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Update on security and protection issues in Mogadishu and South-Central Somalia

Including information on the judiciary, issuance of documents, money transfers, marriage procedures and medical treatment

Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia

1 to 15 November 2013

Copenhagen, March 2014

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Overview of Danish fact finding reports published in 2012, 2013 and 2014

Update (2) On Entry Procedures At Kurdistan Regional Government Checkpoints (Krg); Residence Procedures In Kurdistan Region Of Iraq (Kri) And Arrival Procedures At Erbil And Suleimaniyah Airports (For Iraqis Travelling From Non-Kri Areas Of Iraq), Joint Report of the Danish Immigration Service/UK Border Agency Fact Finding Mission to Erbil and Dahuk, Kurdistan Region of Iraq (KRI), conducted 11 to 22 November 2011

2012: 1

Security and human rights issues in South-Central Somalia, including Mogadishu, Report from Danish Immigration Service's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 30 January to 19 February 2012

2012: 2

Afghanistan, Country of Origin Information for Use in the Asylum Determination Process, Rapport from Danish Immigration Service's fact finding mission to Kabul, Afghanistan, 25 February to 4 March 2012

2012: 3

Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases, Joint report from the Danish Immigration Service's and Danish Refugee Council's fact finding mission to Moscow and St Petersburg, the Russian Federation from 23 May to 5 June 2012

2012: 4

Update on security and human rights issues in South- and Central Somalia, including Mogadishu, Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 17 to 28 October 2012

2013: 1

Iran - On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council's fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 November to 20 November 2012 and 8 January to 9 January 2013

2013: 2

Somalia - Security and protection in Mogadishu and South-Central Somalia Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 6 April to 7 May 2013.

2013:3

Iranian Kurds; On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran, Joint report from the Danish Immigration Service's and Danish Refugee Council's fact finding mission to Erbil and Sulaimania, KRI, 30 May to 9 June 2013

2013: 4

Uganda - Situation of LGBT persons in Uganda. Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013.

2014:1

Contents

Introduction and disclaimer	4
Recent political and military issues	6
1 Security developments in Mogadishu	9
1.1 Security in Mogadishu and its outskirts	9
1.1.1 Internal divisions and infighting within al-Shabaab	10
1.2 Influence of al-Shabaab in Mogadishu.....	13
1.3 Security for civilians and civilian casualties in Mogadishu	17
1.4 Situation for Diaspora people in Mogadishu.....	21
1.5 Al-Shabaab tracking down defectors	23
1.6 Treatment of al-Shabaab defectors/Serendi Youth Rehabilitation Center.....	25
1.6.1 Abductions in Somalia	29
1.7 Recruitment to al-Shabaab	29
1.8 Forced marriages to al-Shabaab fighters.....	31
1.9 Targeted attacks	31
1.10 Gender Based Violence (GBV).....	32
2 Protection and livelihood issues in Mogadishu.....	35
2.1 Clan affiliation and protection	35
2.2 Performance of police and security forces	36
2.3 Internally Displaced Persons (IDPs) and refugees.....	38
2.3.1 Displaced persons and access to humanitarian assistance	39
2.2 Needs in order to settle or reestablish in Mogadishu	40
2.3 Internal Flight Alternative/Relocation	41
2.4 Return to S/C Somalia.....	42
3 Security developments in South/Central Somalia.....	47
3.1 General developments in S/C Somalia.....	47
3.1.1 Human rights abuses in government controlled areas	48

3.1.2 Human rights abuses in al-Shabaab controlled areas	48
3.2 Kismayo	49
3.3 Lower Shabelle	50
3.3.1 Brava	51
3.3.2 Merka	51
3.4 Jowhar	52
3.5 Belet Weyne	52
3.5.1 Baidoa	53
3.5.2 Interim Jubba administration (Lower and Middle Jubba and Gedo regions)	54
3.6 Border areas with Ethiopia and Kenya	55
3.7 Security situation in al-Shabaab controlled areas	55
4 The formal justice system	57
4.1 The judiciary	57
4.1.1 District courts in S/C Somalia.....	58
4.1.2 Courts in Mogadishu and Benadir region	58
4.1.3 Military courts.....	59
4.1.4 Threats against the judiciary in Mogadishu	60
4.2 Prison conditions.....	60
5 Freedom of movement	62
5.1 Freedom of movement in Mogadishu	62
5.2 Women's freedom of movement in Mogadishu	63
5.3 Freedom of movement in al-Shabaab areas	63
5.4 Domestic flights in S/C Somalia.....	64
6 Issuance of documents by Somali authorities	65
6.1 Passports and identification cards (ID cards).....	65
6.2 Birth registration, issuance of birth certificates and title deeds	68
7 ICRC's tracing in Somalia	69

8 Money transfers.....	70
9 Marriage procedures	71
10 Access to medical treatment and hospitals in S/C Somalia	74
10.1 Second line treatment and tertiary care	76
10.1.1 Diabetes.....	77
10.1.2 Hepatitis and HIV/Aids.....	78
10.1.3 Dialysis.....	78
10.1.4 Mental health care	78
10.2 Cost of treatment.....	79
10.3 Provision, deliverance and quality control of medicines	79
10.3.1 Equal access to medical treatment	80
10.4 Rural areas and al-Shabaab controlled areas.....	81
10.5 The withdrawal of Médecins Sans Frontières (MSF) from Somalia	81
Organizations, agencies and individuals consulted.....	83
Abbreviations	84
Annexes.....	86
Annex 1: Map of Somalia	86
Annex 2: Map of Mogadishu	87
Annex 3: Map of Marka District.....	88
Annex 4: Somali Health Cluster Map	89
Annex 5: List of medical drugs.....	90

Introduction and disclaimer

In October 2012 the Danish Immigration Service's Country of Origin Information (COI) unit and the Norwegian COI unit Landinfo undertook a joint fact finding mission to Nairobi, Kenya and Mogadishu, Somalia. The purpose of this Danish-Norwegian mission was to gather relevant COI on South-Central (S/C) Somalia, including Mogadishu, especially on matters mainly related to security, human rights and humanitarian issues.

In April-May 2013 the DIS' COI unit and Landinfo undertook an additional joint fact finding mission to Mogadishu and Nairobi. This mission took place from 16 April to 6 May 2013, and the purpose of this mission was to update previously gathered COI.

Reports from those missions are available at www.newtodenmark.dk and www.landinfo.no

In November 2013 the DIS' COI unit and Landinfo once more undertook a joint fact finding mission to Nairobi and Mogadishu. The overall purpose of this mission was to further update relevant COI with regard to S/C Somalia, including Mogadishu.

This mission comprised a series of interviews with interlocutors in Nairobi and Mogadishu. The Danish-Norwegian delegation consulted non-governmental organisations (NGOs), international non-governmental organisations (INGOs), international organisations, including United Nations (UN) agencies and individuals. A full list of interlocutors interviewed can be found at the end of the report at hand.

The list of interlocutors interviewed was decided upon by the delegation based on the delegation's previous experiences from former fact finding missions to Somalia and Nairobi, Kenya as well as the expertise, remit and role of each interlocutor, and their relevance to the COI needs of the mission. All meetings were arranged by the delegation. Altogether the delegation consulted 17 interlocutors, and in addition the delegation held meetings in Nairobi with the Danish and Norwegian embassies.

Due to security concerns for persons from the international community in Mogadishu the delegation was advised by the Danish and Norwegian embassies in Nairobi to limit its stay in the city to three days only. The delegation was also advised not to be accommodated at any hotel in Mogadishu but to stay within the Mogadishu International Airport (MIA) area. The delegation was accommodated by the security company SKA-Somalia at Aden Abdulle International Airport, Mogadishu.

All interlocutors who were interviewed were informed that the delegation's final fact finding report would be a public document, and all agreed to have their reviewed and approved meeting notes included in the report at hand. Each interview note has been forwarded to the relevant interlocutor for comments, corrections and final approval before being included in the report at hand.

Altogether 11 of the 19 interlocutors requested to be referred to anonymously. These interlocutor's statements have been referred to anonymously. See list of organizations, agencies and individuals consulted at the end of this report.

It should be noted that the report at hand does not intend to cover all security, human rights and humanitarian issues in S/C Somalia. This report is basically an update on security related issues in S/C Somalia since May 2013.

It should also be noted that information on security, human rights, areas of influence/control and administrative issues etc. can be somewhat fragmentary when it comes to areas outside Mogadishu and its outskirts. In order to get more detailed information on other areas and cities in S/C Somalia one would need to visit these locations.

The fact finding report at hand does not include any policy recommendations or analysis by the delegation and unless otherwise indicated via a footnote, is based entirely on the approved interview notes and/or other documentary material provided by the listed interlocutors. Whenever the delegation found it relevant it has included references to already published material. Where it has been necessary to explain or clarify a point or phrase made by an interlocutor, the authors (i.e. the delegation) have provided short additional supplementary explanations. These have all been marked in closed brackets [...].

The delegation would like to thank all interlocutors for their kind support as well as for their patience and professional cooperation with the delegation during and after the fact finding mission.

The delegation to Nairobi and Mogadishu comprised Grethe Neufeld, Senior Advisor, Landinfo, Oslo, Norway and Jens Weise Olesen, Chief Advisor, Country of Origin Information unit, Danish Immigration Service, Copenhagen, Denmark.

The report at hand is available at the DIS's website www.newtodenmark.dk and Landinfo's website www.landinfo.no

Recent political and military issues

During the autumn of 2013 political tensions between the President and the Prime Minister of Somalia escalated. Prime Minister Abdi Farah Shirdon and President Hassan Sheikh Mohamud disagreed, among other things, over a cabinet reshuffle. In a no-confidence vote the parliament voted out Prime Minister Shirdon, and Abdiweli Sheikh Ahmed, a Canadian-born economist was appointed new Prime Minister on 12 December 2013 by the President.¹ Sabahionline² reported on 21 December 2013 that Ahmed's appointment had been confirmed by parliament by a vote of approval from 243 of 246 lawmakers.³

Regarding the political insecurity and the tensions between the President and the Prime Minister Sabahionline reported on 2 December 2013 that "After a three-day debate in parliament, Somali lawmakers voted Monday (December 2nd) to unseat Prime Minister Abdi Farah Shirdon." [...] Sabahionline also reported that the "vote brings to an end growing tensions between Somali President Hassan Sheikh Mohamud and Shirdon⁴ over the ministerial selections for a cabinet reshuffle, according to local media."⁵

On 10 December 2013 the UN News Service reported that the "crisis response shows state institutions strengthening, UN officials tells Security Council." The UN News Service further reported that "The top United Nations official in Somalia today, briefing the Security Council from Mogadishu, said that a comprehensive political, military and development approach is needed to tackle terrorism in the country, where despite challenges, the dawn of a new era is abundantly evident.

While noting Somalia's "chequered progress" on human rights, transparency, good public financial management and the rule of law, Special Representative of the Secretary-General Nicholas Kay told the Council via videoconference that: "[The] fact that Somalia's institutions have weathered several storms in the last months gives me confidence that our hopes are not misplaced." He said the Parliament's decision on 2 December to vote out Prime Minister Abdi Farah Shirdon in a no-confidence motion tested parliamentary institutions and found them to be strong."⁶

¹ <http://www.aljazeera.com/news/africa/2013/12/somalia-appoints-new-prime-minister-2013121215113721674.html>

² The Sabahi web site is sponsored by the United States Africa Command, the military command responsible for supporting and enhancing US efforts to promote stability, co-operation and prosperity in the region. [...] The goal of Sabahionline.com is to offer accurate, balanced and forward-looking coverage of developments in the Horn of Africa region. For more details on Sabahionline see: http://sabahionline.com/en_GB/pages/about

³ http://sabahionline.com/en_GB/articles/hoa/articles/features/2013/12/23/feature-01

⁴ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2013/11/15/newsbrief-01

⁵ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2013/12/02/newsbrief-01

⁶ <https://www.un.org/apps/news/story.asp?NewsID=46710&Cr=somalia&Cr1>

However, the Integrated Regional Information Network (IRIN) reported on 13 January 2014 that analysts had expressed concern that political infighting could undermine the credibility of the Somali government:

“As Somalia’s new prime minister, Abdiweli Sheikh Ahmed, gets ready to announce his new cabinet, analysts warn that the fragile Somali administration could come unstuck if further conflicts hit the executive. Ahmed assumed office on 26 December following a no-confidence vote against his predecessor Abdi Farah Shirdon 'Saa'id' on 2 December.

“The removal of the former PM [Prime Minister] Shirdon has, in fact, created a loss of credibility, because internal political crisis has been a norm for Somalia's transitional governments since the year 2000,” Abukar Sanei, the director of the Center for Policy Analysis and Research, a Somali think-tank, told IRIN by email. “The expectations of the people from this ‘permanent government’ was to avoid internal political clashes, and move the country forward in the peace-building and state-building processes.”

According to a briefing by the Mogadishu-based Heritage Institute for Policy Studies (HIPS), the change in administration in Somalia is derailing the country and “another phase of infighting could lead to a collapse of this government.”

Shirdon’s removal, added the HIPS briefing, had “dealt a serious blow to the credibility of the Federal Government of Somalia and disoriented it from the urgent task of state building.” Shirdon had been in government for just 13 months, the last of which were characterized by rifts with President Hassan Sheikh Mohamud.”⁷

Despite these concerns regarding political developments in Somalia the newly appointed Prime Minister Abdiweli Sheikh Ahmed undertook a cabinet reshuffle and he announced his appointment of a new cabinet on 17 January 2014.⁸

On 23 January 2014 Sabahionline reported that “Prime Minister Abdiweli Sheikh Ahmed nearly tripled the size of the previous cabinet and retained only two sitting ministers, yet observers say the newly sworn-in ministers may face the same problems that led to the ouster of the previous government. Ahmed named the nominees for his cabinet of 25 ministers, 25 deputy ministers and five state ministers on January 17th. Parliament overwhelmingly approved the nominees on Tuesday and the entire cabinet was sworn into office Wednesday (January 22nd).

⁷ http://www.ecoi.net/local_link/267258/381447_en.html

⁸ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2014/01/17/newsbrief-01

Many members of parliament were appointed in the new cabinet, and will serve both their ministerial and parliamentary duties. Observers wonder, however, whether the new cabinet will be able to stand firm against the accusations of failure levelled against the previous government.

Former Prime Minister Abdi Farah Shirdon's administration, which comprised ten ministers, lost parliamentary confidence in December after it was accused of failing to perform its duties, with lack of progress in security being the foremost concern.”⁹

Human Rights Watch published its World Report 2014, Somalia, in January; the report covers events from January through November 2013. Human Rights Watch reported that “In a series of high-profile pledging conferences hosted by the United Kingdom and the European Union in May and September [2013], international donors pledged significant funds to the new government’s reform agenda. The plans included human rights components but no rights monitoring framework.

In November [2013], the UN Security Council authorized the African Union to increase the number of AMISOM forces from 17,731 to 22,126 and approved the provision of non-lethal support to the Somali forces. Following the September [2013] attack on Kenya’s Westgate mall, the United States claimed responsibility for at least one operation against Al-Shabaab inside Somalia.

In addition to their large military presence in Somalia, Kenya, and Ethiopia trained and provided military support to government-affiliated militia. Both focused on the status of border areas such as Lower Juba and Gedo, where they have been particularly involved in tense negotiations over the creation of the Jubaland region. Ahmed Mohamed Islam, known as “Madobe,” a Kenyan ally, was chosen as the head of the [Jubba] interim administration.

The UN established a new country presence, the United Nations Assistance Mission in Somalia (UNSOM), which includes a human rights monitoring and reporting mandate.”¹⁰

⁹ http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/01/23/feature-01

¹⁰ <http://www.hrw.org/world-report/2014/country-chapters/somalia>

1 Security developments in Mogadishu

1.1 Security in Mogadishu and its outskirts

UNDSS explained that the outskirts of Mogadishu remain prone to different types of guerilla and terrorist attacks. There are still some hit and run actions against AMISOM positions in Daynile, Hurriwa and Dharkenley. But these are probably carried out by groups staying there rather than movements of al-Shabaab fighters coming from other areas of Somalia.

An international NGO (C) explained that security must be seen at two levels. There is a general security situation which affects everyone in Somalia. This situation is due to the fact that the government is not in full control and in addition there are internal political issues which are causing specific challenges. However, the security situation has improved since April 2013 in certain areas of S/C Somalia.

The international NGO (C) stated that on the other hand, there are the security related issues which directly affect all government people, government affiliates, international employees, contractors who deal with the international community and UN staff as well as many others. As long as al-Shabaab is around this security situation will continue. Although al-Shabaab is not in control of any part of Mogadishu it can still reach all over the city. Thus, there are no safe places in Mogadishu. This situation is not going to change unless the government strengthens security. The targeted killings continue and there are criminal actions as well.

According to an international NGO (A) there have been ups and downs in the security situation, during the last four months [up to mid-November 2013] the situation has been relatively quiet, but recently there has been an increased number of security incidents, and most of these are targeted killings which could be possibly clan related. The international NGO (A) also believed that there is a connection between criminality and clans.

The international NGO (A) explained that the security situation in Mogadishu has been gradually changing during the last two years and overall the situation is better, but better does not mean good. You take two steps forward and one back, so improvements are very gradual and the situation is fragile.

Asked to comment on the situation in the outskirts of Mogadishu, for instance Daynile where al-Shabaab has an influence, an international NGO (A) explained that the security situation compared to one year ago (November 2012) has improved, but it is still fluid and it is difficult to directly quantify how it is changing. To exemplify the international NGO (A) referred to the efforts in relocating IDPs to Daynile district which is a priority for the government. In order to relocate, the authorities have to ensure the security for the IDPs in the new location. However that requirement has not been fully met. Basically security is about having the police officers staying at the police station in the area during nighttime. But the police officers do not feel safe in the area, even though this is the safer part of Daynile district and in spite of assurances from the government and the

priority of the matter, the relocation has not been able to take place. The international NGO (A) added that there may be improvements in this situation in early 2014 as per new agreements with the government.

Concerning the current developments in Mogadishu a well-informed journalist in Mogadishu stated that things are not going as well as before, i.e. before April 2013. The hope is not dead, but the government is incapable to do anything and AMISOM says it does not have the resources to expand its activities. In addition employees at the government's ministries have not been paid for the last three months [as of mid-November 2013].

When asked if the security situation in Mogadishu has changed during the last six months [from May to November 2013] a well-informed journalist in Mogadishu stated that he did not think so, and stated that the security situation has not undergone any deterioration during this period. There is more reason to be concerned about the most recent political developments. [See above].

When asked if some areas or districts of Mogadishu are safer than others a well-informed journalist in Mogadishu explained that every area or district is dangerous. Al-Shabaab will target any location it considers to be westernized. This is especially the case of Lido Beach and some restaurants. Hawl Wadag, Hurriwa and Bakara market and other outskirts of Mogadishu are also target areas for al-Shabaab. Actually, al-Shabaab will undertake attacks anywhere it finds it relevant in Mogadishu. Al-Shabaab can strike anywhere at any time and at any location.

1.1.1 Internal divisions and infighting within al-Shabaab

Amnesty International (AI) has commented on last year's internal divisions and infighting between al-Shabaab factions. AI reported on 26 September 2013 that "Al-Shabab have faced internal divisions and infighting since the beginning of the year [2013], which has resulted in scores of deaths; a co-founder of the movement known as Ibrahim 'Al-Afghani' publicly criticising the leader of the movement, Moktar Ali Zubeyr (known as 'Godane') for his harsh and 'dictatorial' tendencies; and Godane retaliating by executing key leaders in the movement including 'Al-Afghani' and Omar Shafik Hammami (also known as Al-Amriki), and consolidating his power. Other al-Shabab leaders such as Hassan Dahir Aweys escaped, but Aweys was later arrested by government forces, and is now in custody in Mogadishu."¹¹

Sahabionline reported on 30 January 2014¹² that Aweys surrendered to government authorities in Himan and Heeb in June 2013 after he fled fighting between rival al-Shabaab factions in Brava.¹³

¹¹ <http://www.amnesty.org/en/library/asset/AFR52/012/2013/en/77726de8-a461-430f-bdd5-3962e6342ccf/afr520122013en.pdf>

¹² http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2014/01/30/newsbrief-01

¹³ http://sabahionline.com/en_GB/articles/hoa/articles/features/2013/06/25/feature-01

Regarding Aweys, Sahabionline reported on 30 January 2014 that Aweys who had been in jail at Mogadishu's Criminal Investigations Department headquarters since June [2013] was transferred to house arrest, Somali media reported Thursday (January 30th). "He has not yet gained his full freedom but I can assure to you that he has been relocated to another house," Hizbul Islam spokesman Mohamed Sheikh Osman Arus told Shabelle Media Network. It was added that the release of Aweys from prison comes after agreements between his clan and the Somali government, according to Somalia's RBC Radio. No other details of the arrangement are known at this time.¹⁴

Sabahionline further reported on 30 January 2014 that another dissenting al-Shabaab leader, Mukhtar Robow (or 'Abu Mansur'), is in hiding and thought to be in the Bay or Bakool regions in Somalia.¹⁵

AI reported that the internal divisions and infighting have allowed Godane to neutralise his opponents and consolidate his power within al-Shabaab. Godane was trained in Afghanistan and is known as a hardliner favouring spectacular al-Qaeda type attacks, of which we have seen more in Somalia throughout the year. The devastating attack in Nairobi on 21 September 2013, which lasted four days, killed over 60 people, a death toll that is likely to rise given that at the time of writing [26 September 2013] many people are unaccounted for, and injuring at least 175 more is an example of the kind of attacks Godane favours. It demonstrates the capability and intent of al-Shabaab to continue to indiscriminately take the lives of civilians.¹⁶

Regarding Godane Sabahionline reported on 7 February 2014 that twice in the past month [January 2014], al-Shabaab leader Ahmed Abdi Godane has narrowly escaped death at the hands of the Kenyan and US militaries, according to local sources. Godane, also known as Abu Mukhtar al-Zubayr, has led al-Shabaab since 2008, and is at the top of the list of most-wanted Somali terrorists with a \$7 million bounty on his head.

It appears that in two recent strikes, one against an al-Shabaab base in Gedo and the other against a vehicle convoy in Lower Shabelle, Godane left the target zone only moments before the attacks ensued. It was the government allied Ahlu Sunna wal Jamaa (ASWJ) officials alerted the Kenyan Defence Forces that al-Shabaab leaders were meeting in Birta Dher village, about 18 kilometres south of Garbaharey in Gedo region. While Godane escaped, the airstrike killed at least 30 al-Shabaab militants, including four leaders of the group.

¹⁴ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2014/01/30/newsbrief-01

¹⁵ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2014/01/30/newsbrief-01

¹⁶ <http://www.amnesty.org/en/library/asset/AFR52/012/2013/en/77726de8-a461-430f-bdd5-3962e6342ccf/afr520122013en.pdf>

Then on January 26th, the US military launched a drone strike against a convoy of vehicles near Barawe in Lower Shabelle. The strike killed senior al-Shabaab official Ahmed Abdulkadir Abdullahi, also known as "Iskudhuq", and three other members of the militant group. Again, Godane was believed to have been at the scene just before the strike, but somehow got away in time. According to the Voice of America Somali service, which cited unnamed sources in its January 29th report, the al-Shabaab leader was actually injured in the attack. According to the sources, Godane had a meeting with Iskudhuq a short while before the strike, and had originally planned to travel inside the vehicle that was eventually targeted.

