Puntland.<sup>38</sup>

In addition a local NGO in Bossaso reported to UNHCR that the situation in the IDP camps is worse than it ever was. This has been caused by the increasing number of IDPs fleeing the violence in the South.<sup>39</sup>

An international organisation (C) explained that due to the closure of the Kenyan border by the Kenyan authorities, refugees from Kismayo and Mogadishu are not able to cross the border and they are forced to return as IDPs into areas of Somalia where they are not safe as they have no clan protection.

According to UNHCR's Protection Cluster Updates, which are published regularly, the IDPs in Somalia are extremely vulnerable. They face very serious security problems as well as a humanitarian disaster. Insecurity, lootings, thefts, extortion, killings, rapes, harassments, suspicion, diseases such as cholera, lack of toilets, shelter, food and water are all daily life for hundreds of thousands of IDPs in Somalia.

UNHCR reported on April 24 2007 that many IDPs were traumatised by the loss of family and friends in the violence and there are several cases of children being separated from their parents while fleeing. In Mogadishu, local NGOs caring for the disabled have expressed growing concern to UNHCR over the physically impaired in the capital who are unable to leave.<sup>40</sup>

OCHA reports regularly on the humanitarian situation in Somalia. On May 4 2007 OCHA reported that the majority of the IDPs are women, children and the elderly, with those in the area of Mogadishu still considered to be the most vulnerable.<sup>41</sup>

Lazzarini explained that even though security in the IDP camps or settlements is very weak it is when the IDPs are leaving their camp that they become critically vulnerable. It was added that IDPs experience no clan protection and accordingly there is no negotiation of compensation when IDPs are victims of crimes.

Lazzarini explained that the IDPs in Somalia are extremely vulnerable to various abuses and they are a targeted population in Mogadishu. Included in the total figure of 400,000 IDPs in Somalia is the so-called protracted IDPs, who are living in more stable settlements. However, even these do not enjoy clan protection, as the local communities have not absorbed them.

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<sup>38</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: 4<sup>th</sup> May 2007, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 4 May 2007.

<sup>39</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: 4<sup>th</sup> May 2007, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 4 May 2007.

<sup>40</sup> UNHCR Briefing Notes, *Somalia: Displaced now face hunger, thirst, cold and rain on top of fear and trauma*, 24 April 2007.

<sup>41</sup> OCHA-Somalia, *Situation Report # 38 – 04 May, 2007*.

IDPs will have to pay so-called gatekeepers to be allowed to stay in an IDP settlement and some of them may be considered as hostages for some time if they cannot pay the gatekeepers. IDPs living in these camps or settlements have absolutely no rights. Since the fighting began in Mogadishu in December 2006 there are [in March 2007] more than 40,000 new IDPs in Mogadishu alone. This figure includes a number of protracted IDPs, who have had to move around in search of security from the fighting.

Regarding gatekeepers in the IDP-camps, an international organisation (B) confirmed that these are taking advantage of the IDPs by forcing them to pay tax. Some of these gatekeepers did not even own the land on which the IDPs were living, but they extort money from the IDPs by intimidation.

Pedersen explained that for a number of years the IDP-movement from central and southern Somalia has been rather low and during the latest two years only about two thousand have become IDPs. However the fighting in March 2007 has resulted in a sharp increase of the number of IDPs. A new phenomenon is that many of the new IDPs are middle class citizens that have left Mogadishu for the first time as IDPs or refugees. The movement of IDPs and refugees is now being recorded, but no one knows their final destination.

Pedersen emphasized that IDPs are among the poorest people in Somalia and in the world. Some of them have lived in IDP camps since 1991.

Abdulle explained that many IDPs are treated as “slaves” in their own camps. First of all they have to pay so-called guards for protection and in order to re-enter the camp after a day’s work or other dealings outside the camp. This kind of extraction was abolished during the rule of UIC, but now it has been reintroduced under the disguise of ‘protection-money’. Abdulle emphasized that there is no authority in Mogadishu and that violations take place every day.

An international organisation (E) explained that UIC often fire against Ethiopian troops from densely populated areas such as IDP camps and move out of such areas very quickly. However the Ethiopian troops fire back into these areas as they expect the enemy still to be in the area. Many civilians are being killed in this way.

### 3.4. Returnees

#### 3.4.1. Returnees from Europe and Internal Flight Alternative (IFA)

Pedersen explained that persons who are refused asylum abroad on the grounds that they can relocate to safety in another location in Somalia, i.e. the Internal Flight Alternative (IFA) would risk becoming IDPs. Even when such persons have clan affiliation with groups in the new area they cannot expect to be supported by these groups. Many IDPs in Puntland are still not absorbed into the local community and they are still living as IDPs in the camps. This is the reality for the majority of all IDPs during the last 15 years.

An international organisation (D) warned against returning rejected asylum seekers to central and southern Somalia, as these would be especially vulnerable in the current security environment of that area. Return to central and southern Somalia should not take place before a national reconciliation conference has taken place and the outcome of such a conference is apparent. The source added that stabilisation of Somalia would not happen before an all-inclusive reconciliation conference takes place.

Pedersen explained that there are only a very few positive stories about IDPs who have returned to their original home area. On the other hand there are thousands of very negative stories and serious incidents about IDPs returning home. Pedersen added that the situation of minorities in Somalia closely resembles the situation of the IDPs.

An international organisation (B) stated that the situation for returnees may be “shaky” in central and southern Somalia, as there is no authority or institution that could assist such persons. An international organisation (B) emphasized that it cannot recommend any forced returns to any destination in central and southern Somalia. An international organisation (B) mentioned that the UK has deported some Somalis to this area. Relatives of those deported have now sued the British government. The organisation strongly advised against deporting rejected asylum seekers to central and southern Somalia before basic security is in place in this area.

An international organisation (A) requested foreign countries not to send any rejected asylum seeker back to central and southern Somalia, as the situation is too serious. However, the source added that returning rejected asylum seekers will not be at more risk of persecution than any other returning Somali.

