



COUNTRY OF ORIGIN INFORMATION REPORT

SOMALIA

APRIL 2006

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1. Scope of document

- 1.01 This Country of Origin Information Report (COI Report) has been produced by Country of Origin Information Service, Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 10 March 2006.
- 1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.
- 1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- 1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- 1.06 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- 1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent

documents. All sources contain information considered relevant at the time this Report was issued.

- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- 1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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Advisory Panel on Country Information

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

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2. Geography

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

“The Somali Democratic Republic lies on the east coast of Africa, with Ethiopia to the north-west and Kenya to the west. There is a short frontier with Djibouti to the north-west. Somalia has a long coastline on the Indian Ocean and the Gulf of Aden, forming the ‘Horn of Africa’. The climate is generally hot and dry, with an average annual temperature of 27°C (80°F). It is hotter in the interior and on the Gulf of Aden, but cooler on the Indian Ocean coast. Average annual rainfall is less than 430 mm (17 ins). The national language is Somali, but Arabic is also in official use. English and Italian are widely spoken. The state religion is Islam, and the majority of Somalis are Sunni Muslims. There is a small Christian community, mostly Roman Catholics. The national flag (proportions 2 by 3) is pale blue, with a large five-pointed white star in the centre. The capital is Mogadishu.” [1a] (Location, Climate, Language, Religion, Flag, Capital)

2.02 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2005 noted that the population was 10.4m, and that the main towns were the capital Mogadishu, Hargeisa, Gaalka’yo, Kismayu, Bossaso [Bossaso, Bosaso], Laascaanood, Berbera, and Borama. [17a] (p3)

2.03 As noted in the report of the joint Danish-British Fact-Finding Mission based in Nairobi, Kenya, published in December 2000 (JFFMR December 2000), Somali society is characterised by membership of clan-families, which are sub-divided into clans, and many sub-clans; in addition there are a number of minority groups, many of which are also divided into sub-groups. The clan structure comprises the four major “noble” clan-families of Darod, Hawiye, Isaaq and Dir. “Noble” in this sense refers to the widespread Somali belief that members of the major clans are descended from a common Somali ancestor. Two further clans, the Digil and Mirifle (also collectively referred to as Rahanweyn), take an intermediate position between the main Somali clans and the minority groups. Large numbers of ethnic Somalis also live in neighbouring Ethiopia, Kenya and Djibouti. [7a] (p80-7)

2.04 The New Internationalist’s World Guide 2003/4 noted that Somali is the national language, and that its alphabet was adapted in 1973 using a modified Roman alphabet. [15a] (p502) The JFFMR December 2000 indicated that in addition to these languages some minority groups speak their own language; the Bajuni, for example, speak Ki-Bajuni. However in all contacts with the Somali – speaking population there would be a need to speak at least some Somali. [7a] (p29)

(For more information please see Section 6b, [Ethnic Groups](#))

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

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3. Economy

- 3.01 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2005, reported:

“The economy has long been heavily dependent on livestock and agriculture. Stock rearing is practised throughout the country and accounted for about 40% of GDP and 65% of export earnings in 2000, according to World Food Programme (WFP) estimates. Most of the farmland lies between the Jubba and Shabeelle rivers in the south of the country. The small manufacturing sector is based on the processing of agricultural products. In the south, the absence of a central government has meant that no economic data have been produced by national sources since 1990. In Somaliland, by contrast, the government collects tax and duties levied on trade.” [17a] (p17-18)

- 3.02 The EIU in its Profile added:

“There is little formal economic policy beyond the collection of duties and tax. In Somaliland, duties levied at the port of Berbera generate an estimated 85% of government revenue, although these duties were depleted severely during the ban on livestock imports by Saudi Arabia and other Gulf states ... Consequently, Somaliland’s government budget, which is largely destined for the armed forces and civil service salaries, has been extremely modest in recent years. The US\$25m total for 2005 was an increase of 13% over the 2004 budget of US\$22m. Elsewhere in the country, clan factions collect tax. In many areas, duties on the import of a mild narcotic, qat, represent a significant source of this type of income. Most of the proceeds from the tax and duties are used for wages, paid to conventional government employees in Somaliland and to clan faction militias in most of the rest of the country. Private entrepreneurs are reported to have paid for some minor rehabilitation work on the basic infrastructure. The Transitional National Assembly (TNA) had intermittent success in collecting some taxes from the main markets in Mogadishu.

“In Somaliland, where the Bank of Somaliland (the central bank) has been established, the Somaliland shilling became legal tender in February 1995 at the official rate of SolSh50:US\$1. It was devalued five months later to SolSh80:US\$1. However, money changers operate legally and freely on the streets of Hargeisa where the exchange rate is currently around SolSh6,000-6,500:US\$1. In the south, at least two forms of Somali shilling circulate. Hussein Mohamed Aideed’s administration imported several million dollars’ worth of new bank notes in 1997 and 1999. The Puntland administration imported new notes in April and November 2000 and several similar deliveries arrived in Mogadishu under the TNA between 2000-03. Multiple currencies continue to circulate.” [17a] (p17)

- 3.03 The EIU in its profile noted:

“The pre-war manufacturing sector was small and was confined mostly to the public sector. Some private food-processing and boat-building businesses in a few of the larger settlements are now all that remain. A Coca-Cola bottling plant opened in the capital in 2004, marking a return to Somalia for the soft drinks company after a 15-year absence.” [17a] (p20)

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4. History

COLLAPSE OF CENTRAL GOVERNMENT AND CIVIL WAR 1990-1992

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

“Anti-Government demonstrations in Mogadishu in July 1989, in protest at the arrest of several leading Muslim clerics, were violently suppressed by the armed forces, resulting in the deaths of more than 400 demonstrators. Two recently created opposition groups, the United Somali Congress (USC—composed of Hawiye clan intellectuals) and the National United Front of Somalia (allegedly dominated by disaffected army officers), were thought to have orchestrated the demonstrations. In August, amid reports that the ruling Marehan clan had lost the crucial support of the Ogadeni clan, the President offered to relinquish power and announced that the next elections would take place in the context of a multi-party system. At the same time there were reports of fighting between government troops and members of the Ogadeni clan in southern Somalia, and Western sources claimed that the only areas of the country that remained under government control were Mogadishu, parts of Hargeysa and Berbera. In September [1989] it was reported that Ogadeni deserters from the army had formed two new opposition groupings: the Somali Patriotic Movement (SPM) in the south and the Somali National Army in central Somalia.” [1a] (Recent History)

4.02 Europa noted:

“On 1 January 1991 the USC announced that it had captured most areas of Mogadishu and that it had besieged the home of Siad Barre. It rejected offers by Egypt and Italy to mediate in the conflict. On 27 January [1991] Siad Barre was reported to have fled the capital with those forces remaining loyal to him, and the USC took power. It immediately invited all former opposition groups to participate in a national conference to discuss the democratization of Somalia. On 29 January [1991] the USC appointed Ali Mahdi Mohamed (a government minister in the 1960s) as President, in a temporary capacity, and he, in turn, invited Umar Arteh Ghalib (a former foreign affairs minister) to form a government that would prepare the country for democracy. The provisional Government was approved by the President on 2 February [1991]. However, both the SNM [Somali National Movement] and the SPM opposed the appointment of Ali Mahdi as interim President..” [1a] (Recent History)

4.03 Europa recorded:

“In June 1991 a major rift developed within the USC, and supporters of President Ali Mahdi clashed with those of the USC’s military commander, Gen. Mohamed Farah Aidid, in Mogadishu. Aidid objected to Ali Mahdi’s assumption of the presidency, since he had commanded the military campaign to overthrow Siad Barre. In July Aidid was elected Chairman of the USC. The internal conflict appeared to have abated following Ali Mahdi’s inauguration as President in August: Aidid pledged to support the new President, and the two signed a co-operation agreement. However, in October [1991] Aidid rejected the legitimacy of the Government appointed earlier that month, and in November his faction launched a major offensive on the President’s positions in the capital (which largely represented the extent of Ali Mahdi’s control of the country), capturing

most of the city and forcing Ali Mahdi to flee. Aidid claimed to have overthrown the President, but by late November [1991] Ali Mahdi appeared to have regained control of much of the north of Mogadishu. The fighting subsequently intensified, and in December Ali Mahdi appealed to the UN to send a peace-keeping force to intervene in the conflict. The UN responded by sending a special envoy to Mogadishu in January 1992. However, the envoy's attempts to negotiate a cease-fire were thwarted by Aidid's refusal to agree to UN involvement in Somalia's internal affairs, and the mission was followed by an escalation in violence. In mid-January Aidid appointed his own, 21-member administration. By the end of March [1992] it was estimated that 14,000 people (mostly civilians) had been killed and 27,000 wounded in the hostilities in Mogadishu." [1a] (Recent History)

4.04 Europa noted:

"In April 1992 the SNF advanced on Mogadishu, with Siad Barre apparently intent on recapturing the capital. Forces of the SNF came to within 40 km of the capital, but Gen. Aidid's militias decisively repelled them, pursuing them to the south of the country. At the end of April the USC captured the town of Garba Harre, in the south-west, which had served as Siad Barre's base since his overthrow. Siad Barre fled, with some 200 supporters, to Kenya. (Siad Barre was refused political asylum in Kenya, and in May he moved to Nigeria, where he died in exile in January 1995.) In May [1992] Aidid's forces and those of the SPM, the SDM and the Southern Somali National Movement (SSNM), with which he had formed a military alliance known as the Somali Liberation Army (SLA), captured Kismayu, which had been held by the SNF, a rival faction of the SPM and the SSDF. By June [1992] the SLA was in control of the majority of central and southern Somalia, making Aidid the most powerful of the country's warlords. In late June the UN secured agreement from the principal factions in Mogadishu for the deployment of the 50-strong observer mission envisaged in the March [1992] cease-fire accord. In August, after much prevarication, Aidid agreed to the deployment of 500 UN troops entrusted with escorting food aid from Mogadishu's port and airport to distribution points.

"Also in August 1992 the coalition of Gen. Aidid's faction of the USC with the SPM, the SDM and the SSNM was consolidated with the formation of the Somali National Alliance (SNA), of which Aidid was the leader. Meanwhile, Ali Mahdi strengthened ties with other armed groups hostile to Aidid, notably the SSDF and a faction of the SPM, and forged links with the SNA's main opponent in the south, Gen. Mohamed Siad Hersi 'Morgan' (who had led the SNF since the departure of his father-in-law, Siad Barre)." [1a] (Recent History)

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UN INTERVENTION 1992-1995

4.05 Europa recorded:

"In January 1993 14 of Somalia's political organizations attended peace negotiations in Addis Ababa, Ethiopia, held under the auspices of the UN. The talks resulted in agreements on an immediate cease-fire, disarmament under UN supervision and the holding of a conference of national reconciliation in

March. Despite the cease-fire agreement, hostilities were resumed in various parts of the country almost immediately. In February 1993 UNITAF repulsed attacks on Kismayu, launched by Gen. 'Morgan', but later in the month the SNF made gains in the city, prompting violent anti-UNITAF demonstrations by SNA supporters in Mogadishu, who accused UNITAF of assisting Gen. 'Morgan'. Fighting between UNITAF troops and armed Somali youths continued in the capital for several days: at least seven Somalis were shot dead by the international force. In the battle for Kismayu more than 100 people were killed in late February [1993] 'Morgan' finally yielded to demands by UNITAF to withdraw from the city at the end of the month, and in early March [1993] the SNF and SNA surrendered heavy weapons to UNITAF. In mid-March [1993] the national reconciliation conference opened in Addis Ababa, but proceedings were adjourned almost immediately, when Aidid withdrew in protest at a renewed SNF attack on Kismayu. Discussions subsequently resumed, and in late March [1993] the leaders agreed to an accord providing for the establishment of a Transitional National Council as the supreme authority in Somalia, with a mandate to hold elections within two years. The Council was to comprise 74 members: one from each of the 15 organizations represented at the conference, three from each of the 18 proposed administrative regions (inclusive of 'Somaliland') and five from Mogadishu." [1a] (Recent History)

4.06 Europa stated:

"Agreement on the future government of Somalia was reached hours after the UN Security Council approved the establishment of UNOSOM II, which was to take over responsibility for maintaining security from UNITAF by 1 May 1993. UNOSOM II was to be the UN's largest ever peace-keeping operation, comprising 28,000 military personnel and 2,800 civilian staff, and its first where peace-enforcement without consent from parties within the country was authorized. UNOSOM II was, in addition, to be responsible for overseeing the rehabilitation of the country and the repatriation of Somali refugees. By April [1993] Gen. 'Morgan' appeared to be in control of Kismayu, with the SNA accusing UNITAF of supporting the SNF by failing to oppose its advances (a claim that was not wholly refuted by the Belgian forces responsible for the city). In May the USA transferred responsibility for international efforts in Somalia to UNOSOM II whose forces embarked on a series of armed initiatives, including air strikes, against suspected strategic positions of the SNA. Despite the increased scale of UNOSOM operations, Aidid avoided injury or capture during June [1993], prompting the Security Council to issue a formal warrant for his arrest. The violent deaths of three Italian UNOSOM soldiers in July [1993] provoked Italian media claims that the military emphasis of the mission, promoted by the USA in pursuit of Aidid, was threatening the security of UN personnel and jeopardizing diplomatic initiatives undertaken by the Italian Government. The situation was exacerbated by a US helicopter attack on a suspected pro-Aidid command centre, which resulted in the deaths of 50–100 Somalis, and the murder, in retaliation, of four foreign journalists by enraged Somali crowds." [1a] (Recent History)

4.07 Europa recorded:

"Uncompromising media coverage of the aftermath of the deaths of three US soldiers in September 1993, and a violent exchange in the capital in October (which resulted in the deaths of some 300 Somalis, 18 US servicemen and the capture, by local militiamen, of a US helicopter pilot and a Nigerian soldier),

prompted widespread public outrage in the USA and encouraged US congressional demands for a reassessment of the US role in Somalia. The US President, Bill Clinton, subsequently announced that all US troops were to be withdrawn by the end of March 1994, regardless of the outcome of attempts to negotiate a political settlement to the conflict by that date. (In the meantime the US military presence was to be increased significantly.) Clinton's decision, announced in October [1994], to withdraw the US Ranger elite forces (which had actively sought to apprehend Aidid) prompted speculation that the release of the US pilot and the Nigerian soldier, secured in mid-October [1994] following lengthy discussions between representatives of the US Government and Aidid, had been achieved as part of an undisclosed bilateral agreement. Despite Aidid's declaration of a unilateral cease-fire prior to the talks, and subsequent indications of his willingness to enter into negotiations with the USA (in preference to the UN), fighting between pro-Aidid and pro-Mahdi factions escalated. In December [1994] Aidid and Ali Mahdi (who in November reportedly assumed the leadership of the Somali Salvation Alliance—SSA, a coalition of 12 factions opposed to Aidid) attended negotiations in Addis Ababa, but discussions disintegrated with little progress." [1a] (Recent History)

4.08 Europa noted:

"In November 1994 UN forces began to withdraw from positions outside Mogadishu in the first stages of UNOSOM's departure. In December [1994] Harti and Marehan clansmen fought for control of Kismayu port in the wake of the UN's withdrawal from that town. 'Operation United Shield', to ensure the safe evacuation of the UN troops and civilian personnel, as well as most of the equipment brought in under UNOSOM, was organized and led by the USA. The USA stationed several thousand marines in warships off the Somali coast in December [1994], and in early 1995 they were joined by a multinational force of naval and air force units (comprising some 10,000 armed personnel) in order to protect departing UN employees (by early 1995 some 136 members of UNOSOM had been killed since the beginning of the operation).

"In early February 1995 UN troops left their compound in Mogadishu, which had served as UNOSOM's headquarters, and withdrew to positions in the port and airport. Although Aidid and Ali Mahdi reached agreement on joint management of the port and airport, as well as a cessation of hostilities, including the removal of weapons from the streets of the capital during the UN withdrawal, in late February fighting was reported around both the port and airport areas. At the end of February 1,800 US and 400 Italian marines landed on Mogadishu's beaches, and command of the remaining 2,400 UN troops and of the whole operation was passed from the UN to the US commander. The marines secured the port and airport, and evacuated the remaining UN soldiers. The departure of the last UN personnel on 2 March [1995] (almost one month ahead of schedule) was closely followed by that of the US and Italian marines themselves. Somali looters overran the airport, but armoured cars from Aidid's faction, reportedly accompanied by UN-trained police-officers, took control of the area. Ali Mahdi's Abgal clansmen gained control of the eastern section of the airport, and skirmishes were reported between the two sides. Aidid and Ali Mahdi subsequently agreed on the reopening of the port and set out detailed terms for the 'technical peace committee' that was to administer the port and airport; however, the terms of the agreement were promptly violated by both sides, and fighting for control of the crucial sites resumed." [1a] (Recent History)

RESURGENCE OF MILITIA RIVALRY 1995-2000

4.09 Europa stated:

“Fighting between Gen. Aidid’s supporters and those loyal to Ali ‘Ato’ intensified in early 1996. In July [1996] pro-Aidid factions clashed with supporters of Ali Mahdi in Mogadishu, resulting in some 90 fatalities. Aidid was wounded during the skirmishes, and on 1 August he died as a result of his injuries. Despite initial hopes that Aidid’s death might result in a cessation of hostilities and the resumption of peace negotiations, on 4 August [1996] one of his sons, Hussein Mohamed Aidid (a former US marine and hitherto Aidid’s chief of security), was appointed interim President by the SNA leadership council. Hussein Aidid (who was subsequently elected Chairman of the SNA) vowed to continue his father’s struggle, and factional fighting quickly resumed.