Not much is known about Godane or where he resides, and now there are questions about how he has managed to escape multiple attempts on his life. "Ahmed Godane invests a lot of time in his security. He is a careful man who has safety instincts, which he uses to monitor activities targeting his life," said Abdirahman Isse Addow, director of state-run Radio Mogadishu and former spokesperson for the Islamic Courts Union.

Addow told Sabahi that Godane does not even have full confidence in the Amniyat intelligence unit that defends him. "He might use such strategies as asking his security personnel to guard his location from a distance and then sneak away from while they think he is still there," he said. Godane also stays away from modern technology, which he thinks can be used to target him, Addow said. Addow said the main reason al-Shabaab banned internet-capable mobile phones in areas it controls is because Godane is trying to prevent the people around him from using the internet to spy on him.

Abdi Aynte, director of the Somali think-tank Heritage Institute for Policy Studies, said al-Shabaab is afraid the internet will be used to target them. "Telephones with internet service can be used to communicate with the international intelligence agencies that are after al-Shabaab," he told Sabahi. "They are particularly afraid of the unmanned drones that have restricted the movement of al-Shabaab leaders."

While Godane remains at large, Addow said Somali and allied forces should focus their efforts on taking out his inner circle and other al-Shabaab leaders first, and then kill Godane with ease when he is the only one left. "If the leader of the group is killed first, this could result in the escape of the other officers," he said. "However, if they are killed while they are connected to him, he can be killed with ease and the group will thus be destroyed." "If Godane is killed, al-Shabaab will split into several opposing factions, infighting will ensue and some will flee to neighbouring countries", Addow said.

Others are upset, however, that Godane has survived this long and is still able to kill innocent people, and have called on Somali government forces, the African Union Mission in Somalia (AMISOM) and allied forces to capture or kill him as soon as possible. "The international community should not need that much time to capture this man who is killing the people," said

chairman of the Somali Justice and Development Party Mohamud Weheliye Waqa, who also served as a member of parliament under the Transitional Federal Government. "The appropriate steps have not been taken really or he could have been captured or killed a long time ago". "AMISOM is now 22,000 in number. Why can't they go to where al-Shabaab is based and free the areas where they are mistreating people?" he asked.¹⁷

Asked if al-Shabaab's tactics were proof of desperation, an international organization (C) explained that the internal conflicts and factions even within the leadership of al-Shabaab had probably not weakened al-Shabaab leader Godane, and many said the Westgate attack was Godane's way of showing he is still in control. The international organization (C) did not believe that individual factions are acting on their own, and Godane himself still has enough power to have groups doing these acts. Al-Shabaab's territories have shrunk, and it does not have set territories like it had in 2011 and even in 2012, but it is still a force to be reckoned with. On the other hand the government has not been able to protect the people and people feel that the government has let them down on certain issues, like the August 2013 rape case concerning AMISOM soldiers. People feel that the government is in bed with AMISOM and the UN, and the civil society feels let down by the government.

1.2 Influence of al-Shabaab in Mogadishu

Regarding security developments in Mogadishu the UNDSS explained that overall there has been an improvement in terms of the Somali forces expanding their reach in Mogadishu, but the city remains very fragmented. Even if there are Somali forces and police, at the level of the district the DC with his militia still has the power, and it depends on him if he collaborates with the government or if he is the government. According to UNDSS these militias are technically not clan-militias since there is a certain clan mix, but in reality they are clan-based. However, these militias are to be seen as security forces rather than clan militias.

In addition to the DC's militias there are police forces, security forces and a number of private security companies providing security services operating in the city. Many private citizens are hiring security companies for escort and protection, including Diaspora Somalis, politicians, judges and business people. The return of Somalis from the Diaspora with money and intentions of starting businesses, renting houses etc. has also had an impact on the growth of the security sector.

According to UNDSS the threat from al-Shabaab is still very high towards the UN after the strike in June 2013, and will probably remain the same for some time to come. It is very unlikely the al-Shabaab will be defeated in the coming months or year. Since April 2013 there has been an increase in the more complex and major attacks directed against the UN.

¹⁷ http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/02/07/feature-01

An international organization (C) explained that the threat level towards the UN and international organizations in Mogadishu is high. In the end of October 2013 there was a direct threat against the organization, and there has been an increase in threats and attempted attacks since April 2013, and it has become difficult to work the way the organization wants.

An international organization (C) explained that al-Shabaab used to have specific territories under its control, now these areas have shrunk, and al-Shabaab is now a guerilla force operating all over the place.

There have also been specific threats against the international organization's (C) polio work, and since polio is spreading in Somalia this is high priority work for the UN.

UNHCR emphasized that security in S/C Somalia is still fragile. The intentions and capacity of anti-government forces are still there, and they have proven it, also, with the attack by al-Shabaab on the United Nations Common Compound (UNCC) in Mogadishu in June 2013.

Simon Ridley, UNDP explained that the UNCC has been empty since that attack in late June 2013. All UN agencies are now located within the International Complex within the international airport area. However, there are also developments here [in late January 2014] with the UN moving back to the UNCC shortly and increasing its presence in Mogadishu. There are also plans to establish UN presence in selected priority regions in 2014 including Baidoa, Belet Weyne and Kismayo.

According to UNHCR, S/C Somalia is an area where asymmetric warfare is being conducted in a way that is very similar to Afghanistan. During early November 2013 there have been a number of attacks by al-Shabaab, and the government is too weak to counter these attacks. Al-Shabaab is everywhere in Somalia, including in Puntland.

A Somali NGO in Mogadishu explained that the staffs of NGOs, INGOs and other international organizations fear al-Shabaab because they are perceived by it as activists and anti al-Shabaab.

The Somali NGO in Mogadishu explained that al-Shabaab is threatening international organizations, but since al-Shabaab withdrew from Mogadishu in August 2011, it no longer has strongholds or specific territories it controls in Mogadishu. Al-Shabaab members and sympathizers are however still present in the city, but not as a regular military force. The NGO also stated that people no longer support al-Shabaab because it is a terrorist movement and it is killing people indiscriminately.

Regarding al-Shabaab a well-informed journalist in Mogadishu explained that it is very weak and spread out. This is the reason why it has intensified its attacks. These attacks were very bad during the Ramadan, i.e. in August 2013. The biggest problem is al-Shabaab's suicide bombers, as they present a serious threat to the people of Mogadishu.

When asked if people in general are afraid of al-Shabaab a well-informed journalist in Mogadishu stated that the general survival strategy for people in Mogadishu is to "keep your mouth shut".

Regarding the dwindling popular support for al-Shabaab a well-informed journalist in Mogadishu stated that people are fed up with al-Shabaab, its attacks and its ideology. It was added that al-Shabaab's ideology has no appeal among Somalis.

The Serendi Youth Rehabilitation Center Team commented on the support al-Shabaab has in Somalia stating that the population has never actually supported al-Shabaab and will never do so. The change in attitude became obvious when al-Shabaab announced its alliance with al-Qaida in early 2012. The Serendi Team explained that al-Shabaab is at its heels in Mogadishu and other cities it has withdrawn from; in the countryside it is different.

An international organization (C) stated that the broad support al-Shabaab used to have among some clans and communities, for instance the Galjeel and Murusade, has eroded. Al-Shabaab brought in a lot of foreign fighters which was not popular among the Somalis, and with the infighting in al-Shabaab many of the foreign fighters have left the movement, also adding to the problems for al-Shabaab.

An international NGO (C) explained that al-Shabaab creates fear among people. Al-Shabaab has various militias, one for targeted killings and another one for open fight. Al-Shabaab's withdrawal in August 2011 from Mogadishu forced the movement to change its tactics. However, the international NGO (C) would not say that al-Shabaab was weakened by the AMISOM and the military offensive. It is more likely that al-Shabaab has been weakened by its internal conflicts.

On the other hand, al-Shabaab is everywhere in the sense that it is present approximately five kilometers outside all major cities in S/C Somalia. Al-Shabaab has lost popularity, especially as it has been involved in the inside killing of Somalis.

Regarding the Bakara-market an international NGO (C) explained that this market is in reality controlled by al-Shabaab. There are no government forces there that can move in quickly in order to arrest someone.

An international NGO (C) stated that there are many assassinations in Mogadishu, some of which are settling of personal scores while others are political.

Asked to comment on the security development during the past six months (i.e. since May 2013), a Somali NGO in Mogadishu explained that AMISOM used to patrol and provide security in some places in Mogadishu, but the force is no longer very active and the situation has worsened. It was added that people's expectations were very high when the transition period ended (in August 2012), but their hopes have not been fulfilled. Grenade attacks and suicide bombs create fear, and there are also disagreements within the government which is creating uncertainty. Asked to explain the implications for people in Mogadishu, the Somali NGO in Mogadishu stated that people become desperate. Before people would stay out in the evening, walk around, go to restaurants etc. Now they tend to stay indoors in the evenings. It was added that people are getting fed up with al-Shabaab.

Previously al-Shabaab enjoyed a lot more sympathy from the people, according to an international agency (A). This sympathy was closely related to the Ethiopian invasion in 2006. At that time many Somalis considered Ethiopia as a foreign, occupying force, and when the Islamic Courts United (ICU) was defeated by Ethiopian forces al-Shabaab turned out to be the only Somali force capable of fighting back against the Ethiopia forces. However, since then sympathy for al-Shabaab has decreased considerably. In particular the Somali minority clans saw an advantage when al-Shabaab took control of S/C Somalia, but even these clans are now having second thoughts about al-Shabaab.

When asked if members of minority clans are at risk of revenge attacks or harassments because of their previous support for al-Shabaab an international agency (A) stated that this is not the case. Referring to the recent conflict in Jowhar between the Abgal and the Shiidle as well as the ongoing tensions in Galkayo between the Habr Gedir and the Majerteen sub-clan Omar Mahamoud the international agency (A) made the point that these conflicts are essentially about control of economic assets such as agricultural land, water points, and port cities.

A Diaspora researcher in Mogadishu explained that since April 2013 there has been an increasing al-Shabaab activity in Mogadishu, especially at night-time. The Diaspora researcher in Mogadishu explained that a result of this activity has been that many people are afraid of going out after dark. Many people have lost faith in the government and it is common perception among people that the government is not having enough focus on security. In addition the government is not good at communicating with the people. This is in contrast to al-Shabaab who is using the internet to put out videos to illuminate its activities.

When asked if there are areas of Mogadishu where people are reluctant to go a Diaspora researcher in Mogadishu explained that the Bakara-market is run by al-Shabaab. It lost the physical control of the market area, but there are prominent shop owners who are sympathizers of al-Shabaab or members of al-Shabaab. There are even big businessmen and shop owners who are al-Shabaab. During day time the police are present in the Bakara-market. However it is dangerous and when they patrol the market they are at risk of being attacked by grenades. Al-Shabaab also has a strong presence in Hurriwa and in the *Suuqa Xoolaha*, i.e. the animal market area. It might also have a presence in the KM 4 and KM 5 areas, but not during the day time.

Regarding al-Shabaab's influence in Mogadishu as compared to April 2013 a Diaspora researcher in Mogadishu believed that its influence has increased. Al-Shabaab's influence is two-fold. One side is the attacks undertaken by suicide bombers and grenade attacks, and the other is those al-Shabaab people who communicate with people or threatens them.

A Diaspora researcher in Mogadishu stated that there are families who have been threatened by al-Shabaab. A recent example was when the son of a family was instructed by al-Shabaab to kill his own father. However, the father became aware of the threat and he killed his son. This is just another example of how al-Shabaab may brainwash people. It is also an example of how even your

closest family members can be members of al-Shabaab without your knowledge and thus protection from family itself is unreliable.

Asked if people in Mogadishu are fed up with al-Shabaab because of the violence a Diaspora researcher in Mogadishu explained that it might be so, but whilst people are against violence many people sympathize with al-Shabaab's ideology because many are religious, and it is hard to distinguish if they support al-Shabaab or not, since the religious people want the country to be led in a religious way. So they do not necessarily disagree with al-Shabaab.

If al-Shabaab had not been so violent a Diaspora researcher in Mogadishu thought people might prefer it to the government. People might even say that during al-Shabaab times it was peaceful. But because of the level of violence people might turn away from al-Shabaab.

1.3 Security for civilians and civilian casualties in Mogadishu

An international agency (A) explained that especially during the Ramadan (August 2013) one could note an increase in al-Shabaab attacks. There were many serious security incidents during that time. However, since then there has been a decrease in security incidents and the number of civilian casualties have gone down. This decrease could be due to an increasing government activity to curb al-Shabaab's activity. The international agency (A) emphasized that civilian casualties can be referred to being at 'the wrong place at the wrong time'.

Sabahonline reported on 6 August 2013 that "At least 15 people were injured in Mogadishu Sunday night (August 4th) by about 20 simultaneous grenade attacks carried out by al-Shabaab fighters across the city, Kenya's Africa Review reported. Mortars fell in Hodan, Howlwadag, Wadajir, Dharkenley, Warta Nabada, Hamar Weyne and Waberi districts, hitting Mogadishu landmarks including Mogadishu Stadium, the former Somalia National University compound, the main qat market, Benadir Junction, the Waberi police station and the central police station in Hamar Weyne.

African Union Special Representative to Somalia Mahamat Saleh Annadif condemned the attacks. "These desperate and craven acts on the Somali people demonstrate that the al-Shabaab terrorists have nothing to offer but death and destruction," he said in a statement released Monday by the African Union Mission in Somalia (AMISOM). "Protecting the people from this terrorist menace continues to be the top priority of AMISOM and the Somali government."

The attacks came as Somalis prepared to celebrate the second anniversary of al-Shabaab's withdrawal from fixed positions in Mogadishu August 6th, ushering in the longest period of relative peace the capital has had since the collapse of central government in 1991.

"Their ejection from Mogadishu set the stage for the tremendous political progress we have witnessed which culminated with the adoption of a provisional constitution, representative elections and the first peaceful handover of power in over forty years in Somalia," Annadif said in a

statement Tuesday. In the past two years, al-Shabaab has suffered a string of losses and has resorted to guerrilla terror tactics that have continued to claim the lives of innocent civilians.”¹⁸

When asked about civilian casualties in Mogadishu UNHCR explained that it has received similar questions from other countries during the last couple of months, i.e. September and October 2013. There is no real system in place to monitor civilian losses. AMISOM was supposed to put in place a system of monitoring by the end of 2013.

Regarding the security situation as compared to the situation at the time of the last [Danish-Norwegian mission in April-May 2013] COI mission, UNHCR stated [in January 2014] that there has been an increase in the number of attacks by al-Shabaab since then, including in places where civilians gather i.e. markets, hotels and public places.

When asked if civilian casualties are a result of being in the ‘wrong place at the wrong time’, UNHCR explained that civilians frequenting the above mentioned public locations would be a direct target for al-Shabaab. There is a pattern of al-Shabaab attacks in public locations. UNHCR stated that by attacking people in public places al-Shabaab is sending a message to the public in general.

UNDSS explained that there has even been an increase in the targeted killings of ordinary civilians. Tea shop owners for instance are at risk, and besides at the place where tea is sold, soldiers gather and they are also targets. It was added that anyone who advocates for a normalization of daily life in Mogadishu could be at risk. The perpetrators are mostly young men.

UNDSS explained that the reason why ordinary people seem to be more vulnerable to targeted attacks now than before could be a consequence of more security surrounding high ranking personalities and other high profiled persons. It takes a lot more planning to hit institutions and people having protection than people without physical protection.

When asked if al-Shabaab deliberately target civilians an international agency (A) denied that this is the case. It is obvious that it is mostly the SFG’s police force, its military and security forces as well as politicians who are the target of al-Shabaab. It is completely wrong to state that al-Shabaab target civilians. It is al-Shabaab’s strategy to undertake targeted assassinations, not to kill ordinary civilians. Whenever ordinary civilians are being killed it is only because they were in ‘the wrong place at the wrong time’.

According to an international NGO (C) the main security challenges today are the assassinations and the suicide attacks. Whether ordinary people are being victims of such actions or not depends on where they were at the time of an attack, i.e. being at the ‘wrong place at the wrong time’. Al-Shabaab continues to change its attacks and there are all sorts of threats not only in Somalia but in

¹⁸ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2013/08/06/newsbrief-01

Nairobi, Kampala, Addis Ababa and Dar es Salaam. Al-Shabaab threats are specific to Mogadishu, but the Somali government is unable to address the threats.

The international NGO (C) explained that al-Shabaab is a movement based on fear and it does not care about collateral damage. However, there are no reports of al-Shabaab targeting civilians, i.e. ordinary people. If it did, everything would be chaos. Al-Shabaab's strategy is nothing like we see in Iraq. The international NGO (C) emphasized that al-Shabaab's strategy is to prevent progress, not to kill civilians. It does not deliberately target civilians.

As regards al-Shabaab's targets a well-informed journalist in Mogadishu stated that al-Shabaab does not care about civilian casualties. Al-Shabaab is everywhere, but it is not visible. Recently the government advised people to have lights outside their houses at night-time as al-Shabaab is very active at this time. It was added, however, that the police are patrolling the streets of Mogadishu, even at night-time. From time to time the police are moving into locations in order to arrest someone.

When asked if persons not directly affiliated with the government could be at risk of targeted attacks a well-informed journalist in Mogadishu explained that the recent killing of a tea-shop owner in Mogadishu could be for various reasons. The assassination could have been carried out because she was selling tea to soldiers of the Somali National Armed Forces (SNAF) or because she was perceived as an agent. It was added that the perpetrators could have been someone else than al-Shabaab.

When asked why some persons, for instance a female tea-shop owner, are being assassinated without any known reason an international agency (A) stated that it is impossible to say why. Some attacks could be committed by al-Shabaab while others may be committed by other perpetrators.

An international agency (A) stated that it is obvious that one of al-Shabaab's strategies is to prevent normalization of life and "stabilization" in areas controlled by the government, especially in Mogadishu, and that those who actively contribute to this stabilization are a potential target of attacks.

A Diaspora researcher in Mogadishu explained that the security situation in Mogadishu was very difficult during Ramadan (August 2013), especially on the night of the 27 of Ramadan (considered as one of the holiest days of Ramadan since at that day the doors to heaven are open) when hand grenades were thrown all over the city. People really did not know who was behind. Some said it was al-Shabaab, others said it was criminal gangs paid by al-Shabaab. There are also a lot of assassinations of government officials, media people and others, and these attacks are on the rise.

Asked to comment on who is actually behind the attacks the Diaspora researcher in Mogadishu explained that nobody knows. The researcher told about the attack on a well-known journalist which people initially blamed al-Shabaab for. However the journalist was shot by someone passing

by in a car, while al-Shabaab usually uses motor bikes. So it is hard to tell. The attacks during Ramadan however seem to be linked to al-Shabaab because of the strong religious connection.

The Diaspora researcher in Mogadishu explained that al-Shabaab was not necessarily responsible for all the incidents during the Mogadishu conference [i.e. the Jubbaland Reconciliation Conference which took place in Mogadishu in early November 2013¹⁹] but it might rather have been political rivals within the country wanting to show that Mogadishu was not safe.

An international NGO (A) explained that the security incidents in Mogadishu are not only the works of the al-Shabaab. It might just as well be other actors. It could just as well be disgruntled people or people who are settling scores.

The Mogadishu based NGO Somali Women Development Center (SWDC) stated that there has been a remarkable change in Mogadishu during the last five or six months, i.e. from May 2013 [to mid-November 2013]. The government now has the opportunity to make peace, and security for ordinary residents in Mogadishu has improved considerably. People are enjoying increasing freedom of movement and security. People are now making use of the police force and whenever someone notes something suspicious he or she will report this to the police or the security forces. People now trust the police and the National Intelligence and Security Agency (NISA).

SWDC had never heard of persons who have been threatened or attacked by al-Shabaab because they have provided NISA or the police with information on al-Shabaab activities; however the information is given anonymously. It was added that SWDC runs a women neighborhood watch program. This program provides security for women.

SWDC explained that NISA runs a Youth at Risk program which involves 400 youngsters. SWDC attends monthly meetings with NISA.

As regards security for ordinary people a well-informed journalist in Mogadishu explained that there are people who sometimes stay away from their jobs for fear that the government cannot protect them, this is particularly the case for government employees and people who work for international organizations like the UN. In general people are less optimistic than before. On the other hand, the good thing now is that there is no more shelling in Mogadishu and there is a lot of construction work going on. It was added that civilian casualties is now much lower than before and that freedom of movement is not being limited because of attacks by al-Shabaab and others. It is only on the day of an attack that freedom of movement becomes limited. This is due to acute security precautions, including temporary check points on the location of an attack.

¹⁹ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2013/11/06/newsbrief-01

1.4 Situation for Diaspora people in Mogadishu

When asked if there is an increasing tension between the local people and the returning Diaspora an international NGO (C) explained that for the common person there are no tensions, and added that "you do not bite the hand that was feeding you!"

The international NGO (C) explained that many people are returning from the Diaspora. Some are claiming property rights while others see opportunities. This is sending the message that things are going back to normal, i.e. that things are going better.

According to the international NGO (C) clan is no longer an issue for Diaspora people coming back to Mogadishu. Clan plays a more important role in other areas of Somalia, especially in rural areas.

A well-informed journalist in Mogadishu stated that there are mixed relations in Mogadishu between the locals (the host community) and the Diaspora. There is a rather common belief among the locals that returning Diaspora people take up jobs from them.

A Diaspora researcher in Mogadishu stated that Diaspora Somalis are getting a bad reputation since some of the suicide bombers came from abroad. The one who blew himself up in the bombing in Maka al-Mukarama [in November 2013] was a Diaspora person. BBC News Africa reported that 15 people had been injured after a car exploded outside the Hotel Maka. The hotel lies on one of the capital's main roads, which the authorities say is usually safe. The Hotel Maka is on the Maka Mukaramah road which links the presidential palace to the airport, one of the most heavily guarded areas of Mogadishu. It is popular with members of parliament and other officials. One report stated that a senior Somali diplomat was among the dead.²⁰

The Diaspora researcher in Mogadishu explained that she did not understand how and why locals could detect that she was Diaspora, exemplifying that she covered up and went to the Bakara-market with a few friends. However, even then a few people spoke to her in English. The researcher also explained that most women would go together with one or more friends to be safe when moving around. It was added that most people would shop in nearby/local markets; they would not travel from far to go to the Bakara-market for instance.

Regarding security for ordinary people in Mogadishu the Diaspora researcher in Mogadishu explained that she is living a privileged life in Mogadishu. She is a Diaspora person with better access to livelihood than most people in the city. The researcher stated that the recent bombings in Mogadishu were really serious, and added that each time things are coming back to normal in Mogadishu al-Shabaab attempts to undertake a new attack. Each time a major attack takes place there will come a lot of temporary checkpoints.