An international organisation (B) emphasized that travelling from entry point to their own clan area is complicated and could be dangerous for deported Somalis. It was added that deported asylum seekers are at a high risk of exploitation, as they have may not have a network on return.

It was added that it could be extremely dangerous for a returnee to undertake a journey from an entry point to the returnee’s home area if he or she has to travel on land. It has to be kept in mind that Somalia is a failed state and a clan-based society, and that under such circumstances anything can happen.

However, Yassin stated that returning women are not in need of particular protection upon arrival, even if they are single or if they are bringing children along with them. Under normal circumstances Somali women generally enjoy a large degree of protection in Somalia and they also enjoy much respect in society.

### *3.4.2. Returnees from Ethiopia*

An international organisation (A) stated that Somalis returning to central and southern Somalia from Ethiopia are not at particular risk of persecution. The fact that Ethiopia invaded Somalia does not have any negative effect on Somalis returning from Ethiopia.

Abdulle explained that many Mogadishu-based business people have an Ethiopian passport and they travel in and out of Somalia, including visits to Ethiopia. These persons have never had any problems because of that. Abdulle found it impossible to believe that a person would have any trouble just because he or she had been to Ethiopia and returned to Somalia.

Yassin explained that Somalis returning from Ethiopia since the Ethiopian invasion do not experience any kind of suspicion or persecution for having been in Ethiopia. However if a person is suspected of being affiliated with the Ethiopian troops or the TFG he or she might be targeted by various militias and insurgents who are fighting the TFG, the Ethiopians and the AU forces.

### 3.5. Forced recruitment, child soldiers and forced labour

Regarding the issue of forced recruitment Yassin questioned, “What is forced recruitment?” Yassin explained that “If it is forced recruitment when the elders of your clan knock on your door and declare that the clan is under threat and needs to recruit soldiers then you may have forced recruitment.” However, Yassin emphasized that no one is being forced into clan-based militia if he is not a member of that same clan. Forced recruitment is not common, but a person has to go if the clan elders request it.

Yassin explained that the UIC recruited soldiers to its militias by recruiting them in their schools. Normally the schoolteachers would tell the children that a *Jihad* had been declared and that they would have to join the Islamic forces. Students at the University of Mogadishu were among the most radical Islamists and they would recruit even minors in the schools. Some recruits could be below 15 years of age but mostly they would be between 14 and 22 years of age. Yassin added that very often schoolteachers indoctrinated the children to join the militias. Since the end of December 2006 the UIC is no longer in a position to forcibly recruit to its militias.

In January 2007 International Herald Tribune<sup>42</sup> reported that “interviews with boys as young as 14 who said they fought in the recent weeks of violence in Somalia lend credence to accusations that children have been recruited for battle in this chaotic Horn of Africa nation. The government and the Islamic movement have denied recruiting child soldiers, but Christian Balslev-Olesen, UNICEF’s Somalia representative, said [...] that witness accounts suggest otherwise [...] Christian Balslev-Olesen said there was evidence of child soldiers being recruited by both sides in Somalia, but we have to say the (Islamic courts) have been much more public in recruiting child soldiers. He added that it was impossible to estimate the number of young soldiers due to continuing volatility [...] If you have young people and children experiencing that kind of fighting and killing, that influences their mentality and thinking and mind set for the rest of their lives, Balslev-Olesen said.

Yassin explained that the TFG does not forcibly recruit soldiers. Soldiers in the TFG militia are being paid.

Regarding recruitment of minors an international organisation (B) explained that the TFG recruits persons to its militia and police force through other militias and clans. Normally the TFG request a clan to provide a certain number of persons to join its militia or police force. President Yusuf has requested the various warlord militias outside the TFG to disarm, and many warlords did hand over arms and soldiers to the TFG. An international organisation (B) explained that these soldiers normally would be 15 years of age or older, and commented that boys of 15 are regarded as adults in Somalia. However, there have been soldiers under 15 in the warlord militias, some of them were only 13 or 14 years of age. When these warlord militias were incorporated into the TFG militia these minors were included. The TFG has openly admitted to an international organisation (B) that there are such minors included in its militia. However, Puntland does not admit that there are minors in its militias. It was added by an international organisation (B) that Somalia has signed the Convention on the Rights of the Child.

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<sup>42</sup> International Herald Tribune, *Child soldiers in hiding in Somalia after recent violence*, The Associated Press, Friday, January 12, 2007.

However, the TFG has denied recruiting underage soldiers. On January 2 2007 IRIN quoted a TFG spokesman for saying “We have no child soldiers among our forces [...] All our soldiers are over 18 years old. It is the other side [the Union of Islamic Courts – UIC], which has been using force to recruit children. However, an international organisation (B) said to IRIN that “First hand interviews have been conducted with children as young as 11-years-old at checkpoints, and in the vehicles of various parties to the conflict”. In addition to this IRIN reported that Save the Children-UK had “expressed concern over the plight of thousands of unaccompanied Somali children who could fall prey to child traffickers and sexual exploitation”.<sup>43</sup>

Dr. Daniel Bourzat, Special Counsellor to the Prime Minister, The Federal Republic of Somalia denied that the TFG recruits soldiers by force, including minors. However, Bourzat admitted that those militias who support or are incorporated into the TFG have minors in their ranks. These minors are not recruited by force by the militias but on a clan basis. The TFG is aware of the problem of minors already included in militias that are incorporated into the government’s forces.

An international organisation (D) stated that the TFG recruits persons to its police forces as well as its army/militia. This recruitment takes place through various militias who are recruiting militia soldiers by force, including minors.

An international organisation (A) explained that forced recruitment to militias took place during all of 2006. In particular, the UIC carried out forced recruitment but since the ousting of the UIC the TFG and militias also carry out recruitment, but this normally takes place by offering small amounts of money or food. Recruitment to a militia is very often a clan obligation.

An international organisation (C) confirmed that militias are all recruiting by force and some recruits are minors.