“In October 1996, during negotiations in Nairobi, Ali ‘Ato’, Hussein Aidid and Ali Mahdi agreed to a series of measures, including the cessation of hostilities; however, fighting resumed in late October and intensified in the following months. In December [1996] representatives of some 26 Somali factions (notably excluding the SNA) held protracted talks in Sodere, Ethiopia, under the auspices of the Ethiopian Government and the Intergovernmental Authority on Development (IGAD). The conference culminated in January 1997 in the formation of a 41-member National Salvation Council (NSC), with an 11-member executive committee and a five-member joint chairmanship committee, to act as an interim government charged with drafting a transitional charter and holding a national reconciliation conference. Aidid condemned the establishment of the NSC and accused the Ethiopian authorities of interfering in Somali affairs.” [1a] (Recent History)

PEACE INITIATIVES 2000-2005

ARTA PEACE CONFERENCE AND THE FORMATION OF THE TNG, 2000

4.10 As reflected in Europa:

“The Somali national reconciliation conference opened in Arta, Djibouti, on 2 May 2000, with some 400 delegates, representing various Somali clans and political and armed groups, in attendance. By mid-June [2000] the number of delegates attending the discussions had risen to around 900, although notably only one of the principal Somali faction leaders, Ali Mahdi Mohamed, was present. Later that month it was reported that the ‘Puntland’ administration had announced its rejection of the peace conference initiatives and stated that it would not recognize the outcome of the conference. In early July [2000] the conference produced a draft national charter, which envisaged the Somali Republic adopting a federal system of government, after a three-year interim period, comprising 18 regional administrations. Furthermore, it provided for the

creation of the Somali Transitional National Assembly (TNA), which would consist of 225 members, of whom 25 would be women. In mid-July the Charter was approved by 638 votes to four and the process of electing members to the TNA began. The Charter, which was to serve as the Somali constitution for the three-year interim period, guaranteed freedom of expression and association for all Somali citizens, as well as free access to health and education services. The Charter also distinctly separated the executive, legislative and judiciary and guaranteed the independence of the latter. By late July [2000] the commission appointed by the peace conference participants to apportion the parliamentary seats among the various Somali clans had submitted its report. Each of the four major Somali clans (Dir, Hawiye, Darod and Oigil [sic] and Mirifle) was allocated 44 seats, and an alliance of small clans was to receive 24 seats; the remaining 25 seats were reserved for women from the four major clans and the alliance of small clans, each of which would receive five seats. However, disagreements between clans and sub-clans over the distribution of seats ensued, and in early August President Gelleh intervened, suggesting the appointment of a further 20 members to the assembly, thus increasing the total number to 245. Gelleh's proposal was accepted, and on 13 August [2000] the TNA held its inaugural session in Arta, which was attended by 166 members. On 26 August [2000] it was announced that Abdulkasim Salad Hasan, a member of the Hawiye clan, who had held several ministerial positions in the Siad Barre administration, had been elected President of Somalia by the members of the TNA. Hasan obtained 145 of the 245 votes, defeating his nearest rival, Abdallah Ahmed Addow, who gained 92. Hasan was sworn in as President on the following day at a ceremony in Arta, attended by numerous regional leaders, including the Ethiopian Prime Minister, Meles Zenawi, and the Sudanese President, Omar Hassan Ahmad al-Bashir." [1a] (Recent History)

4.11 Europa stated:

"On 30 August 2000 President Hasan returned to Mogadishu, where he was greeted by tens of thousands of Somalis. At the same time several Mogadishu faction leaders opposed to the outcome of the Djibouti conference, including Hussein Aidid, Ali 'Ato' and Hussein Haji Bod, met in San'a for talks with Yemeni President Ali Abdullah Saleh, who attempted to persuade them to lend their support to Hasan's administration. However, on his return to Somalia, Aidid implored the international community not to recognise the legitimacy of Hasan's appointment. Furthermore, the authorities of both 'Somaliland' and 'Puntland' subsequently issued directives ordering the immediate arrest of those elected to the TNA should they enter either territory.

"On 8 October 2000 President Hasan appointed Ali Khalif Galaydh, a former Minister of Industry in the Siad Barre regime, to the post of Prime Minister; later that month Galaydh announced a 32-member Cabinet. Hussein Aidid immediately expressed his dissatisfaction at the appointment of Galaydh, and Ali 'Ato' and another Mogadishu faction leader, Muse Sudi Yalahow, both publicly stated that the members of the new Government would not be welcome in the areas under their control. Galaydh's appointment was also rejected by the 'Somaliland' and 'Puntland' authorities." [1a] (Recent History)

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SOMALIA NATIONAL RECONCILIATION CONFERENCE, 2002-2004

4.12 The US State Department in their Background Note of March 2006 noted:

“In 2000, Djibouti hosted a major reconciliation conference (the 13th such effort), which in August resulted in creation of the Transitional National Government (TNG), whose 3-year mandate expired in August 2003. In early 2002, Kenya organized a further reconciliation effort under IGAD auspices known as the Somalia National Reconciliation Conference, which concluded in October 2004. In August 2004, the Somali Transitional Federal Assembly (TFA) was established as part of the IGAD-led process, with Shariff Hassan Sheik Adan as its Speaker. Abdullahi Yusuf Ahmed was elected Transitional Federal President of Somalia on October 10, 2004 and Ali Mohamed Gedi was approved by the Transitional Federal Assembly as Prime Minister on December 24, 2004 as part of the continued formation of a Transitional Federal Government (TFG). A cabinet was formed in January 2005.” [2d] (p6)

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‘SOUTH WEST STATE OF SOMALIA’ (BAY AND BAKOOL) 2002-2003

4.13 Europa reported:

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

‘PUNTLAND’ REGIONAL ADMINISTRATION 1998-2004

4.14 Europa noted:

“In July 1998 Col Abdullahi Yussuf Ahmed, a former leader of the SSDF, announced the formation of ‘Puntland’, a new autonomous administration in north-eastern Somalia. In August Abdullahi Yussuf, as President of the new administration, appointed a cabinet, which was subsequently approved by the recently inaugurated 69-member parliament (empowered to act as the legislature for a three-year transitional period, prior to the holding of regional elections). A charter for ‘Puntland’, released shortly afterwards, precluded ‘Puntland’ from seceding from Somalia, while it envisaged the adoption of a federal system of national government, with similar regional governments emerging around the country. Hussein Aidid declared his opposition to the administration, accusing the Ethiopian authorities of encouraging ‘Puntland’ to secede. In late June 2001 Yussuf’s mandate was controversially extended for a further three years by the ‘Puntland’ parliament, at the behest of clan elders. The constitutionality of the decision was challenged by several opposition figures, and the ‘Puntland’ High Court issued a decree, effective from 1 July, placing all security services and other government institutions under its supervision. The Chief Justice of ‘Puntland’, Yussuf Haji Nur, subsequently proclaimed himself President of the territory; senior clan elders confirmed Haji

Nur as acting President until 31 August. However, Yussuf rejected this decision, and heavy fighting ensued between followers of Yussuf and Haji Nur. In late August a general congress, attended by representatives of all major 'Puntland' clans, opened in Garowe, the region's capital, to elect a new President and Vice-President, as well as members to a new 'Puntland' assembly, and in mid-November Jama Ali Jama and Ahmad Mahmud Gunle were sworn in as President and Vice-President, respectively. Just days later violent clashes were reported to have taken place in Garowe between troops loyal to Yussuf and Ali Jama. In April 2002 Yussuf and Ali Jama met for talks in Ethiopia, but no agreement was reached. Fighting continued in 'Puntland' during 2002 and early 2003, with numerous casualties reported on both sides. In May 2003 Yussuf sought to stabilize 'Puntland' by concluding a power-sharing agreement with opposition forces, under the terms of which opposition members were granted a number of ministerial portfolios. In July 2004, following a presidential decree which reduced the Government's term in office from two years to six months, Yussuf formed a new 15-member Government. In October Yussuf was elected President of Somalia ... and Mohamed Abdi Hashi succeeded him as President of 'Puntland' in an acting capacity. In early January 2005 Gen. Mohamud Muse Hersi 'Adde', a former Somali diplomat, secured the support of 35 members of the 'Puntland' parliament, thus defeating Hashi, who won 30 votes, and was elected President of 'Puntland'. Hassan Dahir Afqurac was elected Vice-President. Meanwhile, from September 2004 it was reported that armed forces from 'Puntland' were engaged in heavy fighting with troops from 'Somaliland' on the border of the two regions." [1a] (Recent History)

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THE 'REPUBLIC OF SOMALILAND' 1991-2005

- 4.15 The Foreign and Commonwealth Office (FCO), in their Country Profile on Somalia dated 7 October 2005, noted:

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

- 4.16 The FCO profile added:

"After the death of Egal in May 2002, Vice-President Dahir Riyale Kahim was sworn in as President. Presidential elections were held in May 2003 in which Riyale narrowly beat his opponent. Parliamentary elections were held on 29 September 2005. Somaliland's stability has been widely acknowledged but it has not received formal recognition from the international community. It has

stood aside from wider reconciliation processes but indicated its readiness to discuss relations with Somalia on a basis of equality once a new government is established in Mogadishu." [16] (Somaliland)

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

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5. State Structures

THE CONSTITUTION

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

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

‘PUNTLAND STATE OF SOMALIA’ CHARTER

5.02 US State Department Report on Human Rights Practices covering 2005 (USSD) recorded that the autonomous ‘Puntland State of Somalia’ also has a Charter. As noted by the USSD, it provides for freedom of expression and prohibits torture except where this is imposed by Shari’a courts. [2a] **(Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)**

‘REPUBLIC OF SOMALILAND’ CONSTITUTION

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

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CITIZENSHIP

5.04 The requirements for Somalian citizenship are given in Law No 28 of 22 December 1962 – Somali Citizenship. [23e] As this legislation is not being applied, we can provide no information on the acquisition of citizenship. There are reports that Somali passports can be readily acquired, and the BBC in an article dated 18 November 2004 stated:

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

(Please see Section 6a [Citizens’ access to identity documents/passports](#) for more information.)

POLITICAL SYSTEM

GENERAL

5.05 The USSD report noted:

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

5.06 The Economist Intelligence Unit (EIU), in its Somalia Country Report of February 2006, observed:

“The reconciliation brokered by Yemen between Somalia’s interim president, Abdullahi Yusuf Ahmed, and the speaker of Somalia’s new Federal Transitional Parliament (FTP), Sharif Hassan Sheikh Aden, is a significant move towards healing the rift between Mr Yusuf and one of his leading rivals. Under their agreement the FTP will, within 30 days, assemble for the first time on Somali soil. However, there is no mention in the agreement about where the parliament and its 275 members will be based, nor where they will convene their first meeting in Somalia. The most likely venue is Baidoa, given Mr Aden’s opposition to Mr Yusuf’s current base in Jowhar and Mr Yusuf’s concerns over security in Mogadishu. However, proof of the success of the reconciliation in Yemen will come only if the parliament actually meets.” [17b] (p5)

5.07 EIU, in the same report, noted:

“If the FTP can be convened, the chances of it doing so with a full complement of members of parliament are slim. The strength of Mr Aden’s influence over other Mogadishu-based faction leaders is unclear, but the establishment in the capital of a new administration by Muse Sude Yalahow, nominally the minister of commerce in Mr Yusuf’s administration, does not augur well for a functioning government with authority over the whole country. In effect, Mr Yalahow has created yet another breakaway administration, but even this new governing body does not exert control over the entire capital, with the Islamic courts continuing to exercise their muscle in some districts. Furthermore, Mogadishu is by no means the only part of the country where Mr Yusuf’s interim administration continues to face a challenge to its authority. The scale of violence in Kismayu in January [2006], sparked by an attempt from the interim government to exercise its influence, was unusual for a town that has remained relatively calm compared with other parts of country in recent years. Somalia is still awash with weapons and with people ready to use them. While the

establishment of a new police academy at Armo in Puntland is symbolically important, its unarmed graduates will face armed opposition to their attempts to establish law and order. Suggestions by regional foreign ministers that the UN's long-standing arms embargo against Somalia be relaxed to allow Mr Yusuf's administration to be supplied officially with weapons are unlikely to be accepted by the international community." [17b] (p5)

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

"Somalia's parliament has met inside the country for the first time since it was formed in Kenya more than a year ago. The meeting was held in a food warehouse in the central town of Baidoa, far from the dangers of the capital Mogadishu.

"It is the latest attempt to restore authority in the country after 15 years of factional fighting.

"Some 205 of the 275 MPs were present at the meeting. But several powerful Mogadishu warlords did not attend.

"The warlords are part of a group allied to Parliament Speaker Sharif Hassan Sheikh Adan unhappy with President Abdullahi Yusuf.

"The two sides are split over whether Mogadishu is safe enough to host the interim government, and whether to keep foreign peacekeepers.

"Siting the first meeting in Baidoa was seen as a compromise between the two factions.

"This is a historical opportunity for the Somalia parliament, government and the people," President Yusuf told the assembly.

"Let us choose between serving our people or being put on the bad list of history as people who promoted confrontation among Somalis and lacked the skills to administer a modern Somalia." [8h] (p1)

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Mogadishu

5.09 As noted in the JFFMR July 2002, the Transitional National Government (TNG) leaders were highly dependent on the pro-TNG business cartel in Mogadishu, comprising Habr Gedir and Abgal businessmen. The TNG reportedly paid some warlords to ensure the continued support of their militias. [7b] (p19) On 2 October 2003, HornAfrik News online reported that the TNG opened an office to deal with land disputes in Mogadishu. Muhammad Siyad Barqadle, the deputy mayor of Mogadishu, said that the office would work with the courts in the Benadir region. [30a]

5.10 UN Integrated Regional Information Networks (IRIN) in an article dated 9 February 2005, reported the Government's intention to relocate to Mogadishu in late February 2005:

“Somalia’s transitional federal government plans to start relocating from Nairobi, Kenya, to Mogadishu on 21 February [2005], Prime Minister Ali Muhammad Gedi said on Wednesday [9 February 2005]. ‘We will begin relocating on that date depending on support from the donor community,’ Gedi said in Nairobi at the signing of a declaration of principles for cooperation with the international community. ‘A budget for relocation has been drawn up and handed over to donors.’ The declaration of principles, signed by Gedi and the special representative of the UN Secretary-General for Somalia, Winston Tubman, lays out the obligations of the transitional government and the international community in their dealings with each other.” [10i]

- 5.11 On 12 July 2005 Reuters AlertNet reported the death of a leading Somalia’s peace activist. The report stated:

“Monday’s [11 July 2005] killing of Abdulkadir Yahya Ali was unlikely to be the last of a politically prominent activist, experts said, because divisions inside the government have made it incapable of stabilising the lawless country or building reconciliation. “The killing is a horrific omen,” Somali political scientist Abdi Ismail Samatar said of the unsolved shooting by masked gunmen at Yahya’s Mogadishu home. “What his killing signifies is how intent people are on (using) the barrel of a gun.” Residents said the unexplained killing hours afterwards of an Islamic militia chief, Hersi Abdi Cilmi, further fuelled fears of a deterioration in Mogadishu’s security.” [19b] (p1&2)

- 5.12 The report added:

“Yahya, in his late 40s, the co-founder of the Centre for Research and Dialogue think tank, was the latest in a line of peace activists, humanitarian workers, teachers and former policemen who have been assassinated in the past three years. He was shot five times at home in front of his wife. Theories of who is responsible range from al Qaeda-linked extremists to Ethiopian-backed gunmen intent on wrecking the peace process by removing one of its most talented proponents. Peace activists and their foreign associates said Yahya’s contacts and energetic mediation would be missed at a time when many fear the political crisis could degenerate into war.” [19b] (p1&2)

- 5.13 The EIU, in its Somalia Country Report of February 2006, noted:

“On December 25th [2005] 64 members of a new regional council for Banaadir—Mogadishu and its environs—were sworn in to act as legislators, effectively formalising a break with Mr Yusuf’s interim government in Jowhar. Muse Sude Yalahow, one of Mogadishu’s strongmen, who is nominally the minister of commerce in Mr Yusuf’s administration, had acted as chairman of the committee that chose the city’s new governing body. Mr Yalahow announced that his committee had consulted widely before choosing the new council members, many of whom are members of the Hawiye clan that dominates Mogadishu. In a veiled reference to Mr Yusuf and his links to Ethiopia, Mr Yalahow said that his administration would “not surrender to those working for the enemy of Somalia”.

“Mogadishu has been relatively peaceful in recent months, after a turbulent November [2005]. Mr Yusuf’s interim prime minister, Ali Mohamed Ghedi, made his second visit to the capital since his appointment to office and narrowly

escaped an assassination attempt on November 6th [2005]. An explosion tore through a convoy of cars in which he was travelling, killing six people and injuring 20 others, although Mr Ghedi himself was unhurt. Mr Ghedi's first trip to Mogadishu after his appointment as interim prime minister was marred by an explosion while he was addressing a rally at a football stadium in May [2005]... Six days after the latest attempt on Mr Ghedi's life, unknown gunmen in Mogadishu assassinated the son of an FTP official. Khadar Osman Boqore, whose father, Osman Elmi Boqore, is an FTP deputy speaker based in Jowhar, was shot in broad daylight in an attack described by his father as politically motivated. The weekend of Mr Boqore's assassination was also marked by heavy fighting in the city's Yaqshid district. There were clashes between local fighters and militiamen loyal to Mogadishu's Islamic courts in mid-November [2005]—in which at least 12 people died and 21 were wounded—sparked by the Islamic militia's moves to close cinemas and video stores in the capital. The Islamic courts hold that cinema halls are fuelling crime, drug abuse and immorality." [17b] (p7)

5.14 However, in an article dated 22 February 2006, IRIN reported:

"After days of heavy fighting, a tentative calm has returned to the Somali capital of Mogadishu, with no reports of clashes since Tuesday [21 February 2006] night, local sources told IRIN." [10m] (p1)

5.15 The article added:

"The fighting, which began on Saturday [19 February 2006], pits armed militias who are reportedly loyal to a new alliance of faction leaders against armed militias of the Islamic courts.

"The newly created coalition -- the Alliance for Peace and Fight Against International Terrorism -- comprises several Mogadishu-based faction leaders. Its members include, among others, Muhammad Qanyare Afrah, Muse Sudi Yalahow, Omar Finnish, Bashir Raghe and Abdirashid Shire Ilqeyte.

"The city is calm but tense, with a few more businesses open today than yesterday," Shirwa added.

"The fighting has claimed the lives of more than 25 people and wounded some 150. Casualty figures were expected to rise after the fighting stopped, hospital sources said on Wednesday [22 February 2006].

"A mediation committee led by elders and civil society groups reportedly arranged the temporary ceasefire, said Ibrahim Omar Shaaweye, mayor of Mogadishu. "We have a temporary ceasefire in place, but we hope to have a permanent one in place by the end of the day," he said.