²⁰ <http://www.bbc.co.uk/news/world-africa-24873912>

When asked how the increasing insecurity in Mogadishu affects the Diaspora the Diaspora researcher in Mogadishu explained that these people are much more concerned about their safety. Property as well as food prices have swollen, and it is quite normal that when a Diaspora person goes to the market he or she will have to pay much more than the locals. People from the Diaspora could easily pay one USD (about 20.000 Somali shilling) for a cup of coffee, but the locals might not. The cost of renting a flat would normally be from 200 to 400 USD a month; however Somalis from the Diaspora are charged three to four times more. There is an increasing resentment between the locals and the Diaspora, and many locals are harsh against Diaspora people. One reason for this is the common perception among the locals that Diaspora people take all the good jobs. The other reason might be the feeling that the Diaspora left the country when life was hard, while the locals stayed and paid the price. The Diaspora researcher in Mogadishu emphasized that she is much more alert than previously. This is for two reasons: increasing tensions between locals and Diaspora and an increasing number of security incidents.

When asked if this development has deterred Diaspora people to return to Somalia or prompted Diaspora people in Mogadishu to return the Diaspora researcher in Mogadishu stated that none of this was the case. There are still many Diaspora people returning to Mogadishu, and despite insecurity there are still many who come home in order to gain and secure economic or political influence. Many want to invest and prices on land are high. Even in poorer areas a plot of land might cost 5,000 USD, and even in the outskirts of Mogadishu a plot of land could cost 25,000 USD.

Broadly speaking there are two categories of Diaspora who return. There are those who know where they wish to live, know what they want, and they have good connections. The other group comprises those who are looking for jobs, even though it is increasingly difficult to find jobs in Mogadishu. However, Diaspora people often earn a salary which is three to four times the salary given to locals, even if the jobs are similar.

IOM explained that it's Migration for Development in Africa (MIDA) project is a capacity building programme which also aims to build the capacity of Somali institutions through Somali Diaspora skills transfer.

According to UNDSS Diaspora Somalis returning home can be exposed and targeted depending on what they do or who they associate with.

The Somali news agency Sabahionline reported on 9 January 2014 that al-Shabaab had issued a warning on 29 December 2013 to Somalis who have returned to Somalia:

"Somalis who have returned to their homeland from abroad have shrugged off al-Shabaab's recent threats that it would target them because they "have been taught garbage and sins, and have lost [their] religion and are being used [to spread evil]."

Al-Shabaab commander Ali Mohamed Hussein, known as Ali Jesto, made the announcement December 29th, saying the returnees "will be killed and fought against in the same manner" that al-Shabaab fights against the Somali government.

"They are working for the infidels, and since they are working for the infidels, they are the same as the infidels they are working for as far as we are concerned," he said.

Hussein also warned Somalis to stay away from government buildings, public venues frequented by government officials, and from foreign aid agencies and their workers as they all would be targeted in the group's attacks.

However, returnees interviewed by Sabahionline denounced the threats from al-Shabaab:

"Khadija Ali, a 38-year-old mother who returned from England in 2013 to visit her sick mother in Mogadishu, told Sabahi she does not think much of the threats, and says the terrorism brought about by al-Shabaab cannot chase returnees away.

"I am advising every diaspora returnee to persevere through any threat that comes from the terrorist groups so that they are defeated," she said. "We should not be demoralised. What they want is for us to become demoralised and flee our country, and we will never accept that."

"Al-Shabaab will end up fleeing the country if we persevere," Ali said.

Ahmed Salad Kulmiye, a 60-year-old who returned to Somalia in 2013 from England to collaborate with local youth-based organisations in capacity building projects, said al-Shabaab's threats against the diaspora will not change their commitment to work in their country.

"They want to isolate the government from the people, but I do not think that is possible," Kulmiye said, commenting on the warning the militants issued against citizens who seek services at government buildings. ²¹

1.5 Al-Shabaab tracking down defectors

The Serendi Youth Rehabilitation Center Team explained that al-Shabaab is prioritizing to find defectors. If al-Shabaab does not find a defector it will pressurize the defector's family. The Serendi Team gave an example of a father who had two sons. Both of them were al-Shabaab members and both defected. Al-Shabaab contacted the father and demanded that he brought them back to al-Shabaab. The father tried to explain that he did not know of their whereabouts, to no avail. The last time he was approached by al-Shabaab he was killed by al-Shabaab members.

Asked to comment on the situation for defectors from al-Shabaab, the Serendi Team explained that defectors are at risk of being killed. Before March 2012 more than ten al-Shabaab defectors who

²¹ http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/01/09/feature-01

were staying at the Marine barracks, were killed, adding that people staying at this place were the main targets of al-Shabaab at the time. It was emphasized that al-Shabaab has stated that “no place is safe if you leave us”.

Asked to comment on how al-Shabaab is tracing defectors, the Serendi Team explained that *Amniyat* (the secret service of al-Shabaab) is supposed to keep track and spy on people. *Amniyat* is well organized and it is present in every district [of Mogadishu]. According to the Serendi Team it is decided in a *shura* who will be the target whether it is police, business people, defectors or others. The Serendi Camp Team also explained that you could tell from the murder weapon whether an al-Shabaab is the perpetrator or not. Al-Shabaab would not use AK 47, but pistols, hand grenades or knives (for cutting throats).

According to UNDSS, defectors from al-Shabaab are victims of targeted killing, they are key targets, not only high ranking people but also foot soldiers. There are targeted killings on a weekly basis and among the victims are defectors [who] turned SNAF soldiers or officers. These targeted killings are reflected in UNDSS’ daily and weekly security updates.

UNDSS added that relatives of defectors from al-Shabaab might also be at risk of threats/abuse, and UNDSS has seen a few such cases.

Asked to comment on relatives/close family of deserters from al-Shabaab, an international organization (C) explained that al-Shabaab is no longer in a position to pressurize and harass family members in a systematic way. Al-Shabaab would only do that if it was worthwhile since it has other more important targets.

Asked to comment on the likelihood of al-Shabaab hunting down and killing ordinary foot soldiers leaving al-Shabaab, an international NGO (A) believed it could be a credible claim. The international NGO (A) explained that the security updates it receives show a lot of targeted assassinations, but whether or not the victims were al-Shabaab defectors the NGO could not say. It was added that these security updates are meant to cover incidents that might affect humanitarian work, these updates are not crime reports and they would probably leave out a number of incidents not affecting humanitarian activities, so they are not comprehensive.

Regarding al-Shabaab defectors the international NGO (C) stated that al-Shabaab does not allow defection. Defection will send the message to others to defect. In addition al-Shabaab is concerned that defectors may be used by NISA or Criminal Investigations Department (CID) to spy on it. If one defects from al-Shabaab he or she will have three options. Either you join NISA, or you go to the Serendi Youth Rehabilitation Center, or you leave the country. The international NGO (C) emphasized that al-Shabaab defectors have a very good reason to fear for their lives. The international NGO (C) had never heard of an al-Shabaab defector moving freely around in Mogadishu. According to al-Shabaab’s logic you join the movement and you cannot leave it again,

“if you leave you will be dead”. It was added that this goes for any defector, including ordinary foot soldiers.

When asked if persons, who for religious or other reasons defect from al-Shabaab would be treated otherwise than defected fighters the international NGO (C) stated that it is entirely irrelevant whatever the reason for defection might be. They will all be dealt with in the manner as defecting fighters or foot soldiers.

When asked what can happen to a person who leave al-Shabaab a well-informed journalist in Mogadishu explained that such a person has two options: either he or she joins the government to work as an agent or leaves the country.

Regarding al-Shabaab defectors a well-informed journalist in Mogadishu explained that al-Shabaab will do a lot to track down a defector who may have inside-knowledge of the movement. It would even pay money to get such a defector killed. Ordinary foot-soldiers who have defected al-Shabaab will not be of interest to it. Al-Shabaab will not spend time and money to track down those defectors.

Asked to comment on al-Shabaab tracking down defectors, an international organization (C) explained that it does not have clear indications that this is happening in a systematic way. However al-Shabaab does track down those who are very important to it, and in this respect it is important to know that there are al-Shabaab sympathizers in every neighborhood.

1.6 Treatment of al-Shabaab defectors/Serendi Youth Rehabilitation Center

An international organization (A) explained that there is center in Mogadishu called Serendi Youth Rehabilitation Center supported by Norway and Denmark and added that the center is run by NISA. The origin of this center was the temporary Marino camp where defectors could come. The government appealed for assistance to provide for those staying there, and AMISOM assisted for a while with food but had to suspend its activities. The international organization (A) helped for a few months, and then the Danish and Norwegian governments stepped in.

The international organization (A) further explained that the difference between the national programme and the Serendi Youth Rehabilitation Center is that the national programme is more comprehensive with processing, recording, giving information on reintegration opportunities, counseling and finally reintegration activities. Serendi is more about keeping them safe and providing a place. However there is no doubt that the Serendi team is very interested in adopting and integrating into the national programme, which is important. It was added that it is difficult to get access to Serendi. The international organization (A) added that there are many legal norms involved, and it is one of the core objectives of UNSOM’s mandate to bring this process along. UNSOM has been very active and supportive in a complex process with five ministries involved. The number of ministries will likely increase with the recent government reshuffle.

The international organization (A) also explained that emerging programs for it would be disengagement of fighters whereby trying to provide options for youth at risk both in the militias or those trying to associate with these elements. There is an upcoming approach which is for defectors (or former combatants) that involves transition centers. This is a high risk project and UNDP has suspended its activities due to the legal precedent. The international organization (A) is doing ongoing information campaigns and is supporting the government through trainings and capacity building measures in human rights and alternative dispute resolution. It was added that the international organization (A) works with the Ministry of the Interior and National Security (MINS) to support on transition, and a transition center will soon open in Baidoa with the assistance of France.

An international organization (C) explained that the government would systematically look for al-Shabaab sympathizers. The organization commented on the Serendi Youth Rehabilitation Center terming it a 'detention' center and added that the center is supported by the Norwegian and the Danish governments. The international organization (C) stated that the UN still has not been able to enter the center. Initially it was said there were no children in the center, but now those responsible for running the center admit there are children.

An international organization (C) was concerned about the screening processes being used by the MINS and the NISA when the children get into the Serendi Youth Rehabilitation Center. The international organization (C) was also concerned that some of the people that entered the camp were later unaccounted for.

An international organization (C) explained that the number of 'abductions' would rise after SNAF's round ups of youngsters. Some of those who are rounded up come back home, others do not and their families are not informed of their whereabouts. The international organization (C) categorizes these detainees as 'abducted' since there is no due process. The Ministry of Defense explains that it hands the detainees in the Serendi Youth Rehabilitation Center over to the NISA, and the NISA claims that the detainees have been handed over to the Serendi Youth Rehabilitation Center. The international organization (C) added that children are being used as spies by the government.

The delegation met with the Serendi Youth Rehabilitation Center team (hereafter The Serendi Team) in Mogadishu. The Center Team emphasized that it was voluntary to stay in the Serendi Youth Rehabilitation Center, and explained that NISA will screen people being caught in round ups in Mogadishu and elsewhere. Those who are found to be low risk cases will be sent to the Serendi center - if they wish so - those who are assessed to be high risk cases are sent to the Military courts for trial and sentencing. The Serendi Team emphasized that the rehabilitation process is a lengthy process which can vary from one individual to another.

The delegation was handed a small booklet by the Center Team. The booklet informs about the purpose and aims of the Serendi Youth Rehabilitation Center. The booklet's Project Overview states that:

“The Serendi youth rehabilitation center aims to reintegrate former members of al-Shabaab in to Somali society. The project has been fully supported by the Somali government, because this peaceful approach is an important strategy to defeat violent extremist movement. The youth have all voluntarily disengaged from al-Shabaab and after being screened in order to verify their identity and motives moved to Serendi Center. Several hundred Somali youth have been enrolled in the rehabilitation program that considers each individual as a human being with rights and responsibilities. At the center they receive accommodation and meals; however the real aim is to reintegrate each one of them in to their own communities. It is important for their future that they can make a living to support themselves and their own families. Several educational and vocational programs have been started. As they have left fighting, oppression and violence behind the Serendi youth are proof that extremist ideas and movements can never be part of Somalia’s future. The project has been sponsored by the Norwegian Ministry of Foreign Affairs, the Danish Ministry of Foreign Affairs and implemented by Danish experts through the Somali Ministry of Interior and National Security (MINS).”²²

The Serendi Team explained that once the residents are finished with their rehabilitation process, their safety and security are assessed. It was added that the youth at the Serendi center looks upon the center as a safe house. The security assessment is made together with their families, and their release from the Serendi center is cosigned by their families. Asked what parts of the country which would be considered to be safe for former al-Shabaab defectors, the Serendi Team explained that former defectors would be relatively safe in Somaliland and Puntland, but not in S/C Somalia. It was added that those who have family in Mogadishu are allowed to visit them during weekends, i.e. Thursday to Friday.

Asked to explain how the residents in the camp had been recruited to al-Shabaab, the Serendi Team explained that there were all categories, from youngsters being recruited by force to religious indoctrination. The Serendi Team went on to explain that they are not sharing any information about the residents to the Somali government, including NISA once they have arrived at the Serendi Camp.

The Serendi Team also explained that al-Shabaab is threatening the Serendi Youth Rehabilitation Center’s staff since they are perceived by al-Shabaab to be a strategic threat which is undermining the movement.

²² Text from booklet by Serendi Youth Rehabilitation Center – From al-Shabaab to Good and Productive Citizens, Mogadishu 2013.

The Serendi Team explained that none of those who have stayed in the Serendi center and have gone through the rehabilitation process have been killed after leaving the center. Staying in the Serendi center also contributes to building confidence with the local community the residents eventually will return to.

Asked to comment on the positions those residing in the Serendi Youth Rehabilitation Center have had in al-Shabaab, the Serendi Team explained that it varies from for instance tax collectors to soldiers or murderers. The Serendi Team did not know the profile of the high risk category going to the Military courts. So far (until mid-November 2013) 934 persons have been through the rehabilitation process at the Serendi center since March 2012. There are a number of people at the Serendi center at any given time.

The Serendi Team explained that 256 al-Shabaab members deserted in September 2012 in Jowhar. They were taken by AMISOM to the Maslah base and then transferred to Jezira. Later on they ended up in the Serendi Youth Rehabilitation Center. It was added that some of the defectors were finally transferred to a safe house run by Elman Human Rights Center in Mogadishu. Those beyond 18 years were sent to the Serendi center.

The Serendi Team added that another Serendi Youth Rehabilitation Center opened in Belet Weyne in the beginning of November 2013.

An international organization (B) explained that it visited the Serendi Youth Rehabilitation Center in August 2013. Until this visit the international organization (B) had some concerns pertaining to the treatment of the residents in the camp. However these concerns disappeared since it was observed that the Serendi center and the opportunities given to its residents were good. The international organization (B) explained that the situation is challenging and sensitive. Serendi's program is focused on members of al-Shabaab coming forward for rehabilitation. Wherever the UN is involved in Disarmament, Demobilisation and Reintegration (DDR) programs it is usually after a peace agreement has been reached. In Somalia there is still an ongoing conflict, and even under these circumstances the Serendi Team facilitated the Serendi center, with the UN not having had too much experience under these specific circumstances.

The international organization (B) explained that it could understand the worries of some international organizations regarding the Serendi Youth Rehabilitation Center, and that was also the reason for inviting various international organizations to the center. However the initial visit was postponed due to security issues. The international organization (B) agreed that lack of access to the center easily creates concerns and suspicion.

A well-informed journalist in Mogadishu explained that the Serendi Youth Rehabilitation Center is a detention facility, or rather a compound in which al-Shabaab defectors are kept in order for them to be rehabilitated. They are being reeducated and taught how to defy al-Shabaab ideology. The detainees are kept in the Serendi center until they are considered harmless and then released.

Sometimes the parents of the detainees try to get their children released in order for them to get out of the country.

1.6.1 Abductions in Somalia

According to an international organization (C) statistics for the period from July to September 2013, [shows that] there were 279 abduction cases whose whereabouts are unknown. All of them are minors, and the majority of them are from the Benadir region.

The international organization (C) added that not only abductions take place in areas under the control of the SNAF, and explained that UNHCR has also received information that crime rates are going up. GBV and robberies are also increasing in the areas under government control, making it difficult to identify these areas as suitable for return. Asked if crime was equally problematic in al-Shabaab areas, the international organization (C) stated it probably was not.

1.7 Recruitment to al-Shabaab

UNDSS stated that it is hard to tell if al-Shabaab is able to recruit in Mogadishu today, but it is easy to hide in the city, and al-Shabaab members can be taxi drivers or business people. Their influence in Mogadishu is clandestine. They operate from safe houses where arms and ammunition etc. are hidden. These safe houses are probably found all over the city. Recently one such safe house with explosives was found near Jezira. This was an ordinary house where an ordinary Somali family was living, and they were killed when a suicide vest being made, exploded prematurely.

An international agency (A) found that the issue of forced recruitment to al-Shabaab may be a little overblown. No one knows the scale of forced recruitment, but many Somalis have fled from al-Shabaab controlled areas because of fear for recruitment as well as to avoid al-Shabaab's heavy taxation in the form of *zakat* (an Islamic taxation system, the third pillar of Islam). *Zakat* is supposed to be used for the poor, but everyone knows this is not so. Thus, frequent clashes between al-Shabaab tax collectors and nomads have occurred.

Regarding al-Shabaab's recruitment of youngsters to throw hand grenades an international NGO (C) believed that this was still happening and explained that these youngsters, often in their early twenties, used to get approximately 10 USD for doing so. The payment takes place via the mobile cell phone transfer system.

HRW reported in January 2014 that all Somali parties to the conflict continue to commit serious abuses against children, including recruitment into armed forces and arbitrary detentions. Al-Shabaab in particular has targeted children for recruitment and forced marriage, and attacked

schools. Government authorities committed to implementing a July 2012 action plan against child recruitment but discussions about implementation were ongoing at time of writing.²³

An international NGO (C) stated that forced recruitment to al-Shabaab is only relevant in those areas where al-Shabaab is in full control. Recruitment mostly takes place via the elders. Some elders may support al-Shabaab while others do not. However, when al-Shabaab is in control of an area the elders will pretend that they are supportive.

When asked if there are particular clans that support al-Shabaab an international NGO (C) stated that there are some elders who still support the movement but otherwise there are no specific clan support any more.

An international NGO (B) stated that young people out of school with no jobs are vulnerable and at risk of being targeted for recruitment to al-Shabaab or other armed groups.

An international organization (C) stated that al-Shabaab recently [as per mid-November 2013] recruited about 700 people within a few days. However, the international organization (C) did not know where this recruitment took place. The international organization (C) explained that recruitment to al-Shabaab generally is done through local leaders and elders being told to mobilize a number of men, or sometimes going around in the towns and villages using megaphones urging people to sign up.

Concerning forced recruitment to al-Shabaab a well-informed journalist in Mogadishu explained that he did not have specific information on the issue, but he believed this to be much more limited than previously when al-Shabaab was in control of parts of Mogadishu.

The well-informed journalist in Mogadishu explained that recruitment to al-Shabaab in Mogadishu only takes place on an individual basis, and such recruitment is voluntary. There is no forced recruitment to al-Shabaab in Mogadishu. The journalist had never heard of this being the case in Mogadishu.

An international agency (A) explained that there are reports of families being compelled to send off their sons to al-Shabaab as fighters. On the other hand, the agency (A) had never heard of families killing their own sons if they refused to join al-Shabaab.

Asked to comment on the likelihood of family members pressuring youngsters to join al-Shabaab, an international organization (C) explained that it had not heard of such cases. It was added that recruitment usually takes place in the *madradas*, by community leaders or voluntarily.

Asked if it is known that recruitment by family members to al-Shabaab happens, and that strict punishment is meted out if the youngster refuses to join, an international NGO (B) stated this is a

²³ Human Rights Watch, World Report 2014, Somalia (covering events from January through November 2013). <http://www.hrw.org/world-report/2014/country-chapters/somalia>

very sensitive issue. One can hear a lot of stories concerning not only this issue, but many other issues. Whether it happens or not is impossible to tell.

1.8 Forced marriages to al-Shabaab fighters

Regarding forced marriages to al-Shabaab fighters an international agency (A) did not believe that this is a major problem. However, there are reports of al-Shabaab fighters having claimed their rights to marry girls. It was added that rape is much, much lower in al-Shabaab controlled areas than in areas under control of the government and AMISOM.

In the context of al-Shabaab activities, UNHCR also shared a recent example of forced marriage in Mogadishu. Two young girls were abducted on their way home in Helliwa district. Their families were subsequently informed by al-Shabaab that the two girls had been married off to al-Shabaab fighters.

An international organization (C) explained that forced marriages to al-Shabaab are still taking place in Mogadishu, but on a limited scale since al-Shabaab is not grounded in the city. There is also a tendency that fewer youngsters want to join al-Shabaab.

Regarding forced marriages a Diaspora researcher in Mogadishu explained that there are reports of al-Shabaab demanding a family to marry off their daughter to an al-Shabaab member. Many families do not dare to say no. This is most common in al-Shabaab controlled areas, but it can also happen in Mogadishu. It was added that one better have a genuine back-up plan if one dares to say no to al-Shabaab.

1.9 Targeted attacks

UNDSS explained that there has been an increase in targeted assassinations by al-Shabaab elements, but also for other reasons, and even an increase in killings of common civilians, i.e. women believed to support the government, or selling food to soldiers, or relatives or girlfriends of government officials.

Asked to comment on who al-Shabaab is presently targeting, an international organization (C) explained that al-Shabaab would do anything to destabilize the government and do whatever that could make the government look bad. In addition the following categories could be at risk:

- Political front figures like the president
- UN agencies
- Turkish NGOs
- Journalists, especially those who are perceived as westernized. Journalists could also be targeted by the government.
- Somalis returning from the Diaspora; especially those who are visible and do not blend in
- People working near AMISOM bases
- Civil society members

An international organization (C) added that there are a number of small scale attacks for which al-Shabaab might not be responsible.

A well-informed journalist in Mogadishu explained that next to al-Shabaab's suicide attacks are the targeted attacks and killings. Those most at risk of targeted attacks are government employees, politicians, journalists, members of security forces, in particular intelligence and police officers, and persons who work for international organizations like the UN.

HRW reported in January 2014 that Somalia remains one of the most dangerous countries in the world to be a journalist. Five journalists and media workers were killed in 2013, four of them in Mogadishu. On April 21, Mohamed Ibrahim Raage, a journalist working for the governmental Radio Mogadishu and Somali National Television who had recently returned to Mogadishu from exile in Uganda, was killed outside his home. A number of other journalists were also attacked, including in the town of Kismayo.