Lazzarini confirmed that over the last year there have been many examples of forced recruitment by the UIC as well as by the TFG, i.e. militias supporting the TFG. This recruitment included youngsters down to an age of 13-14 years. It is difficult to determine who are the ones forcing individuals to join the militias. The family and also the clan will often request or more precisely order the individual to join the militia and fight for the clan. Lazzarini considered that it would not be possible to refuse to join a militia. Lazzarini could confirm that the UIC recruited school children to its militias.

Lazzarini explained that many newly recruited militia soldiers have been sent to the frontlines, including minors. Lazzarini added that the frontlines are located outside the cities and towns, but the battles are always very violent. It is possible that between 4,000 and 5,000 fighters were killed in just one week, many of these were very young, inexperienced fighters.

An international organisation (C) was aware of some cases where young men from central and southern Somalia arriving as IDPs in Galcayo had been detained and assumed to be UIC-infiltrators. In reality, according to the organisation they were all fleeing from the UIC.

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<sup>43</sup> IRIN, *Somalia: Protect children from conscription, say aid agencies*, Nairobi, 2 January 2007.

An international organisation (C) knew of cases where young men were put in prison on the assumption that they were working against Puntland. In reality they were actually running away from forced recruitment.

An international organisation (C) explained that a TFG-minister has admitted that the TFG has forcibly recruited soldiers to its army, including minors of 13-14 years of age. It was added that even a father who refuses to let his child be recruited would face retaliation.

An international organisation (C) stated that militias, including the TFG-militia do recruit forcibly. The authorities in Puntland deny that there are minors in its militias, but an international organisation (C) was aware of cases in which children from 15 years of age have been recruited. The organisation added that it is clear a person cannot refuse to be recruited into a militia.

IRIN reported on 15 May 2007 that according to a report by the United Nations Secretary-General, Ban Ki-moon, on children in Somalia, “The recruitment and use of child soldiers by the TFG and other armed groups is a significant concern”. The report added that the violence in southern and central Somalia is characterised by grave child rights violations.<sup>44</sup>

NOVIB explained that during the UIC command it was publicly declared that the schools had to supply the UIC with school children to the militias. Schoolteachers were instructed to train the children in military exercise before the militias arrived and recruited them. The children were geared up to go to war. Most of the children were down to the age of 13 to 16 years. The recruitment was often going on without the consent of their parents, and girls as well as boys were recruited. Very often the UIC would indoctrinate the children to fight against the TFG and the Ethiopian forces. NOVIB added that all parties in the war, including the TFG and various warlord militias, recruited children to be soldiers.

NOVIB explained that no one refuses to participate in the UIC-militias. For people it is seen as supporting the religion and the family, and in Somalia “one must be ready to die for one’s faith”. To refuse would be like denying Islam as the UIC sees it and there would be no sympathy for a person who refuses. Those who recruit are those who are in power. NOVIB emphasized if someone had the chance to run away from recruitment and later returned to his home area would be at risk of retaliation. Finally, NOVIB added that recruitment is also taking place on the other side of the border to Kenya.

As of March 2007 an international organisation (B) did not consider a deserter from the TFG militia to be in serious danger because the TFG did not have the power to enforce its policies. During the period when the UIC was in power [June to December 2006] desertion from UIC militias could be dangerous for the deserter.

UN reported in early June 2007 that reports on child recruitment have continued.<sup>45</sup>

NOVIB explained that children, mostly children of IDPs, work in the market without getting paid; they are just given a little food. Girls are especially vulnerable as they can be victims of sexual abuse.

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<sup>44</sup> IRIN, *One-third of conflict victims were children – UN*, Nairobi, 15 May 2007.

<sup>45</sup> UN, *Humanitarian Situation in Somalia, Monthly Analysis*, May 2007.

An international organisation (B) confirmed that forced labour occurs in Somalia. Forced labour is especially common among IDPs, and it is often connected to physical abuse.

### 3.6. Risk of double jeopardy

An international organisation (A) explained that without a functioning government in Somalia double jeopardy does not occur. However, if a crime is committed against another Somali abroad the offender may risk persecution by the victim's clan in Somalia. A crime committed against a non-Somali or a crime not involving Somalis abroad is irrelevant with respect to the risk of double jeopardy.

An international organisation (B) explained that in Somalia there are three legal systems, secular law, *Sharia* law and traditional law (*xheer*). In central and southern Somalia there is no secular law and without a functioning government double jeopardy does not exist for crimes committed against non-Somalis.

### 3.7. Clan protection

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

An international organisation (A) explained that the UIC rejected the clan system and that this supported vulnerable groups.

An international organisation (C) stated that it is too broad to say that everyone upon return to Somalia from abroad will have access to protection from his or her clan in Somalia. The clan may try to assist and protect a person at the initial stage but not in the long term. It is also important to note the fact that Somalia is one of the poorest countries in the world.

An international organisation (C) explained that traditional law is oral and to be understood in a context of a power game. The only law in a stateless society such as Somalia is traditional law. Those who have power are exploiting traditional law to their own advantage. Small and weak clans as well as ethnic minority groups do not have the same right to blood-compensation that the more domination clans have.

An international organisation (C) added that impunity is one of the most difficult issues in Somalia, especially when talking about gender-based violence.

An international organisation (B) explained that many coping strategies in Somalia are being disrupted by the conflicts and humanitarian disasters. This fact means that a person cannot automatically expect to be protected by his or her own clan.

An international organisation (B) explained that clan protection in Somalia is essential to any individual. A person's link to a clan depends to a strong degree on the individual's own background (whether or not that person has stayed with his or her clan, i.e. movement within or outside Somalia, inter clan marriages etc.) and family links to a specific subgroup of the clan. Protection from a clan is accordingly not a given thing. An international organisation (B) discarded the view that any Somali can expect to be protected by his or her clan.

Lazzarini explained that even though security in the IDP camps or settlements is very weak it is normally when the IDPs are leaving their camp that they become critically vulnerable. It was added that IDPs experience no clan protection and accordingly there is no negotiation of compensation when IDPs are victims of crimes.

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

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

Yassin explained that a person who had been abroad for some years might be considered to be in possession of money or at least having access to money. If such a person returned to Somalia without some assets he or she might be considered as a failure and he or she might have difficulties in being protected by his or her clan.