"Mediation efforts are still in progress, but attempts to arrange a meeting between the two sides have so far been unsuccessful." [10m] (p1)

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

- 5.16 As reflected in the JFFMR July 2002, the South West State of Somalia (SWS) was established in late March 2002 at a meeting in Baidoa of the RRA’s central committee and over 70 Elders from the Digil and Mirifle clans. RRA chairman, Colonel Hasan Mohammad Nur ‘Shatigadud’, was elected inaugural President for an initial four-year period. The SWS administration laid claim to the Bay, Bakool, Gedo, Middle Juba, Lower Juba and Lower Shabelle regions. However, in practice the administration only has effective control over Bay and Bakool. Compared to other areas of the country, as of May 2002, the administration in Bay and Bakool was reported to be least influenced by Al-Itihaad and free from infiltration by the business community. **[7b] (p13)**
- 5.17 The UN sources consulted in the JFFMR March 2004 stated that Baidoa was still insecure because of the leadership conflict within the RRA, which broke out in the summer of 2002. It had developed into a clan dispute, which reflected the national peace process, with support for the different sides. There was a ceasefire in Baidoa for the last two to three months of 2003, but there has been no real reconciliation since the Leysan clan has not participated in the negotiations. **[7c] (p24)**

PUNTLAND

- 5.18 As recorded in the USSD report 2005:

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

- 5.19 The EIU, in its Somalia Country Profile 2005, reported:

“The lack of progress towards a peaceful solution to differences among southern groups prompted north-eastern-based clan factions to declare regional autonomy for Puntland in July 1998, under the presidency of Abdullahi Yussuf Ahmed, following a 70-day conference at Garoe. Colonel Abdullahi stepped

down from his post during the conference of reconciliation between Somali factions in Kenya. Representatives of Puntland's 65 districts elected a new president, General Adde Muse Hirsi, for a three-year term in Garoe in January 2005. Puntland claims to comprise the Bari, Nugaal and Mudug regions and the Sanaag and Sool regions, which Somaliland also claims. Somaliland disputes any territorial claims arising from the new administration, and armed clashes between forces from Puntland and Somaliland occurred in December 2003 and again in October 2004." [17a] (p12)

SOMALILAND

5.20 The EIU, in its Somalia Country Report of February 2006, noted:

"The opening of Somaliland's newly elected parliament was disrupted when violence broke out, with protesters outside the building and members of parliament brawling among themselves inside it. In early December authorities in Somaliland and Puntland exchanged 36 detainees who had been captured during fighting in late 2004. A new gateway system for telecommunications traffic has been installed in Hargeisa following a five-year agreement signed with a US-based company, Transcom Digital. The 'Berbera Corridor' for imports to Ethiopia has already seen a pick-up in traffic following an earlier agreement." [17b] (p2)

5.21 The EIU, in same report added:

"The fracas that marked the opening of Somaliland's newly elected 82-member lower house of parliament was an inauspicious start to the country's fledgling, but fully functioning, democracy, and briefly threatened to overshadow the successful legislative elections held in September. The most important factor that should unite Somaliland's three political parties—the ruling Democratic United National Party (UDUB), led by the president, Dahir Riyale Kahin, and its opponents, Kulmiye and the Justice and Welfare Party (UCID), which won almost 60% of the vote between them—is the common desire for international recognition. The EU, the UK and the US are thought to be broadly in favour of officially acknowledging Somaliland's de facto sovereignty, but are unlikely to wish to be the first to grant recognition. However, the continuing anarchic political impasse in Somalia may act in Somaliland's favour, given the international community's fears that Islamic extremists could seize power in some parts of Somalia. Another functioning ally in the Horn of Africa in the US-led 'war on terror'—neighbouring Djibouti hosts both US and French troops—could be seen in certain quarters as a benefit well worth the price of Somaliland's recognition as a sovereign state: a base at Berbera would be a significant attraction in that equation. Berbera's port, the linchpin of the Somaliland economy, is starting to reap the benefits of a deal with Ethiopia for the use of its facilities. This activity is likely to be augmented by imports of humanitarian assistance through Berbera in the coming months." [17b] (p5)

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JUDICIARY

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

“Following the withdrawal of the UN peace-keeping force, UNOSOM, in early 1995, most regions outside of Mogadishu reverted to clan-based fiefdoms where Islamic (Shari’a) law (comprising an Islamic Supreme Council and local Islamic high courts) prevailed. In October 1996 Ali Mahdi Mohamed endorsed a new Islamic judicial system under which appeals could be lodged on all sentences passed by Islamic courts, and no sentence imposed by the courts could be implemented prior to an appeal court ruling. In August 1998 the Governor of the Banaadir administration announced the application of Shari’a law in Mogadishu and its environs thenceforth.” **[1a] (Judicial System)**

5.23 As noted in the USSD report 2005:

“The unimplemented TFC [Transitional Federal Charter] provides for an independent judiciary; however, there is no national judicial system. The charter replaced the 1990 constitution; however, for many issues about which the charter is silent, the constitution still applies.

“The charter provides for a high commission of justice, a supreme court, a court of appeal, and courts of first reference. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most regions relied on some combination of traditional and customary law, Shari’a, the Penal Code of the pre-1991 government, or some elements of the three. For example, in September [2005] the managing operator of K-50 airport was killed by a local man who was angry over removal of teashops from the terminal area. An aviation security force apprehended the man, who was turned over to traditional authorities. They summarily found him guilty and condemned him to death. Under the system of customary justice, clans often held entire opposing clans or subclans responsible for alleged violations by individuals.” **[2a] (Denial of Fair Public Trial)**

5.24 As noted in the US State Department’s International Religious Freedom Report covering 2004 (USSDRF):

“The judiciary in most regions relies on some combination of Shari’a, traditional and customary law (Xeer), and the Penal Code of the pre-1991 Siad Barre government. Shari’a courts throughout Mogadishu are asserting their authority, attracting support from businessmen, and sometimes, at least superficially, working across clan lines (clan membership forms the primary basis for identity and loyalty).” **[2b] (Legal/Policy Framework)**

SOUTHERN SOMALIA

5.25 The Freedom House Report on Somalia covering 2004 stated:

“Somalia’s charter provides for an independent judiciary, although a formal judicial system has ceased to exist. In Mogadishu, Sharia (Islamic law) courts have been effective in bringing a semblance of law and order to the city. Efforts at judicial reform are proceeding slowly. The Sharia courts in Mogadishu are gradually coming under the control of the transitional government. Most of the courts are aligned with various subclans.” **[20a] (p578)**

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PUNTLAND

5.26 As reflected in the USSD report 2005:

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

“In July [2005] there was a clash between the traditional justice methods and the state judiciary when Puntland President Adde Musa would not allow blood compensation by the clan of an accused killer of a police officer. President Musa insisted Puntland courts handle the case with the possibility of a death sentence if the accused was found guilty. On July 20 [2005], the sub-clan of the accused attacked the hotel outside where President Musa and TFG President Yusuf were residing, which resulted in the deaths of several security guards. The subclan also freed their imprisoned clansman.” [2a] (Trial Procedures)

SOMALILAND

5.27 The USSD report 2005 stated:

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

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LEGAL RIGHTS/DETENTION

5.28 As reflected in the US State Department (USSD) Report on Human Rights Practices covering 2005, dated 8 March 2006:

“Judicial systems are not well established, are not based upon codified law, do not function, or simply do not exist in most of the country. Respect of codified law requiring apprehension with warrants based on sufficient evidence issued by authorized officials; prompt judicial determinations; prompt access to a lawyer or family members; or other legal protections for the detained was rare. There is no evidence of a functioning bail system or equivalent.

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

5.29 The USSD report stated “Lengthy pretrial detention was a problem. Persons were sometimes held for extended periods while awaiting trial. Militias and factions detained persons for unduly long periods without trial and without charge.” [2a] (Arrest and Detention)

5.30 Amnesty International, (AI) in their annual report covering events in 2004, stated:

“There was no effective or competent system of administration of justice to uphold the rule of law and provide impartial protection of human rights. The TNG and faction leaders failed to protect citizens. Abuses by faction militias, including child soldiers, were committed with impunity. Some Shari’a (Islamic law) courts functioned on a local basis, but did not meet international standards of fair trial.” [6a] (p2)

DEATH PENALTY

5.31 The death penalty is retained in Somalia. AI reported that during 2004:

“Official courts, including Islamic courts and informal clan “courts”, continued to impose the death penalty and executions were carried out in several areas. Compensation (diya) was paid in some murder cases as an alternative to execution. In Somaliland in July [2004], two men were sentenced to death (one in absentia) for involvement in an armed attack on Hargeisa airport in March 2003 in support of Jama Mohamed Ghalib, a government opponent who was briefly detained and then deported. The appeal against the death sentence and prison sentences imposed on 11 others had not been heard by the end of 2004.” [6a] (p3)

INTERNAL SECURITY

5.32 As reflected in the US State Department’s (USSD) Report on Human Rights Practices covering 2005:

“Security conditions were relatively stable in many parts of the country, but during the year [2005] serious inter-clan and intra-clan fighting continued in the central regions of Hiran and Middle Shabelle, the southern regions of Bay, Bakol, Gedo, Lower Shabelle, Middle Juba, Lower Juba, and in Mogadishu. Infighting among factions of the Rahanweyn Resistance Army (RRA), which controlled Bay and Bakol, continued as RRA leaders fought to assert control over Baidoa. No group controlled more than a fraction of the country’s territory.

“The country’s human rights record remained poor and serious human rights abuses continued. Unemployment, malnutrition, drought, floods, ethnic fighting, the Indian Ocean tsunami, and the displacement of more than 400 thousand persons exacerbated the country’s already extremely poor human rights situation.” [2a] (p1)

ARMED FORCES

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

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

(For more information please see Section 5, [Military Service](#))

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POLICE

5.34 The USSD report 2005 stated:

“The police were generally ineffective. Corruption within the various police forces was endemic. Members of titular police forces throughout the country were often direct players in politically-based conflict, and owed their positions to other politically active individuals. In Somaliland, more than 60 percent of the budget was allocated to maintain a militia and police force composed of former troops. Abuses by police and militia members were rarely investigated, and impunity was a problem. Police generally failed to prevent or respond to societal violence.” [2a] (Role of the Police and Security Apparatus) As noted in the Joint UK-Danish Fact-Finding Mission to Somalia (JFFMR) of July 2002, the forces remained in place but were largely confined to their posts and were unlikely to challenge warlord militias. [7b] (p39)

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

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

5.36 The article added:

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

5.37 The report also observed:

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

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

“While in Hargeisa, the independent expert received reports that police brutality was increasing, as many officers were using harsher methods. The case of Ahmed Shamadle was raised. On 2 January 2005, police allegedly shot and killed two unarmed persons and wounded two others near the Ministry of Public Works. The Police Unit Leader as well as a policeman have been arrested and are being detained awaiting trial. In another recent case on 30 January 2005, police allegedly shot and killed one person who was clearing roads for the municipality, reportedly at the instigation of a resident. The police officer in question was being held and the incident was being investigated by authorities. These cases were later raised with the Vice-President, the Minister for the Interior and the Minister of Justice. Despite these incidents, it was also reported that since October 2004, the Minister for the Interior was more cooperative on a variety of issues raised with him. The importance of tackling police behaviour through training and sensitization was emphasized.” [4a] (p15)

5.39 The United Nations Secretary General, in his situation report on Somalia to the Security Council dated October 2005 (UNSCR), noted the following:

“The United Nations Rule of Law and Security Programme has been providing technical and financial support for a law enforcement seminar and training

workshop for the Somali Police Force in Kampala, since August 2005. The workshop brings together former police personnel from across the country in order to develop a road map to guide the rebuilding of the civilian police force. As a first step towards demobilization, disarmament and reintegration, the Programme is also supporting demobilization efforts in and around Mogadishu through a pilot initiative entitled ‘Support for peacebuilding and demilitarization ...’ [3c] (p12)

5.40 The EIU, in its Somalia Country Report of February 2006, noted:

“The first batch of 150 recruits, 20 of them female, joined a new police academy at Armo, 100 km south of Bossaso, for training on December 10th. The Armo academy, which is supported by the UN Development Programme (UNDP), is staffed by senior Somali officers who themselves attended a training course in Uganda in October [2005]. Armo’s three-month course is based on one developed at the Mandera police academy in Somaliland, which is also sponsored by the UNDP and has been operating since 1999. The course covers basic police training, community policing, non-violent disarmament, physical fitness and self-defence. Recruits are also instructed on human rights, gender sensitivity, and child and minority protection. Speaking at the academy’s opening ceremony later in the month, the UNDP Somalia resident representative, Maxwell Gaylard, declared that the UNDP, working with the Somali authorities, had identified 500 militiamen who would soon be retrained at Armo. Salaries for the recruits, who are drawn from all over the country, will be provided through international assistance and Somalia’s own revenue, Mr Gaylard said. The opening ceremony was also attended by Mr Ghedi. Although the operation of the academy at Armo is symbolically important, the effectiveness of its graduates can only be limited in many parts of a country awash with guns, given the fact that they receive no training in the use of firearms owing to the continuing UN arms embargo.” [17b] (p8)

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CLAN-BASED MILITIAS

5.41 As noted in the Joint UK-Nordic Fact-Finding Mission Report of March 2004 (JFFMR March 2004), there were three types of militia operating in Somalia: those that were supported and run by the business community; those that are controlled by warlords; and freelance militias. The basis for recruitment into all three was clan affiliation. [7c] (p31) According to the JFFMR July 2002, Musa Sude was the only faction leader who could effectively raise and maintain a militia. Musa Sude achieved this and thus retained the loyalty of his militia by distributing money fairly equitably across his forces. Ali ‘Ato’ and Hussein Aideed had militias that fought for them but they had to provide for themselves on a day-to-day basis. [7b] (p39)

PRISONS AND PRISON CONDITIONS

5.42 As reflected in the USSD report 2005:

“Prison conditions remained harsh and life threatening. The main prison in Hargeisa, built in 1942 to hold 150 inmates, held over 800 prisoners. After his

January-February visit, the UNIE [UN Independent Expert on Human Rights in Somalia] stated that in comparison to his previous visits in 2002 and 2003, the prison had deteriorated to an appalling condition. The UNIE noted that the prisons lacked funding and management expertise. Overcrowding, poor sanitary conditions, a lack of access to adequate health care and inadequate food and water supply persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and pneumonia were widespread. Abuse by guards reportedly was common in many prisons. The detainees' clans generally were required to pay the costs of detention. In many areas, prisoners were able to receive food from family members or from relief agencies." [2a] (Prison and Detention Center Conditions)

- 5.43 The Amnesty International (AI) Annual Report covering 2004 stated: "Conditions in the TNG's central prison in Mogadishu were harsh. In Somaliland there were arbitrary arrests, allegations of torture, and unfair political trials." [6a] (p2)
- 5.44 As reflected in the USSD, convicted juveniles continued to be kept in jail cells with adult criminals. [2a] (Prison and Detention Center Conditions) In addition, the United Nations Commission on Human Rights (UNCHR) in its report by its independent expert Ghanim Alnajjar dated 11 March 2005, and the USSD both cited the practice of parents having their children incarcerated when they want them disciplined; these children were also reportedly held with adults. [2a] (Prison and Detention Center Conditions) [4a] (p12 & 17)
- 5.45 The UNCHR in its report dated 11 March 2005 stated:

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

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MILITARY SERVICE

- 5.46 War Resisters' International (WRI) survey in 1998, noted that a national service programme existed until 1991 under the Siad Barre administration; since the collapse of his Government this has ceased to apply. Conscription had been introduced in Somalia in 1963 but was not implemented until 1986. All men aged

between 18 and 40 years old, and women aged between 18 and 30 years old, were liable to perform national service for a two-year period. There were reports of forced conscription under Barre's administration, including recruitment of minors. It is not clear whether women were also conscripted. [27a]

CONSCIENTIOUS OBJECTORS AND DESERTERS

- 5.47 WRI in 1998 stated that there were no provisions for conscientious objection during the time conscription was in force. However, it is not clear whether the law was enforced systematically. The source stated that conscientious objectors were considered to be deserters and were forced into the armed forces, or were imprisoned. [27a]

RECRUITMENT BY CLAN MILITIAS

- 5.48 WRI in 1998, stated that there was no tradition of forced recruitment in the various armed Somali clan militias. Militias were apparently able to recruit their members on a voluntary basis. Refusal to join a clan militia would reportedly not have any negative consequences. [27a] It was indicated in the JFFMR March 2004 that joining one's own clan militia was considered obligatory. [7c] (p31-32)

DEMOBILISATION INITIATIVES

- 5.49 The United Nations Secretary General, in his situation report on Somalia to the Security Council (UNSC) dated October 2005, noted the following:

"Mogadishu continues to remain insecure in spite of unprecedented efforts to take militiamen off its streets. At least two camps have been set up in the capital which are housing over 2,000 militiamen from various clans inside the city. In addition, over 100 'technicals', or battlewagons, have been cantoned, as part of a pre-disarmament effort. This has been carried out under pressure from the business community and civil society, in particular women's groups, and it is they who have largely borne the costs of this process. Substantial financial resources from the Hawiye diaspora have assisted in this process, but it is unlikely that the assistance in support of encampment efforts can be sustained over a long period of time. In addition, after considerable pressure from civil society, several checkpoints in the city have been dismantled. In spite of such efforts, there are still concerns about security in Mogadishu, with the presence of several factional militias as well as those which are either freelance or associated with businessmen and the sharia courts. The presence of extremist elements and their alleged activities have also been a matter of concern. The reporting period has seen a number of killings and politically-linked assassinations in Mogadishu." [3c] (p7)

- 5.50 The UNSC report of October 2005 stated:

"Women's groups, along with other civil society and business groups, have played a prominent role in initiating and supporting pre-disarmament encampments in Mogadishu. They have also been successful in convincing militia leaders in both Mogadishu and Kismayo to dismantle a large number of checkpoints and improve the security environment in those cities to some degree." [3c] (p7)

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MEDICAL SERVICES

OVERVIEW

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

5.52 The UN Development Programme's (UNDP) Human Development Report for Somalia 2005, reflected that access to health care is poor. The report added that the infant mortality rate was 133 per 1,000 live births. [13b] (Sections 6-10)

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

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

5.54 MSF in their report of January 2006, entitled 'Beyond the Headlines: Top ten list of under-reported stories in 2005', gave the following overview:

"Since 1991, Somalia has been a state without a functioning central government. Fourteen years of conflict has precipitated the collapse of public health structures and a total absence of health care services.

"In most parts of the country, clinics and hospitals have been looted or seriously damaged by armed groups, while the UN estimates that there are only four

doctors and 28 nurses or midwives for every 100,000 people. Sometimes, people travel 500 miles just to reach one of the few existing health centers. The result of this situation has been catastrophic, with malnutrition, extreme poverty, and drought just some of the many scourges faced by Somalis.

“Last year's lack of rain -- one of the worst droughts to hit the country in twelve years -- may expose nearly two million people in the south to acute food shortages in the next six months.