HRW added that impunity for these killings prevails. One individual was sentenced to death in March for the September 2012 killing of journalist Hassan Yusuf Absuge, and then executed in August after a trial that did not meet international due process standards.²⁴

1.10 Gender Based Violence (GBV)

Human Rights Watch reported in January 2014²⁵ that Somali "women and girls face alarming levels of sexual violence throughout the country. Internally displaced women and girls are particularly vulnerable to rape by armed men including government soldiers and militia members. In January, a displaced woman, who alleged that she was raped by government soldiers, and a journalist who interviewed her were prosecuted in a deeply flawed and politicized judicial process. Security forces have also threatened individuals who have reported rape, and service providers.

HRW further reported that reports of sexual exploitation and abuse by AMISOM increased. In a March 2013 resolution, the UN Security Council called on AMISOM to take measures to prevent sexual abuse and exploitation and address allegations of abuse. In August, a woman alleged that she was abducted by soldiers and then transferred to AMISOM soldiers who raped her. A joint Somali and AMISOM high-level task force was established to investigate, during which AMISOM publicly denied the allegations. The alleged victim and witnesses were intimidated by government intelligence agents during the investigation.

Asked to comment on the access to legal aid that some NGOs are providing to GBV victims, an international organization (C) explained that even though this assistance is of great value, it can only give one percent of the GBV victims' need for assistance. A couple of the NGOs are running

²⁴ Human Rights Watch, World Report 2014, Somalia (covering events from January through November 2013). <http://www.hrw.org/world-report/2014/country-chapters/somalia>

²⁵ Human Rights Watch, World Report 2014, Somalia (covering events from January through November 2013). <http://www.hrw.org/world-report/2014/country-chapters/somalia>

safe houses, and the women can stay there for a maximum of six months. There is one safe house in Afgoye and two in Mogadishu.

SWDC explained that it does not run its own safe house. When victims of rape or other GBV contact SWDC for assistance and protection they will be transferred to a secret location. This could be a safe house or a host community. SWDC receives approximately 15 requests for assistance per month, but this number may vary a lot.

SWDC also provides legal aid to economically disadvantaged people and minority groups who are detained in police stations and the main prison in Mogadishu. However, one of the most important activities that SWDC undertakes is the peace building and security programs. It is through this that SWDC established the women neighborhood watch system, community policing and youth for change schemes.

When asked if SWDC has ever been threatened by al-Shabaab SWDC stated that it received a threat in 2007 but since then there have been no such threats. The staff of SWDC has not been threatened but each day all staff members listen to the news in order for them to be updated on security issues and road blocks.

In connection with the publishing of Human Rights World Report 2014 the Somali news agency Sabahionline interviewed a well-known member of a Somali NGO,²⁶ "Fartun Ibrahim, a member of the Mogadishu-based Peace and Human Rights Network (PHRN), said the human rights violations documented in the HRW report were an ongoing problem in Somalia.

"Women are among the people who face the most problems when it comes to human rights violations," she told Sabahi. "They suffer rapes and torture and are targeted because of the clans they are from, which are minority clans that have little power within Somalia. Combating this issue will require a huge awareness campaign and meetings to address it."

As a way to combat human rights abuses that happen in Mogadishu, PHRN launched an FM station called Xurmo Community Radio.

"On Xurmo Community Radio, we broadcast awareness programmes that address the violations against women and the rights of a person who suffers violations," she said. "The women who face violations come to us and we give them advice."

Ibrahim said that Somalia's leaders talk a lot about their intentions to address human rights violations against women, but there is nothing tangible that has yet been done.

²⁶ http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/01/28/feature-02

She said she would like to see the government's promises to address violations against women fulfilled, and called on the authorities to stop being hasty in jailing women who claim to be raped before verifying the matter.”

2 Protection and livelihood issues in Mogadishu

2.1 Clan affiliation and protection

Regarding Mogadishu, clan affiliation is still a very important issue when it comes to identity as well as protection, according to UNHCR. In some districts of Mogadishu the population is more mixed than in other districts, but one clan would be predominant. A priori clan affiliation will not be a problem. But there are cases and circumstances when it matters. For instance, in cases where a girl or women is raped by someone from another clan, if the victim's clan does not obtain a satisfactory solution from the perpetrator's clan, the victim's clan may resort to raping three girls from the perpetrator's clan, according to UNHCR.

Regarding clan identity and security an international agency (A) explained that there are fewer warlords than previously, but clan identity is still very important. One can put a clan name of any area in Mogadishu. In addition there are clans who have their own militia. However, clan protection is decreasing as the government and AMISOM provide increasing security. On the other hand there are minority clans who are more vulnerable than other groups.

According to the international agency (A) there is no one in Mogadishu who is at risk of attacks or persecution only because of his or her clan affiliation.

Regarding the importance of clan a Diaspora researcher in Mogadishu stated that clan is no longer as important as it was in the past. Protection is not dependent on one's clan affiliation. Today it is much more important to have connections, i.e. to know people in power, than to be a member of a certain clan. Clan is more important to the elderly. It was added that clan is something you may talk about at your home or when you are together with fellow clan members. The Diaspora researcher in Mogadishu also stated that people might wish to present themselves as more cosmopolitan and modern and not necessarily wanting to share points of views on clans to westerners.

The Diaspora researcher in Mogadishu explained that some people can easily say that clan is not important, [that is] if they belong to a strong clan, however if you belong to a small clan it could be different. The researcher also explained that for instance the Darood clans in Mogadishu would describe themselves as refugees in the city because they do not have any real power since power is perceived to be in the hands of the Hawiye clans.

According to an international NGO (A) clan affiliation, protection and freedom of movement in Mogadishu is still an issue, even though many might say otherwise. People in the capital probably feel a bit more cosmopolitan and modern than others, and they do not like to be seen as having clan issues. For instance the international NGO's (A) own staff would say that clan does not matter, but in recruitment processes, tendering processes or disputes, the clan issue might be an underlying cause of delay, discussion/debate.

The international NGO (A) added that the importance of clan in Mogadishu certainly depends on who you are talking about. For IDPs or people from other areas than Mogadishu, clan and

protection is very important. However if you belong to one of the major clans and you have grown up in Mogadishu, it is different because you have the protection of your clan. One should be cautious since there is a tendency to say that clan does not matter, but if you scratch the surface it is hard to tell how far this is true.

The international NGO (A) believed that numerous security incidents in Mogadishu are clan related. It was added that the majority of security incidents, apart from the throwing of hand grenades, are killings and most of these are probably clan and politically motivated.

Asked to comment on the importance of clan protection in Mogadishu today, a Somali NGO in Mogadishu explained that people do not need the protection of their clan any longer, but if the government should collapse, the situation would change and people would once again need the protection of their clan. However, as of today no one is killed because of one's clan affiliation.

According to SWDC clan affiliation is no longer a security matter in Mogadishu. No one will ever ask a woman or a man about her or his clan, not even at the checkpoints. Clan is a private matter and it has no influence on one's personal protection.

Regarding clan affiliation a well-informed journalist in Mogadishu stated that clan is not playing the same role as it used to do. It is illegal for ordinary citizens in Mogadishu to carry weapons and the warlords are gone. However, clan is still important when it comes to politics and social matters. It was reiterated that clan is not an important issue when it comes to the individuals' safety and security.

2.2 Performance of police and security forces

Regarding access to the police Simon Ridley, UNDP stated that people have access to this force, but access is not even in all 16 districts of Mogadishu. The police force is receiving salaries on a regular basis; these salaries are paid by international donors. In addition 6,000 police officers have undergone certified training courses. However, the police still needs vehicles and technical equipment as well as capacity building. Over and above basic training there have been limited capacity buildings undertaken.

When asked if the police keep a record of crimes committed Simon Ridley explained that each police station keeps a so-called 'occurrence book' in which all reported crimes are registered. There is no central registration of crimes committed.

An international NGO (A) explained that the police stations in the various districts of Mogadishu are recording crimes. They keep hand written books, but whether these books are consistent or not are impossible to say. Most likely there is not a central registry or data files. Generally corruption is still there and various security reports in newspapers, online forums and other report mention that crimes are also committed by people in uniform, so there is a lack of confidence in the police.

According to an international NGO (C) people do not dare to report to NISA should they note suspicious persons or behavior if they live in Hurriwa which is run by al-Shabaab after 5 PM or in

the Bakara-market. In Hamar Weyne it could be that someone would do so if she or he has confidence in the person they are calling or reporting to. It was added that if you do not, “you better have a backup plan”.

Regarding the performance of the police force SWDC explained that it undertakes training of police officers in cooperation with UNDP. The training is part of the Legal Aid Project and it includes human rights lessons. The project comprises four police stations in Mogadishu: Hodan, Hamar Weyne, Wadajir and Dharkenley. In addition SWDC cooperates with all other police stations in Mogadishu. SWDC stated that it has a well-functioning cooperation with the police forces in Mogadishu, and added that the police officers receive their salaries on a regular basis. SWDC also cooperates with the Ministry of Interior and National Security (MINS) regarding the establishment of a special police force called Women Protection Unit. This project comprises the training of female police officers, including human rights and neighborhood watch systems.

When asked if the police force has improved as compared to the situation in early 2013 SWDC stated that six to seven months ago [as per mid-November 2013] there were problems with the police. The police force lacked resources and its investigations were poor. However, SWDC assisted victims of rape to file their cases at the police. It was added that many victims of rape feel ashamed and are reluctant to report the crime to the police. This situation has improved during the last six months [as per mid-November 2013].

Regarding the police a Diaspora researcher in Mogadishu explained that nobody respects the police force. First of all the police is afraid of doing its job and there are police officers who extract money from the people. Thus, local people are losing faith in the police and in general they do not approach the police, even when they may have a serious case to file, such as rape. It was added that it is easy to bribe the police and that the police is afraid when it comes to assist people who are threatened by al-Shabaab. The police is not even able to protect itself. Today there is a tendency for self-reliance, to keep your mouth shut and ‘no-go-out’ in the evenings.

According to a Somali NGO in Mogadishu people seek the assistance of the police force but there is no guarantee that they will be assisted. In addition there is no connection between the police and the judiciary. This implies that you cannot expect a fair trial at the courts.

A well-informed journalist in Mogadishu added that there are district commissioners in Mogadishu who have their own militias, but these militias operate under cover of the government. However, due to the presence of AMISOM clan-militias do not have any power. Most people are happy with AMISOM, but not so much with the Kenyans in Kismayo. Many people do not consider the Kenyans to be neutral and they do not trust the Kenyans.

However, on 26 January 2014 UN-funded Radio Bar-Kulan reported that people and officials from the Jubbaland Interim Administration (JIA) had gathered at the soccer stadium in Kismayo to show

their support for the continued presence in the area of Kenya Defense Forces (KDF) serving under the mandate of UNISOM.²⁷

2.3 Internally Displaced Persons (IDPs) and refugees

UNHCR explained that it looks in parallel at Somali IDPs and Somali refugees. UNHCR is closely cooperating with the Norwegian Refugee Council (NRC) and the Danish Refugee Council (DRC) on issues related to Somali IDPs and Somali refugees. UNHCR explained that the Tripartite Agreement is a tool of dialogue to regulate and consult.

UNHCR added that there are a number of Ethiopian asylum seekers and refugees in Somalia, mainly in Puntland and Somaliland. However, they have limited freedom of movement in these locations.

UNHCR also explained that since the beginning of 2013 but especially since August 2013, there has been a strong push for IDPs to leave the central districts of Mogadishu and settle in KM 7 and KM 11. The process is ongoing. There have also been thousands of forced evictions of IDPs. One of the consequences is that there are several new settlements on the outskirts of Mogadishu as well as in the Afgoye Corridor; they are all managed by gatekeepers.

According to UNHCR, at times humanitarian access in Mogadishu is severely hampered because of security incidents. Thousands of IDPs in KM 7 and KM 11 cannot be reached in a meaningful manner because of security issues.

Regarding IDPs and local integration, UNHCR explained that there are many IDPs who try their chances for a better life in the place of displacement, especially when this is an urban setting.

UNHCR stated that there are thousands of IDPs who are now being evicted from their temporary dwellings. Forced evictions include even orphans and extremely vulnerable people. Those who have already been evicted were not provided with any alternatives by the state, and they were not notified in an appropriate manner. Many of those forcibly evicted went to other IDP camps. Usually evicted IDPs end up in the Afgoye-corridor, and in crowded settlements in e.g. Sarakusta and Maslah. UNHCR added that there are not many options for evicted IDPs as to where they could move in Mogadishu after being forcibly evicted; this would mainly depend on personal circumstances and clan affiliation.

UNHCR explained that even locals were being forcibly evicted from their homes in specific areas in Mogadishu; one example is an area (Majo) outside the MIA [Mogadishu International Airport]. Thousands of locals and IDPs were forcibly evicted from their homes in this area in the beginning of 2013 and in October 2013. Some of them had documents to prove they were the owners of their plots, but to no avail.

²⁷ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2014/01/27/newsbrief-05

Regarding evictions of IDPs in Mogadishu a Diaspora researcher in Mogadishu explained that there have been a lot of forced evictions. Evicted IDPs are literally sent directly into the hands of the notorious gatekeepers. Evictions have taken place both from public lands and private lands and buildings.

A Somali NGO in Mogadishu explained that particularly the IDP camps are unsafe, people live in huts and tents, and there are no lights and no police to protect them. The IDP camps are often located next to areas where militias operate. Freelance militias can operate in these camps and abuse and rob people. The militias wear military uniforms but it is impossible to know if they actually are soldiers or not, since uniforms are easy to get. Some of the militias might belong to the different district commissioners, but no one knows. The militias carry weapons and they may attack you, but they are not being held responsible for their activities. The activities of these militias take place at night time and the militias can carry out their attacks everywhere in Mogadishu. There are no safe places in Mogadishu. Despite the presence of militias there is no increase in ordinary crime in Mogadishu. For people living in the host communities the situation is different. They have proper houses and doors that can be locked thereby keeping criminals out.

An international NGO (A) explained that its IDP cash program in 2012 assisted 21,000 households in Mogadishu.

2.3.1 Displaced persons and access to humanitarian assistance

HRW reported in January 2014²⁸ that according to the UN, at least 870,000 people, many of them displaced persons, are still in need of emergency humanitarian assistance. Tens of thousands of displaced people remain in dire conditions in Mogadishu and are subjected to rape, forced evictions, and clan-based discrimination at the hands of government forces, allied militia, and private individuals including camp managers known as “gatekeepers.” Gatekeepers and militias controlling the camps have also diverted and stolen food aid intended for internally displaced persons.

HRW further reported that in January [2013], the government announced plans to relocate the capital’s displaced population to new camps in the Daynile district, where Al-Shabaab retains a significant presence, prompting concerns that the new camps would lack basic security and protection, as well as services. Meanwhile, forced evictions of the displaced continue including from camps planned for relocation.

According to HRW humanitarian agencies face challenges accessing populations in need due to ongoing attacks and restrictions imposed by parties to the conflict. On April 14, a car bomb exploded on the airport road in Mogadishu hitting cars carrying Turkish aid workers. On August 14, Médecins Sans Frontières (MSF) ended its 22-year operation in Somalia, citing continuing attacks

²⁸ Human Rights Watch, World Report 2014, Somalia (covering events from January through November 2013). <http://www.hrw.org/world-report/2014/country-chapters/somalia>

by armed groups and civilian leaders on health workers. Before its departure, MSF had treated about 50,000 people per month and the World Health Organization estimates that 1.5 million people may now lack access to health care.

2.2 Needs in order to settle or reestablish in Mogadishu

Depending on individual circumstances, in order for someone to settle in Mogadishu, UNHCR emphasized that, in principle, you need access to clan protection (for security) and nuclear family (for livelihood support). It was emphasized by UNHCR that a person's extended family will not be able to provide sufficient support in Mogadishu, unlike other parts of Somalia. People who arrive in Mogadishu can stay perhaps for a few days with their extended family, but not as a long-term solution in terms of accommodation and access to livelihoods.

UNHCR explained that a person's profile, including access to clan protection and nuclear family (for livelihood support), is important in relation to that person's prospect for security and survival in Mogadishu.

When asked what a person would need in order to reestablish in Mogadishu an international NGO (A) explained that a person from Mogadishu with relatives living in the city would be accommodated by hers or his family. Support from the host community should also be considered. However, if you are not from Mogadishu you would need sufficient funds. Education and skills and a cash grant in order to start up business would also be an advantage, and local NGOs could also assist. It was added that Somali families are extended families with even fourth or fifth cousin being counted in. Another important aspect is the strong solidarity among Somalis which will ensure support to family members in need.

Having mentioned the possible support from local NGOs the international NGO (A) explained that these NGOs have limited resources and cannot assist a huge number of people in need. In a Mogadishu context however the basic condition is the support of the immediate family.

The international NGO (A) emphasized that it could be dangerous to return people from abroad to areas where they do not have the protection of their own sub sub-clan, since that might put them in danger. The international NGO (A) specifically mentioned that it is crucial that repatriated people should be returning to areas where they have nuclear family, not only clan affiliates. It is quite similar since family and clan are related. In particular, for Mogadishu, the international NGO (A) would not recommend returning anyone to Mogadishu who does not have immediate family located in Mogadishu as well as clan protection.

Asked to explain what would be needed in order for people to reestablish in Mogadishu, an international organization (C) explained that money and the support of the extended family to a certain degree is necessary. However just having an extended family present in Mogadishu is not sufficient. People living outside Somalia would also be expected to have stayed in contact with the family in Mogadishu.

When asked if there are individuals who will need protection when they arrive in Mogadishu for the first time an international NGO (C) stated that one cannot exclude this to be the case for for instance a minority group member returning to the city. However, there is an increasing improvement of security in the city, and if someone would make a list of the positive developments that have occurred since April 2013 the list would be much longer than a list of negative developments.

A Diaspora researcher in Mogadishu explained that people returning from abroad for instance would need assistance to find accommodation in a safe area. If your family has a house in Hurriwa you would not stay there because of al-Shabaab, so you would need to stay in a safer area, for instance KM 4 or KM 5 area, however accommodation is very expensive in those areas.

On the question of what kind of support system or network one would need in order to reestablish oneself in Mogadishu, an international NGO (B) stated that if people had networks in the city they would not have left the city in the first place.

Regarding housing and security in Mogadishu a well-informed journalist in Mogadishu explained that housing prices and house rentals may vary, mainly according to the security situation in the 16 districts of the city. As an example of this the source compared the districts of Hurriwa and Waberi. In the outlying district of Hurriwa you may rent a five room villa for approximately 100 USD per month, while the same size villa in Waberi district (near the international airport and the AMISOM controlled area) may cost up to 400 USD in rent per month.

2.3 Internal Flight Alternative/Relocation

Regarding Internal Flight Alternative/Relocation UNHCR referred to its position as set out in its letter to legal counsel in relation to three Somali applicants for international protection in Denmark.²⁹

While having approved the mission's draft meeting note in January 2014 UNHCR also drew the mission's attention to its recently published document: UNHCR, *International Protection Considerations with regard to people fleeing Southern and Central Somalia*, 17 January 2014. Regarding this document UNHCR explained that in light of the mission's [the Danish-Norwegian fact finding mission in November 2013] queries during its meeting with UNHCR in Mogadishu in November 2013, of particular relevance would probably be Section II.A.1 on civilian casualty figures, Section II.C regarding the role of clan in providing traditional forms of protection and Section III.D regarding the Tripartite Agreement. See the enclosed UNHCR document.³⁰

²⁹ UNHCR, *Letter to legal counsel re guidance on the application of IFA/IRA particularly in respect of Mogadishu, Somalia*, 25 September 2013, <http://www.refworld.org/docid/524400964.html>.

³⁰ UNHCR, *International Protection Considerations with Regard to people fleeing Southern and Central Somalia*, 17 January 2014, <http://www.refworld.org/docid/52d7fc5f4.html>

On 26 September 2013 Amnesty International published a briefing paper stating that “Mogadishu cannot qualify as an Internal Flight Alternative.”³¹

In its conclusion AI states:

“The security situation in Mogadishu has deteriorated since early 2013. State and non-state actors including al-Shabab remain a source of fear, insecurity and ongoing human rights violations and abuses against civilians.

People returning to Somalia from overseas are extremely vulnerable unless they have strong clan and family connections, as well as the economic means to establish a life. Somalis that have left, particularly those that have been in western countries, tend to be viewed as foreigners, and may be perceived to have western agendas. This in itself puts them at an increased risk of persecution. Economically, they are often seen as people who can be manipulated and coerced, particularly if they lack the clan protection that is essential for their survival and protection.

It is unlikely that those who return to Somalia will be able to establish an acceptable standard of living unless they have access to economic resources and powerful individuals or networks within the city. Without this, it is highly likely that any returnee would face extreme difficulty in accessing a job or be able to enjoy an adequate standard of living in a city whose infrastructure remains broken, in a country that has some of the lowest development and humanitarian indicators globally.

It is possible that without specific protection, those returned may end up in settlements for the displaced where access to food, livelihoods and health is so limited that malnutrition levels remain close to emergency levels at 14.4%, access to humanitarian assistance continues to be limited partially through ongoing aid diversion, and human rights violations and abuses are a daily occurrence.

Based on the above, Amnesty International believes that it is neither appropriate nor reasonable to suggest that Mogadishu should be considered an internal flight alternative and urges States to follow current UNHCR guidelines. States should ensure that their assessments of the suitability of returning people to Mogadishu is based on accurate assessments of the security, economic and infrastructure situation in Somalia and the risks of human rights abuses for those returned.”³²

2.4 Return to S/C Somalia

UNHCR Mogadishu described the signing on 11 November 2013 of the Tripartite Agreement³³ between Kenya, Somalia and UNHCR as a “historical moment”. The agreement governs voluntary

³¹ <http://www.amnesty.org/en/library/asset/AFR52/012/2013/en/77726de8-a461-430f-bdd5-3962e6342ccf/afr520122013en.pdf>

³² <http://www.amnesty.org/en/library/asset/AFR52/012/2013/en/77726de8-a461-430f-bdd5-3962e6342ccf/afr520122013en.pdf>

³³ <http://www.unhcr.org/528102b49.html>

returns from Kenya to Somalia, and should not be seen as a gate for returning rejected Somali asylum seekers from abroad: voluntary repatriation and forced return are processes of fundamentally different characters, engaging different responsibilities on the parts of the various actors involved. The Tripartite Agreement is a framework for dialogue and discussion relating to Somali individuals who, being fully informed of the situation in their places of origin, choose to return voluntarily.

BBC World³⁴ reported on the signing of the Tripartite Agreement on the same day the ceremony took place, i.e. on 11 November 2013. BBC World reported that:

“More than 500,000 Somali refugees in Kenya are to be given the opportunity to return home after the UN refugee agency signed a Tripartite Agreement with the governments of Kenya and Somalia. Under the agreement, the Somalis will be repatriated voluntarily over the next three years. The Somalis have sought refuge in Kenya from war and poverty. Two of the camps they live in, Dadaab and Kakuma, are now so large they are more like towns, correspondents say. There is also a suburb of the capital, Nairobi - Eastleigh - that is known as “Little Mogadishu” because so many Somalis live there.”