Yassin stated that a person who is forcibly returned to Somalia is generally considered as having economic assets. Even if such a person is returned to a location outside his or her own clan area that person will not automatically be at risk of targeted attack by other clan members. Local people may even support the person in question in order for the deportee to return to his or her home area. This is not an uncommon phenomena and Yassin considered that UNHCR and others are exaggerating the problem of returning Somalis to Somalia, including southern and central Somalia.

However, in Mogadishu, Kismayo and other large towns it is likely that persecution due to clan affiliation may take place. The Ogaden clan was one of the major supporters of the UIC and there are reports that Ethiopian soldiers have raped women from the Ogaden clan in southern Somalia.

Yassin emphasized that nobody is safe in Mogadishu today. Several persons are being killed every day.

Bamehriz stated that not every Somali has access to protection from her or his clan. It is often necessary to have a certain status in the clan and have shown loyalty and contributed to the clan in order to enjoy protection from the clan. If a clan member has been abroad for some time clan protection may be difficult to obtain. Bamehriz added that such a clan member will not be disowned, but his or her clan fellows may not be enthusiastic about supporting the member.

### **3.8. Cross clan marriages**

Yassin explained that the situation for persons living in a cross clan marriage might be difficult in some places. Their situation will depend on actual circumstances and Yassin emphasized that it will



never be possible to make reliable general statements about the situation for persons in cross clan marriages.

An international organisation (B) considered that persons in cross clan marriages could face problems, especially if the couple or one of them have been disowned by his or her own clan because of the marriage. However, it was emphasized that whether or not a person is at risk of being marginalized or persecution will depend on that person's individual plight.

Regarding cross clan marriages Bamehriz stated that the husband's clan will absorb the woman, and in case the marriage ends she can return to her clan of origin. Cross clan marriages are not so common these days as clans are not on good terms. Before the civil war began in the south in 1991 interclan marriages were much more common.

An international organisation (C) confirmed that a wife is absorbed into her husband's clan irrespective of her own clan affiliation. This is so except for when she has married below her own clan's position. However, if the husband dies a problem may arise regarding the widow's clan affiliation.

According to NOVIB a woman's marriage against the wishes of her family or clan may lead to the death of the man if he comes from a lower clan than his wife. NOVIB gave an example of a couple in which the woman's own clan sent her away to the other end of the country. The couple later found each other again and had to go into hiding or they would be killed.

### 3.9. Women

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

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

Abdulle considered that women are still victims of human rights violations throughout Somalia, and they are exposed to all the usual abuses and violations. Women are the breadwinners of Somalia but political authority governs them. They may be socially active but they do not have any decision making influence. Abdulle explained that there are almost no women in the cabinet. In addition the majority of all those being killed and wounded in the recent fighting are women and children.

NOVIB considered that women in Somalia are vulnerable and just being a woman makes you at risk of being targeted and abused, especially by militias and other gunmen. Today women are especially at risk at checkpoints where warlord militias or so-called free-lance militias may check buses and sexually abuse female passengers.

Domestic violence against women is common and NOVIB referred to an old Somali proverb: "As soon as you are married beat up your wife, so she knows who is master".

NOVIB explained that there is almost general impunity for violence against women in Somalia. Traditional law is not focused on the victim as an individual and women as victims are normally not

covered by the compensation system. Even in Hargeisa, Somaliland it is the male who decides whether or not a case should be tried according to traditional law or the legal system.

An international organisation (B) considered that women are generally not vulnerable or insecure solely because they are women. However, female IDPs are generally vulnerable.

An international organisation (C) explained that women in Somalia – from a Western perspective – are being treated in an unacceptable manner, but this situation is general for all women in the country. Whether or not a woman is at risk of persecution and other violations depends on concrete circumstances as already mentioned. An international organisation (C) acknowledged that there are many really strong women in Somalia, but stated that there are a number of cases where even such women have been victims of human rights violations, even from persons within their own family. Women with good jobs in many families are regarded as bringing shame onto the family and can become targets for their own family members. For example, a father may not tolerate that his wife or his daughter has gained a strong position. On the other hand some women know how to manage even if they have been threatened.

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

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

### *3.9.1. Female Genital Mutilation (FGM)*

An international organisation (C) explained that FGM normally takes place when the girl is between six and seven years old. In case the father or brother (in the father's absence) decides not to go through with the FGM of the daughter/sister the father/brother will be attacked by family or clan members. Anti-FGM is in Somali translated into 'anti-purity'.

Between 98% and 99% of all girls in Somalia undergo FGM, according to an international organisation (C). The organisation explained that one of the most outspoken and active women activists in Somalia has recently stated that in spite of the fact that anti-FGM campaigns started some ten years ago in Somalia nothing has been achieved. The activist has said that the issue of FGM is one of the most frustrating topics she has ever dealt with, as she cannot note any positive change in attitude. However, an international organisation (C) explained that the only change or tendency that can be recorded is a slight trend in some urban areas towards the use of the less extreme form of FGM, namely the Suna form. However normally girls are circumcised according to the extreme Pharaonic form. It was added that a girl who has not undergone FGM would be very difficult to marry off.

### *3.9.2. Victims of rape*

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

AI reported in May 2007 that refugees interviewed in Dadaab refugee camp in Kenya “were particularly concerned about sexual and gender based violence against women and girls.” According to AI these concerns are reflected in reports from NGOs working with IDPs in Somalia. AI reported about the mother of two teenage daughters who were both raped by members of an armed group who were manning a road block that they encountered while fleeing. The mother explained that rape by members of armed groups (mainly clan-based) manning road blocks was common.<sup>46</sup>

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

Women who have been sexually abused or raped are stigmatised, according to NOVIB. An unmarried and raped woman will typically meet a demand from her own family and clan to marry the rapist as she will not have a chance to marry anyone else. As a consequence many rapes go unreported by the women. An unmarried woman who gets raped and refuses to marry the rapist may face severe consequences from her own family and clan, and she may be excluded from the clan. A married woman who has been the victim of rape may also risk being divorced by her husband. NOVIB added that divorced women might be stigmatised, depending on their particular situation.