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

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

HOSPITALS

5.55 A British Broadcasting Corporation (BBC) report, International Committee of the Red Cross (ICRC) and the JFFMR March 2004, stated that there were two public hospitals in Mogadishu with facilities to perform certain surgical procedures: the formerly 127- now 75-bed Keysaney hospital, a former prison located 7km north of the city, and the 65-bed Medina hospital that served the south of the city. Most surgery was undertaken on the victims of gunshot wounds. [7c] (p48) [14a] [5a] (p6)

5.56 In early June 2004, Mogadishu-based Radio Shabeelle and the BBC reported that the only free hospital in Mogadishu, the SOS hospital, which the BBC reported had been closed by militiamen two weeks previously [8d], would reopen. [8e] [25a]

5.57 The International Committee of the Red Cross (ICRC) report on Somalia covering 2004 stated:

“The ICRC supported two surgical hospitals in Mogadishu, which served as the main referral units for war-wounded patients from a large part of the country, five ‘prehospital’ care clinics and 18 health posts covering most of central and southern Somalia. To react rapidly to clashes in remote regions, it positioned first-aid supplies in potential hot spots, which were distributed to local clinics and community leaders to treat any casualties who could not be evacuated immediately.

“The ICRC provided funds, training and medical and surgical supplies and equipment to Keysaney Hospital (110 beds) in north Mogadishu, run by the Somali Red Crescent, and Medina Hospital (65 beds) in south Mogadishu. Following assessments and with the agreement of both hospitals, the ICRC reduced its provision of pharmaceuticals to a level comparable to other ICRC-supported hospitals in Africa and decreased Keysaney's budget to encourage more cost-recovery initiatives and bring it in line with Medina. The ICRC also

organized a Conference in Mogadishu on various aspects of surgery, attended by 26 medical staff from hospitals in the capital and the towns of Baidoa and Marka.” [5b] (p100)

5.58 The report added:

“To improve access to treatment in central and southern regions affected by conflict, the ICRC assessed existing medical facilities to identify those that, with support, could become ‘pre-hospital’ care centres (PHCCs) – facilities that administered first aid and could also stabilize patients needing emergency surgery and transfer them to a referral hospital. The ICRC provided five such centres with medical supplies and equipment (Baidoa Hospital in Bay region, Brawa Hospital in Lower Shabele, Mudug Regional Hospital in Galkayo and Somali Red Crescent-run health posts in Dusamareb in Galgudud and Jilib in Lower Shabele). The health posts became PHCCs in June [2004], after the ICRC had carried out minor renovations and organized staff training. Mudug Hospital suffered internal problems. Following discussions with the management, the Puntland authorities and Médecins Sans Frontières (MSF)-Holland, which was also supporting the facility, the ICRC ended its cooperation with the hospital in August [2004].

“The ICRC covered the running costs of 18 primary-health-care posts run by the Somali Red Crescent and provided them with dressing materials to be used mainly for war-wounded patients. The posts offered free first aid and curative care to a total of some 190,000 residents and internally displaced people (IDPs) in remote, violence-prone areas of central and southern Somalia. As a temporary measure, two of the posts had been closed since May [2004], owing to security constraints.” [5b] (p100)

PROVISION OF HOSPITAL CARE BY REGION AS REFLECTED IN JFFMR

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

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

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

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

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

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

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

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

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

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

PRIVATE SECTOR AND NGO PROVISION

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

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HIV/AIDS

5.61 The JFFMR March 2004 stated that there were no formal statistics regarding the number of people infected with HIV/AIDS in Somalia. However, a formal study was in the process of being drafted, and was due to be presented within three to six months. It was estimated that the figure would be around one-three per cent. If the figure reached five per cent or more it would be characterised as an epidemic. It was emphasised that there was no access to treatment for HIV/AIDS inside Somalia. In a new development in the past two years, a person might be suspected of having HIV/AIDS simply by contacting a health clinic. [7c] (p35)

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

5.63 IRIN, in an article dated 2 December 2005, reported:

“Somalia has an opportunity to become one of the few countries in sub-Saharan Africa to avert an HIV/AIDS epidemic of major proportions, UN agencies said.

“The latest prevalence survey for Somalia indicated an HIV prevalence rate among women attending antenatal clinics of around 0.9 percent, which was relatively low compared with other countries in the region, the Joint UN Programme on HIV/AIDS (UNAIDS), the UN Children’s Fund and the UN Development Programme (UNDP) said in a joint statement issued to mark World AIDS Day.

“Citing the theme for World AIDS Day 2005 -- Stop AIDS. Keep the Promise -- the UN agencies urged Somalia and its partners to combat HIV/AIDS at personal, religious, community, organisational and governmental levels.” [10k] (p1)

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

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

“Women, media, youth, men, religious leaders, business people, political leaders and professionals all have a unique strength that they bring to the fight against AIDS. Together with the local authorities, UN agencies, local and international NGOs and community based organizations, and especially

religious leaders, a critical opportunity exists to generate a society-wide response to HIV/AIDS,' Elballa Hagona, UNDP Somalia Country Director and chair of the UN theme group on HIV/AIDS said. 'Such unity is crucial to ensure a continuum of prevention, treatment, care and support with the common goal of keeping infection low.'

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

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

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

"Somalia has made significant strides towards the establishment of a unified framework to enhance the effectiveness of HIV/AIDS response with the establishment of national AIDS commissions in 'Somaliland' and 'Puntland' in 2005. These initiatives are expected to be replicated in central/south Somalia during the course of 2006.

"As part of ongoing efforts to build capacity and forge partnerships to respond more effectively to HIV/AIDS prevention and treatment, UNICEF [UN Children's Fund] facilitated the training of 55 young women and men as youth peer educators. They, in turn, trained an additional 2,000 young people. The training has facilitated youth-to-youth education on topics such as sex education, female genital mutilation and the prevention of HIV/AIDS.

"UNICEF facilitated the training of 58 religious, traditional and secular leaders from all three zones to enable them to take the lead in challenging beliefs and behaviours through enhanced advocacy and more effective community mobilization. In November 2005, UNDP supported representatives of Sheikhs from each of Somalia's three zones to attend a training [sic] focused on the role of religious leaders in HIV/AIDS response in Yemen and Egypt. The Sheikhs have formed a network with fellow religious leaders to promote faith-based HIV/AIDS sensitization during weekly prayer gatherings in mosques." [3d] (p14)

PEOPLE WITH DISABILITIES

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

"In the absence of a functioning state, the needs of persons with disabilities were not addressed. There were several local NGOs in Somaliland that provided

services for persons with disabilities. Associations of disabled persons reported numerous cases of discrimination to the UNIE [UN Independent Expert on Human Rights in Somalia].

“There was widespread abuse of persons with mental illness, and it was common to chain such persons to a tree or within their homes for up to seven years.”
[2a] (Persons With Disabilities)

MENTAL HEALTH CARE

5.67 In its 2005 Somalia Country Profile, the World Health Organisation (WHO) reported: “The whole mental health set-up of Somalia is based on the efforts of NGOs - GRT-UNA of Italy and General Assistance and Volunteer Association (GAVO), a local Somali NGO. They help in the provision of services to mental patients and street children and provide training for primary health care personnel.” [9a] (p2)

5.68 The report added:

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

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EDUCATIONAL SYSTEM

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

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

groups and some that had been reopened in 'Somaliland' in mid-1991."
[1a] (Education)

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

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

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

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

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

"The lack of resources limited the opportunity for children to attend school. Approximately 22 percent of the school-aged population attended school, according to UNICEF [UN Children's Fund] officials. Disproportionately more boys than girls were enrolled in school. Overall enrollment rates have been on the rise in recent years with considerable regional variability. Since collapsing in 1991 education services have been revived in various forms: a traditional system of Koranic schools; a public primary and secondary school system financed by communities, foreign donors and the administrations in Somaliland and Puntland; a system of Islamic charity-run schools; and a system of privately-run primary schools, secondary schools, universities, and numerous vocational training institutes. There were three secondary schools in Somaliland and several secondary schools in Mogadishu; however, only 10 percent of those few children who entered primary school graduated from secondary school. Schools at all levels lacked textbooks, laboratory equipment, and running water. Teachers were trained poorly and paid poorly. The literacy rate

was estimated at 25 percent throughout the country; however, reliable statistics did not exist. There was a continued influx of foreign Muslim teachers into the country to teach in private Koranic and Madrassa schools. These schools were inexpensive and provided basic education; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture. In south-central regions of the country, over 100 thousand children were enrolled in educational establishments funded by Islamic charities” [2a] (Children)

5.72 As noted in the US State Department’s International Religious Freedom Report covering 2004:

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

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

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

5.74 The report added:

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

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6. Human Rights

6. A HUMAN RIGHTS ISSUES

GENERAL

- 6.01 The United Nations High Commissioner for Refugees (UNHCR) position paper of January 2004 (UNHCR 2004) stated:

“Throughout the country, human rights violations remain endemic. These include murder, looting and destruction of property, use of child soldiers, kidnapping, discrimination of minorities, torture, unlawful arrest and detention, and denial of due process by local authorities. In 2003 a local human rights organization, the Isma’il Jimale Human Rights Centre, documented 530 civilian deaths in armed conflicts between July 2002 and June 2003. A pastoralist conflict in south Mudug in July 2003 claimed an unusually high number of lives for a dispute over rangeland – 43 dead and 90 injured – most of who were civilians. In July 2003, the targeting of young girls for rape and killing was prominent in clan disputes in Baidoa, and kidnappings in Mogadishu reached such alarming proportions that the public took to the streets to protest. Gender-based violence is prevalent, including rape, female genital mutilation and domestic violence. The cultural attitudes of traditional Elders and law enforcement officials routinely result in restrictions on women’s access to justice, denial of their right to due process and their inhumane treatment in detention.” [23a] (p2)

“The prolonged absence of a central government complicates efforts to address the human rights violations. While the *de facto* authorities are accountable for the human rights situation in the areas they control, many are either not aware of or choose to ignore international conventions, or do not have the capacity to enforce respect for human rights and justice. As a result, an environment of impunity reigns in many areas, which presents a major challenge for UN agencies and NGOs seeking to strengthen measures to ensure the protection of civilians.” [23a] (p2)

- 6.02 As reflected in the Report of the Joint UK-Nordic Fact-Finding Mission of March 2004 (JFFMR March 2004):

“Violations of human rights and humanitarian law have shifted considerably since the period of 1991-92. At this time egregious human rights violations occurred in a wide range of areas. Murder, massacres, rape, and targeting of civilians were all widespread practices in southern and central Somalia. Ethnic cleansing campaigns, especially in Mogadishu and valuable riverine areas of southern Somalia, created massive displacement and suffering. Forced conscription and quasi-enslavement on farms was visited upon weak social groups such as the Bantu; and scorched earth tactics were employed by retreating militia to render whole communities destitute and vulnerable to famine.

“Since 1991/2, important changes have occurred in Somalia with regard to human rights and humanitarian law. Incidents of massacres, rape, and ethnic

cleansing are rare (recent examples in Baidoa are the exception rather than the rule). A gradual reintegration of communities has occurred in many areas, including Mogadishu; and there have been no instances of militias intentionally provoking famine to divert food aid. Food aid itself continues to pour into the country, but is less frequently targeted by looters. But one very negative trend has been an increase in attacks on and assassinations of national and international staff members of international relief agencies. Four international aid workers were killed in Somalia in October 2003 alone, making Somalia one of the most dangerous sites for humanitarian work in the world.” [7c] (p13)

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TORTURE, INHUMANE AND DEGRADING TREATMENT

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

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

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

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

[2a] (Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)

ARBITRARY OR UNLAWFUL KILLINGS

6.04 The USSD report 2005 stated:

“Since the collapse of the government in 1991 tens of thousands of persons, mostly noncombatants, have died in interfactional and interclan fighting. Incidents of arbitrary deprivation of the right to life occurred in the following contexts: factional militia fighting for political power and control of territory and

resources, including revenge reprisals; criminal activities, widespread banditry, settlement of private disputes over property and marriage; and revenge missions after incidents such as rapes, family disagreements, and abductions. The vast majority of killings during the year [2005] resulted from clashes between militias or from unlawful militia activities; several occurred during land disputes, and a number involved common criminal activity. Numerous killings continued as a result of inter-clan and intra-clan fighting between the following groups: The RRA [Rahanweyn Resistance Army] sub-factions in Bay and Bakol regions; the Somali National Front sub-factions in north Gedo; the Awlyahan and Bartire subclans in Buale; the Dir and Habar Gidir subclans in Galkacyo; the Dir and Marehan subclans in Galgudud; the former Transitional National Government and gunmen in Mogadishu; Abgal intra-clan fighting in and around Jowhar; Habar Gidir intra-clan fighting in Mudug; Puntland's forces and those of Somaliland in the disputed regions of Sool and Sanaag; and General Mohammed Said Hersi Morgan's Somali Patriotic Movement and those of the Juba Valley Alliance in Kismayu." [2a] (Arbitrary or Unlawful Deprivation of Life)

6.05 The USSD report also noted:

"During the year [2005] hundreds of civilians were killed, mostly during inter-clan or intra-clan militia clashes. For example, in the Kenya-Somalia border area of el-Waq, April and July fighting between the Garre and Marehan clans resulted in dozens of deaths, the displacement of thousands, and the closure of the border crossing in Mandera. In April [2005] fighting in central Somalia, in Galkayo and Obiyo, between subclans Habar Gidir Sa'ad and Habar Gidir Sulieman resulted in numerous deaths. In June [2005] fighting in Beledweyne between militias from the Galje'el and Jajele subclans, reportedly triggered by a land dispute and revenge for the killings of two Jajele men and one Galje'el man, resulted in at least 30 killings." [2a] (Arbitrary or Unlawful Deprivation of Life)

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DISAPPEARANCES

6.06 As stated in the USSD report:

"During the year [2005], there were numerous kidnappings by militia groups and armed assailants who demanded ransom for hostages. The UN Independent Expert on Human Rights in Somalia (UNIE) noted after his January-February [2005] visit to the country, that the incidence of kidnapping remained high. The majority of kidnappings were reported in the southern regions, especially Mogadishu, where ransoms allegedly funded purchases of weapons and ammunitions. In recent years UN staff or consultants have been kidnapped periodically in the country ... There were no investigations or action taken against the perpetrators of any kidnappings during the year [2005].

"There were no investigations or action taken against the perpetrators of kidnappings in 2004 or 2003." [2a] (Disappearance)

ABUSES BY MILITIA GROUPS

6.07 As reflected by the USSD, there were continued reports of killings and reprisal killings of clan opponents, cases of kidnapping, detention, and torture or ill treatment of prisoners. Women and minorities were particularly vulnerable to abuses. [2a]

6.08 Amnesty International report covering 2004 reflected this, and stated:

“Over a third of a million internally displaced people survived in extremely poor conditions in camps, where food supplies were often diverted by clan militias, and rape of minority women was common. In Kismayu, minority families were forced to hand over a substantial proportion of relief supplies to clan members and many had to pay clan members to protect them from local factions.” [6a] (p3)

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REGIONAL SITUATION FOR HUMAN RIGHTS ACTIVISTS

6.09 As noted by the USSD report:

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

“Several local human rights groups were active during the year [2005], including the Mogadishu-based DIJHRC [Dr. Ismael Jumale Human Rights Center], Isha Baidoa Human Rights Organization in Bay and Bakol regions, and KISIMA in Kismayu. The DIJHRC investigated the continuing causes of conflict in the Mogadishu area, conducted effective human rights monitoring, protested the treatment of prisoners before the Islamic Shari’a courts, and organized periodic demonstrations for peace. KISIMA monitored human rights and organized peace marches in Kismayu. The Mogadishu-based Somali Journalists Network monitored human rights violations against journalists in Mogadishu. The Mogadishu-based Center for Research and Dialogue, women’s NGOs, and other members of civil society also played an important role in galvanizing support in the country for the reconciliation talks in Kenya and in efforts to secure Mogadishu for the TFG.

“On March 1 [2005], the TFG Ministry of Environment and Disaster Management sent a letter to the NGO Consortium, an umbrella group of international nongovernmental organizations involved in relief and development work in the country, to request that all contract work with local NGOs be routed through the ministry. Critics contended that the policy intended to place local civil society groups and NGOs under restrictive government regulations and had the potential to compromise the independence and capacity of civil society organizations in the country. The letter specifically stated that, ‘each Ministry has the responsibility to overtake its mandated duties that is [sic] currently exercised by local NGOs and issue license for those competent NGOs. Hence, no local NGO has a full right to implement any project regarding our ministry’s duties unless licensed and registered by our concerned office. Those

competent local NGOs will cooperate with the Ministry according to the rules and regulations.’ The NGO Consortium Secretariat responded on behalf of its constituency on May 10 [2005], asking only that the ministry provide the referenced ‘rules and regulations’, since none had yet been promulgated. There was no further communication from the ministry, and there has been no known attempt to enforce the licensing requirement at year’s end [2005].”