On 27 January 2014 the Kenyan Daily Nation newspaper reported that “thousands of Somali refugees in Dadaab Refugee Camp in Kenya have begun returning voluntarily to their place of origin in Somalia. Dadaab is the largest refugee camp in the world. The Daily Nation reported that more than 500,000 Somali refugees in Kenya are required to return home after the Tripartite Agreement between the UN and the governments of Kenya and Somalia. Under the deal, the Somalis will be repatriated voluntarily over the next three years. However, many refugees are reluctant to return home due to security concerns.”³⁵

UNHCR emphasized the Tripartite Agreement should not be construed as implying an assessment on the part of UNHCR that Somalia is safe for every individual, regardless of personal profile or personal circumstances. The conditions in S/C Somalia are not overall conducive to returns; individual circumstances should be carefully examined.

UNHCR also emphasized that there is now a momentum not seen in 22 years. UNHCR as well as many other UN agencies are now present in Mogadishu, not remotely monitoring from Nairobi, but in place. This is not so because the situation is favorable, but because there is a momentum. UNHCR stated that one of the main security concerns to UNHCR in Somalia is still to move from one place to the other.

³⁴ <http://www.bbc.co.uk/news/world-africa-20819462>

³⁵ http://www.hiiraan.com/news4/2014/Jan/53032/somalis_begin_returning_home.aspx

In its summary of the January 2014 interim update of UNHCR's 2010 eligibility guidelines on Somalia, UNHCR stated that:

"In light of recent and ongoing developments in Somalia, these Protection Considerations are being issued as an interim update of UNHCR's eligibility guidelines on Somalia (hereafter: the 2010 Guidelines), issued in May 2010.¹ These Protection Considerations contain information about recent and current developments which impact the assessment of international protection needs for persons from Southern and Central Somalia falling within certain risk profiles or finding themselves in certain circumstances.

This document is based on information available to UNHCR up to 24 December 2013, unless otherwise stated. UNHCR will continue to monitor and assess developments as they relate to the determination of eligibility for international protection of asylum-seekers originating from Somalia with a view to issuing further updated, more detailed guidance in the future." The UNHCR document entitled International Protection Considerations with Regard to People fleeing Southern and Central Somalia, January 2014 (HCR/PC/SOM/14/01) is attached.³⁶

IOM stated that it has offices in Mogadishu, Hargeisa, Bosasso and Garowe and presence in Dhobley and Baidoa and it is involved in projects through implementing partners in Mogadishu and other parts of Somalia.

IOM stated that it currently has a policy of no returns to Somalia, and the reasons include the lack of ability to monitor and ensure the protection of the returnees, and the absorption capacity of the local economy. Other reasons include:

- Security and stability
- Access to areas of return for post-assistance monitoring
- Access to livelihood and basic services at destination
- The ability of returnees to register and engage in political and social life
- The ability of returnees to access legal advice
- A formal agreement between sending and receiving government

IOM explained that with signing of the Tripartite Agreement between the Somali government, the Kenyan government and the UN, the UNHCR policy that the protection mechanisms for repatriation are not in place in Somalia, could be reviewed.

IOM added that it is constantly reviewing the situation, not merely in conjunction with the UNHCR policy changes, but also with regards to the points mentioned above.

³⁶ <http://www.refworld.org/pdfid/52d7fc5f4.pdf>

IOM stated that an area of importance is returns. Initially this is about spontaneous returnees. IOM is in discussions with the UNHCR who are in the lead in the Tripartite Agreement talks. The agreement was signed on 11 November 2013. IOM belongs to the Return Consortium which consists of DRC, IOM, Intersos, UNHCR, NRC and WFP, who will meet once a month and is to work on packages and processes. The aim of the Return Consortium is to agree and develop a common approach to IDP returns, which includes common returns packages and agreements on common procedures (i.e. conducting go-see visits, pre-departure medical checks, etc.).

Initially the Return Consortium was focusing on IDP returns to home areas, but it is anticipated that it will expand to refugees, according to IOM. So far this has not happened. UNHCR is taking the lead in the returns process, providing assistance to spontaneous returnees. IOM is implementing this assistance in Dhobley. However, at this point UNHCR only focus on spontaneous returns. IOM's participation in returns is at so-called 'stop over centers' in Dhobley near the Kenyan border and Dolo at the Ethiopian border. IOM already has health posts at both of these places where it offers assistance to the communities and migrants, so these centers will be the places where it is envisioned that it will be documented that the refugees have returned to Somalia, and what plans they have for the future.

IOM finally stated that one of the urgent issues for the Somali immigration department is that it does not have mechanisms to map the number of people returning to the country, and IOM would like to help out. IOM explained that it works closely with the immigration departments in Puntland, Somaliland and S/C Somalia through its Capacity Building in Migration Management project.

Human Rights Watch reported on returns to Somalia in its World Report 2014, Somalia (covering events from January through November 2013):

"Host countries of Somali refugees, particularly Kenya, seized on the apparent improvement of security in Mogadishu and the takeover of certain towns by AMISOM and government forces as grounds for potentially returning Somalis to their country. Furthermore, some EU [European Union] member countries returned failed Somali asylum seekers to Mogadishu, contending that apparent improvements in Mogadishu meant they no longer needed protection on human rights grounds. The ongoing internal armed conflict in south-central Somalia means EU countries should carefully examine, on a case-by-case basis, whether returning a person to Mogadishu would pose a serious threat to that person.

In September, the European Court of Human Rights declared inadmissible a claim by a rejected Somali asylum seeker, paving the way for his return by Sweden to Somalia. The court failed to give sufficient weight to the ongoing displaced person crisis in Mogadishu and the volatile security situation, both of which could place anyone returned to the capital in serious jeopardy."³⁷

³⁷ <http://www.hrw.org/world-report/2014/country-chapters/somalia>

3 Security developments in South/Central Somalia

3.1 General developments in S/C Somalia

UNDSS explained that the term ‘areas of influence’ is a much more precise term than ‘areas of control’, because wherever there is a presence of Somali security forces they are regularly attacked by al-Shabaab elements, or others. There is also an issue of administration which is a big problem in S/C Somalia since al-Shabaab withdrew and the local administrations have to be replaced by new administrations, so it is probably too early to speak of control.

UNDSS further explained that in 2012 the anti al-Shabaab forces were very active in terms of military advances, and several cities were captured. In comparison 2013 has been characterized by less military activity on the AMISOM/SNAF side while al-Shabaab has been showing that it is not defeated and it has been stepping up its activities particularly in Mogadishu, but also maintaining activities all across S/C Somalia. The anti al-Shabaab forces on the other hand have been trying to consolidate what they have gained, and that with challenges because they are regularly attacked. UNDSS added that the trend has been no larger offensives, only small advances, for instance movement from Jowhar and a bit northwards in Middle Shabelle.

According to UNDSS the biggest development in the past few months [as per mid-November 2013] probably was the Ethiopian forces leaving Baidoa in August 2013. However they did not leave the area completely. If they had, it might have had more serious implications. Hoddur was a big loss when the Ethiopian forces withdrew and al-Shabaab took over. Al-Shabaab would probably also take over other places like Garbaharrey, if the Ethiopian forces withdrew.

On 29 January 2014 UNDSS informed the delegation that there have been some developments recently. The most significant is that part of the Ethiopian forces have officially been annexed to AMISOM. UNDSS explained that last week, there was a handover from the previous AMISOM force commander to the new Ethiopian one in Baidoa who will be in charge of forces deployed in Bay and Bakool region. This is certainly a positive development for anti al-Shabaab forces, and is likely going to precede the new military offensive to free the remaining areas in S/C Somalia, though the timeframe of this offensive is still unclear.

Human Rights Watch reported in its World Report 2014 that “Civilians continue to suffer serious human rights abuses as the new Somali government struggled to extend its control beyond the capital, Mogadishu, and to some key towns in south-central Somalia in 2013. Parties to Somalia’s long-running armed conflict were responsible for serious violations of international law; abuses include indiscriminate attacks, sexual violence, and arbitrary arrests and detention.

The Islamist armed group Al-Shabaab maintains control of much of southern Somalia, and the group increased attacks on high-profile civilian locales in Mogadishu, including the courthouse, a popular restaurant, and the United Nations compound, killing scores of civilians. Those fighting against Al-Shabaab—a combination of Somali government armed forces, the African Union

Mission in Somalia (AMISOM), Ethiopian government troops, and allied militias—have also committed abuses.

The new government's human rights record has been mixed. Despite public pledges to tackle rights violations, implementation has been poor. The government and its security forces undermined these commitments, for example, in February, by arresting a woman who alleged rape by government forces and also a journalist who interviewed her. They were convicted of tarnishing state institutions but eventually acquitted after significant international criticism.

The government gave priority to justice and security sector reform, essential to improving human rights, but insecurity in Mogadishu and other government-controlled areas remains a serious challenge. The unresolved implementation of the proposed federalism plan led to open conflict and abuses, notably in the contested port town of Kismayo, where fighting broke out in June between rival militia.”³⁸

3.1.1 Human rights abuses in government controlled areas

Regarding human rights violations in government controlled areas Human Rights Watch reported that “Civilians were killed and wounded by crossfire, including during infighting between government soldiers over control of roadblocks.

In June, fighting between rival clan militias in Kismayo and apparently indiscriminate attacks on civilian buildings caused dozens of civilian casualties. On June 8, three children were killed when a shell struck their house and a local health clinic was damaged.

In government-controlled areas, targeted killings including of traditional elders, civilian officials, and journalists increased. The perpetrators are frequently unknown, although Al-Shabaab is often believed to be responsible. On April 26, Deputy State Attorney Ahmad Shaykh Nur Maalin was killed in Mogadishu.

In addition, the government's military court sentenced at least six people—two civilians allegedly linked to Al-Shabaab and four soldiers—to death and executed them in Mogadishu and Beletweyne between July and August following trials that raise serious due process concerns.”³⁹

3.1.2 Human rights abuses in al-Shabaab controlled areas

Human Rights Watch reported that “the Islamist armed group Al-Shabaab maintains control of much of southern Somalia”. However HRW added that, “Access to, and information about, Al-Shabaab areas is severely restricted, but credible reports indicate that Al-Shabaab has committed targeted killings, beheadings, and executions, particularly of individuals it accused of spying. Al-

³⁸ <http://www.hrw.org/world-report/2014/country-chapters/somalia>

³⁹ <http://www.hrw.org/world-report/2014/country-chapters/somalia>

Shabaab continues to forcibly recruit adults and children, administer arbitrary justice, and restrict basic rights.

Al-Shabaab supporters carried out attacks with improvised explosive devices and grenades and suicide bombings that targeted civilians, particularly in Mogadishu. On April 14, Al-Shabaab attacked Mogadishu's main court complex leaving at least 30 civilians dead, including three lawyers and a judge. A June attack on the UN compound in Mogadishu killed at least 14 people. On September 7, at least 15 people were killed in an attack on Village restaurant, popular among journalists and politicians, for the second time in under a year.

In its most high-profile attack outside Somalia, Al-Shabaab claimed responsibility for a major attack on the Westgate shopping mall, an upscale shopping center in Nairobi, Kenya, on September 21 that killed 67 people.”⁴⁰

3.2 Kismayo

UNDSS explained that on 6 November 2013 the [Somali] federal government and the Juba interim administration signed an agreement in Addis Ababa intending to end all hostilities between the parties. However, the situation in Kismayo is not stable. It remains to be seen how the agreement will be implemented. The clan composition is complex and it remains to be seen if the various clans will accept the dominance of the Ras Kamboni militia and the Ogaden. In September 2013 the situation looked worse with Barre Hiraale and his militia involved in heavy clashes. However, these clashes took place north of Kismayo not in the city. Now Hiraale and his forces are north of the city in al-Shabaab territory, however al-Shabaab is not happy to have him there.

UNDSS added that one of the major concerns is whether al-Shabaab will be able to utilize the local clan dynamics to its own benefit.

UNDSS explained that after the attempted assassination of Madobe there were security operations in the area, arrests and killings, and particularly the Marehans were targeted. This created more tension that are still lingering. There are also reports of people disappearing. However, it is difficult to get inside information on the situation for the civilians. The Majerteen have not been involved in the conflicts, it might be due to the fact that there were two major opponents, i. e. Madobe and Hiraale.

Regarding security on the roads UNDSS explained that civilians are probably travelling by road between Brava and Kismayo; however one can assume that al-Shabaab is keeping an eye on the movements.

According to UNDSS most of the checkpoints along the road between Merka and Kismayo are controlled by the SNAF, not al-Shabaab, and it could actually be safer to travel in al-Shabaab areas.

⁴⁰ <http://www.hrw.org/world-report/2014/country-chapters/somalia>

3.3 Lower Shabelle

Lower Shabelle is the most volatile region in S/C Somalia, according to UNDSS. There has however been a decrease in the number of incidents during the past weeks. It might be that al-Shabaab is now reassessing mode in terms of strategies after the Westgate attack in Nairobi, and the Navy Seal and drone attack in Brava. There is probably also a growing internal distrust within al-Shabaab since someone must have tipped international forces in order to carry out the Brava attack. Lower Shabelle will probably remain the most unstable region for a while since there are so many competing interests and actors in the region. The clan composition is mixed with different clans competing, and the government has not been able to set up a proper administration. Al-Shabaab is also exploiting the clan dynamics and gaining the support of the minorities.

UNDSS further explained that in spite of this, civilians can move around in the region, but there are illegal checkpoints manned by SNAF soldiers who create problems for travelers, and so far the government has not been able to deal with this. Criminal activity is also causing problems on the road from Afgoye to Merka and Wanlaweyne.

On 27 January 2014 Sabahionline reported that the United States military had launched a missile strike in Somalia on 26 January, reportedly killing a prominent member of al-Shabaab's elite Amniyat intelligence forces, Somali officials and local media sources confirmed.⁴¹ Following this airstrike al-Shabaab allegedly abducted a number of people in Lower Shabelle.

Sabahionline reported on 3 February 2014 that "In apparent retaliation for the January 26th drone strike that killed a senior al-Shabaab official, members of the militant group have abducted 17 people, including four of its own members, from the Lower Shabelle towns of Bulo Marer and Sablale, residents told Sabahi.

Ahmed Abdulkadir Abdullahi, also known as "Iskudhuq", was reportedly killed in the US-led strike in Hawai village, which was conducted in partnership with the Somali government. The day after the attack, residents said al-Shabaab members entered homes and businesses by force, abducting elders, young people and even men who were part of al-Shabaab."⁴²

For further and detailed information on Lower Shabelle see Landinfo, *Report Somalia: Lower Shabelle*, 18 October 2013.⁴³

⁴¹ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2014/01/27/newsbrief-01

⁴² http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/02/03/feature-02

⁴³ http://www.landinfo.no/asset/2736/1/2736_1.pdf

3.3.1 Brava

UNDSS stated that Brava is fully controlled by al-Shabaab, it is an important seaport and militants are coming and going, and several leaders are also known to stay there. Brava is a major town for al-Shabaab, it is important for its charcoal trade and it also used to be the base of Dahir Aweys.

3.3.2 Merka

UNDSS explained that in June 2013 the anti al-Shabaab forces were moving from Merka towards Qoryoley, they captured a few small villages, but Qoryoley is still under al-Shabaab control. There are still a lot of different types of combinations of local forces, [and] international [forces] across the different areas.

UNHCR explained that there is significant al-Shabaab activity in the city of Merka. For instance, during the 2013 Ramadan (August 2013), there was a lot of forced recruitment by al-Shabaab of men frequenting tea/coffee shops in the evening hours.

On 5 February 2014 Sabahionline reported that “Somali government forces backed by the African Union Mission in Somalia (AMISOM) on Wednesday (February 5th) seized Gendershe village from al-Shabaab militants and handed over control to the local administration, Somalia's RBC Radio reported. Gendershe is a small coastal village between Mogadishu and Marka that has been used by al-Shabaab to launch attacks in Mogadishu since the terrorist group was ousted from fixed positions in the capital in 2011.

Somali and allied forces launched a raid on the village Wednesday morning, encountering no resistance from the militants who had fled the area before the joint forces arrived, Deputy Chief of the Somali National Army General Abdirizak Khalif Elmi said. "The government today announces the liberation of Gendershe village of the Lower Shabelle region from the terrorist group of al-Shabaab," he said. Lower Shabelle Governor Abdukadir Mohamed Nur confirmed the liberation of the village and said it was now under the control of the regional administration, Dalsan Radio reported.”⁴⁴

Garoweonline reported on 5 February 2014 that the SNAF troops and AMISOM peacekeepers had moved into new areas in Lower Shabelle region. According to Garoweonline the governor of Lower Shabelle region Abdukadir Mohamed Nur “confirmed the latest clean-up operation against the militant group of Al Shabaab, saying ‘the government troops dislodged Al Qaeda inspired extremists from Gendershe, Dhanane and Jilib vicinities’. Nur told that a hearty road connecting Lower Shabelle regional capital of Marka to Mogadishu currently remains secure following assault on Al Shabaab bases.

⁴⁴ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2014/02/05/newsbrief-03

"The preparations had been underway for the last three days and the government forces cleansed Marka outskirts where bombings are organized of Al Shabaab fighters," said Nur. Speaking about the casualty figures on the Somali Federal Government forces, he noted that two soldiers sustain injuries while search operation is ongoing in an effort to capture Al Shabaab remnants. Prime Minister Abdiweli Sheikh Ahmed Mohamed vowed fresh offensives against Al Shabaab, a few days after he took the oath of office three weeks ago."⁴⁵ See map of Merka district, Annex 3.⁴⁶

3.4 Jowhar

Jowhar has been relatively stable, according to UNDSS, but al-Shabaab has some undercover presence in the town. There have been some al-Shabaab attacks during the past weeks [as per early November 2013] however, but also arrests of suspected al-Shabaab members. Clan-wise Jowhar is not as complex as Lower Shabelle.

3.5 Belet Weyne

According to UNDSS Belet Weyne is the most successful example of AMISOM ensuring and providing security, because of the deployment of the Djiboutian troops in the town. The Djiboutians take part in the administration of the city, in criminal justice and they are also doing community policing. These soldiers are ethnic Somalis who speak Somali, they understand the clan issues and they are good at interacting with the locals. Because of this they have better support from the locals, and they get information etc.

UNDSS explained that the traditional conflict between the Galjeel on the westside of the Shabelle River, and the Hawadle on the eastside remains. Al-Shabaab has a support base on the west side and that would probably explain a series of attacks in Belet Weyne in 2012. But a few months ago [as per early November 2013] AMISOM was able to establish a military post on the western side of the Shabelle river. The hostilities between the two parties remain, but AMISOM have been able to mediate between the two sides and that might explain why there has not been clashes for several months.

UNDSS further explained that AMISOM usually establish bases outside the cities, around the airports. Sometimes AMISOM do joint patrolling with the SNAF, depending on the city. In Belet Weyne it is a bit different since AMISOM has established a base inside the town. AMISOM has however not been able to move more than about 50-60 km outside Belet Weyne due to lack of resources and numbers of soldiers. So AMISOM has not been able to move the frontline forwards.

UNDSS emphasized the importance of the presence of a functioning police force in Belet Weyne. This police force is a very positive sign. There has been, however, a negative development since mid-November 2013. On 19 November 2013, a group of al-Shabaab fighters conducted a complex

⁴⁵ http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia-Govt-forces-clash-with-Al-Shabaab-in-Lower-Shabelle.shtml

⁴⁶ <http://reliefweb.int/map/somalia/somalia-reference-map-marka-district-22-feb-2012>

attack against the main police station killing over 20 police officers and one AMISOM soldier. This has been the most significant incident in a long time. Following the attack, Belet Weyne and surroundings became more unstable, as al-Shabaab militias took advantage of the momentum and intensified probing attacks against AMISOM/SNAF positions in the next few days and weeks. The situation, however, has finally stabilized, relatively speaking, given that al-Shabaab maintains controls of large parts of Hiran region.

Regarding the situation in Belet Weyne a well-informed journalist in Mogadishu stated that the Djiboutian army is in charge of Belet Weyne, and added that Djibouti is doing a great job there. Djiboutian soldiers speak Somali and they are familiar with Somali culture.

3.5.1 Baidoa

UNDSS explained that AMISOM and SNAF took the control of Baidoa when the Ethiopians left, and security-wise the situation in Baidoa has improved overall during 2013 with fewer al-Shabaab attacks. There have been some competition between the former and the present DC, and there are different alliances and militias allied to various actors, but the issues have been resolved without major incidents. Baidoa is presently the center for the discussion on the development of the potential new south central state encompassing the two Jubas, Gedo, Lower Shabelle, Bay and Bakool regions, but there is no real progress in the conference, which has been going on since early October 2013.

Security-wise the situation in Baidoa has improved according to UNDSS, but periodically there are improvised explosive devices (IEDs), hand grenade attacks and also threats of attacks. There has not been a major attack for a while, but there are still parts of the population supporting al-Shabaab and there are some undercover al-Shabaab elements in the area.

UNDSS explained that the presence of former al-Shabaab leader Mukhtar Robow and his militia in the area between Bay and Bakool regions also creates instability in Bay region. Robow is opposed to al-Shabaab leader Godane and it has been an escalation of clashes between the different al-Shabaab factions in some of the villages in the region.

According to UNDSS an important advance was the conquest of Bur Hakaba, since it meant the opening of a corridor from Mogadishu to Baidoa, Luq and the border. However the UN has not yet been able to travel fully along the whole corridor. The corridor is under control of AMISOM and SNAF and civilians regularly travel along the corridor, but in terms of security it is not the safest road. Not only because al-Shabaab regularly attacks military convoys, but there are also incidents of harassment of civilians. There have also been attacks on trucks carrying UN food. In addition there is banditry, robbery and incidents where SNAF have been involved. There are also illegal checkpoints charging extortion fees. The government tries to deal with this, without success.

Regarding the Baidoa and Jubba processes, UNHCR stated that the dialogue is ongoing but the work is not over. All processes are slow and the government is about to be reshuffled. See section above on recent political developments.

3.5.2 Interim Jubba administration (Lower and Middle Jubba and Gedo regions)

Regarding the Jubba processes the UN News Service reported on 20 January 2014 that the UN Envoy congratulates new political leadership in southern Somalia:

“The top United Nations official in Somalia today welcomed new leadership in the Interim Jubba Administration and called the establishment of the Executive Council a "milestone" in the country's political process.

"I congratulate Leader Sheikh Ahmed Madobe Islan on the formal inauguration of the Interim Jubba Administration, as well as the appointed Deputy Leaders and Ministers," the Special Representative of the Secretary-General for Somalia, Nicholas Kay, said during the inauguration ceremony in Kismayo. "This is a milestone in the process of implementing the 27 August [2013] Addis Ababa Agreement," said Mr. Kay, who is also the head of the UN Assistance Mission in Somalia (UNSOM).

In August [2013], the Interim Jubba Administration, which oversees the region in the southern part of the country near Kenya, signed the agreement in the Ethiopian capital officially allying itself with Somalia's Federal Government. Among its main points, the agreement established the terms of governance in the Lower Jubba, Middle Jubba and Gedo regions.