NOVIB added that even though rape of women and killings comprise the majority of the reported human rights violations in Somalia many rapes go unreported. Rape of women may even occur in order for the rapist to ensure that he gets to marry his victim. The victim’s clan will often press the woman to marry the rapist and according to traditional law a rapist will have to marry his victim.

Abdulle explained that victims of rape are very often gang raped. Therefore it is not possible that one of the rapists would ever marry the victim. Abdulle agreed that according to cultural tradition a rapist would have to marry his victim, but this rarely happens. Should it take place however it will most likely not be a long-lasting marriage.

Abdulle explained that during the rule of UIC many under-age girls were married to elderly men. In this way many UIC-leaders would have several wives. Abdulle added that it is not possible for a wife to decide to divorce.

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

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<sup>46</sup> Amnesty International, *Kenya, Denied Refuge, The effect of the closure of the Kenya/Somalia border on thousands of Somali asylum-seekers and refugees*, (AI Index: AFR 32.002.2007), London 2 May 2007, p. 6-7.

An international organisation (B) confirmed that victims of rape in Somalia are at risk of being marginalized.

### *3.9.3. Re-education trips to Somalia*

An international organisation (B) explained that some Somali children are being sent back to Somalia because their parents have trouble in raising their children properly abroad. Some children are even lured into believing that they are going on an ordinary holiday to Somalia. However, an international organisation (B) described these re-education trips as “prison” as the children are trapped in Somalia once they have arrived. An international organisation (B) could easily understand why many children from abroad are shocked when they realise that they are in Somalia. The organisation was aware of cases from the United Kingdom (UK) in which some girls were traumatised after having visited Somalia and they were in need of psychological assistance when they returned to the UK. An international organisation (B) emphasized that children quickly adopt the culture in which they live and for children living abroad a return to Somalia is a return to a totally strange way of life.

An international organisation (B) explained that re-education trips are about embedding Somali culture in children who are considered by their parents or families to have become too “Westernised” during their stay abroad. Some of the children are only two, three or four years old when they are sent off to Somalia. The organisation considered this to be a serious social problem for those children affected. An international organisation (B) had no detailed information about the situation in Somalia for these children and youngsters. However, the organisation was aware of children having committed suicide during their visit to Somalia. Some of the children are sent to Somalia to stay with persons whom they do not even know.

An international organisation (A) explained that forced re-education of young Somalis of the Diaspora is a complex issue. The young girls are often shocked when they are returned to Somalia and realise the extreme conditions in Somalia. Often their clan, due to their westernisation and very different behaviour, does not accept them. The girls are in serious trouble without family or clan support and they may end up in prostitution.

An international organisation (C) explained that it was convinced that many Somali girls in Europe, including Somali girls from Scandinavia, are being sent back to Somalia to undergo FGM and added that re-education visits to Somalia are taking place. For many girls returning to the Somali society is often very shocking. Frequently, the family, relatives or clan, due to these girls’ westernised attitude and language, do not accept them.

NOVIB had heard about re-education trips and NOVIB had often noticed this phenomenon in Hargeisa, Somaliland. NOVIB know that re-education trips often include FGM and marriage arrangements. NOVIB had seen many of these “Western-looking” girls, especially in Hargeisa, but the issue has not been the focus of NOVIB. NOVIB added that it did not have any information regarding the risk of such girls ending up in prostitution in Somalia.

### *3.9.4. Orphans*

Regarding orphans, an international organisation (A) stated that this is generally not an issue in Somalia. Any orphan- even those residing at an orphanage – has some relatives whom he or she can

visit and will be taken care of, even if the relatives do not have enough resources to take care of the child on a permanent basis.

An international organisation (C) did not agree that orphans generally are being taken care of in Somalia. The organisation knew of only two orphanages in Somalia, one in Merka and one in Bosasso.

According to NOVIB there are many orphans in the streets of Mogadishu, Bossaso in Puntland and in many other places, including Hargeisa in Somaliland. There is no guarantee that these children are being taken care of and co-opted into a clan and a family. The severe lack of resources in Somalia makes it very likely that orphans are being abused for work or other purposes. NOVIB added that there is an orphanage in Merka, which has existed for 16 years, but NOVIB did not know of any other orphanages in central and southern Somalia. However, there could be some orphanage-settlements in some of the IDP-camps, but NOVIB added that even if this was the case there is no guarantee that these settlements can protect orphans against abuse. There is an orphanage in Somaliland. NOVIB emphasized that clan protection is not automatically guaranteed for orphans in Somalia.

### **3.10. Persons affected by HIV/AIDS**

An international organisation (B) stated that persons with HIV/AIDS are being stigmatised in Somalia and there are many horrible stories about the way their families or clans are treating these victims.

NOVIB explained that anyone with HIV/AIDS in Somalia is stigmatised, irrespective of the victim's sex. However, for a woman this is even more serious as she will not be treated in the same manner as a man. A woman may even risk exclusion from her own clan. In addition to this there are also examples of orphans of deceased parents who died from AIDS who have been excluded from their clan. NOVIB referred to a well-known case in which such children are now living in Kenya, as they have been victims of exclusion and had fled to Kenya. This was the case even though the children were not infected with HIV/AIDS.

Abdulle explained that HIV/AIDS is taboo in Somalia. Most Somalis pretend not to know what it is and they would mostly refer to this disease as TB or something else.

Yassin confirmed that HIV/AIDS is taboo in Somalia, and this fact poses a serious problem to restrain the disease. Many Somalis now fear the Ethiopian troops will bring HIV/AIDS to the country. Even Somalis returning from abroad might be supposed to bring HIV/AIDS. In Somalia there is a traditional, strong belief that Muslims do not have HIV/AIDS and that it is a disease attributed to Christians only. Persons affected by HIV/AIDS are being stigmatised and excluded from their community and even their own family. However, in some cases the family may try to conceal that a member of the family has HIV/AIDS by claiming that the affected person has tuberculosis (TB). However, a TB-patient may also be excluded from his or her own community.