[2a] (Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

6.10 Reuters Alertnet in an article of 30 August 2005 noted the following:

“Prosecutors in the self-declared republic of Somaliland on Tuesday [30 August 2005] asked a regional court to sentence to death 10 people suspected of killing aid workers between 2002-2004. The 10 suspects were accused of killing award-winning Italian aid worker Annalena Tonelli in October 2003, a British teaching couple Richard Eyeington and his wife Enid in the same month, and a visiting Kenyan aid worker in March 2004. At the close of hearings, Somaliland’s prosecutor-general Hussein Dhere said the penal code provided for the death penalty for the accused who he called terrorists. But defence lawyers urged the court to dismiss the prosecutor’s stand, arguing it was against Islamic Sharia law to pass a death sentence on the defendants. “As the defendants have admitted to committing two of the crimes they are accused of, the court should be lenient in its judgment,” said Mohamed Jama Abdi, one of the defence lawyers. The court has held over 20 hearings in which it received testimony from 33 witnesses from the prosecution and four from the defence. Judge Abdirahman Hayanhe said he would give his verdict on Sept. 25 [2005]. The suspects are also accused of robbing a Somaliland businessman near the Ethiopian-Somaliland border and the attempted ambush of a World Food Programme vehicle in Hargeisa in 2002.” **[19c] (p1)**

Local human rights organisations

6.11 The UN’s Consolidated Appeals Process Report 2004 for Somalia (CAP 2004) noted:

“On a more positive note, the year [2003] also saw a vibrant, active and autonomous array of community and business leaders, NGOs and professional groups addressing a wide range of social, economic and political issues. These successes challenge the stereotype of Somalia as helpless and aid dependent. With only modest international assistance, communities have embarked on the enormous task of rehabilitation in the aftermath of years of warfare and political disruption. Although they must often battle opposition from some faction leaders, civil society groups and leaders in 2003 came together in several notable initiatives, including: an unprecedented Somali Civil Society Symposium, at which they produced a document committing to work jointly toward a common vision for Somalia; the so far successful multi-clan peace march led by the renowned Somali poet, Mohamed Ibrahim Warsame (Hadrawi), which only a few years ago would not have been allowed to take place but today serves as a testament to a groundswell of civil society empowerment; and a ‘Bridging the GAP’ workshop in Garowe initiated by local authorities to ease tensions with national NGOs operating there, as a result of which they are now able to work, not entirely free from, but with less pressure than previously. Lastly, women’s groups remained a powerful force for change,

enjoying strong grassroots support, and in many areas clan Elders have been able to reassert some of the authority they traditional held.” [13a] (p7)

6.12 The USSD report noted:

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

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

[2a] (Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

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International human rights organisations

6.13 Freedom House in its report covering 2004 noted:

“Several indigenous and foreign nongovernmental organizations operate in Somalia with varying degrees of latitude. A number of international aid organizations, women’s groups, and local human rights groups operate in the country.” [20a] (p578)

6.14 The same report also noted that members of such groups have been targeted:

“Human rights abuses, including extrajudicial killing, rape, torture, beating, and arbitrary detention by Somalia’s various armed factions, remain a problem. Many violations are linked to banditry. Two aid workers with the German Development Agency were killed in Somaliland in 2004 when their car was ambushed. Police arrested five Somalis in connection with the murders. A member of the UN field security team was abducted by a militia group but was released unharmed nine days later.” [20a] (p578)

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

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

- 6.16 The UNSC report of February 2006 also noted:

“There is serious concern in the region and among humanitarian agencies over the persistence of piracy and its impact on humanitarian shipments into Somalia. The IGAD Council of Ministers, in its communiqué after its meeting in Jawhar on 29 November [2005], decided to coordinate its strategies and action plans to face this common challenge in close collaboration with the international community...” [3d] (p7)

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FREEDOM OF SPEECH AND THE MEDIA

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

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

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

“The print media consisted largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally were independent and criticized faction leaders. In its annual survey on press freedom, Freedom House has ranked the country as ‘not free’ every year from 1972-2004.” [2a] (Freedom of Speech and Press)

- 6.18 The Committee to Protect Journalists annual report (CPJ) covering 2004 stated:

“Journalists face violence and lawlessness in Somalia, which has had no effective central government since the fall of dictator Siad Barre in 1991. The self-declared autonomous region of Puntland in the northeast, and the self-declared republic of Somaliland in the northwest, are relatively stable compared with the south, most of which remains in the hands of rival clan-based leaders. Peace and reconciliation talks aimed at reuniting Somalia under a federal government continued in Kenya in 2004, but Somaliland refused to join the negotiations.

“Some hope emerged in August [2004], when, after nearly two years of talks, the peace conference established a transition Parliament for the country. Parliament subsequently elected Puntland strongman Abdullahi Yusuf as Somalia’s new president; Yusuf, in turn, appointed a leader from another major clan as prime minister and promised to work for reconciliation. Still, the new president and his advisers had yet to come to the capital, Mogadishu, to govern by year’s end [2005] because of security concerns. Local journalists expressed concern that Yusuf had a record of repressing the media as president of Puntland.” [12a] (p1)

MEDIA INSTITUTIONS

- 6.19 As stated in a British Broadcasting Corporation (BBC) Country Profile of 5 January 2006:

“Broadcasting was fragmented and sporadic for much of the 1990s, reflecting the warlords’ fortunes. Recent years have seen the emergence of stronger regional media and several, often shortlived FM stations.

“Broadcasters and journalists operate in a dangerous environment, limiting their ability to report freely and objectively. Many Somalis rely on foreign broadcasts for their news.” [8g] (p3)

- 6.20 The USSD report stated:

“The majority of citizens obtained news from foreign news broadcasts, primarily the BBC, which transmitted a daily Somali language program. The major faction leaders in Mogadishu, as well as the authorities of Somaliland, operated small radio stations. There were reportedly 11 FM radio broadcasts and 1 shortwave station in Mogadishu. A radio station funded by local businesses operated in the south, as did several other smaller FM stations in various towns in central and southern parts of the country. There was at least one FM station in both Puntland and Somaliland.” [2a] (Freedom of Speech and Press)

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

- 6.22 As noted by a Freedom House report for Somalia covering 2004:

“Somalia’s charter provides for press freedom. The country has about 20 privately owned newspapers, a dozen radio and television stations, and several Internet Websites. Most of the independent newspapers or newsletters that circulate in Mogadishu are linked to a specific faction. Although journalists face harassment, most receive the protection of the clan supporting their publication. The transitional government launched its first radio station, Radio Mogadishu, in 2001. Press freedom is very limited in the country’s two self-declared autonomous regions. In January 2004, two radio journalists were briefly detained by authorities in Puntland for coverage of the escalating border dispute between Puntland and Somaliland. In April [2004], the editor of an independent weekly newspaper, War-Ogaal, was arrested and jailed for more than a month without charge for publishing an article accusing a Puntland minister of corruption. In September [2004], the editor of the Somaliland independent daily newspaper Jamhuuriya was arrested for the fifteenth time in

ten years. Reporters Sans Frontieres [sic] described the incident as the latest in a long campaign of legal harassment.” [20a] (p577)

- 6.23 The BBC Country Profile in January 2006, reported that there were three main newspaper titles in Mogadishu and three in Puntland. [8g] (p3) The USSD and the BBC Country Profile noted that Somaliland had at least three daily newspapers, one Government daily, one independent and a third weekly newspaper produced in the English language. [2a] (Freedom of Speech and Press) [8g] (p3)

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

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

- 6.25 The CPJ report added:

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

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JOURNALISTS

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

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

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

Osman, of the National Union of Somali Journalists (NUSOJ) received death threats.

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

6.27 The CPJ in their 2005 report stated:

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

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

“In May [2005], veteran journalist Abdallah Nurdin Ahmad, who also works for HornAfrik, was wounded when an unidentified gunman opened fire at close range outside the snack bar Nurdin operated in Mogadishu. The same month, at least two journalists were injured in a huge blast at a Mogadishu stadium, where they were covering a rally by TFG Prime Minister Ali Mohamed Gedi. At least 15 people were killed in the blast and dozens were injured, according to news reports.

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

6.28 The CPJ report noted:

“In August [2005], HornAfrik reporter Abdullahi Kulmiye Adow was imprisoned in Jowhar, 56 miles (90 kilometers) north of Mogadishu, for five days by a militia loyal to local faction leader Mohamed Dhere. Dhere is a supporter of TFG

President Yusuf, who had recently established a temporary headquarters in Jowhar. Yusuf was appointed interim president in 2004 following two years of peace talks.

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

6.29 The CPJ report added:

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

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

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

“Puntland officials exerted pressure on radio stations in the region to avoid coverage of controversial political issues such as whether neighboring states should be allowed to send peacekeeping troops to Somalia, according to NUSOJ and other local sources. They said members of the public had criticized the government’s stance on such issues during radio talk shows. Sources told CPJ that, at a press conference in Bossasso in April [2005], Deputy Information Minister Ibrahim Artan Ismail threatened to ban call-in shows. These sources said that the talk shows were continuing but tended to focus on social rather than political issues.” [12b] (p2-3)

6.30 The USSD report stated:

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

Awale Jama after four days of detention in the Bossasso prison and the Puntland Intelligence Service headquarters.” [2a] (Freedom of Speech and Press)

6.31 In Somaliland the CPJ report noted:

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

6.32 The USSD report stated:

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

ACADEMIC FREEDOM

6.33 The USSD report stated:

“There were restrictions on academic freedom, and academicians practiced self-censorship. Abdi Samatar, a professor and vocal critic of the Somaliland administration, was banned from travel to Hargeisa, Somaliland, because of his academic research. In Puntland academics were required to obtain a government permit before conducting academic research. There were two universities in Mogadishu, two in Somaliland, and one in Puntland; however, there was no organized higher education system in most of the country.” [2a] (Freedom of Speech and Press)

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FREEDOM OF RELIGION

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

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

“Only Shafi’iyyah, a moderate Islamic doctrine followed by most citizens, is allowed in Puntland. Puntland security forces monitored religious activities very closely. In Puntland, religious schools and places of worship must receive

permission from the Ministry of Justice and Religious Affairs to operate; such permission was granted routinely.

“Under the regulations in Somaliland, religious schools and places of worship are required to obtain the Ministry of Religion’s permission to operate. The ministry must approve entry visas for religious groups, and certain unspecified doctrines were prohibited.

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

“Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. There was strong social pressure to respect Islamic traditions. Organized Islamic fundamentalist groups, whose goal was the establishment of an Islamic state, were actively engaged in the private sector and in political activities throughout the country.” **[2a] (Freedom of Religion)**

- 6.35 The US State Department’s Report on Religious Freedom covering 2005 stated:

“There is strong societal pressure to respect Islamic traditions, especially in enclaves still influenced but not controlled by Islamists espousing violent political agendas in Doble, Ras Kaambooni, and Kolbiyow in the Lower Juba region. Organized Islamic groups whose goal is the establishment of an Islamic state include Al-Islah, a generally nonviolent political movement that operates primarily in Mogadishu, and AIAI [Al-Ittihad al-Islami], which some still consider the country’s largest militant Islamic organization despite evidence that it no longer exists as a unitary or coherent organization. AIAI clearly has committed terrorist acts in the past and remains on the U.S. Government’s Terrorist Exclusion List. Although individuals continue to claim to be adherents to its precepts, in recent years AIAI has become factionalized and its membership decentralized. Unlike AIAI, Al-Islah is a generally nonviolent and modernizing Islamic movement that emphasizes the reformation and revival of Islam to meet the challenges of the modern world.” **[2b] (Section III)**

- 6.36 The same report reflected that:

“Citizens are overwhelmingly Sunni Muslim. There also is a small, extremely low-profile Christian community, in addition to small numbers of followers of other religions. The number of adherents to strains of conservative Islam is growing. The number of Islamic schools funded by religiously conservative sources continued to grow.” **[2b] (Section I)**

- 6.37 The report noted:

“Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Although Christian-based international relief organizations generally operate without interference, provided that they refrain from proselytizing, there were several attacks against non-Muslim international relief workers in 2003.

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

“In March 2004, Mohamed Omar Habeb, also known as Mohamed Dheere, who controls the Middle Shabelle region, countered the general Islamic trend in Somalia by banning women from wearing veils. He subsequently jailed at least 17 women who had violated his decree, claiming that veils made it difficult to distinguish women from men who might be concealing weapons. Habeb was quoted as saying that he was committed to curbing violent attacks by extremists, but he later released the women following an outcry from many Islamic scholars throughout the country, particularly in Mogadishu.”
[2b] (Restrictions on Religious Freedom)

- 6.38 The report stated: “Christians, as well as other non-Muslims who proclaim their religion, face occasional societal harassment.” **[2b] (Section III)** Freedom House in its report covering 2004 supported this view, and noted:

“Somalia is an Islamic state, and religious freedom is not guaranteed. The Sunni majority often views non-Sunni Muslims with suspicion. Members of the small Christian community face societal harassment if they proclaim their religion, but a number of international Christian aid groups operate without hindrance.” **[20a] (p577)**

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FREEDOM OF ASSEMBLY AND ASSOCIATION

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

“The unimplemented TFC and the Somaliland constitution provide for freedom of assembly; however, the lack of security effectively limited this right in many parts of the country. The ban on demonstrations continued; however, demonstrations occurred throughout the country during the year [2005]. The government of Somaliland banned political demonstrations following the closely contested April 2003 multiparty elections ...

“In May [2005] 100 members of the minority Gaboye community were detained after holding demonstrations in Hargeisa in response to a fatal shooting of one of their clansmen by a police officer. They were held incommunicado for a short period and then freed without charge.” **[2a] (Freedom of Assembly)**

CHARTER PROVISIONS IN PUNTLAND

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

CONSTITUTIONAL PROVISIONS IN SOMALILAND

6.41 The USSD report 2005 stated:

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

PUBLIC GATHERINGS AND DEMONSTRATIONS

6.42 On 1 April 2004, UN Integrated Regional Information Networks (IRIN) reported that thousands of women and children protested in Mogadishu’s main stadium in support of the peace negotiations in Nairobi [10g], while on 15 April 2004, Mogadishu’s “Qaran” newspaper reported a demonstration focused against aid agencies accused of spreading Christianity. [18b]

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POLITICAL ACTIVISTS

6.43 It was reported by IRIN:

“A former interior minister and police chief of Somalia, who was detained by the authorities of the self declared republic of Somaliland, was ‘deported’ to Djibouti on Monday afternoon. Somaliland Information Minister Abdullahi Muhammad Du’ale told IRIN on Tuesday [24 June 2003] the ex-minister, Gen Jama Muhammad Ghalib, had not been charged because he was in transit. ‘It was decided that since he was claiming to be in transit not to prosecute him, but to deport him,’ Du’ale said.” [10d]

The report noted that a group of eight men protesting against Ghalib’s arrest attacked Hargeisa airport. One was reported to have died from wounds sustained in the attack; the remaining seven were arrested. Following this incident the Somaliland Information Minister declared that any Somalilander who called for reunification also called into question the independence of “the country” and would therefore face the law. [10d]

6.44 The USSD report stated:

“During the year [2005] there were a number of apparently politically motivated killings by unknown assailants. In most cases, the victim had made statements in support of the deployment of international peacekeeping forces to the country to facilitate the relocation of the TFG [Transitional Federal Government] from Kenya to Mogadishu, a proposal opposed by various armed groups: some preferred the protection of individual cabinet members’ militias to the imposition

of foreign forces, particularly those drawn from neighboring countries; other groups were believed to be allied with domestic Islamist groups opposed to any central government. Observers noted that some of the killings were intended as a warning to the TFA [Transitional Federal Assembly], the TFG, and any outside intervention force. In January [2005] three men shot and killed Abdirahman Diriye Warsame, a veteran of the insurgency against former president Siad Barre. On January 22 [2005], gunmen shot and killed Mogadishu police chief General Yusuf Sarinle. In May [2005] a former military officer, Colonel Mohamed Sa'id Abdulle was killed near his home in Mogadishu. There were at least nine other politically motivated killings of former security officials, activists, or intellectuals during the year [2005]. No suspects had been identified in these cases or in other politically motivated cases from previous years.

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

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EMPLOYMENT RIGHTS

TRADE UNIONS AND THE RIGHT TO STRIKE

6.45 The USSD report 2005 stated:

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

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

EQUAL EMPLOYMENT RIGHTS

6.46 The USSD report stated:

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

FORCED LABOUR

6.47 The USSD report noted:

“The pre-1991 Penal Code and the unimplemented TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred ... Local clan militias generally forced members of minority groups to work on banana plantations without compensation. There were reports that in Middle and Lower Juba, including the port of Kismayu, Bantus were used as forced labor.” [2a] (Prohibition of Forced or Compulsory Labor)

6.48 As noted in the Report of the Joint UK-Nordic Fact-Finding Mission (JFFMR) of March 2004, members of minority groups were subjected to forced labour by majority clans in southern and central regions, though the prevalence of the practice could not be confirmed. Members of majority clans were dependent on the farming skills of minority groups. They are promised either food or money for their work; however, usually no payment is given. Minority clans are not in a position to object to this practice. If they refuse to work, or if they demand payment, they could be killed. [7c] (p32-3)

CHILD LABOUR

6.49 The USSD report noted:

“The pre-1991 Labor Code and the unimplemented TFC prohibit child labor; however, child labor was a problem, and there were child soldiers ... Formal employment of children was rare, but youths commonly were employed in herding, agriculture, and household labor from an early age. Substantial numbers of children worked. From 1999-2003, UNICEF [UN Children’s Fund] estimated that 32 percent of children, 29 percent of males and 36 percent of females, between the ages of 5 and 14 worked; however, the percentage of children engaged in labor was believed to be even higher during the year [2005]. The lack of educational opportunities and severely depressed economic conditions contributed to child labor.” [2a] (Prohibition of Child Labor and Minimum Age for Employment)

(For more information please see Section 6c, [Children](#))

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PEOPLE TRAFFICKING

6.50 As stated in the US State Department’s (USSD) Report on Human Rights Practices covering 2005:

“The pre-1991 law prohibits trafficking; however, there were reports of trafficking during the year [2005]. The unimplemented TFC does not specifically prohibit trafficking. Puntland was noted by human rights organizations as an entry point for trafficking. The UNIE [UN Independent Expert on Human Rights in Somalia] reported that trafficking in persons remained rampant in Somalia and that the lack of an authority to police the country’s long coastline contributed to trafficking. Various forms of trafficking are prohibited under the

most widespread interpretations of Shari'a and customary law, but there was no unified policing in the territory to interdict these practices, nor any authoritative legal system within which traffickers could be prosecuted.

"Trafficking in children for forced labor was a serious problem. There were reports of a significant increase in the trafficking of children out of the country to relatives and friends in western countries where they worked or collected welfare and sent money back to family members in the country.

"The country was a source and destination for trafficked women and children. Armed militias reportedly trafficked Somali women and children for sexual exploitation and forced labor. Some victims were trafficked to the Middle East and Europe for forced labor or sexual exploitation. Trafficking networks also were reported to be involved in transporting child victims to South Africa for sexual exploitation." **[2a] (Trafficking in Persons)**

6.51 The USSD Trafficking in Persons Report (TPR) of June 2005 stated:

"Somalia is a country of origin and destination for trafficked women and children. Armed militias reportedly traffic Somali women and children for sexual exploitation and forced labor. Some victims may be trafficked to the Middle East and Europe for forced labor or sexual exploitation. Trafficking networks are also reported to be involved in transporting child victims to South Africa for sexual exploitation." **[2c] (p5)**

6.52 In early 2003 the UN Office for the Co-ordination of Humanitarian Affairs produced "A Gap in their Hearts": a report focusing on the experience of Somali Children separated from their families. The report referred to parents paying up to US\$ 10,000 to smugglers to take their children out of Somalia and reports that unaccompanied children were given new names and imaginary histories; the children were coached in these, and threatened, to maintain their new identities. **[26a] (p7)**

6.53 As noted in the TPR 2005:

"Individuals presenting themselves as political authorities within Somaliland and Puntland have expressed a commitment to address trafficking, but corruption and a lack of resources prevent the development of effective policies. Many of these individuals are known to condone human trafficking. In the absence of effective systems of revenue generation, as well as any legal means to collect resources and then distribute them for some common good, no resources are devoted to preventing trafficking or to victim protection across the majority of the Somali territory. Various forms of trafficking are prohibited under the most widespread interpretations of Sharia and customary law, but there is no unified policing in the territory to interdict these practices, nor any authoritative legal system within which traffickers could be prosecuted. Self-styled government officials are not trained to identify or assist trafficking victims. NGOs work with internally displaced persons, some of whom may be trafficking victims." **[2c] (p5)**

6.54 The USSD report stated:

"Authorities within Somaliland and Puntland have expressed a commitment to address trafficking, but corruption and a lack of resources prevented the development of effective policies. Many of these individuals were known to

condone human trafficking. In the absence of effective systems of revenue generation, no resources were devoted to preventing trafficking or to victim protection across the majority of the country. Government officials were not trained to identify or assist trafficking victims. NGOs worked with IDPs, some of whom were possibly trafficking victims.” [2a](Trafficking in Persons)

FREEDOM OF MOVEMENT

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

“The unimplemented TFC and the Puntland Charter provide for freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints manned by militiamen loyal to one clan or faction inhibited passage by other groups. In the absence of a recognized national government, most citizens did not have the documents needed for international travel.

