



# General Assembly

Distr.: General  
25 February 2011

English only

---

## Human Rights Council

### Sixteenth session

Agenda item 10

### Technical assistance and capacity-building

## **Written statement\* submitted by International Educational Development Inc., a non-governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2011]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **The situation in Somalia\*\***

International Educational Development, Inc. and the Association of Humanitarian Lawyers express great concern at the merging of Islamist groups al-Shabaab and Hizbul Islam - a union which has strengthened control of anti-government entities over much of the Mogadishu region. This new partnership ends clashes between them that diverted their attention from actions directed towards AMISOM, United Nations officials and the secular interim government. We are especially concerned by the actions taken by these groups against the people in the areas they control, applying a very harsh system of Islamic law in a way that in our view results in clear violations of human rights. We urge the mandate holders for torture, summary execution and religious freedom to carefully monitor the activities of these groups in this regard.

We also express great concern at plans by Blackwater founder Erik Prince to back the Saracen company in Somalia. Saracen, based in Uganda, trains mercenaries. Prince's claims to be moving his employees into Somalia as a method of aiding the global fight against terrorism are overshadowed by his history of capitalizing on dire situations. Somali Informational Minister Abdulkareem Jama has stated that the agreement with Saracen would be cancelled. However, it appears that Saracen is already operating independently in Puntland.<sup>1</sup> Further, there is news from Kigali that as perhaps as much as \$4 million dollars may have been given to Patrick Karegeya to train mercenaries for the Somali government.<sup>2</sup> We urge the Working Group on Mercenaries to look into these situations and to keep on-going monitoring of the use of mercenaries in Somalia.

We welcome the planned relocation of certain UN offices from Nairobi to Hargeisa, the capital of Somaliland. This move indicates a new level of stability and peacefulness in a formerly violence-fraught area, as well as a showing of support and faith in the government of Somaliland. The success of the offices operating in Hargeisa could set an example for future offices and projects in Somaliland. Somaliland functions essentially outside the control of the interim government and its people have clearly indicated that they wish to remain so. In this light, it may not be premature to consider a referendum on this issue, under the auspices of the United Nations. We note indications that Puntland may now also be considering separation from the Mogadishu region and, like Somaliland, working towards becoming an independent country. This is a new development and may explain, in part, Saracen's activities there. In the past, Puntland has not been able to maintain its own government to the same degree that Somaliland has, and in our view is a more volatile and fragile region. If Puntland were fully to separate, there is the potential to affect negatively both Puntland and the interim authorities.

We are pleased that the Secretary-General's representative Mahinga participated in a High Level meeting at the January summit of the African Union in Addis Ababa. While there are not details of the outcome, we note the Somali Parliament's 3 February 2011 decision, supported by the African Union, to extend its mandate by 3 years. We also note Special Representative Mahiga's statement calling for the transition period to end on the initial planned date in August 2011. With sufficient stability, the United Nations may want to consider establishing an office in Mogadishu.

---

\*\* The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement. AHL researcher Lieselotte Siegenthaler assisted in the preparation of this document.

<sup>1</sup> Associated Press, "Somali region defies federal government over Saracen deal" 29 January 2011.

<sup>2</sup> [www.rnnanews.com/regional/4747-un-hires-fugitive-karegeya-to-train-somali-mercenaries](http://www.rnnanews.com/regional/4747-un-hires-fugitive-karegeya-to-train-somali-mercenaries), 3 February 2011.

We welcome the establishment of special courts for trying pirates. Such courts have the potential to usher in a functioning justice system to Somalia and to set an example for the future. Setting up and maintaining these courts may be burdensome for a country in such a tenuous situation and we agree with United Nations piracy adviser Jack Lang's suggestion to have the courts in Puntland and Somaliland as well as Tanzania. These locations would also provide a higher level of security than courts in Mogadishu.

The recent visit of Valerie Amos, the Under-Secretary General for Humanitarian Affairs, to look into the situation of displaced persons was very important, as is the appointment of Deputy Special Representative Christian Manahl. The concerted action by the United Nations and the international community as a whole is the only hope to ending Somalia's long nightmare.

The Council is playing its part by continuing the mandate of its independent expert, now in the capable hands of Shamsul Bari, to help ensure that all forward moves are rights-based. We encourage him to assess the application of humanitarian law, as the rebel groups do seem to hold sufficient territory to invoke humanitarian law's civil war provisions. Violations of human rights at the hands of these groups could also be considered breaches of the Geneva Conventions and the laws and customs of war. As many violations appear to be grave breaches, the international community is justified to respond in a strong way, as provided for in Common Article 1 of the Geneva Conventions.

---