An international organisation (B) confirmed that even TB-patients are at risk of being marginalized, especially so in the countryside. However, they are far less stigmatised than persons infected with HIV/AIDS.

### 3.11. Religious conversion and situation for Christians

Abdulle explained that Somalis cannot comprehend the idea that a Somali can be a Christian. Christianity is not there “culturally” and it is unheard of. Just stating that you do not believe in Islam is extremely dangerous and Abdulle described it as “Hell” for a person who would do so. However, this does not mean that Christianity does not exist. A Christian would most likely be killed in disgrace, either by his own family or by someone else.

Yassin explained that there are only a very few Christians in Somalia, but a tiny Christian community exists in Mogadishu. Yassin added that Christians will have a hard time in Somalia and they will not be able to live a normal life.

Yassin found it hard to imagine conversion from Islam to another religion would take place in Somalia. To convert from Islam requires that the person is conscious about the other religion. There are no persons in Somalia (except for a few nuns associated with some NGOs whose focus is to save lives and not to preach religion) who can guide a person to convert from Islam, and Yassin found it extremely unlikely that this would happen and that a Somali living in Somalia would convert.

An international organisation (C) explained that conversion is not tolerated in Somalia. Even in the north of Somalia Christians, non-Muslims or converts are not tolerated and they would have to practise their faith in hiding.

However, the situation for converts is even more dangerous for those living in central and southern Somalia. If a person is Christian she or he must be very secret about it in order not to be attacked. A Christian can not practise his or her faith.

An international organisation (C) explained that there might be some Christians in Mogadishu, but the organisation did not have any further information on this. If it is known in the local community that a person is Christian she or he will experience persecution, even from his or her own clan and family.

NOVIB confirmed that a Christian community existed in Mogadishu before the civil war started in 1991, but ever since Christians have had to go underground or go abroad. In Mogadishu some people have Christian names, but practising Christianity will not be accepted and a Christian may well be persecuted even by his or her own family. The environment in Mogadishu and in the rest of central and southern Somalia does not even allow Christians to practice their religion. However, NOVIB had never heard of harassment or persecution of Christians, but the organisation found it very likely that a Christian Somali would be killed if he or she lived inside Somalia. It might be that the environment for Christians is better in some places, for instance in parts of Somaliland, but NOVIB had no information to confirm this.

NOVIB confirmed that converts in Somalia are seriously at risk of being killed.

### 3.12. Homosexuals

An international organisation (C) considered homosexuality as a very strong motive of asylum for a Somali. Homosexuality or homosexuals do not exist in the minds of Somalis. The organisation was convinced that it is extremely dangerous for any homosexual if his or her family or community becomes aware of it. The homosexual would be at clear risk of persecution. Regarding information

about the existence of a homosexual community in Merka an international organisation (C) found it hard to believe that this is the case. Merka might be a more liberal town than many other places in Somalia, but still an international organisation (C) had serious doubts as to any homosexuals risking to be open about it – even in Merka.

An international organisation (C) referred to information obtained by the Oxford Committee for Famine Relief (OXFAM)/Novib<sup>47</sup> on behalf of the international organisation (C). According to this information it is very clear that homosexuality is not acceptable in Somalia and that it is illegal. Sex outside marriage is illegal, and as two persons of the same sex cannot make a marriage in Somali culture, their relationship is illegal.

However, there are no cases to document this or to set precedence, as there has been no one to formally bring charges forward against any individual. It was added that it is difficult to imagine this happening, because the reality of the “crime” is so horrendous that even bringing the matter to the public domain is offensive. However, if someone were found guilty of engaging in homosexual acts the consequences would be death. OXFAM/Novib explained that, according to the sources homosexuality is so unacceptable and so taboo, that the most likely scenario would be that any person who is a homosexual or even thought to be, would be killed.

OXFAM/Novib explained that there is a story that approximately 20 years ago, an elder in North West Somalia was informed of the case of a homosexual relationship existing in some small remote village. The elder committed suicide in repulsion or reaction to what he had heard.

Furthermore OXFAM/Novib explained that the only known area in Somalia where there is limited acceptability of homosexuality is in Merka, where a minority clan, more linked to the Arab community, marginally accepts homosexuality within its community. This also presupposes that the information about the individual is kept within the community, because if the other clans in the area were to find out, the person would suffer the consequences.

Yassin confirmed that there was a more liberal attitude towards homosexuals in Merka and that there is a gay/lesbian community in the town. Merka is to be considered the most liberal community in Somalia. However, Mogadishu also holds a small community of homosexuals and some of these are enjoying some protection from Dr. Ismail Jum’ale’s Human Rights Organisation. Homosexuals in Mogadishu cannot live a normal life and they have to conceal their sexuality.

NOVIB agreed that Merka had a reputation of being a relatively liberal place until recently, but it is no longer so. However, NOVIB had no information about the existence of a homosexual community in Merka.

Abdulle confirmed that homosexuality is taboo in Somalia. However, homosexuality does exist among Somalis, but it can never be debated in or exposed to the public domain. Should a homosexual be disclosed or openly admit he or she is homosexual that person would be killed. Abdulle would not reject that there could be a small homosexual community in Merka, as this town is known to be rather liberal. However, Abdulle denied that there is a known homosexual community in Merka. It may have been possible before 1991, but not today. Abdulle also stressed

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<sup>47</sup> UNHCR explained that OXFAM/Novib contacted various sources in the field, human rights partners, and others, including two experts on Somali customary law.

that homosexuals cannot be returned to Somalia, including Merka. A returnee would most likely get killed.

### **3.13. Politically motivated persecution and assassinations**

Regarding targeted groups Lazzarini explained that there has been a series of politically motivated assassinations in Mogadishu. However, this also happened during the period of the UIC. Lazzarini mentioned that human rights activists also have become targets and some have been assassinated but in general they are not among the primary targets. TFI and TFG local administrations are also among the targets.

It was added that journalists are also harassed and are being arrested and there is a tendency of the TFG wanting to control the media. This pressure on the media is expected to increase in the future.