“In June [2005] roadblocks in and around Mogadishu were removed in an effort to secure Mogadishu for the TFG. Members of parliament and civic leaders succeeded in removing 10 of 43 roadblocks in the city, agreeing to pay the freelance militia operating them \$70 per month in compensation. Militia members who refused to abandon their roadblocks in some instances were confronted by angry crowds who shouted at them and diverted traffic away to deny them revenue. Some of these roadblocks were subsequently re-established.”

[2a] (Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation)

INTERNAL RELOCATION

- 6.56 The UNHCR’s position paper of January 2004 stated:

“The general pattern of human settlements prevailing in many parts of Africa, including Somalia, is often characterised by common ethnic, tribal religious and/or cultural factors, which enable access to land, resources and protection from members of the community. Consequently, this commonality appears to be the necessary condition to live in safety. In such situations it would not be reasonable to expect someone to take up residence in an area or community where persons with a different ethnic, tribal, religious and/or cultural background are settled, or where they would otherwise be considered aliens. ...Therefore, it would be unreasonable to expect a person to move to an area in his or her own country other than one where he or she has ethnic, tribal, religious and or/cultural ties. ...This is true also in Somaliland and Puntland. ... Specifically in Somaliland...those not originating from this area (non-Somalilanders) would be considered as foreigners, and face significant acceptance and integration problems, particularly taking into account the extremely difficult socio-economic situation of those native to the territory. ...In this regard it should be noted that ‘place of origin’ should not necessarily be equated with ‘place of birth’. ...Therefore, the determining factor in defining where a person originates from is where the person has effective clan and family ties, and where clan protection is thus available. In light of the above, especially given the prevailing clan system, UNHCR is of the view that the internal flight alternative is not applicable in the context of Somalia”. [23a] (p7-8)

INTERNAL MOVEMENT

6.57 The USSD report stated:

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

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

6.58 As stated in a report by the Nairobi-based ‘*East African*’ newspaper from January 2004, a US\$20 visa fee was payable for transit to and from airports/strips in Puntland and Somaliland, and from Puntland to central and southern regions. In places where a government exists, some of the money went to the state. In other areas, the occupying warlords and militiamen pocketed the money. [31a]

6.59 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2006, referring to Somalia, stated:

“Armed conflict and lawlessness in south and central Somalia continue to erode development gains and hamper humanitarian access, although at the same time access is improving in some areas like Lower Juba. ‘Somaliland’ and ‘Puntland’ are relatively stable and contain secure areas to which refugees can return and in which aid agencies can operate, even if a number of security incidents against international aid workers have led to the application of stricter security regulations. Furthermore, the possibility of conflict between ‘Somaliland’ and ‘Puntland’ over the contested Sool and Sanaag regions, claimed by both entities, continues to hinder access, despite these regions’ well known humanitarian needs.” [23f] (p157)

6.60 The report added:

“Most areas are affected, to varying extents, by a combination of weak governance, a fragile political process, the lack of socio-economic and political infrastructure, environmental damage caused by charcoal burning and the use of firewood, and a ban on the export of livestock to Saudi Arabia. Moreover,

repeated drought, floods and semi-arid land make reintegration efforts more difficult.” [23f] (p157)

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

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

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

“Clashes with reported use of mines continued in various areas of Somalia in 2005. The Somaliland Mine Action Center told Landmine Monitor in June 2005 that landmines were still being used widely in south and central Somalia; it noted that whenever two clans fight, the first thing each side automatically decides is to use landmines to defend themselves... In April 2005, media reported the arrests of 20 foreigners by Kenyan police following fighting that included the use of antipersonnel mines between the Gare and Marehan clans in the Somali town of Burhache, approximately 10 kilometers from the Kenyan border.

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

6.62 The LMR 2005 also noted:

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

“In southern Somalia, the unpredictable security situation continued to prevent coordinated mine action planning throughout 2004... In Puntland, in the northeast of the country, UNDP capacity-building of the Puntland Mine Action Centre (PMAC) was completed in 2004... In March 2004, UNDP started training

police explosive ordnance disposal (EOD) teams in Garowe and Jowhar... Training was completed for one team (of four police) in Johwar, and for one of three teams in Garowe... After deployment of the Jowhar team in 2004, and establishment of the Transitional Federal Government, higher donor interest was expected by UNDP. But, '... without any kind of reliable information on the contamination level of the regions no serious intervention can be successful. Therefore, we would like to establish regional MACs as well--similar to the Puntland program...' that are able to conduct surveys and data collection, and coordinate efficient tasking of the EOD teams.

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

"Projects in the UN Mine Action Portfolio for Puntland and southern Somalia include: further institutional support and capacity-building to PMAC for 2005-2007, provided by UNDP and the Somalia Rule of Law and Security Program, which is deemed vital for the coordination of mine action and treaty-implementation in the region; clearance activities by the Danish Demining Group in April 2005-March 2006 (budgeted at US\$858,956); continued development, with UNDP and Somalia Rule of Law and Security Program support, of police EOD teams in 2005-2007 (budgeted at \$60,000)... In Puntland, UNDP envisaged the creation of a mine clearance capacity within the armed forces in 2006-2007." [24a] (p4-5)

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

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

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

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

"The first two goals are being addressed with a comprehensive mine risk education programme and the technical survey and subsequent clearance of the high impact sites by the international NGOs operating in Somaliland. To

achieve the last two, the creation of national clearance capacities in Somaliland will have to take place, it is envisaged that this can be done by strengthening the National Demining Agency (NDA) which is now part of the Ministry of Defence with training and equipping 40 deminers from the Somaliland Army, expanding the police EOD [Explosive Ordnance Disposal] teams to all regions of Somaliland, conducting a mine risk education programme to highlight the dangers of 'intentional risk taking' and supporting SMAC to ensure continued coordination and planning of mine action in Somaliland.

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

6.64 The E-MINE report added:

"Until late summer 2003, there was no functioning mine action centre in Puntland, but during the latter half of 2003, UNDP, funded by the European Commission, worked to develop the capacity of the PMAC [Puntland Mine Action Centre] and in 2004 this capacity building phase was completed. PMAC in the second half of 2004 implemented the LIS Phase II in partnership with SAC [Survey Action Center]. A strategic planning workshop, similar to the one run in Somaliland has been conducted and a strategic plan will be formed by the end of 2005. The results of the LIS in Puntland show that the problem is extremely 'solvable' and makes Puntland a prime case for the 'completion Initiative'. It is felt that concerted action for a period of two to three years will render Bari, Nugaal and Northern Mudug free from the effects of mines and UXO [Unexploded Ordnance].

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

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

EXTERNAL MOVEMENT

6.65 A UNHCR news report of 3 March 2006, gave details of the trafficking of refugees into the Yemen:

"Since the collapse of the Somali central government in 1991, there has been a constant flow of Somali refugees to Yemen. In 2005 alone, UNHCR registered

over 15,000 new arrivals at the Mayfa'a registration centre. But, the real number of the people arriving along Yemen's 2,500-km-long coastline is unknown.

"Somali and Ethiopian asylum seekers and migrants pay smugglers up to US\$50 for the dangerous passage from Somalia to Yemen across the Gulf of Aden. There are horrific reports of deaths at sea, people being thrown overboard far from shore and told to swim. Those who make it remember the journey with horror." [23d] (p2)

- 6.66 The UN Security Council Report on Somalia (UNSCR) of June 2004 noted that on 17 April 2004, Kenyan authorities imposed a ban on the issuance of Kenyan visas on Somali passports. [3b] (p7) By way of a retaliation, it was reported by Radio Shabeelle on 25 April and in a British Broadcasting Corporation (BBC) article of 26 April 2004, that the Puntland authorities had ordered the immediate expulsion of all Kenyans from the region. [8a] [25b] HornAfrik in an article of 1 May 2004, reported that this move was subsequently supported by the TNG. [30b] In a further development reported by the BBC on 10 May 2004, the United Arab Emirates also stopped issuing visas on Somali passports. [8b]

WILLINGNESS TO ACCOMMODATE REFUGEES

- 6.67 The USSD report stated:

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

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

- 6.68 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2006, referring to Somalia, gave the numbers of refugees as 1,145 as of January 2006. The report also noted:

"UNHCR will also provide international protection and life-sustaining assistance to urban refugees and asylum-seekers (mainly from Ethiopia) in 'Somaliland' and 'Puntland'. These activities will focus on resettlement, because the opportunities for local integration and voluntary repatriation are very limited."
[23f] (p158)

CITIZENS' ACCESS TO IDENTITY DOCUMENTS/PASSPORTS

- 6.69 The USSD report noted "In the absence of a recognized national government, most citizens did not have the documents needed for international travel." [2a] (Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation) As noted by IRIN on 4 September 2002, a new passport office had been opened by the TNG in Mogadishu. The TNG Minister of State for Foreign Affairs acknowledged the widespread forgery of Somali passports and referred to people in Mogadishu who want a passport going to Bakaara market where,

he stated: "For a fee, anyone can produce a document." There is no specific information regarding the requirement or otherwise of citizens to carry passports or other forms of ID. [10b] A British Broadcasting Corporation (BBC) article of 12 May 2004 emphasised the ease with which counterfeit Somali passports can be obtained from markets in Nairobi, which had led the Kenyan authorities to stop issuing visas on Somali passports the previous month. [8c]

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6.B HUMAN RIGHTS - SPECIFIC GROUPS

ETHNIC GROUPS

6.70 As reflected in the Report of the Joint UK-Danish – Fact-Finding Mission (JFFMR) of December 2000, Somali society is characterised by membership of clan-families. These are sub-divided into clans, and many sub-clans (clan members are classified as ethnic Somali), or minority groups (minority groups are usually defined as those of non-ethnic Somali origin). Any political affiliation generally follows clan lines. [7a] (p80-87)

SOMALI CLANS

6.71 As reflected in the JFFMR December 2000, the clan structure comprises four major "noble" clan-families of Darod, Hawiye, Isaaq and Dir. [7a] (p80-87) The US State Department's (USSD) Report on Human Rights Practices covering 2005 stated:

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

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

6.73 The USSD report stated:

"Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. The UNIE estimated that minority groups living in the country might constitute up to one-third of the population, approximately two million persons. Inter-marriage between these groups and mainstream clans was restricted. Some of these groups had limited access to whatever social services were available, including health and education. Minority groups had no armed militias and continued to be subjected to killings, torture, rapes, kidnappings for ransom, and looting of land and property with impunity by faction militias and clan members. These groups continued to live in conditions of great poverty and to suffer numerous forms of discrimination and exclusion." [2a] (National/Racial/Ethnic Minorities)

6.74 The JFFMR March 2004 stated that in general Somalis would be safe within their own sub-clan's area as long as the sub-clan was not involved in conflict. It was added that civilians were not normally targeted by armed clan conflicts and very often they would know either how to escape or how to avoid being involved in such conflicts. [7c] (p11)

6.75 As reflected in the JFFMR March 2004, the delegation met with Abdiaziz Omar Daad:

“Omar Daad, formerly minister of reconciliation under President Siad Barre from 1986 to 1990, explained that he is a Marehan himself and the nephew of Siad Barre and next to Siad Barre's son the closest relative. Omar Daad left Mogadishu in 1991 and he has returned there several times since. Omar Daad stated that he works as a mediator in central Somalia and he has been accredited to the peace process in Kenya for the Darod clan. Omar Daad explained that it is too difficult for Marehan to live in Mogadishu as they are conceived to be wealthy because many of them used to work for the Siad Barre regime. He stated that all Marehan clan members would be blamed for the suffering caused by the SiadBarre regime and they risk being killed. Omar Daad estimated that approximately 200 persons of the Marehan clan live in Mogadishu today who are able to stay there only because they have intermarried with members of stronger clans. An independent Marehan could not live in Mogadishu safely and run a business. Omar Daad stated that a Marehan who had worked for the Siad Barre regime could not return to Mogadishu. Even family members of a Marehan who had worked for Siad Barre would have problems today. Any other clan member (e.g. a Hawiye or Habr Gedir) who had worked in the administration (including the police) of Siad Barre would not have any problems returning to Mogadishu today.” [7c] (p40-41)

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

RAHANWEYN CLANS

6.76 As reflected in the JFFMR December 2000, the Rahanweyn clans, comprising the Digil and Mirifle, are considered as a minority group by some experts and related to the major Somali clans by others, though considered as less 'noble' by others. However, the Digil and Mirifle were included as one of the major Somali clan-families and allotted 49 seats (including 5 for women), distinct from the recognised official minorities who formed a separate grouping when seat allocations for the TNG were decided upon at the Arta conference of 2000. [7a] (p64-65)

See also Annex B Somali Clan Structure.

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MINORITY GROUPS

6.77 As reflected in the Joint Fact-Finding Mission Report (JFFMR) of December 2000, minority groups within Somalia included the Bajuni, Bantu, Benadir,

Bravanese, Eyle, Midgan (Gaboye), Tumal and Yibir. As with the majority clans several of these individual groups are divided into sub-groups. The minority groups were the only people in Somalia who, when Siad Barre was overthrown in 1991, did not have their own armed militia to protect them. During the civil war minority groups were among the most vulnerable and victimised populations in the country. [7a] (p20-22) [26b] (p1) As reflected in the JFFMR December 2000 certain minority groups, most notably the Benadiri and Bravanese, were particularly disadvantaged and targeted by clan militia since the collapse of central authority in 1991. [7a] (p48)

6.78 As reflected in the JFFMR December 2000: "Minority groups are not evenly distributed throughout Somalia; there is a higher concentration in the central and southern parts of the country." [7a] (p21) However, some groups, such as those with special occupational skills (Midgan, Tumal and Yibir), are more likely to be found in different parts of the country. [7a] (p87) The USSD and JFFMR December 2000 reflect that politically weak social groups are less able to secure protection from extortion, rape and other human rights abuses by the armed militia of various factions. [2a] [7a] (p21) As stated in the UN Office for the Coordination of Humanitarian Affairs (OCHA) Minorities Study of August 2002: "In a country where there is no national Government that would be responsible for safeguarding and upholding the rights of minority groups, Somalia minorities are truly in a vulnerable position." [26b] (p1)

6.79 During the JFFM of March 2004, the delegation asked the UN High Commissioner for Refugees (UNHCR) branch officer for Somalia about the discrepancy which seems to exist between the information collected on the 2004 mission and previous missions, regarding the situation in Somalia for persons belonging to minority groups, and the information provided during refugee status determination interviews in some European countries:

"The UNHCR source firstly stated that she obviously did not know whether the case profiles of the persons referred to by the delegation were the same profiles as the ones who approach UNHCR in the region. With this reservation in mind, and presuming that the persons referred to are in fact coming from minority clans, the UNHCR source said that the discrepancy could to some extent be caused by the difference in conception between the person interviewing the asylum-seeker and the asylum-seeker him/herself as to what, for example, constitutes forced labour. If an asylum seeker has been used to working for example two hours every day for someone (belonging to a 'noble' clan) without being paid, the asylum-seeker may consider this normal and would not define it as forced labour if asked. It was suggested that the interviewer would have to ask specifically about all the small details of the asylum-seekers daily life in order to assess whether the person had in fact been subjected to forced labour or other human rights violations. Specifically with regard to sexual abuse including rape, she stated that pride and status might often prevent an asylum-seeker from coming forward with this information during an asylum interview or elsewhere." [7c] (p37)

GENERAL SECURITY POSITION FOR MINORITY GROUPS

6.80 As reflected in the Office for the Coordination of Humanitarian Affairs (OCHA) report of August 2002:

“Unlike other clans from dominant groups, minorities lack international support in the form of regular remittances. Recurrent insecurity caused by conflict creates an environment where minority groups are vulnerable and abnormally displaced from their homes. Notably, some minority groups who were abnormally displaced lost their lands, which were reallocated. Insecurity further affects the delivery of services to minority groups post-displacement in areas such as Kismayo, Jilib and Luuq. However, in areas like Hargeisa, Beletweyne, Jowhar and Ballad where security is not a big problem, minority groups receive very little assistance from aid agencies. Estimates indicate that about 70% of the minorities who live in IDP [internally displaced persons] camps or returnee settlements have difficulties in accessing adequate food, proper shelter and education.” [26b] (p1)

“With the exception of the Bantu, Rerhamar, Bravanese, Bajuni and Eyle who have distinct “non-Somali” physical appearance, all other minorities have physical appearances similar to that of the dominant clans, as well as having ethnic and cultural similarities. What distinguish the assimilated minorities are their distinct economic livelihoods.” [26b] (p3)

6.81 As noted in the JFFMR March 2004:

“The delegation asked a number of UN and NGO sources whether the security and human rights situation of the minority groups and minor clans in southern and central Somalia had undergone any significant change since the situation described in the JFFMR of December 2000. The response from all sources consulted was that no change for the better had taken place, either with regard to their security or human rights situation.” [7c] (p36)

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Bajuni

6.82 As noted in the JFFMR December 2000, the Bajuni are mainly sailors and fishermen who live in small communities on the coast south of Kismayo and on islands between Kismayo and the border with Kenya. The Bajuni are of mixed Arabic, Bantu, Somali and possibly Malay ancestry. Their principal language is Kibajuni, a dialect of Swahili. Bajuni Elders who met with the delegation of a joint British-Danish-Dutch Fact-Finding Mission on Somali minority groups to Nairobi in September 2000 informed the delegation that most Bajuni also speak Somali. Bajuni Elders stated that the Bajuni do not regard themselves as Benadiri people, although they had some trading links with the Bravanese people. [7a] (p28)