In today's statement, Mr. Kay commended the Administration for "their commitment to implementing the agreement" and encouraged the new members "to build on the progress made so far." He highlighted the need for the Administration to represent all the people of the three regions, with special emphasis on the participation of women. "Key outstanding issues, such as the handover of the Kismayo airport and seaport and the return and reintegration of militias must be resolved as a matter of urgency," he said. "The United Nations will continue to work with international partners to mobilise resources in support of the Administration's key priority areas and in the context of the New Deal compact.

UNSOM, which is mandated to support peace-building and state-building as well as the Federal Government's peace and reconciliation process, has a presence in Kismayo. It "will continue to facilitate dialogue, offer technical assistance and support the Federal Government and the Interim Jubba Administration in the state formation process," Mr. Kay added. ⁴⁷

⁴⁷ <http://www.refworld.org/docid/52de4a974.html> [accessed 4 February 2014]

3.6 Border areas with Ethiopia and Kenya

According to UNDSS the situation in the border areas with Ethiopia and Kenya is stable with very little al-Shabaab activity. This is due to the heavy presence of Ethiopian and Kenyan forces. There are mostly internal issues mainly due to the rift between the DC in Belet Hawo and the DC in Luuq because of their different positions on the Juba Interim administration, and there have been clashes between the ASWJ and the militia of the DC of Dolo. The government has a relationship with the local administrations in Gedo but it has no control. See also above regarding the Jubba administration.

AMISOM Media Monitoring reported on 4 February 2014 that Somali security forces had made arrests over a Beled Hawo explosion. With reference to Radio Bar-kulan/Universal TV/Shabelle/Radio Kulmiye AMISOM reported that:

“Security forces in Beled-hawo town in Gedo region have on Monday arrested a number of people in connection with Sunday’s explosion in the town. The forces carried out a crackdown in the early hours of Monday following Sunday’s explosion which left three people dead and six others injured. Beled-hawo security chief, Mohamed Weli Yusuf Qorah told Bar-kulan that over 20 people have been arrested in the crackdown. He added that investigations are underway and anyone found guilty will be punished. Qorah accused Al Shabaab militant group of carrying out the attack. Al Shabaab is yet to comment on the incident and the subsequent accusations from the authorities.”⁴⁸

3.7 Security situation in al-Shabaab controlled areas

UNDSS explained that the issue with al-Shabaab and the civilian population is that there is always a risk of being accused of being a spy or collaborating with the government. Sometimes people are being accused simply because they have been selling fruit to the SNAF soldiers. Particularly during the last year since Godane has been reaffirming his leadership of the organization, there has been an increase in beheadings, mutilations, abductions, arrests and disappearances. The harshening of al-Shabaab’s practices during the last year can also be seen as a result of the organization losing ground. It is also a tactic in order to control people. The increasing *zakat* fees are creating frustration, and there are examples of pastoralists protesting against the increase and even clashes.

UNDSS explained that al-Shabaab has replaced older local leaders with youngsters since these are the loyal followers of Godane. They are highly trained some as Amniyat agents and some are extremely religious and loyal to al-Shabaab.

Al-Shabaab has lost support during the past year, according to UNDSS. But there is also the component of fear and frustration among people with the lack of progress made by the government.

48

https://mail.us.dk/owa/?ae=Item&a=Open&t=IPM.Note&id=RgAAACcKI4DjU51Q4NmHuTj5slIBwDqg2rjCs2LRq qh3h62bWpnAAAAFnibAAA6is5zaRxGTZToXiruobN4AAAAAS2PAAAA&pspid=_1391504174246_747802829

New al-Shabaab recruitment camps have been established in Bay and Bakool regions, while some al-Shabaab camps were bombed last year in Gedo region.

According to UNDSS the situation in S/C Somalia is very fragmented and complex. It does not make sense to assess the situation on a regional level. In UNDSS' threat level assessment this part of the country is divided into 35 sections, all with varying levels of security risks. Mogadishu is divided into two - AMISOM controlled areas, and areas outside AMISOM control. UNDSS also distinguish between towns and outlying areas.

UNDSS added that there is an increasing harassment of local people in al-Shabaab controlled areas. The economic blockade of al-Shabaab areas contribute to this. There is also the stopping of food transports, and these are problems for ordinary people.

An international agency (A) stated that in all areas under al-Shabaab control people are under the ruling of al-Shabaab. Al-Shabaab has established its own administrative structures with district commissioners, governors, as well as security and morality police and taxation. The international agency (A) described al-Shabaab's administration as 'a kind of rule' with a strict implementation of Sharia. Women are not allowed to walk freely except in the company of a male family member, and in general they are quite constrained, but they are not locked up in their homes. In addition there is an absence of public services.

An international agency (A) found it difficult to say whether or not al-Shabaab has relaxed its policy regarding beheadings, amputations and other severe punishments. It could also be that people are more cautious as they have experienced al-Shabaab's rule of law. However, beheadings still take place and it is mostly spies and any enemy soldier who are beheaded.

Regarding areas of control in S/C Somalia an international agency (A) stated that it is not possible to say who is in charge of what areas as the situation is rather fluid. However, there are areas and locations where al-Shabaab can hold large meetings, thus indicating that it is in control. In many other locations in S/C Somalia where al-Shabaab is in charge it is mostly ruled by local al-Shabaab people. Al-Shabaab has been challenged by the deployment of Kenyan and Ethiopian forces in October-November 2011. Some of the foreign fighters [in al-Shabaab] have relocated to Yemen via Puntland.

Regarding the security situation in al-Shabaab controlled areas of S/C Somalia a Diaspora researcher in Mogadishu explained that most of these areas are safe for al-Shabaab themselves. However, there are split views about the safety of such areas. Whilst there is peace, the community is forced to live under al-Shabaab's strict rules. There are different al-Shabaab governances in different areas.

4 The formal justice system

4.1 The judiciary

Regarding the judiciary Simon Ridley, Project Manager, Access to Justice, UNDP Somalia explained that there are huge differences between Somaliland, Puntland and the rest of Somalia, i.e. S/C Somalia. The differences are mostly related to access to justice and legal services, especially within the formal sector. It was added that UNDP's Access to Justice Program is based in Mogadishu, but with established presence in Somaliland and Puntland.

When asked if ordinary people would still make use of the courts Simon Ridley, UNDP stated that this is the case. Petty crimes are dealt with at the districts courts while more serious crimes cases take place at the regional courts. Even though the courts are flawed by corruption there are people who make use of them. It was added that some improvements have taken place as the SFG have been paying salaries to employees within the judiciary since its appointment in late 2012. This did not take place when the former Transitional Federal Government (TFG) was in power.

Simon Ridley, UNDP made reference to a UNDP survey on people's perception of the judiciary. The survey showed that confidence in the judiciary is very low among people in Mogadishu, much lower than elsewhere in Somalia. Only ten to twenty percent of the people in Mogadishu had confidence in the judiciary.

When asked where people turn to in order to get access to justice Simon Ridley, UNDP explained that there are no studies regarding this in S/C Somalia, but evidence suggest that the influence of the elders is lower in S/C Somalia than in the north of the country.

When asked about the possibility for a fair trial Simon Ridley, UNDP stated that a person who is fully aware of his or her own rights and options, including knowledge of where to get legal assistance, may expect a fair trial. Legal aid providers receive an increasing number of requests for assistance, and this would not occur if there are no positive court rulings. However, it was added that clan issues may still have an impact of court rulings.

Asked to comment on people's confidence and trust in the police and court system to deal with their grievances, an international NGO (C) explained that there is an acceptance among people of the need for laws and regulations. Most people will however first use the traditional clan system. If that does not work they will approach the police, and some might take a case to court. It was added as far as the international NGO (C) knew there were no functioning Sharia courts in Mogadishu.

An international NGO (C) further explained that people are having confidence in the government, the police and other institutions. The clans settle their disputes peacefully, but the courts are also being widely used by people to settle their disputes.

4.1.1 District courts in S/C Somalia

Simon Ridley, UNDP explained that there are District Courts in Mogadishu, Baidoa and Dolo, and at a few other locations in S/C Somalia. However there is no authority to oversee the functioning of the District Courts. The judges at the District Courts are appointed by local authorities, thus it is difficult to gauge the presence in districts and regions given judges are often appointed through local administrations, not by the government. In some locations, so in Baidoa, the judges are appointed by the so-called Judicial Services Council (JSC) and supervised by JSC. In other locations, such as Kismayo and Dolo the judges have been appointed by regional authorities. However, at the current stage (end of January 2014) Simon Ridley was uncertain as to whether judges in the regions will be appointed by the JSC or the regional administrations. Simon Ridley added that he was not certain which courts outside Mogadishu have been appointed by the JSC and which were appointed locally, i.e. without the knowledge of the JSC.

Simon Ridley, UNDP explained that in Baidoa there is a rather close cooperation between the regional court and the elders in the area. There is no functioning ordinary prison in Baidoa. However, there is a prison but the issue is that the prison currently is mainly used to accommodate suspected and convicted al-Shabaab cases which mean that for ordinary crimes there is no facility to accommodate them if on remand or convicted by the courts.

Simon Ridley, UNDP also explained that the elders in Baidoa leave it to the court to rule whether or not a person is to be found guilty, but it is the elders who decide the verdict, i.e. compensation. Regarding people's perception of traditional justice Simon Ridley stated that he had no idea regarding this. To state anything regarding this is like shooting in the dark.

4.1.2 Courts in Mogadishu and Benadir region

Regarding Mogadishu Simon Ridley, UNDP explained that the Main Court Complex in Mogadishu comprise the Benadir Regional Court, The Benadir Regional Appeal Court, the Supreme Court, the Military Court and the District Courts as well as the Attorney General.

Regarding the District Courts [in Mogadishu] Simon Ridley was unaware if these were all operating. Some of them have been closed recently due to security concerns.

In 2012 there were a number of mobile courts in Mogadishu. These courts were all servicing the IDP camps, but due to security concerns these courts were all terminated by the end of 2012. Simon Ridley explained that there are numerous threats against judges and employees within the judiciary in Somalia. In Puntland for instance approximately 10% of all judges have been assassinated during the last ten years.

Regarding Mogadishu Simon Ridley, UNDP explained that people are making use of the judiciary. UNDP have a number of legal aid partners, including lawyers, in Mogadishu. These partners provide free legal aid and they pay visits to IDP camps. The partners include the NGOs Coalition for Grassroots Women Organization (COGWO), Somali Women Development Center (SWDC) and the Women's Bar Association.

Simon Ridley; UNDP explained that there are many women who have been victims of gender based violence (GBV). Many of these come to UNDP's partners for assistance, counseling and medical services. However, many women are not ready to file a case against their perpetrators. It was added that there are signs that an increasing number of women are bringing their cases forward.

Simon Ridley, UNDP explained that avenues to seek redress are dependent on a number of issues: the personality of the police officer in charge, lack of training and not least the victim's personal initiative and the police's willingness to cooperate as well as access to the police. Thus, it is very difficult to state whether or not one can expect a fair trial. It was added that UNDP runs a training program for the judiciary.

According to Simon Ridley, UNDP the vast majority of court cases in Mogadishu are land cases and criminal cases. It was added that the courts are overwhelmed with land cases. Regarding court cases in Mogadishu Simon Ridley explained that there was a steady increase in these up to the April 2013 attack on the Benadir Regional Court, but since then there has been a decrease.

Simon Ridley, UNDP explained that no laws have been passed in Somalia in almost 30 years. However, this is starting to change albeit slowly. There are many debates in Parliament regarding law proposals, including a law proposal concerning the judiciary. The latter is an important debate as one can hope it will be a good framework for a new judiciary. The draft is advancing and one may expect the law to be passed in three to four months.

Simon Ridley, UNDP stated that security in Mogadishu has declined since April 2013. This decline has had a negative influence on the judiciary, and there are no signs that an improvement will take place within the coming months. It was emphasized that judges are particularly targeted, i.e. at risk of threats and assassinations.

4.1.3 Military courts

Regarding military courts Simon Ridley explained that according to Somali law all cases concerning members of the police, the security and the armed forces are under the jurisdiction of military courts. These courts are not very open and it is not possible to know the number of caseloads at these courts.

Simon Ridley explained that an increasing number of al-Shabaab suspects are being tried at the military courts in Mogadishu. The civilian courts do not dare to address such cases, thus all cases related to al-Shabaab are being tried at the military courts. These trials take place at numerous locations, including military barracks in Mogadishu and they are not in accordance with international standards. However, even though the international community would like to see these trials being brought to the civilian courts, security concerns make this impossible for the time being. More security is required before this will happen.

Simon Ridley explained that according to the Penal Code anyone of the age of 14 and above may be tried at a court. When asked what happens with those youngsters in Mogadishu who are being

rounded up and detained by the SNAF and the security forces Simon Ridley stated that the UNDP is unaware of what procedures are applied in those cases. However, a screening process takes place following these arrests. The youngsters are screened in order to identify them and they will be categorized according to whether they pose a low, medium or high risk. Those who are found to pose a high risk will be going to court. Simon Ridley added that this is under process at the moment, i.e. at the end of January 2014. UNICEF is also working to put in place special procedures for minors (under 18 years of age) and obtain an agreement on this.

4.1.4 Threats against the judiciary in Mogadishu

When asked about the threat level against the judiciary in Mogadishu Simon Ridley explained that the Attorney General is registering all threats and assassinations, and he is in the process of making a threat assessment. The April 2013 attack on the Benadir Regional Court resulted in the killing of at least 30 persons; many of the victims were judges and lawyers, including the Head of the Bar Association. Following the attack the Main Court Complex, in which the Benadir Regional Court was located, was looted by the security forces. However, the Main Court Complex has now been reopened, but even though security has been strengthened security is still a concern. Simon Ridley added that due to this fact the Chief Justice had been working from his home and not at the Main Court Complex. However, by the end of January 2014 the Chief Justice is working in the Main Court Complex. The Chief Justice claims that the judiciary does not enjoy adequate protection, only the executive enjoys such protection.

Simon Ridley explained that there are plans to construct a more secure court complex near Mogadishu's international airport, but this will not happen any time soon. Security is key to a better judiciary in Mogadishu. The many threats require improved security. In addition there is a urgent need for better infrastructure, capacity building and technical equipment.

Simon Ridley referred to a recent UNDP threat assessment showing that the typical threats against the judiciary come from:

- Al-Shabaab
- Lawless persons [criminals]
- Disgruntled defendants
- Organized criminal elements

It was stressed that the primary threat is from al-Shabaab. This is very similar to the situation in Baidoa in 2007 when the TFG had its headquarters there.

4.2 Prison conditions

When asked about prison conditions in Somalia ICRC explained that it does not share information about its observations except with the authorities in charge of these facilities.

ICRC explained that it has so far access to places of detention in Mogadishu, Belet Weyne, Baidoa, Galkayo, as well as in all Somaliland and Puntland. ICRC pays regular visits to all persons detained

in these places, including the central prison in Mogadishu. In addition to talking with the authorities, ICRC can hold private talks with the detainees without any security guards being present to obtain an objective view of the physical and psychological conditions of detention.

During these visits, ICRC registers any foreign detainees. Registration takes place because, in the absence of family support, foreign detainees are deemed as being particularly vulnerable. If the detainee wishes so, and in agreement with the authorities, ICRC notifies these detainees' embassies so that they can benefit from consular services. ICRC explained that anyone in possession of a foreign passport can be considered as a foreigner.

ICRC undertakes assessments of the conditions of detention, including prisoners' health, hygiene, nutrition, access to fresh air, and other aspects that impact on the physical and psychological well-being of detainees. In addition ICRC also undertakes tracing services for prisoners who need it, which mostly consist in informing their family about their whereabouts and facilitating the exchange of Red Cross messages. Regarding foreign prisoners ICRC may assist some of these to return home when they are released.

5 Freedom of movement

5.1 Freedom of movement in Mogadishu

An international NGO (C) explained that all checkpoints in Mogadishu are manned by government forces. They might take your mobile phone and such, but there are no clan militias at any checkpoint in the city, and none of Mogadishu's 16 District Commissioners operates their own checkpoints. There might be some hidden ones, but no physical ones. There is complete freedom of movement in Mogadishu irrespective of your clan affiliation. There is taxation of busses and trucks at the checkpoints, but no individual is being taxed at any checkpoint.

Asked to comment on the freedom of movement for people in Mogadishu, an international organization (C) explained that there are more roadblocks now than before, and the roadblocks are bad. People feel vulnerable trying to go by all major roads leading to the airport, Villa Somalia etc., not only because of the roadblocks, but because the roads are dangerous. However, restrictions on movements are not related to any particular clan affiliation.

According to an international NGO (A) there could be personal issues involved in cases where people were hesitant to move into other areas [in Mogadishu], but personal issues tend to be clan related. There are areas in Mogadishu where people do not move, but whether this could be related to insecurity due to crime or the presence of al-Shabaab more than clan related issues, the international NGO (A) could not say for certain.

The international NGO (A) explained that there are restrictions on movement whenever there is a major incident since roads get closed and roadblocks come up, but apart from these incidents the international NGO (A) did not know whether ordinary people in Mogadishu have experienced lesser freedom of movement since May 2013 or not.

In the international NGOs (A) view, people would think twice before they move around in Mogadishu, but the NGO could not identify specific areas where people would not move due to their clan affiliation. It was added that it is unsure whether it is the security situation in itself in specific areas, or people's clan affiliation which prevents them from going to other areas.

Regarding freedom of movement an international NGO (A) referred to an example concerning the restrictions of movement due to clan affiliation by explaining that one powerful DC in Mogadishu does not even have access to all areas in his district due to sub-clan issues. So it is difficult to see how an average person can move around freely.

Asked to comment on freedom of movement and clan affiliation, a Somali NGO in Mogadishu explained that clan affiliation in itself does not restrict people's movements in the city, and neither the representative of the NGO nor her colleagues are afraid of moving around in Mogadishu.

The representative of the Somali NGO in Mogadishu explained that she had received one threat via her cell phone from al-Shabaab in 2011 during the drought, but since then she has not been threatened. It was added that people know how to avoid drawing too much attention, and they avoid

going to areas known to have an al-Shabaab presence, like the Bakara-market, parts of Daynile district and the area around the livestock market. In general people stay away from areas known to be insecure, either because of al-Shabaab elements, criminals or militias.

The Somali NGO in Mogadishu explained that sometimes there are road blocks being set up in the city. This happens normally after an attack has taken place. However, the NGO is not affected by these attacks although freedom of movement can be restricted whenever there is an attack.

A well-informed journalist in Mogadishu stated that freedom of movement in Mogadishu may be controlled when security incidents like attacks by al-Shabaab occur or when there is an international conference or a similar event. Then some streets may be blocked and additional checkpoints may be set up. Besides this there are no limitations in the freedom of movement in the city. However, there could be difficulties at some checkpoints at night time, but during day time everyone can move freely around irrespective of clan affiliation and no one faces problems at any checkpoint. However, should you move into areas of the city where you are unknown you may be asked a few questions at the checkpoint. Thus it may be important that there are people in the area who know you and whom you can make a reference/call to. This is in order to avoid suspicion of being an al-Shabaab insurgent or agent.

5.2 Women's freedom of movement in Mogadishu

When asked if there are limitations in women's freedom of movement in Mogadishu SWDC stated that if a woman goes to the Bakara-market she will wear a *niqab*. Al-Shabaab is present at the Bakara-market and people are afraid of al-Shabaab. The SWDC representative added that the Bakara-market is off limit to her since the area is al-Shabaab influenced and she is a well-known person.

SWDC emphasized that women have complete freedom of movement in all other locations in Mogadishu. They put on their *hijab* and move around. They can drive a car, go to the local market, move around by themselves, and they face no harassments at checkpoints. However, there are many Diaspora women who are more concerned about security and personal protection.

5.3 Freedom of movement in al-Shabaab areas

Regarding freedom of movement within al-Shabaab controlled areas an international agency (A) stated that al-Shabaab sees spies everywhere and any movement can be suspect [suspicious]. One needs to justify any movement, in particular if the movement is between al-Shabaab controlled areas and areas controlled by the government and AMISOM. The international agency (A) explained that it runs a return program for IDPs living in the rural areas of S/C Somalia. The program has not faced any problems except for the strong spying factor.

Regarding freedom of movement in S/C Somalia an international NGO (B) explained that Somalis are free to move, however there are checkpoints and travelling by road can be dangerous. Al-Shabaab is around and they might check you. There could also be roadsides bombs. The alternative

is to travel by plane, however this is costly and you need to be a person of means, or belong to a well-to-do family.

5.4 Domestic flights in S/C Somalia

Asked to comment on communications [flights] in S/C Somalia a Diaspora researcher in Mogadishu explained that there are two commercial flights a week from Mogadishu to Belet Weyne for instance and also to other places.

Sabahionline reported on 18 December 2012 that African Airlines, an airline owned by Somali businessmen, had begun offering flights from Mogadishu's Aden Ade International Airport to Belet Weyne, Kismayo and Baidoa.⁴⁹

⁴⁹ http://sabahionline.com/en_GB/articles/hoa/articles/features/2012/12/18/feature-02

6 Issuance of documents by Somali authorities

Regarding documents issued by the government and local authorities in Mogadishu an international NGO (C) explained that driver's licenses, passports, ID cards, deeds and land titles are being issued. The latter is issued at the Mayor's Office.

6.1 Passports and identification cards (ID cards)

Sabahonline reported on 24 December 2013 that "a new centre for issuing passports and national identity cards had been launched. The new centre is under the authority of the Benadir regional administration. The Mayor of Mogadishu explained that a national identity card will cost 15 USD, and those applying will be required to record their biometric data. The biometric data will help the government prevent the production of fake identification documents including passports."⁵⁰

Sabahonline reported on 3 January 2014 that "the new process for obtaining passports requires Somalis to provide a birth certificate, an identification card from the local government and a certificate from the Criminal Investigations Department (CID) proving they have no outstanding crimes.

But with many municipal governments across the country non-functional and the CID's operations limited to Mogadishu, the new passport process might not be available to most citizens, observers say.

Somali President Hassan Sheikh Mohamud unveiled the new passports December 22nd and urged Somalis to acquire genuine identification documents from the authorities.

Previously it was not mandatory for citizens to have documentation from the local government to acquire a passport, and the Immigration and Citizenship Department used to issue passports and identification cards simultaneously.

Head of the Somali Immigration and Citizenship Department Abdullahi Gafow said the changes were made in the interest of national security and to verify the Somali citizenship of people seeking passports.

"Anyone who wants to acquire the new passport has to first get a birth certificate and a national identification card from the local government and then go through the national Criminal Investigations Department," Gafow told Sabahi. "The person can then come to the Immigration and Citizenship Department to apply for the passport after obtaining all the prerequisite documents."

The new passport and identification card are both biometric and have been embedded with additional security features that safeguard against forgery, he said.

⁵⁰ http://sabahonline.com/en_GB/articles/hoa/articles/newsbriefs/2013/12/24/newsbrief-04

The biometric chip will enable the new Somali passports, which are produced domestically, to be easily scanned at international airports, Somali government spokesman Abdirahman Omar Osman told Sabahi.

The newly released passports will retain the same colours as the previous ones: blue for ordinary, red for diplomatic and brown for federal government employees.