An international organisation (A) explained that the present security situation is characterised by an increase in targeted killings, car bombings, including attacks on business people and hotels and anyone who is assumed to support the TFG. The targeted violence also affects UIC supporters and people from the clans (in particular the Hawiye clans) that support the UIC. Generally there is an increase in the politically motivated killings.

An international organisation (E) explained that targeted assassinations in early 2007 mostly took place against members of the TFG-government and to a lesser extent against persons affiliated with the UIC. The TFG's Prime minister's brother was killed recently and there are frequent attacks on police stations. An international organisation (E) described the war as nasty with elements of fear and threats in order to make people abstain from supporting the TFG.

Abdulle referred to a story about a person who was visiting the TFG and the third time this person went to see the TFG he was killed.

UNHCR has repeatedly reported on attacks on the TFG and its supporters, attacks on civilians and attacks by the TFG and the Ethiopian forces on insurgents and arrests of people suspected to have links with the UIC. These incidents take place in Mogadishu as well as in other places in central and southern Somalia.<sup>48</sup>

#### *3.13.1. Persons affiliated with the UIC and other opposition groups*

An international organisation (C) explained that by inviting the Ethiopians and accepting their behaviour the TFG indirectly violates human rights of Somali citizens. Additionally the TFG commits violations itself and it is protected by full immunity.

An international organisation (A) stated that forces of the TFG are chasing the most prominent supporters of the UIC and added a relatively large proportion of the most radical Islamists are from the Diaspora in Western countries.

An international organisation (B) stated that outspoken persons with known connections to UIC would be at high risk of being killed on return to Somalia. In addition there may be other persons

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<sup>48</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi.



affiliated with the UIC that could have eligible reasons for considering themselves of being at risk of persecution if they returned to Somalia. However, foot soldiers are generally not targeted but that will depend on such persons' specific conditions. Politically motivated killing are increasing in Mogadishu as well as in the rest of Somalia. It was added that president Yusuf has agreed that members of the UIC can participate in the scheduled reconciliation conference but only as individuals. The UIC as a political group will not be permitted to participate.

Bamehriz explained that in case a UIC member returns to Somalia it will be necessary to assess the status of the person, i. e. whether the person was in the militia of UIC or in the leadership of UIC. If the individual had a fairly high position within the UIC Bamehriz stated that the person will - most likely - be at risk on return. Ordinary supporters of the UIC are generally not at risk of persecution. It was added that the vast majority of supporters of the UIC were from the Hawiye clans, especially the Abgal clan and the Habr Gedir sub-clan Ayr.

Regarding violations committed by the TFG, an international organisation (E) did not have any information as to whether the TFG has targeted persons of the Hawiye-clans. However, the organisation found it unlikely that a Darod-based government [as the TFG is] would target persons of Hawiye-clans within these clan's own territories.

According to Abdulle the TFG militias and the Ethiopian forces are hunting members of those minority populations that supported the UIC as well as any other profiled supporter of the UIC, and many have already been killed. Those at most serious danger are those who provided economic support to the UIC or those who were commanders of UIC militias as well as persons who were part of UIC decision bodies. Abdulle considered that it might be that not every supporter of the UIC is at risk of persecution. Most likely it is persons with a certain degree of involvement and profile who would be in danger of being killed. A well-known supporter of UIC will definitely be at high risk, according to Abdulle.

UN reported in early June 2007 that there are protection concerns over the continued arbitrary detention, deportation, and disappearance of persons arrested by the Ethiopian forces and the TFG and taken to unknown locations in Ethiopia and Somalia.<sup>49</sup>

On 14 June 2007 UNHCR reported that five Zanzibari refugees were among hundreds who were arrested by the TFG and the Ethiopian forces in a recent operation aimed at capturing insurgents (anti-TFG). An appeal was made to release the five refugees. A number of Zanzibari's are said to have sought refuge in Somalia (some for over 7 years) following clashes between government and rebel groups in Zanzibar.<sup>50</sup>

UNHCR also reported that the Ethiopian forces and Somali security forces arrested about 200 people in Mogadishu in early June 2007. Among the 200 arrested were children suspected to be trainees of the insurgents. The children were later released after it was discovered that they were attending Koranic school at the Al Hudaa Mosque. House to house searches are being conducted by

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<sup>49</sup> United Nations, *Humanitarian Situation in Somalia, Monthly Analysis, May 2007*, Nairobi.

<sup>50</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: 14 June 2007, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 14 June 2007.

the Ethiopian forces and Somali security forces. During these searches weapons are being confiscated and people suspected to have links with UIC are being arrested.<sup>51</sup>

### 3.13.2. Persons affiliated with the TFG and the TFI

An international organisation (C) explained that there are a number of persons or categories of persons who are now being targeted by remnants of the UIC, and the court's militant wing, the Hisb'ul Shabaab<sup>52</sup> as well as other anti-TFG/TFI militias. The most frequently targeted groups are:

- Human rights activists
- Members of civil society groups
- Members of neighbourhood watches or self-defence groups
- Journalists
- Supporters of the TFG/TFI
- Informants working for the Ethiopians
- All foreign troops and TFG troops
- Humanitarian workers, including UN- and INGO-staff
- Police forces

Abdulle stated that supporters of the TFG/TFI are being persecuted and even killed. There are examples of ordinary persons seeking contact with prominent members of the TFG who has been killed only for that reason.

Lazzarini confirmed that staff of the TFI and local staff of the TFG are among the targeted groups.

On 22 June 2007 UNHCR reported that attacks against TFG, police and Ethiopian soldiers, as well as those suspected of having connections to the TFG, continue to create insecurity in Mogadishu, as well as cause the death or injury to innocent bystanders. In addition, the arrest of civilians by the

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<sup>51</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: 14 June 2007, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 14 June 2007.