6.83 As reflected in the JFFMR December 2000, and the OCHA minority groups report of August 2002, the Bajuni had traditionally held a low status in Somalia. As Siad Barre’s administration collapsed in the early 1990s, the Bajuni were attacked by groups of Somali militia who wanted to force them off the islands. Many Bajuni left Somalia for Kenya, the majority having fled during 1992. Some Bajuni earned money by transporting refugees out of towns such as Brava and Kismayo to Kenya. In Kenya the Bajuni went to the Jomvo refugee camp in Mombasa. When the Jomvo camp was closed in 1997 many Bajuni were returned by the UNHCR to the Bajuni islands, which at the time were considered safe. However, with the fall of Kismayo in 1999 to the allied forces of the Somali National Front (SNF) and

Aideed's Somali National Alliance (SNA), and subsequent attacks on the Bajuni islands, the UNHCR suspended returns. [7a] (p28-30) [26b] (p5-6)

- 6.84 As noted in the OCHA Minorities Study of August 2002, though recent Marehan settlers still have effective control of the islands, Bajuni can work for the Marehan as paid labourers. This is an improvement on the period when General Morgan's forces controlled Kismayo and the islands, when the Bajuni were treated by the occupying Somali clans as little more than slave labour. The position of the Bajuni is more one of denial of economic access by Somali clans than outright abuse. [26b] (p4)
- 6.85 As reflected in the JFFMR March 2004, the Bajuni population is estimated to number 11,000. Clan militias routinely occupy parts of the islands and force the Bajuni to work for them, demanding 50 per cent of the revenue. [7c] (p37) The JFFMR March 2004 also noted:

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

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

Bantu

- 6.86 As reflected in the US State Department's (USSD) Report on Human Rights Practices covering 2004 and the JFFMR July 2002, the Bantu, the largest minority group in Somalia, are an agricultural group found in small groups, usually in the river valleys of southern Somalia in Hiran region (the Reer Shabelle and Makanne groups), Gedo (the Gobaweyne), Lower and Middle Shabelle (the Shidle and "Jereer") and Lower Juba (the Goshu). [2a] (National/Racial/Ethnic Minorities) [7b] (p59) The JFFMR July 2002 stated: "Some Bantu have adopted Somali clan identity while others maintain their East African tribal identity. Some Bantu are descendants of pre-Somali Bantu populations while others are descendants of slaves taken from East Africa to Somalia." [7b] (p59) The JFFMR December 2000 note that other Somalis, including those of Bantu origin commonly refer to Bantu as "Jarer". [7a] (p32)
- 6.87 As reflected in the JFFMR December 2000, the Bantu mainly occupy the territory between the two main rivers in Somalia, the Shabelle and the Juba, the so-called inter-riverine area of Somalia. The area covers eight regions in southern and central Somalia. The Elders stated that in the regions of Middle and Lower Shabelle, Middle and Lower Juba, Bay, Benadir and former Upper Juba (parts of which are now in Gedo region) the Bantu population was still [in 2000] actually a majority. [7a] (p36) As noted in a UN Integrated Regional Information Networks (IRIN) article of 25 June 2003, the Bantu are represented by Somali African Muki Organisation (SAMO), which is aligned to the Somali Salvation Alliance (SSA) that aligned itself with the G8 group at the Eldoret/Nairobi peace talks. [10e]

- 6.88 The JFFMRs December 2000 and July 2002, noted conditions for Bantu reportedly vary according to the region in which they live. [7a] (p39-41) [7b] (p59-60) As stated in the JFFMR July 2002 and the OCHA minorities report of August 2002, Bantu have been largely displaced along the Juba and Shabelle rivers. They are usually able to remain in their home areas, to work mainly as labourers for the Somali clans (mainly the Marehan, Ogadeni and Habr Gedir) that have taken their traditional land. They can usually retain about 10 per cent of their land for their own use. [7b] (p60) [26b] (p4) However, the JFFMR December 2000 noted that in some cases Bantu work as plantation labourers in what Bantu Elders describe as situations of near slavery. [7a] (p39)
- 6.89 The JFFMR July 2002 noted that in Bay and Bakool Bantu had largely been incorporated into the Rahanweyn clan structure and were able to retain their land. Bantu that had assimilated themselves with the indigenous clans they live with were reportedly known as “sheegato”, which means they were not bloodline clan members, but adopted. [7b] (p32) As noted in the JFFMR March 2004:

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

Benadiri and Bravanese

- 6.90 As reflected in the JFFMR December 2000, the Benadiri are an urban people of East African Swahili origin, living mainly in the coastal cities of Mogadishu, Merka and Brava; and the Bravanese are a people long established in the city of Brava, believed to be of mixed Arab, Portuguese and other descent. These groups suffered particularly badly at the hands of armed militia and bandits as their home areas were fought over by competing United Somali Congress (USC) factions and the Somali Patriotic Movement (SPM). USC/SNA (a sub-group of the USC) forces in particular singled out the Benadiri and Bravanese, with a campaign of systematic rape of women. Members of the minority populations, such as the Reer Hamar, the original Benadiri population of Mogadishu (known in Somali as Hamar) living in the Hamar Weyne and Shingani districts found themselves particularly exposed at times of heavy fighting. Most homes belonging to the Benadiri and Bravanese in Mogadishu had been taken over by members of clan militias, although sometimes the clan occupants allowed them to reside in one room. [7a] (p44, 47-49, 51)
- 6.91 Information obtained by a British-Danish fact-finding delegation in May 2002 suggested that Bravanese have mostly fled from the coastal town of Brava, although some are still living in the town, which is controlled by the Habr Gedir. Information suggested that Bravanese who remained faced abuses including forced labour, sexual slavery and general intimidation. [7b] (p60) As reflected in the JFFMR March 2004, it was estimated that 90% of the Reer Hamar population in Mogadishu have left the city as a consequence of civil war and lack of security. The majority of Reer Hamar who are still in Mogadishu are older people who live in Mogadishu’s traditional Reer Hamar district, Hamar Weyne, which is

controlled by militias of the Habr Gedir sub-clan, Suleiman. As to how those Rer Hamar families still living in Mogadishu were able to cope with the situation in the city, it was explained that some of the families have agreed, or have been forced to marry off their daughters to members of the majority clans such as Habr Gedir. Such a marriage can provide a Rer Hamar family with some degree of security but the alliance is not an even one, as the Habr Gedir son-in-law (nicknamed "Black Cat") to a large degree controls the economy of his family-in-law. [7c] (p39)

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Hamar Hindi

6.92 As noted in the JFFMR July 2002:

"The small Indian community in Somalia numbered, at the most, 200 families, who were mainly engaged in cloth dying in Mogadishu and, in fewer numbers, Merka. Indians established businesses in Somalia during the 1940s and 1950s. There were also some Indians recruited by the Italians in the 1940s and 1950s as foremen on plantations, mainly around Qoryoley. The Indians were mainly from the Bohora community, which is also present in Mombasa, Kenya, and were mostly Muslims. There had also been approximately 200 Indians in Kismayo at one time but they had left the city, mostly for Mogadishu, by the early 1980s. The Indians were recruited directly from the Indian sub-continent rather than from the established Indian community in former British East Africa. Traditionally, Indians and Somalis were business rivals. Virtually all Indians had left Somalia by the time that Siad Barre's regime fell in 1991, mostly relocating to Mombasa." [7b] (p61)

"The name "Hamar Hindi", meaning "Mogadishu Indians", was applied to the Indian community in Mogadishu. Indian businesses were concentrated in an area that was also known as Hamar Hindi, a small area near the fish market and national museum, close to the Hamar Weyne district (district names in Mogadishu tend to relate to the original home of the inhabitants, e.g. Shingani is named after an area in Tanzania from where the original inhabitants had been brought as slaves)." [7b] (p61)

"All Indians in Somalia could speak Somali, usually to a good standard but at the very least all would have had a basic command of the language. In the cities, the Indian businessmen would have had to speak Somali to be able to engage in business activities. Likewise, the Indian foremen on the Italian plantations, who each managed between 100 and 150 plantation workers, had to speak Somali in order to communicate with their workforce. Also, under Siad Barre's rule, society was much regulated and a good command of Somali would have been essential for Indians to be able to deal with official bureaucracy." [7b] (p60)

Midgan, Tumul, Yibir and Galgala

6.93 The JFFMRs of December 2000 and July 2002, noted the Gaboye/Midgan (usually referred to as the Midgan but also known as the Madhiban), Tumul and Yibir (a group said to have Jewish origins) traditionally lived in the areas of the

four main nomadic clan families of Darod, Isaaq, Dir and Hawiye in northern and central Somalia. In the last few decades many of them migrated to the cities. These groups are now scattered throughout the country but are mainly found in northern and central regions. Midgan have been able to settle in Puntland. [7a] (p54-55, 58)

- 6.94 The JFFMR December 2000, noted that these groups are called “occupational castes” as they traditionally perform specialist services and settle in areas where they obtain protection from a clan and build up an economic activity. [7a] (p57)
- 6.95 The OCHA Minorities Study of August 2002, noted that the Midgan, or Madhiban, have always been placed at the lower end of Somali society. In Hargeisa there are five telephone companies, six money transfer companies, and several light industries, transportation and construction companies, all of which create hundreds of job opportunities. The minorities claim that these jobs are offered according to the ethnic identity of the individual. The Gaboye, Tumul and Yibir have no access to those jobs because of their ethnicity. Midgan can trade freely, although they are usually unable to own property and livestock. [26b] (p4) The JFFMR July 2002 noted that the position of the Midgan/Gaboye improved at times of stability and recovery. [7b] (p61)

See also Annex C: Main Minority Groups.

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WOMEN

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

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

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

displaced persons camps were also especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS.” [2a] (Women)

- 6.97 Amnesty International, (AI) in their annual report covering events in 2004, stated:

“The allocation of seats in the transitional parliament failed to meet the Charter’s quota of 12% women. Women had little access to public decision-making and justice in Somaliland and Puntland.

“Women’s organizations in all areas campaigned against violence against women, including female genital mutilation, which continued to be widespread. Women human rights defenders also campaigned against domestic violence and rape of internally displaced women.” [6a] (p3)

GENERAL LEGAL PROVISIONS RELATING TO WOMEN

- 6.98 The USSD report noted:

“Women do not have the same rights as men and were subordinated systematically in the country’s overwhelmingly patriarchal culture. Polygyny was permitted, but polyandry was not. Under laws issued by the former government, female children could inherit property, but only half of the amount to which their brothers were entitled. Similarly, according to the Shari’a and local tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family as for a male victim. As a predominantly Muslim society, many women wore traditional religious dress.” [2a] (Women)

WOMEN IN GOVERNMENT

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

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

POSITION IN SOCIETY AND DISCRIMINATION

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

- 6.101 The USSD report stated that:

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

6.102 Freedom House, in its report on Somalia covering 2004, noted:

“Women’s groups were instrumental in galvanizing support for Somalia’s peace process. However, delegates forming the new parliament flouted a provision requiring that 33 of the 275 seats be reserved for women, appointing only 23. Women legislators are now seeking a constitutional amendment to increase that number by 14. The country’s new charter prohibits sexual discrimination, but women experience intense discrimination under customary practices and variants of Sharia. Infibulation, the most severe form of female genital mutilation, is routine, and women’s groups launched a national campaign to discourage the practice in March [2004]. UN agencies and nongovernmental organizations are working to raise awareness about the health dangers of this practice.” [20a] (p578)

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

“The independent expert continued to investigate the treatment of women in Somalia during the period covered by this report. The profile of Somali women and support of their rights has made some progress over the past few years. The independent expert noted continued improvement towards the wider participation of women in politics in Somalia. In the Somali Transitional Federal Parliament, 12 per cent of the seats are to be reserved for women, and a woman, Fowzia Mohamed Sheikh, is the newly-appointed cabinet minister for Gender and Family Affairs. Nevertheless, the independent expert emphasizes the need to continue improving the economic empowerment of women and their participation rate in the social and political spheres.” [4a] (p11)

6.104 The same report added:

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

“The Somali Reunification Women’s Union, an NGO which had been working with UNDP [UN Development Programme] and UNHCR since 1992 on IDP and returnee issues, noted that, since 2004, three new IDP camps had been added bringing the total to 16. They explained that the last three camps were set up to house people fleeing the effects of the droughts. A 2002 estimate was that 4,320 families or about 20,000 people resided in these makeshift camps. A one-month assessment of the current situation funded by UNDP was planned to commence shortly.” [4a] (p19)

VIOLENCE AGAINST WOMEN

- 6.105 The JFFMR July 2002 noted that there were no laws that specifically address domestic violence. This was treated through traditional means rather than as a legal issue, although both customary law and Shari'a law addressed the resolution of family disputes. [7b] (p62)
- 6.106 As noted in the JFFMR March 2004, the number of reported violations against women in the capital increased considerably in 2003. A UNHCR source, stated that there were serious human rights violations in Mogadishu towards women. These violations included savage killings and mutilation. It was stressed that these incidents were unusual given that women and children are not overtly targeted in clan conflict. When commenting on the killings of women in Mogadishu (and in Baidoa) in the second half of 2003, a further source suggested that such incidents might have happened before but that they had not been reported. An international NGO suggested that women and children had become a new target of human rights violations in Mogadishu. The source added that there was a tendency that women in general had become much more cautious about their movements. Many women did not dare to go to the market or other public places, especially those belonging to minority groups or minor clans. [7c] (p20-21)
- 6.107 The United Nations Secretary General, in his situation report on Somalia to the Security Council (UNSC) dated February 2006, noted the following:
- “Women’s groups, together with other civil society and business groups have continued to play a prominent role in initiating and supporting pre-disarmament encampments in Mogadishu. Although the camps are still operating, some militiamen appear to have left because of the worsening security situation and lack of funds to meet their needs. Thus far, women’s groups, together with some members of the local business community, have been financing the camps. UNDP has earmarked \$172,000 to help them to support demobilization of the militiamen. Half of this amount was paid to the women’s groups during the reporting period [October 2005 to February 2006].
- “UNDP has also developed a nationwide strategy with the goal of enhancing the ability of Somali women leaders to participate meaningfully in the political sphere through effective advocacy for the protection of their human rights and economic security. Based on these overall goals, the strategy focuses on the training of women leaders to enhance their leadership skills and the use of advocacy and communication tools to address issues such as: female genital mutilation; land and property rights; domestic violence; and building the capacity of legislators (both women and men) and civil society to advocate gender-responsive policies, legislative reform and gender mainstreaming within the political sphere at the district, regional and national level.
- “Other ongoing UNDP activities include support for the Somalia Women Journalists Association to train women journalists to investigate, advocate and disseminate information through the media against abuses of women’s rights. Another project involves management training for 105 female staff of the ‘Somaliland’ Civil Service Commission. Under the UNDP Rule of Law and Security Programme, 54 women were recruited for the Mandera Police Academy in ‘Somaliland’. Their training commenced in November [2005]. In addition, 20 women were among a total of 180 recruits selected for training at

the Armo Policy Academy in 'Puntland' ... The United Nations Children's Fund (UNICEF), in partnership with Oxfam-Netherlands (Novib), is working with the Coalition of Grassroots Women Organization, based in Mogadishu, the Nagaad Women's Coalition and the Coalition of 'Somaliland' non-governmental organizations, on human rights monitoring and on child protection.

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

FEMALE GENITAL MUTILATION (FGM)

6.108 The USSD report noted:

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

6.109 As reflected in the JFFMR March 2004:

"Gary P. Jones, Country Director, Somalia, Kenya and Djibouti, Norwegian People's Aid (NPA), Horn of Africa Programme stated that, until recently, no NGOs worked with FGM in Somalia. Presently there are several NGOs that are addressing the issue of FGM. Jones explained that NPA is one of a small number of NGO's in Somalia, which attempts to educate people with the purpose of eradicating FGM. NPA seeks to change the culture of FGM by educating young girls. However, Jones explained that it is very difficult for girls in primary schools to complete their education due to them being kept at home to undertake domestic duties. It was suggested that boarding schools might be the only way to enable girls to focus on their education without their parents interfering." [7c] (p33)

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

and information to young girls might be the only way to make any impact on the issue.” [7c] (p33)

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CHILDREN

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

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

- 6.111 The USSD and UN’s human rights expert report of March 2005 noted that the long-standing Somali practice whereby parents send their disobedient children to be kept in prison until they order their release was reported to be widespread. [2a] (Prison and Detention Center Conditions) [4a] (p10) The UNSCR of June 2003 recorded that Somaliland is one area where this practice has been particularly prevalent; children were being detained in prison alongside adults and, on occasion, are victims of violence or abuse. [3a] (p8-9) However, the UNSCR June 2003 refers to the local authorities initiating several actions to address this problem, including setting up a Law Review Committee, Training Committee and Juvenile Justice Forum. The need to strengthen the formal and non-formal juvenile justice system in conformity with international standards of child protection was identified as a priority in Somaliland. [3a] (p8-9)

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

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

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

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

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

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

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

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

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

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

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

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

CHILD CARE ARRANGEMENTS

6.115 An IRIN report published in June 2001 principally focusing on Somaliland, noted there were very few orphans in Somali society. Few children were abandoned, even during the hardest of times. It is explained that before the introduction of the modern nation state, the clan structure effectively prevented the very concept of “orphan” – relatives would take in a child who had lost its parents. Within Somalia a case of pregnancy outside of marriage is almost unthinkable; however, the report refers to a Somaliland social worker's comment that “Urbanisation, prostitution and drugs are the most common reason now for unwanted pregnancies.” [10a]

- 6.116 The IRIN report of June 2001, noted that after reaching 15 years of age Somali children were considered to have reached the age of independence, and were unlikely to be kept in orphanages; this left orphaned teenagers with very little support. With regard to the possibility of adoption the report suggested that the clan structure worked prohibitively against adoption, a practice that was not regarded as a “cultural norm”. In the self-declared independent “Republic of Somaliland” the Hargeisa Orphanage Centre had been run by the local administration since 1991. Since 2001 the centre had come under the auspices of the Ministry of Education which provided for the running costs; the Ministry of Justice and the prison service had formerly operated it. As of June 2001, the centre had a total of 355 children, approximately 60 full and part-time staff, and received some support from the UN World Food Programme and the international NGO Hope World Wide. [10a]
- 6.117 An IRIN report of May 2003, reported that Al-Haramayn operated five orphanages in Mogadishu and one in Merka, between 1992 and May 2003. Together with two based in Somaliland, these facilities accommodated around 3,500 children; most had reportedly lost one or both parents in the civil war. Children from these orphanages received three meals a day and schooling. However, in May 2003 the Islamic aid agency ceased operating in Somalia following US Government accusations that it had links with terrorists. A senior UN official commented that other aid agencies operating in the capital would not be able to look after the children, at least in the short term. There were fears the children would join the vast number of young gunmen on the streets of Mogadishu. [10c] In February 2004 IRIN reported that the Islamic aid agency-sponsored orphanages formally closed down, leaving around 3,000 orphans homeless. [10f]