The cost of acquiring a passport also remains unchanged at \$83, Osman said. However, there is an additional \$10.50 fee for the identification card and \$5 for issuing a birth certificate.

The passports will be issued in the regions under Somali government control and a database will be created for local governments to ensure no fraudulent activities take place, he said.

A registration centre has been opened in Mogadishu where citizens can acquire the necessary documents from the Mogadishu municipality as well as the municipalities of other regions that are not yet operational locally.

"We have employed about 13 young technicians who will facilitate people's acquisition of identification cards as well as birth certificates so they can apply for the passport," said Mogadishu Mayor Mohamud Ahmed Nur, who opened the registration centre in Mogadishu December 23rd. "All local government documents will also be issued at this location from now on."

Nur called on all citizens to acquire the legal documents since they will need identification cards for many purposes.

"If you want to purchase a house or a car, import anything, purchase a SIM card, get a driver's license, or anything of the sort, you must have a national identification card," he said."⁵¹

Challenges in regions not under government's control

"The Benadir regional administration will issue identification documents to all citizens from regions not under government control until their situation changes, Benadir administration spokesperson Mohamed Yusuf told Sabahi. "We will employ a process to verify the information of the people and we will issue the documents to them after we verify their case," he said.

But Mohamed Abdullahi Roble, who served as a district commissioner in Berbera and Jalalaqsi during the Mohamed Siad Barre administration, said it would be difficult for the Benadir administration to issue documents to people who are not from the capital because each person's identity can only be verified accurately by local authorities.

Roble said the government should open offices in Mogadishu for the regions that are not under the government's control so they can do the work in Mogadishu themselves. "It is going to be really difficult for citizens who have neither the resources nor the time to travel to Mogadishu to obtain

⁵¹ http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/01/03/feature-01

local government documents and the passport, but that is the only option available to the federal government until it can get the entire country under its control," he said.

There are also questions about the CID's capacity to issue reliable criminal background checks to determine whether an individual has committed a crime or not, said Abdinasir Hersi, a Mogadishu-based journalist who writes about national security issues. "The CID only operates in Mogadishu and it also does not have a [national] information database of citizens," he told Sabahi. "Therefore, it cannot issue a criminal background certificate to everyone."

CID officials did not comment on how they plan to verify whether citizens have committed crimes, or how they will be able to provide their service nationwide."⁵²

Sabahionline reported on 22 January 2014 that "hundreds of Somalia citizens were standing in long queues every day at the only centre in Mogadishu that issues national identification cards, and more often than not, one will hear complaints about the difficulty and length of time it takes to get through the process. The centre recently opened on December 23rd at the site of the old port in Abdulaziz district. To help cater to the high demand, the Benadir regional administration said it plans to open additional centres elsewhere in Mogadishu, but cautions it will take time to set them up.

"We are aware that the ID issuance centre we have opened is heavily congested and that more than 500 people come to the centre each day," Benadir administration spokesperson Mohamed Yusuf told Sabahi. "We are planning to open other centres in the other districts of Mogadishu, but we are still thinking about the appropriate time to open them." He said the federal government plans to have operational centres in every Somali district by the end of 2014. "Opening other centres is not a task that can be completed in a day or two," he said. "There has to be a streamlined process with all the agencies involved in data management and the issuance of ID cards able to work together through one computer system."

The biometric identification card is required for citizens who wish to obtain a new Somali passport. It is also required to purchase land and cars, open bank accounts, register for university, travel within Somalia by plane, and prove one's identity at security checkpoints throughout the city.

Initially, the identification card cost \$10.50, plus another \$5 to acquire the accompanying official birth certificate. Starting January 2014, the cost has increased by \$2. Anyone who wants an ID is required to pay a fee of \$17.50 directly through Dahabshiil or Salaam Bank.

Each applicant must provide fingerprints, pictures and undergo a criminal background check, Yusuf said. After submitting the required paperwork, they are asked to return in one week to pick up their documents.

⁵² http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/01/03/feature-01

But nearly no one receives their identification cards in that time frame. In fact, some of the people in line told Sabahi they had been waiting almost three weeks. "Any new project encounters complaints. We are prepared to address the complaints and related criticisms," Yusuf said.

In addition to the centre's inability to meet the needs of all the applicants because of its limited number of employees, he said, people also experience delays because their information has to go through several agencies. "Security agencies share this work with us and they have a right to summon and question any person whom they have suspicions about," Yusuf said. "The security agencies also share [the responsibility] for delays with us. From our end, as the Benadir regional administration, we make the process easier for the public. Delays are not coming from us but are coming from the security agencies."⁵³

6.2 Birth registration, issuance of birth certificates and title deeds

See Immigration and Refugee Board of Canada: Somalia: *Birth registration, including the issuance of birth certificates; the registration of children attending school; title deeds; whether the owner of a home or business must obtain a title deed* (SOM104486.FE), 26 June 2013.⁵⁴

⁵³ http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/01/22/feature-01

⁵⁴ http://www.ecoi.net/local_link/253845/365189_en.html

7 ICRC's tracing in Somalia

ICRC explained that it receives many tracing requests from abroad (Somalis abroad who have lost contact with their relatives and ask for help in finding them). There is a deep respect for ICRC's tracing activities, even within Somalia. As a minimum, ICRC will need the name of the head of the family, clan, sub-clan and sub-sub-clan as well as last known place of residence. It will also need names of the sheikh in the village and the elders. ICRC has tracing officers and a number of volunteers of the Somali Red Crescent help in the process, throughout Somalia.

8 Money transfers

An international NGO (A) explained that the system of money transfer (the *hawala* system) is sophisticated and is well functioning. Most likely it functions just as well within the country as from abroad. The international NGO (A) also explained that money transfer by mobile phones is in development in Somalia in urban areas, and the big mobile phone companies are moving forward into the area of money transfers.

Regarding money transfers within Somalia a well-informed journalist in Mogadishu explained that this is very simple and it is being done by cell phones. You simply call the recipient's cell phone and state the amount to be transferred. The recipient then takes out the amount at his or her phone company.

9 Marriage procedures

SWDC, Mogadishu explained that generally speaking there are three ways as to how marriages may take place in Somalia:

- Arranged marriage
- The daughter asks her father for permission to marry a certain boy/man
- Run-away marriage

An arranged marriage takes place when the two fathers of the couple agree on the marriage. The couple can then say yes or no. Should one or both of them say no then the marriage may take place anyway.

If the father refuses to let his daughter marry the one she prefers a run-away marriage may take place. The run-away marriage has to take place at a distance of approximately 100 kilometers from the homes of the couple. The required distance is not essential; it is a rather symbolic distance. However, if the couple only travels a short distance, for instance from one district to another in Mogadishu, i.e. five to ten kilometers, then the marriage is invalid. In addition, SWDC stated that if the couple runs away without the girl giving notice to her father then the marriage will be considered as invalid. SWDC added that run-away marriages are legal in Somalia as long as the above mentioned requirements are fulfilled. Registration of marriages in Somalia only takes place at Sharia courts, and the Ministry of Foreign Affairs will legalize the marriage document.

According to a Diaspora researcher in Mogadishu run-away or actually secret marriages are quite normal in Somalia. For such marriages to be recognized the couple has to travel approximately 90 km. away from their home area and marry there. This is why for instance Wanlaweyne has been a popular place to get married.

A Diaspora researcher in Mogadishu explained that these secret marriages were banned when al-Shabaab controlled Mogadishu, and as soon as al-Shabaab retreated from the city, people started going back to Wanlaweyne again. The researcher was not aware of people just going to another district of Mogadishu to get married, but assumed that it could happen if the girl's father does not approve of the marriage. However if you are not planning to tell your family at all, the representative believed you would have to travel the specific distance. There is a huge debate among religious scholars of the validity of such marriages, and one of the arguments is that the woman is travelling with a man she is not married to.

Asked to comment on if these secret marriages were kept secret even when the couple returned back home, the Diaspora researcher in Mogadishu explained that usually these marriages continued to be kept secret. However, the couple cannot live together before they tell their families. The researcher went on to explain that the secret marriage would of course be known if and when the girl becomes pregnant. Then the couple would have to tell their families. The researcher also had anecdotal information on these matters, telling about a young couple who went away and got married. The girl

got pregnant and they informed their families, however the husband's mother did not approve of the girl's clan affiliation and demanded that she had an abortion. The girl did have an abortion that was illegal and died.

The Diaspora researcher in Mogadishu also explained that these secret marriages happen in an exploitative manner, since there were examples of older men marrying very young girls 12 to 14 years old, and then not taking responsibility for her, denying they were ever married.

The Diaspora researcher in Mogadishu also gave another example of a young man belonging to the minority group referred to as 'Jareer' who married a girl from one of the major clans. The girl's mother objected to the marriage and brought the case to court claiming the marriage was not valid. The court ruled that the marriage was valid and that the couple was legally married. The girl was also pregnant. The mother went to a different court in a different part of the city and that court ruled that the marriage was not valid. The lawyer of the husband was not even allowed to stay in the court during the hearing.

The Diaspora researcher in Mogadishu believed it was a new trend with couples not telling that they had married, whereas before people did tell.

The Diaspora researcher in Mogadishu explained that according to Sharia girls are allowed to marry when they reach puberty, adding that the new provisional constitution apparently states that a girl is marriageable at 15 years of age.

The Diaspora researcher in Mogadishu added that due to the fact that many Somalis marry at a very young age one can note a high divorce rate. Many marry at the age of 12 to 15 years of age and many people divorce and marry several times. It was added that run-away marriages/secret marriages are on the rise in Somalia.

A Diaspora researcher in Mogadishu explained that the wedding party (*aroos*) usually depends on various circumstances and take place some time after the *nikah* in the Diaspora. However, within Somalia the wedding party is probably usually right after the *nikah*. Most Somalis would argue that forced marriages as such are not taking place since they assume that it would imply physical force, but a Somali father would ask his children if he should bless them or curse them and they would naturally say bless them, and then he would say that he has chosen a partner for them.

When asked what would happen to a daughter if she refuses to marry the man her father had in mind the Diaspora researcher in Mogadishu stated that such circumstances are not common. The daughter usually honors her father's wish and accepts his choice. Whilst parents may not go as far as killing their own daughter, there would be immense family pressure which could include severe beatings. At times, the family may even disown her. If the girl runs away, then she would also be disowned by the family. A family is likely to kill if it was discovered you were gay or that you turned to [converted to] Christianity. Parents will not kill a girl refusing to get married, but you only have two choices – either you marry or you run away. Honor killings as such are not taking place in

Somalia except if someone is coming out as gay or converting to Christianity. Infidelity might drive a husband into killing his wife, but her family would not kill her under such circumstances.

For further information on marriage procedures in Somalia see:

- Danish Immigration Service (17 March 2004), *Human Rights and Security in Central and Southern Somalia: Joint Danish, Finnish, Norwegian and British Fact-Finding Mission to Nairobi, Kenya*. Copenhagen 2004.⁵⁵
- Landinfo Response (6 July 2012), *Somalia: Al-Shabaab and forced marriage*, Oslo 2012.⁵⁶
- Refugee Documentation Centre (Irish), *Country Marriage Pack, Somalia*, August 2013.⁵⁷

⁵⁵ <http://www.unhcr.org/refworld/docid/405b2d804.html>

⁵⁶ <http://www.landinfo.no/asset/2156>

⁵⁷ http://www.ecoi.net/file_upload/1930_1390236938_somalia-marriage-pack-august-2013.pdf

10 Access to medical treatment and hospitals in S/C Somalia

An international agency (B) explained that people for instance returning to Somalia from western countries cannot expect medical treatment at the same level as in their former country of residence. The Somali authorities are not providing health services to the public and the private hospitals are essentially based on making profit. Somalis returning from the Diaspora and establishing clinics and hospitals are first and foremost doing this to make money.

Asked to comment on the services provided in the clinics and hospitals established by Diaspora Somalis, an international agency (B) explained that it assumed it was mainly medical and not surgical services, since surgical services would require expertise.

Regarding the funding of the health care system an international NGO (B) stated that 90 percent of the health care system in Somalia is based on private funding with local general practitioners. The public health care institutions are mostly run by humanitarian organizations.

An international agency (B) explained that it mainly had information from the two major hospitals in Mogadishu, i.e. Keysaney and Medina, and one hospital in Kismayo. It was added that otherwise the international agency (B) did not have any experience on availability and quality of medications; but there are people returning from the Diaspora who are establishing clinics; however since people prefer to use the hospitals that receive medications from trustworthy donors, one can easily deduce that these medications are safe whereas what you get in other places are not.

Regarding health facilities in Mogadishu the Somali Health Cluster stated that the map showing health facilities and implementing partners from January 2013 is still valid, apart from MSF having left Somalia in August 2013.⁵⁸ See map of health facilities in Mogadishu (Annex 4). It was added that there are no government run hospitals in Somalia.

According to the Somali Health Cluster the Turkish government has been supporting the rehabilitation and rebuilding of the Digfer General Hospital in Mogadishu making it into a modern hospital supposed to provide tertiary care. However the Digfer General Hospital is not yet open. It was added that there will be a need for 100 doctors to be employed at this hospital.

Sabahionline reported in July 2013 that in June 2013 Somali President Hassan Sheikh Mohamud visited Mogadishu's Digfer General Hospital. The Turkish Ambassador to Somalia Cemalettin Kani Torun accompanied President Mohamud on his tour of the hospital, which is expected to resume operations soon, providing emergency services and 200 inpatient beds. Ambassador Turun told the

⁵⁸ http://www.who.int/hac/crises/som/maps/somalia_map_health_facilities_january2013.pdf

press that “the hospital has the same standard with hospitals in the world and you would not need to go out of the country for medical check-up”.⁵⁹

Regarding access to medical treatment and hospitals an international NGO (B) explained that the intensity can vary, and in Mogadishu the situation is different as compared to other cities, towns and rural areas since you have many NGOs and more options in the capital.

The international NGO (B) stated that access to medical treatment, health care and hospitals in Mogadishu is good, especially at day time. During the night there may be some military road blocks and people fear to move during dark.

The bottom line according to the international NGO (B) is that you can get anything you want in Somalia, if you have the means and the contacts, but you are not getting any guarantee of what you are getting. There are no ways of stopping fake, expired or even deadly medications being sold in for instance the Bakara-market in Mogadishu. If you try to stop it you might be killed. Even if the Mayor of Mogadishu is claiming that the authorities are closing down the vendors, they are not touching the important big business people who are involved in the trade of these medicines.

An international agency (B) explained that another major issue in health care in Somalia is the fact that many patients are not following the advices and instructions given by the health care providers. It was added that people with diabetes or heart problems should keep a healthy diet and exercise etc. however this is difficult to manage.

The international NGO (B) explained that people take medications without knowing the proper dosage etc. and the consequences can be grave. This is an issue for the majority of people in Somalia.

Asked to comment on the health services available outside Mogadishu an international agency (B) stated that it recently has started supporting the hospital in Kismayo, but in Baidoa and in Galkayo the hospitals lack even basic equipment, and in other places in S/C Somalia the hospitals lack medications and trained doctors. It was added that the hospital in Baidoa is supposed to serve a million people.

IOM explained that its second largest programme [in Somalia] is its health programme assisting IDPs through mobile clinics in hard to reach areas giving basic health care.

IOM have recently also established health border posts in Dhobley and Dolo to assist returnees with basic health care. The programme implemented by our Migration Health Division also includes gender based violence (GBV) and water and sanitation projects, as well as capacity building for health providers. Due to a reduction of funding, IOM will have to reduce the size of this programme.

⁵⁹ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2013/07/15/newsbrief-05

The international NGO (B) explained that mother and child health care is the most pressing need and that is why this is the most usual service provided in the different hospitals.

According to the international NGO (B) it would be a human rights violation to forcibly return a person to Somalia if he or she is in need of medical treatment.

10.1 Second line treatment and tertiary care

The Somali Health Cluster explained that access to second line treatment is very limited in S/C Somalia. In general many have access to basic health care, but very few have access to secondary care and there is only very little access to psychiatric treatment. There are no quality tertiary services available in any area, meaning that there is no cancer treatment, no possibilities for major surgeries like heart or brain surgery etc. Almost all services must be paid for and more than 60 percent of the services are provided by private health care providers. There is no real standard of care and if there is one, it is low.

An international NGO (B) stated that there is no secondary or tertiary care available in any of the hospitals in Somalia. There are a lot of mobile clinics and health centers, but you do not have specialist care. The NGO (B) explained that a person with for instance hepatitis B might get medications, but it is not only a question of access to medications. It is also a question of hygiene, living conditions, lack of clean water, lack of nutritious food etc. Even for well-functioning families, people with illnesses would also be a burden. Instead of assisting the family they are draining its financial resources, and they might put the entire family into economic distress.

Regarding access to and the nature of treatment for the following diseases, cancer, heart diseases, HIV/AIDS, diabetes, schizophrenia, psychosis and other disorders with psychotic symptoms, post-traumatic stress disorder (PTSD) and depression, an international NGO (B) explained that according to current health provision services in S/C Somalia most of the above mentioned diseases will not have proper specialized care. This is also due to lack of skilled specialized professionals in Somalia, and most private pharmaceutical importer companies do not purchase such drugs to be treated for the above mentioned chronic disease. Diabetes and hypertension are the only chronic diseases that can be treated in the pharmacies, but specialized doctors do not prescribe those medicines.

An international agency (B) explained that there is no tertiary health care available, and the treatment which will be provided at the Digfer Hospital when it opens, will only be available for those who can pay.

Asked to comment on general surgery available in some hospitals in Mogadishu, an international agency (B) explained that surgical procedures at the various hospitals would imply gunshot wounds, hernia, abdominal problems for instance because of tuberculosis or a tropical disease affecting the intestinal system and where a stoma must be performed, appendicitis, and cesarean. It is not possible to perform heart surgery or for that matter surgery to correct spinal herniation in any of the hospitals in Mogadishu.

Regarding treatment for cancer an international agency (B) explained that besides removing uncomplicated cancerous tumors neither chemotherapy nor radiotherapy is available.

UNHCR Mogadishu stated that, depending on the individual circumstances, a Somali in need of e.g. specialized medical treatment or surgery is unlikely to find adequate treatment in the country. UNHCR Mogadishu added that it is becoming increasingly difficult for Somali citizens to obtain a Kenyan visa. In late October 2013, a refugee child died from lack of treatment; the child and his accompanying parent were not able to get a visa to Kenya in time. UNHCR supported the issuance of a visa to the family, but to no avail.

The Somali Health Cluster explained that all hospitals are run by NGOs since the government is not running any hospitals, and went on to explain that some of the private clinics either run by private persons or local communities were very good and could provide some secondary care.

10.1.1 Diabetes

Asked to comment on the possibilities of treatment for diabetes and high blood pressure, the Somali Health Cluster explained that uncomplicated cases could be treated, but complicated cases and complications cannot be treated in any of the hospitals in Mogadishu or elsewhere. People with means would travel out of Somalia to get treatment.

Asked about the availability of insulin the Somali Health Cluster stated that not even the drug stores are storing the medications in a safe environment, let alone the patients. Counterfeit and expired drugs are also a big problem. Not one single supply of medication in Somalia can be recommended.

The international NGO (B) stated that diabetes is a huge problem in Somalia. Insulin is available, but if you have 200.000 persons with diabetes how many have access to insulin? Storage for instance is another problem, since power is far from being available everywhere to everyone in Somalia.

An international agency (B) explained that people get treatment and medications at the hospitals or the polyclinics, but they will not be given quantities of medications to take home. People with for instance diabetes will get medications while being treated in hospital, but beyond that they will not get supplies from the hospitals. It was added that patients suffering from diabetes 1 need daily insulin injections which is expensive and insulin also have to be stored properly in refrigerators which are not readily available for most people. As a result of poor management of the illness many people with diabetes 1 develop serious complications. That is why one usually meets patients with diabetes 2 in the hospitals since many patients with diabetes 1 have most likely died from complications.

Insulin is available according to the international agency (B), but the likelihood of getting proper treatment and follow up is slim. Hospitals administer insulin to patients in order to stabilize them

before operations, i.e. amputations which are rather common due to complications among diabetics. When the patients are discharged they get advice on diet but not medications to take along.

Treatment for diabetes 2; i.e. pills, are available but the quality is questionable, since there are no quality control of any medications sold through drugstores or at the markets. Asked to comment on the price of insulin the international agency (B) stated that it did not know the price.

Asked to comment on the possibility of treating high blood pressure, an international agency (B) explained that diabetes and high blood pressure often go hand in hand, and beta blockers are available to treat patients at Medina and Keysaney hospitals. However outgoing patients are not supplied with medications from the hospitals.

10.1.2 Hepatitis and HIV/Aids

An international agency (B) explained that treatment for hepatitis is not available, and ARV-medication has only recently been introduced for rape victims in order to avoid HIV-infection. It was added that officially it has been difficult to admit that HIV/AIDS also affect Somalis. Blood donors are tested for HIV but otherwise there is no testing.

The Somali Health Cluster explained that treatment and medications for hepatitis B/C are not available in Somalia since anti-viral drugs are very expensive and neither NGOs nor the UN are providing the medications, and there is no tertiary care. However, medication for hepatitis B/C is hardly available in most other third world countries.

10.1.3 Dialysis

An international agency (B) explained that three dialysis machines were recently donated from Diaspora Somalis to the Keysaney and Medina hospitals in Mogadishu. However, none of the necessary equipment needed to operate and run the machines were included. Besides, there are no qualified medical staffs to operate the machines.

10.1.4 Mental health care

Asked to comment on the availability of anti-depressants and anti-psychotic drugs, an international agency (B) explained that it is common to see people with mental disorders in Mogadishu; however there is only one private clinic in Mogadishu dealing with psychiatric disorders; and there is no therapy available for any psychiatric patient.

An international NGO (B) explained that when it comes to mental health in general the situation in Somalia is very difficult. Somalia itself is a traumatized country, in the sense that you have had twenty years of war. People have been living with all kinds of violence for so many years.

According to the international NGO (B) the greatest medical need in Somalia is to have mental health programs. As an example the NGO (B) mentioned the work of a 'Doctor' in Mogadishu. However, this 'Doctor' is not a proper doctor, but a nurse, but he is taking care of people with mental health problems and he gives these patients some kind of assistance. There are only three or

four trained psychiatrists in Somalia, and the NGO (B) only knew one fully trained psychologist, however there are quite a few with false diplomas etc.

The international NGO (B) explained that there are no therapy or support groups for people with for instance psychosis. You can get medications, since you can order them from Kenya or other countries, but you need the money and the contacts in order to do so. They have to be able to find prescriptions otherwise you risk ending up with a bad product, a fake or a placebo. The NGO (B) gave an example of suppository for babies that turned out to be made of wax.

According to the Somali Health Cluster very few or basic brands of anti-psychotic drugs/neuroleptics are available, but in the local markets in S/C Somalia it is possible to find various medicines mentioned on the list, but the quality is questionable and there is no guarantee for effectiveness.