<sup>52</sup> According to the International Crisis Group the Hisb'ul Shabaab is a cross clan entity whose jihadi leadership includes members with links to al-Qaeda. The Shabaab provided elite elements in the Court's forces. Senior Shabaab leaders include Aden Hashi 'Ayro, Abdillahi Ma'alim 'abu Uteyba', Mukhtar Roobow, Ibrahim Haji Jama 'al-Afghani' and Fou'ad Mohamed Qalaf. The ICG reported in late January 2007 that Shabaab fighters suffered heavy losses in the battles with Ethiopian troops, and the shock of defeat led many to desert. Some units, however, appear to have withdrawn in good order on several fronts, and the core leadership remains intact. In early January 2007, a US air strike in southern Somalia reportedly killed eight Shabaab fighters and injured their commander, Aden Hashi 'Ayro, but failed to kill any senior Shabaab or al-Qaeda leaders. ICG also reported that the loss of its safe haven will necessarily spell Shabaab's end. Clandestine cells have functioned for several years in Somalia, assassinating professionals, civil society leaders, aid workers and journalists. It is likely to revert to its pre-Courts covert methods, seeking to exploit public disenchantment with either the TFG or the Ethiopian military in order to expand its operations. (ICG, 26 January 2007, p. 8-9).

TFG police of those in the vicinity of these attacks, including those who are likely innocent bystanders is creating fear among the general population.<sup>53</sup>

Earlier in June UNHCR reported that abductions and killings took place in Mogadishu. The victims included innocent civilians, businessmen and even children. The perpetrators are believed to be members of the UIC.<sup>54</sup>

According to UN *Humanitarian Situation in Somalia, Monthly Analysis, May 2007* TFG supporters were targeted as well as Ugandan and Ethiopian convoys. Two failed attempts were made on the life of the TFG Prime Minister in early June, after which the authorities instigated a major security crackdown on 6 June, with house-to-house weapon searches, the arrest of hundreds of individuals, including the Chairman of the Hawiye elders Abdi Imaan. Imaan was later released. UN also reported about widespread harassment and intimidation of residents. UN also reported that supporters of the TFG continue to be targeted and assassinations increased.<sup>55</sup>

### 3.13.3. Human rights activists, members of civil society groups and journalists

Lazzarini explained that human rights and civil society activists have become targets in Somalia and a series of assassinations have taken place. Journalists are also harassed and there is a tendency of the government to want to control the media. Lazzarini expected this trend to increase in the future.

NOVIB confirmed that human rights and civil society activists are targeted, and local human rights organisations are very careful regarding which cases they will address and discuss with the council of elders in an area. One can never be certain that the elders or a human rights organisation will deal with a human rights incident.

NOVIB explained that a well-known human rights activist was shot dead in mid-March 2007 in Kismayo. The Somali human rights activists with whom NOVIB works have to be very careful as they are at serious risk when they seek information on human rights violations. It is less dangerous to participate in general rallies and demonstrations, but investigation of specific cases implies concrete danger and consequently the human rights defenders have to be very careful which cases they decide to deal with and how they do it.

Abdulle added that members of civil society groups cannot openly show their support for the TFG or UIC. If they did they would risk being targeted or even killed.

UN reported in early June 2007 that reports of the harassment of journalists and human rights defenders have continued. On June 6, three key media houses were shut down by the TFG, which

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<sup>53</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: 22 June 2007, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 22 June 2007.

<sup>54</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: 14 June 2007, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 14 June 2007.

<sup>55</sup> United Nations, *Humanitarian Situation in Somalia, Monthly Analysis, May 2007*, Nairobi.

accused them of supporting anti-TFG factions. The three were subsequently re-opened on 10 June but the directors will reportedly be brought to court.<sup>56</sup>

UNHCR reported on 22 June 2007 that a local NGO in Mogadishu had their administrative compound occupied and partially destroyed by the Ethiopian army and TFG police. Staff working for the organisation, including the country director have been arrested on 19 June. However, subsequent reports from 20 June indicated that the country director was released, re-arrested, and then finally released on 21 June.<sup>57</sup>

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<sup>56</sup> United Nations, *Humanitarian Situation in Somalia, Monthly Analysis, May 2007*, Nairobi and OCHA, *Situation Report # 43 – 15 June, 2007*.

<sup>57</sup> UNHCR-Somalia, *IASC Somalia – Protection Cluster Update: 22 June 2007, Population Movement Tracking (PMT) and Protection Monitoring Network (PMN)*, Nairobi 22 June 2007.

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## Human rights and security in central and southern Somalia

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## 6. Acronyms and abbreviations

AIDS – Acquired Immune-Deficiency Syndrome

AMISOM – African Union Mission in Somalia

AQ – al-Qaeda

ARPCT – Alliance for the Restoration of Peace and Counter-Terrorism

AU – African Union

CIC – Council of Islamic Courts

COSIC – Council of Somali Islamic Courts

COSPE – Cooperazione per lo Sviluppo dei Paesi Emergenti

CRD – Center for Research and Dialogue

DRC – Danish Refugee Council

EC – European Commission

EU – European Union

FGM – Female Genital Mutilation

FSAU – Food Security Analysis Unit

HIV – Human Immune-Deficiency Virus

ICG – International Crisis Group

ICRC – International Committee of the Red Cross

IDP – Internally Displaced Persons

IGAD – Inter-Governmental Authority on Development

INGO – International Non-Governmental Organisation

IRIN – Integrated Regional Information Network

NDI – National Democratic Institute

NGO – Non-Governmental Organisation

NOVIB – Nederlandse Organisatie voor Internationale Bijstand

NRC – National Reconciliation Congress

OCHA – Office for the Coordination of Humanitarian Affairs

OXFAM – Oxford Committee for Famine Relief

PMN – Protection Monitoring Network



SGBV – Sexually Gender Based Violence

TB – Tuberculosis

TFG – Transitional Federal Government

TFI – Transitional Federal Institutions

TFP – Transitional Federal Parliament

UIC – Union of Islamic Courts

UNDP – United Nations Development Programme

UNDSS – United Nations Department of Safety and Security

UNHCR – United Nations High Commissioner for Refugees

UNICEF – United Nations Children’s Fund

UNOSOM – United Nations Operation in Somalia

US – United States