10.2 Cost of treatment

Asked to comment on the payment for services at the hospitals supported by NGOs, the Somali Health Cluster explained that the patients are supposed to pay a few dollars for tests and medications. The costs might differ from one hospital to the other.

An international NGO (B) explained that treatment in the hospitals, even the ones that are getting support from international NGOs are not free of costs. If a patient wants to have bandages changed on a regular basis for instance, he or she would have to pay. You might even have to pay for the medications you would need. However, there are some very good hospitals providing various kinds of services in Mogadishu. Shifa Hospital is one of them. It is run by the Turkish NGO Doctors Worldwide Turkey. Zam Zam Hospital is another good hospital which is run by the Turkish NGO IHH. It was added that Zam Zam Hospital is also performing cataracts.

10.3 Provision, deliverance and quality control of medicines

An international agency (B) explained that a lot of medications are imported from China and there are also medications being donated in large quantities. However, these medications have in many cases proved to have no effect. There is no control of imported medications and there is no control of the medications which is available in markets and shops. The lack of control with both sales and distribution has consequences for the treatment and the outcome for patients.

An international NGO (B) explained that there is no government control of medications in Somalia. The ministry of health wanted to implement a control system but did not succeed due to lack of technical equipment, infrastructure, qualified personnel, resources etc. There is for instance a medical factory in Mogadishu producing pills, but what kind of pills and its content is impossible to tell. Somalia is a dumping area for fake and expired medicines. When in need of medication people tend to approach NGOs because they have more trust in the medications they can supply.

The Somali Health Cluster explained that medications provided by the public hospitals supported by the UN and NGOs are usually good since their medications are procured from abroad through recognized channels.

According to an international NGO (B) you cannot go to a pharmacy and expect to buy what you need, when you need it, and you will not be able to have follow ups with medical personnel. You will not be able to have regular checkups, and the lack of control of medications causes for instance a huge problem with drug resistance. There is neither quality control nor control of the regularity of supplies, or safety procedures in handling or packing/repacking medications.

The NGO (B) added that if you have connections and money you can import medications from Kenya or another country, otherwise you are not able to get proper medications.

Asked to comment on the quality of medications delivered at the Zam Zam, Shifa and Benadir hospitals in Mogadishu, the Somali Health Cluster stated that the medications provided in these hospitals in general should be of good quality.

Regarding provision of medical drugs, deliverance and quality control an international NGO (B) explained that the pharmaceutical market in S/C Somalia is run by local drug import companies which are not following any government inspection, and no effective drug control authority is currently operating in S/C Somalia.

The international NGO (B) added that the quality of the drugs in Somalia is questionable because business men purchase any pharmaceutical substances and these easily enters the country with direct consumption of the public without any quality assurance or pretest done for it. The other drugs in the public hospitals and health centers are provided by international NGOs and some of it is donated by Arab organizations.

According to the international NGO (B) the main challenges in the pharmaceuticals sector are the drug shortages and stock-outs. These challenges even face the humanitarian organizations when they seek to overcome the huge demand of the public for a health care system.

Regarding the availability of selected medical drugs (see Annex 5) an international NGO (B) stated that Diazepam, Insulin and Amitriptylin are the only three drugs which are available in the pharmacies. These three items can locally be found in the Bakara-market in Mogadishu.

10.3.1 Equal access to medical treatment

Asked if all in the local communities have equal access to medical assistance, an international NGO (B) explained that people do not have equal access. Clan issues create divisions and problems. In Galkayo city for instance there is one hospital in the south and one in the north, and aid organizations that want to have access will have to negotiate their way. That implies that some are being left out due to for instance clan issues. In Jowhar there is corruption. Certain groups of people do not have access where you have disagreements between clans as is the case in Jowhar. The situation in Beled Weyne is another example of local communities having different access due to

clan divisions. It comes down to who is in charge, who is the gatekeeper (at the IDP camps), who is the doctor; these are all circumstances that can limit people's access.

10.4 Rural areas and al-Shabaab controlled areas

The Somali Health Cluster explained that there are only basic health services available in the al-Shabaab controlled areas.

An international agency (A) did not have the impression that al-Shabaab is really concerned about health care and health services. Therefore, access to basic services in general is much more constrained in al-Shabaab controlled areas than elsewhere in the country. The administrative structures are however mainly in towns where there is always a presence of al-Shabaab and the enforcement of laws and rules is more stringent, while people in the villages are probably more free. However there are informants everywhere and people take care.

Regarding access to medical treatment, health care and hospitals in the rural areas an international NGO (B) explained that it depends on the controlling authority, for example if al-Shabaab controls the area accessibility is very low due to many restrictions to the communities living there, and also the health care availability in rural areas is near to absent in S/C Somalia, and the small functioning hospitals are in major cities like Mogadishu. In the other major cities in S/C Somalia accessibility is not very smooth, and it depends on the security situation. Most of the major cities in S/C Somalia have no functional hospitals. However, some hospitals are run by international NGOs but still only providing primary health care services.

10.5 The withdrawal of Médecins Sans Frontières (MSF) from Somalia

On 14 August 2013 MSF decided to withdraw from all of its medical programs in Somalia and ended its 22 year operation in the country. MSF's decision was explained in its press release "*MSF Forced to Close All Medical Programs in Somalia*"⁶⁰

Among other things MSF's press release stated that:

"Beyond the killings, abductions, and abuses against its staff, operating in Somalia meant MSF had to take the exceptional measure of utilizing armed guards, which it does not do in any other country. It also had to tolerate extreme limits on its ability to independently assess and respond to the needs of the population."

[...]

"Ultimately, civilians in Somalia will pay the highest cost," said Dr. Karunakara [MSF's International President] "Much of the Somali population has never known the country without war or famine, and they already receive far less assistance than is needed. The armed groups' targeting

⁶⁰ <http://www.doctorswithoutborders.org/press/release.cfm?id=6985&cat=press-release>

of humanitarian aid and civilians leaders' tolerance of these abuses has effectively taken away what little access to medical care is available to the Somali people."

[...]

"MSF will be closing its medical programs across Somalia, including in the capital Mogadishu and the suburbs of Afgooye and Daynille, as well as in Balad, Dinsor, Galkayo, Jilib, Jowhar, Kismayo, Marere, and Burao. More than 1,500 staff provided a range of services, including free primary health care, malnutrition treatment, maternal health, surgery, epidemic response, immunization campaigns, water, and relief supplies. In 2012 alone, MSF teams provided more than 624,000 medical consultations, admitted 41,100 patients to hospitals, cared for 30,090 malnourished children, vaccinated 58,620 people, and delivered 7,300 babies."⁶¹

Regarding MSF's withdrawal from Somalia on 14 August 2013, an international NGO (B) explained that MSF being out is a huge loss for Somalia. On the other hand MSF was the only international NGO that could do what it did. By leaving Somalia MSF sent a strong message that some line had been crossed. It felt that it could not support the population the way it should when 80 percent of the aid is being diverted.

The international NGO (B) explained that the problem of access, the misuse of resources, the kidnapping and targeting the staff and the NGOs assisting the people, and the fact that these things are happening with the consent of the leaders and the local communities are all very serious issues. International organizations, NGOs as well as the UN has given a lot of way in order to have access on the ground, actually so many that they have created a monster. Too many concessions have been given to the locals in charge in order to get access. On the other hand, there is no way of doing work in Somalia without giving concessions. It was added that even well renowned organizations may be in a complex situation. If you look at the contractors they are among the richest people in Somalia.

⁶¹ <http://www.doctorswithoutborders.org/press/release.cfm?id=6985&cat=press-release>

Organizations, agencies and individuals consulted

A Diaspora researcher in Mogadishu

A Somali NGO in Mogadishu

A well-informed journalist, Mogadishu

An international agency (A), Nairobi

An international agency (B), Nairobi

An international NGO (A), Nairobi

An international NGO (B), Nairobi

An international NGO (C), Nairobi

An international organization (A), Nairobi

An international organization (B), Mogadishu

An international organization (C), Nairobi

International Committee of the Red Cross CRC, Nairobi

International Organization for Migration (IOM), Nairobi

Serendi Youth Rehabilitation Center Team, Mogadishu

Simon Ridley, Project Manager, Access to Justice, United Nations Development Programme - Somalia (UNDP-Somalia), Nairobi

Somali Health Cluster, Mogadishu

Somali Women Development Center (SWDC), Mogadishu

United Nations Department of Safety and Security (UNDSS) – Somalia, Nairobi

United Nations High Commissioner for Refugees (UNHCR), Mogadishu

Abbreviations

AI – Amnesty International

AMISOM – African Union Mission in Somalia

CID – Criminal Investigations Department

COI – Country of Origin Information

DC – District Commissioner

DDR - Disarmament, Demobilization and Reintegration

DIS – Danish Immigration Service

DRC – Danish Refugee Council

EU – European Union

GBV – Gender Based Violence

HRW – Human Rights Watch

ICRC – International Committee of the Red Cross

IDP – Internally Displaced Person

IED – Improvised Explosive Device

INGO – International Non-Governmental Organization

IOM – International Organization for Migration

KDF – Kenya Defense Forces

MIA – Mogadishu International Airport

MIDA – Migration for Development in Africa

MINS – Ministry of the Interior and National Security

MSF – Médecins Sans Frontières

NGO – Non-Governmental Organisation

NISA – National Intelligence and Security Agency

NRC – Norwegian Refugee Council

PTSD – Post-Traumatic Stress Disorder

S/C Somalia – South-Central Somalia

SFG – Somali Federal Government

SNAF – Somali National Armed Force

SWDC – Somali Women Development Center

TFG – Transitional Federal Government

UN – United Nations

UNCC – United Nations Common Compound

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

UNSOM – United Nations Assistance Mission in Somalia

US – United States

USD – US dollars

Annexes

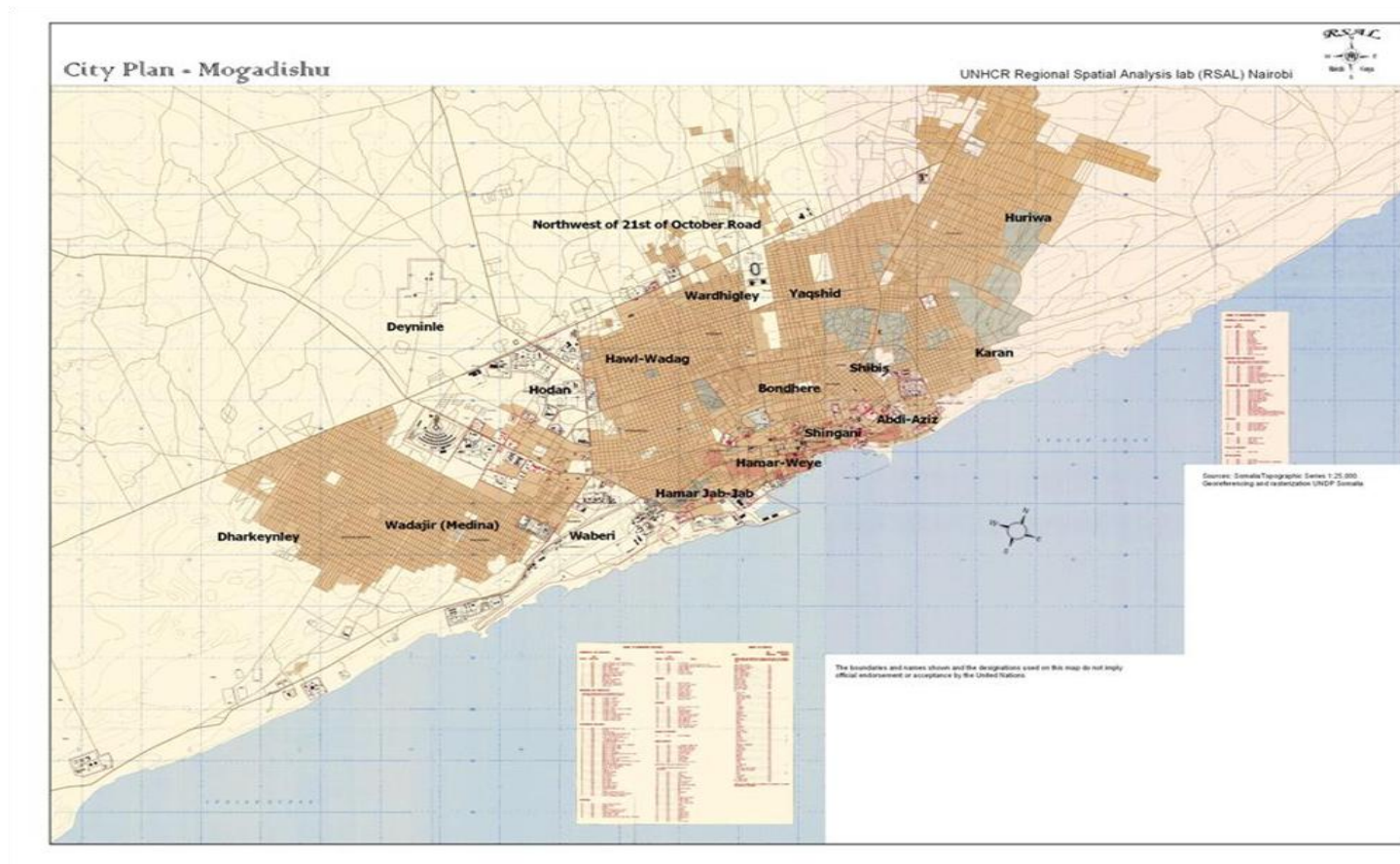
Annex 1: Map of Somalia



Map No. 3690 Rev. 10 UNITED NATIONS
December 2011

Department of Field Support
Cartographic Section

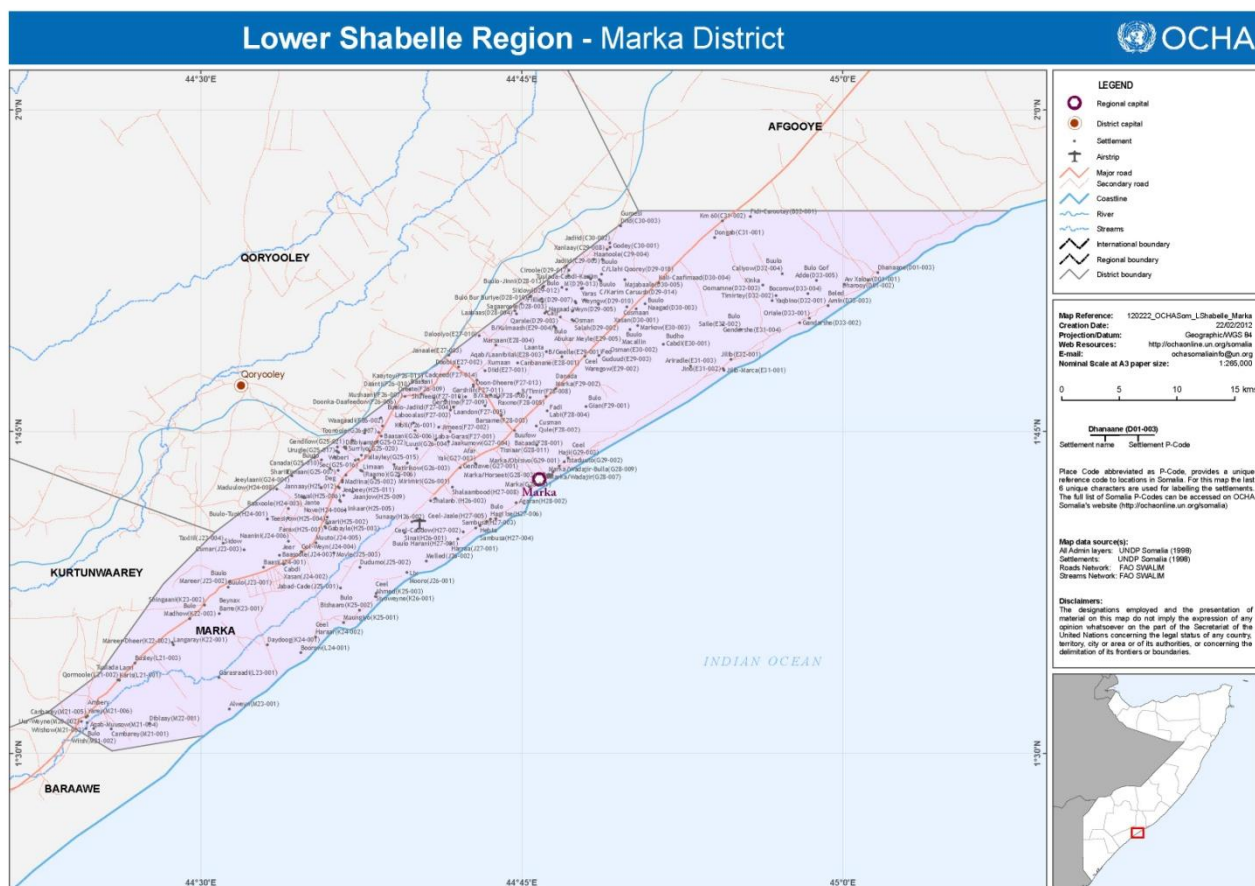
Annex 2: Map of Mogadishu⁶²



⁶² UNHCR. City Plan – Mogadishu.

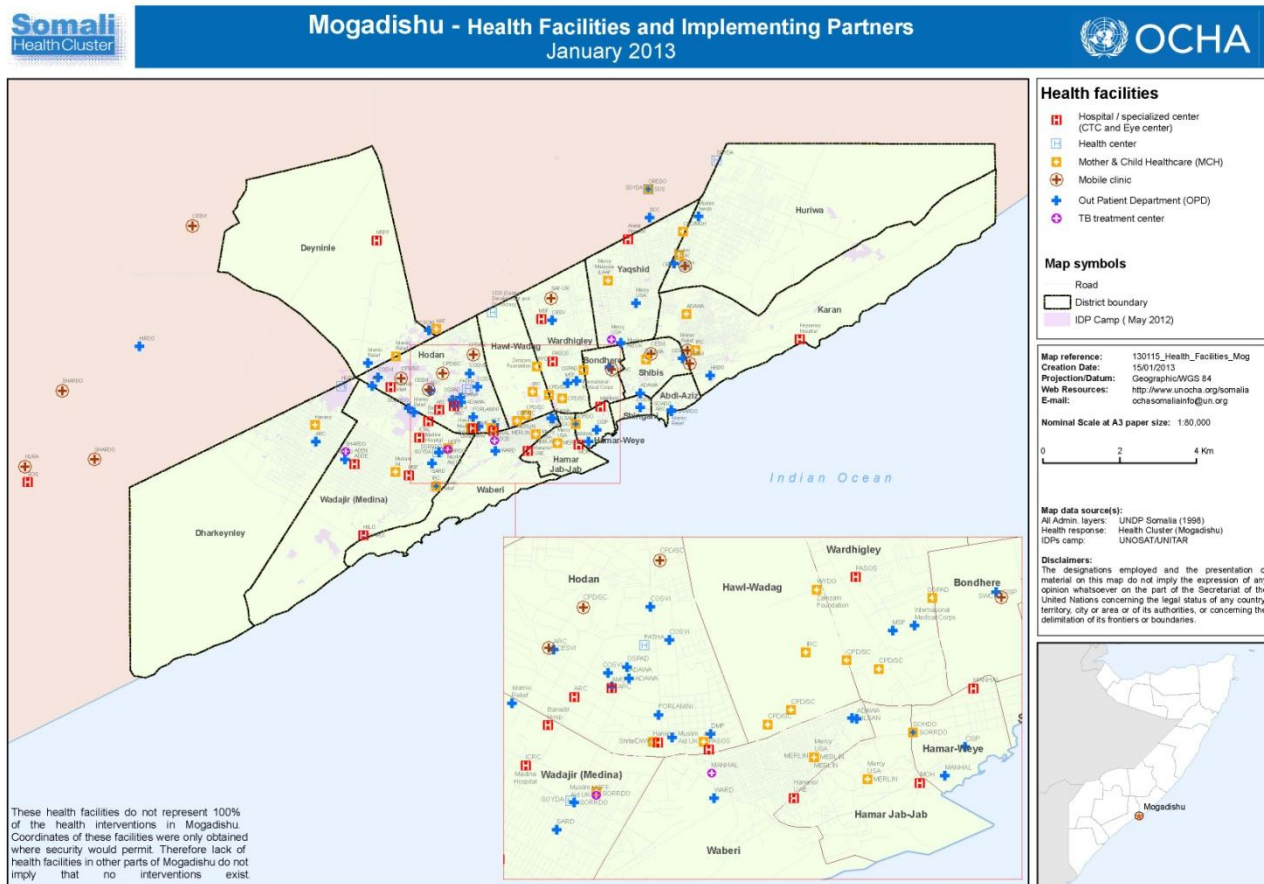
http://psugeo.org/Africa/DMS/Hard%20Copy%20Maps/Somalia_Mogadishu_city_plan.jpg

Annex 3: Map of Marka District⁶³



⁶³ OCHA Somalia: Lower Shabelle Region – Marka District. 22 February 2012. Available for download in high resolution A3 format: <http://reliefweb.int/map/somalia/somalia-reference-map-marka-district-22-feb-2012>

Annex 4: Somali Health Cluster Map⁶⁴



⁶⁴ WHO. Somali Health Cluster. Mogadishu – Health Facilities and Implementing Partners – January 2013: http://www.who.int/hac/crises/som/maps/somalia_map_health_facilities_january2013.pdf

Annex 5: List of medical drugs

Medical drugs
Abilify (Aripiprazole)
Alprazolam (Xanax)
Alopam (Oxazepam)
Amitriptylin
Cipralext (Escitalopram)
Cipramil (Citalopram)
Cisordinol (Zuclo-penthixol)
Citalopram (Citalopram)
Cymbalta (Duloxetine)
Dogmatil (Sulpiride)
Efexor (Venlafaxine)
Flouxetin (Flouxetin)
Fluanxol (Flupentixol)
Gabapentin "Orifarm" (Gabapentin)
Humulin (Isophaninsulin)
Insulatard (Isophaninsulin)
Lantus insulin (Insulin Glargin)
Leponex (Clozapine)
Mianserine (Mianserine)
Mirtazapine (Mirtazapine)
Mirtazapin (Venlafaxin)
Noritren (Nortriptyline)
NovoMix 30 (Insulin aspart, insulin aspart protamin)
NovoRapid (Insulin Apart)
Nozinan (Levomopromazine)
Oxanabex (Oxazepam)
Oxapax (Oxazepam)
Phenergan (Promethazine)
Prosac (Paroxetine)
Remeron (Mirtazapine)
Risperdal (Risperidone)
Serenase (Haloperidol)
Seroquel (Quetiapine)
Seroquel Prolong (Quetiapine)
Seroxat (Paroxetine)
Sertraline (Sertraline)
Sulpiride (Sulpiride)
Trilafon (Perphenazin)
Truxal (Chlorprothixene)
Valium/Diazepam (Benzodiazepiner)
Venlafaxin (Venlafaxin)
Zeldox (Ziprasidone)
Zoloft (Setraline)
Zyprexa (Olanzapin)