CHILD SOLDIERS

- 6.118 The USSD report, stated:

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

- 6.119 On 30 January 2003 the UN Security Council adopted a new resolution on children and armed conflict. This provided for the Security Council or the Secretary General to enter into dialogue with parties to armed conflict that are recruiting or using child soldiers, to develop “clear and time-bound action plans” to end the practice. [14a]

- 6.120 The United Nations Secretary General, in his situation report on Somalia to the Security Council dated June 2005 (UNSCR), noted:

“The United Nations also collaborated on a project aimed at the rehabilitation and reintegration of former child soldiers in Kismaayo, Merca and Mogadishu, which has benefited 420 children. The United Nations is supporting a community-based psychosocial care and support strategy for vulnerable children and their families and is helping to establish a cadre of paraprofessional psychosocial workers.” [3c] (p13)

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LESBIAN, GAY AND TRANSGENDER PERSONS

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

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

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

6.123 However, the article also noted:

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

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

“Whether through suicide following pressure from families or via loosely applied Islamic law that is uncontrolled due to the lack of a central government, their [homosexuals] greatest fear is death – a sentence that can be brought upon them just for being homosexual, or for being perceived to be homosexual. ... The situation for queer people in Somalia is very dangerous. Without official recognition and without a government to lobby, Queer Somalia can do little more than report on the plights of individuals and to host meetings with small groups, acting as a link to the outside world. There are a lot of people who are queer [in Somalia] but they are afraid they will miss their basic rights if they express themselves.” [29b]

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6.C HUMAN RIGHTS – OTHER ISSUES

HUMANITARIAN ISSUES

6.125 The UNHCR position paper of January 2004 noted:

“In late 2003 aid agencies could safely operate in only a handful of places in southern and central Somalia. Relatively good rains in this country exceptionally prone to flood and drought allowed for overall improved food security, but conflict and lack of access in key areas of southern and central Somalia – including parts of central Mudug and Galgaduud regions, Baidoa and Burhakaba town in Bay region, Buale and Jilib towns in the Lower and Middle Juba regions, and Luuq and Gabarharey towns in Gedo region – prevent many farmers from harvesting their crops, resulting in high malnutrition rates in many areas (71% of the population are undernourished).” [23a] (p3)

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INTERNALLY DISPLACED PERSONS (IDPs)

6.126 The United Nations Secretary General, in his situation report on Somalia to the Security Council dated June 2005 (UNSCR), noted the following:

“United Nations agencies, in partnership with national and international nongovernmental organizations, have developed strategic plans for effective assistance to the estimated 400,000 internally displaced persons scattered over 32 sites in Somalia. In cooperation with non-governmental organization partners and local authorities, the United Nations has supported efforts to accelerate assistance for internally displaced persons and returnee populations in “Somaliland” and “Puntland.” However, the protective environment for most internally displaced persons in Somalia, particularly the 250,000 residing in Mogadishu, remains weak. The highly volatile environment continues to restrict access to those communities, which remain vulnerable to harassment, exploitation and extortion.” [3b] (p9-10)

6.127 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2006, referring to Somalia, noted:

“In 2005, UNHCR seconded a senior IDP advisor to assist the UNCT [The United Nations Country Team] in the development of a joint UN strategy to better address the needs of 400,000 internally displaced people. This strategy has three objectives: improve the protection of IDPs, returnees and other vulnerable populations; improve their current living conditions; and promote durable solutions for them. The UNCT, under the leadership of the Humanitarian Coordinator and assisted by OCHA [Office for the Coordination of Humanitarian Affairs], is currently in the process of developing an action plan for the implementation of the joint strategy. UNHCR’s role in the strategy is

focused on protection – Including community mobilization – emergency shelter and the provision of basic services. Finding durable solutions for internally displaced people is intrinsically linked to finding solutions for returning refugees, because they mostly live in the same communities.” [23f] (p158)

6.128 The report added:

“In 2006, one of the main humanitarian concerns will be to alleviate the effects of several years of drought and severe flooding in 2005 which hit crops and livestock and thus further contributed to the impoverishment of an estimated 700,000 Somalis. Furthermore, assistance is required for 1.25 million returnees and an estimated 400,000 internally displaced people scattered in 34 locations throughout Somalia (of whom 250,000 are in Mogadishu). Among those displaced are the 2004 tsunami victims, many of whom left their communities along the Indian Ocean coast and moved to their relatives further inland. The international community has failed to respond adequately to the plight of displaced populations, and the authorities lack the capacity to address this issue. The severe shortfall in funding for recovery and development activities by UN agencies and NGOs, and a total absence of bilateral aid, make the shortage of skills among the Somali population even more damaging.” [23f] (p157)

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RETURNING REFUGEES

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

6.130 As noted in the JFFMR March 2004:

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

6.131 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2006, referring to Somalia, noted:

“An estimated 350,000 Somali refugees continue to reside in nearby countries. A protective environment conducive to self-reliance must be created in order to improve the prospects for their voluntary repatriation. In 2006, UNHCR will continue to promote repatriation to ‘Somaliland’ and ‘Puntland’, and facilitate voluntary return to other areas of Somalia. Some 10,000 refugees will be repatriated during the year [2006]. The repatriation from Djibouti to ‘Somaliland’ will be completed. To enable Somali refugees in camps to make informed decisions on their return, information campaigns and confidence building activities, including ‘go and see’ visits, will be jointly conducted with the authorities of each hosting country and the authorities and communities of

potential areas of return. UNHCR will focus its reintegration interventions on 'Somaliland' and 'Puntland', as well as on Mogadishu and its environs. UNHCR will continue to provide legal assistance to returnees, as well as to refugees, through the legal aid network. The repatriation of larger groups to the central and southern parts of the country may be possible if the political developments result in positive change. This would require considerable resources that cannot be provided under the 2006 annual programme, but UNHCR is preparing an operational framework for this scenario as well as large-scale repatriation, whenever conditions permit." [23f] (p158)

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UNHCR POSITION ON THE RETURN OF REJECTED ASYLUM SEEKERS

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

"Although the levels of faction and large-scale inter-clan conflicts may have reduced in southern Somalia, insecurity continues to be a significant problem. Lives continue to be threatened by violence, crime, clan feuds, lack of justice as well as poverty. Furthermore, humanitarian agencies have real problems gaining access to many areas. Militia loyal to different strongmen succeed one another in a perpetual move to establish a sustainable control on certain areas. There is a constant fear of abrupt change in clan balance shaking up fragile territorial power bases. This often leads to conflicts between clans and factions. Mines have been laid in many areas as part of current conflicts to either mark territorial control or prevent the movement of people. Moreover, the lack of any effective governing administration may render it impossible for countries with rejected Somali asylum seekers to embark on any comprehensive and coordinated dialogue aiming at removing such cases. Consequently, UNHCR considers that persons originating from southern Somalia are in need of international protection and objects to any involuntary return of rejected asylum-seekers to the area south of the town of Galkayo." [23a] (p9)

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

"In this regard, it should also be noted that women, children and adolescents face particular challenges upon return to Somalia after a long stay in exile, which may have changed some of their habits and affected their ability to speak

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

"Somali women who unsuccessfully but credibly based their asylum claims on issues related to gender-based persecution should not be subject to involuntary return to any part of Somalia. While authorities in Somaliland and Puntland are to varying degrees prepared to work towards reducing harmful traditional practices and enhancing respect for the rights of women, they have as yet no real means to enforce such slowly emerging policies for the tangible benefit of women." [23a] (p10)

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

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

6.133 In November 2005 in the 'UNHCR Advisory on the Return of Somali Nationals to Somalia', it stated:

"UNHCR issued its current position concerning returns to Somalia in January 2004. By way of this additional advisory, which complements and should be read

alongside the position of January 2004, UNHCR re-confirms that this position remains valid. Indeed, prevailing problems in Somalia only support its continued validity and application.” [23b] (p1)

6.134 The UNHCR stated in the same document:

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

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

“7. UNHCR acknowledges that not all Somali asylum-seekers may qualify for refugee status under the 1951 Convention. However, UNHCR considers that asylum-seekers originating from southern and central Somalia are in need of international protection and, excepting exclusion grounds, should be granted, if not refugee status, then complementary forms of protection.

“8. Correspondingly, UNHCR re-iterates its call upon all governments to refrain from any forced returns to southern and central Somalia until further notice.

“9. As regards forced returns to northern Somalia, while some returns are possible under certain conditions, notably where there are clan links within the area of return and effective clan protection, large-scale involuntary returns should be avoided. Persons not originating from northern Somalia should not be forcibly returned there.” [23b] (p2)

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ANNEX A: Chronology of Events

- 1925** - Territory east of the Jubba river detached from Kenya to become the westernmost part of the Italian protectorate.
- 1936** - Italian Somaliland combined with Somali-speaking parts of Ethiopia to form a province of Italian East Africa.
- 1940** - Italians occupied British Somaliland.
- 1941** - British occupied Italian Somalia.
- 1950** - Italian Somaliland became a UN trust territory under Italian control.
- 1956** - Italian Somaliland renamed Somalia and granted internal autonomy.
- 1960** - British and Italian parts of Somalia become independent, merge and form the United Republic of Somalia; Aden Abdullah Osman Daar elected president.
- 1963** - Border dispute with Kenya; diplomatic relations with Britain broken until 1968.
- 1964** - Border dispute with Ethiopia erupted into hostilities.
- 1967** - Abdi Rashid Ali Shermarke defeated Aden Abdullah Osman Daar in elections for president.
- 1969** - Muhammad Siad Barre assumed power in coup after Shermarke is assassinated.
- 1970** - Barre declared Somalia a socialist state and nationalises most of the economy.
- 1974** - Somalia joined the Arab League.
- 1974-75** - Severe drought caused widespread starvation.
- 1977** - Somalia invaded the Somali-inhabited Ogaden region of Ethiopia.
- 1978** - Somali forces pushed out of Ogaden with the help of Soviet advisers and Cuban troops.
- 1981** - Opposition to Barre's regime began to emerge after he excludes members of the Mijertyn and Isaq clans from government positions, which are filled with people from his own Marehan clan.
- 1988** - Peace accord with Ethiopia.
- 1991** - Opposition clans oust Barre who is forced to flee the country.
- 1991** - Former British protectorate of Somaliland declares unilateral independence.
- 1992** - US Marines land near Mogadishu ahead of a UN peacekeeping force sent to restore order and safeguard relief supplies.

- 1995** - UN peacekeepers left, having failed to achieve their mission.
- 1996** - Warlord Muhammad Aideed died of his wounds and is succeeded by his son, Hussein.
- 1997** - Clan leaders met in Cairo and agreed to convene a conference of rival clan members to elect a new national government.
- 1998** - Puntland region in northern Somalia declared unilateral independence.
- 2000 August** - Clan leaders and senior figures met in Djibouti and elected Abdulkassim Salat Hassan president of Somalia.
- 2000 October** - Hassan and his newly-appointed prime minister, Ali Khalif Gelayadh, arrived in Mogadishu to heroes' welcomes.
- 2000 October** - Gelayadh announced his government, the first in the country since 1991.
- 2001 January** - Somali rebels seized the southern town of Garbaharey, reportedly with Ethiopian help.
- 2001 February** - French oil group TotalFinaElf signed an agreement with transitional government to prospect for oil in south; one of main faction leaders, Mohamed Qanyareh Afrah, signs accord recognising interim government, reportedly in return for promise of ministerial posts.
- 2001 April** - Somali warlords, backed by Ethiopia, announced their intention to form a national government within six months, in direct opposition to the country's transitional administration.
- 2001 May** - Dozens killed in Mogadishu's worst fighting in months between transitional government forces and militia led by warlord Hussein Aideed.
- 2001 May** - Referendum in breakaway Somaliland shows overwhelming support for independence.
- 2001 August** - Forces of the opposition Somali Reconciliation and Restoration Council seized Kismayo for General Mohammed Hirsi Morgan.
- 2001 August** - UN appealed for food aid for half a million people in the drought-hit south.
- 2001 September** - UN, EU evacuate foreign aid workers in period of uncertainty in wake of attacks on US.
- 2001 November** - US froze the funds of main remittance bank over suspected al-Qaeda links. UN humanitarian official said that this move is helping to push country towards economic collapse.
- 2002 April** - Warlords in southwest unilaterally declared autonomy for six districts and form 'Southwestern Regional Government'.

- 2002 May** - New president of breakaway Somaliland Dahir Riyale Kahin takes power after death of Mohamed Ibrahim Egal and pledged to preserve sovereignty.
- 2002 October** - 21 warring factions and transitional government sign ceasefire under which hostilities will end for the duration of peace talks.
- 2003 April** - First presidential elections in breakaway Somaliland; incumbent Dahir Riyale Kahin won but by narrow margin.
- 2004 January** - Breakthrough at peace talks in Kenya; warlords, politicians signed a deal to set up new parliament.
- 2004 May/June** - More than 100 killed in upsurge of fighting. Deadly clashes between ethnic militias in southern town of Bula Hawo.
- 2004 August** - New transitional parliament inaugurated at ceremony in Kenya. In October the body elects Abdullahi Yusuf as president.
- 2004 December** - Prime Minister Ali Mohammed Ghedi is approved in office by parliament. Large waves generated by an undersea earthquake off Indonesia hit the Somali coast and the island of Hafun. Hundreds of deaths are reported; tens of thousands of people are displaced.
- 2005 May** - Explosion killed at least ten people and injures many more at a rally in Mogadishu where Prime Minister Ali Mohammed Ghedi is giving a speech.
- 2005 June** - Somali government stated to return home from exile in Kenya, but there are bitter divisions over where in Somalia the new parliament should sit.
- 2005 November** - Prime Minister Ali Mohammed Ghedi survived an assassination attempt in Mogadishu. Gunmen attack his convoy, killing six people.
- 2006 January** - At talks in Yemen, President Abdullahi Yusuf and his political rival, Speaker Sharif Hassan Sheikh Adan, agreed that parliament should meet on Somali soil but there is no mention of where the central government should be based.
- 2006 February** - Transitional parliament meets in Somalia -- in the central town of Baidoa -- for the first time since it was formed in Kenya in 2004.

Source [8i]

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Reliefweb

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

Date accessed 24 April 2006.

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ANNEX C: Somali Clan Structure

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

For more detailed information on the Somali clan structure, refer to the 'Genealogical table of Somali clans' at Annex 3 of the JFFMR December 2000. See also Section 6B Somali clans. [7a] (p80-87)

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ANNEX D: Main Minority Groups

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

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

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

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

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

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

Minority group: **ASHRAF**
 Ethnic origin: Arab immigrants from Saudi Arabia
 Est. pop: 0.5%
 Location: Merka, Brava, Bay and Bakool
 Language: Mainly May, some Mahatiri

Religion: Islam
Clan affiliation: Rahanweyn
Traditional skill: Farmers and Pastoralists

See also Section 6B Minority groups.
[26b] (p11-12)

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ANNEX E: Political Organisations

Islamic Union Party (al-Ittihad al-Islam)

Islamist group aims to unite ethnic Somalis from Somalia, Ethiopia, Kenya and Djibouti in an Islamic state. Despite being virtually decimated following Ethiopian attacks, the group has been perceived as attempting to spread fundamentalism and was subject to international attention following the terrorist attacks in the US in September 2001. The group has in fact dropped its radical agenda and poses no terrorist threat. [17a] (p10) [1a] (Political Organizations)

DSA (Digil Salvation Army)

Clan-based group created in 1999 and allied to Mr Aideed in fighting the RRA in the Shabeellaha Hoose region. [17a] (p10)

JVA (Juba Valley Alliance)

Grouping of Ogaden, Marehan and Abar Gedir clans. Placed their territory under the control of the TNA in May 2002. Founded 2003, and its President is Bare Adan Shire. [17a] (p10) [1a] (Political Organizations)

RRA (Rahawayn Resistance Army)

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

RSA (Rahawayn Salvation Army)

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

SDM (Somali Democratic Movement)

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

SNA (Somali National Alliance)

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

SNF (Somali National Front)

Marehan/Darod group based in the Gedo region. [17a] (p11)

SNSC (Somali National Salvation Council)

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

SPM (Somali Patriotic Movement)

Darod group formed in 1989 to oppose the Siad Barre regime. Ousted from Kismayu, its base since 1993, in June 1999. Represents Ogadenis (of the Darod clan) in southern Somalia; this faction of the SPM has allied with the SNF in opposing the SNA. Its Chairman is Gen. Aden Abdullahi Noor ('Gabio'). [17a] (p11) [1a] (Political Organizations)

SPA (Somali Peace Alliance)

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

SRRC (Somali Reconciliation and Restoration Council)

Alliance of factions created to oppose the TNA in March 2001 at Awasa, Ethiopia. [17a] (p11)

SSA (Somali Salvation Alliance)

Ali Mahdi Mohamed's Abgal/Hawiye political grouping, a splinter group of the USC. [17a] (p11)

SSDF (Somali Salvation Democratic Front)

Originally a Majerteen-Darod resistance group formed in 1978 to operate against the Siad Barre regime in the north-east. It is now the political organisation behind the self-proclaimed Puntland administration. Founded 1981, as the Democratic Front for the Salvation of Somalia (DFSS), as a coalition of the Somali Salvation Front, the Somali Workers' Party and the Democratic Front for the Liberation of Somalia. Operates in central Somalia, although a smaller group has opposed the SNA around Kismayu in alliance with the SNF. Chairman is Mohamed Abshir Monsa. [17a] (p11) [1a] (Political Organizations)

USC (United Somali Congress)

Founded 1989; in central Somalia. Overthrew Siad Barre in January 1991; Party split in 1991, with this faction dominated by the Abgal sub-clan of the Hawiye clan, Somalia's largest ethnic group. The USC is led by Abdullahi Ma'alim, and its Secretary General is Musa Nur Amin. Initially included the Aideed faction, it is now more commonly allied with the SSA or the SNA. [17a] (p11) [1a] (Political Organizations)

USP (United Somali Party)

North-eastern group involved in the creation of Puntland. [17a] (p11)

SAMO (Somali African Muki Organisation)

represents Bantu minority population member of SSA. The leader is Mowlid Ma'ane, also part of the G8 at the Nairobi peace talks. [10e]

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ANNEX F: Prominent People

ADEN Col. Barre “Hiirale”

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

AFRAH Mohamed Qanyare

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

AHMED Abdullahi Yussuf

Interim President in the Federal Transitional Parliament (FTP). Mr Abdullahi is a former Somali Salvation Democratic Front (SSDF) leader and a former President of Puntland. [17a] (p8)

AIDEED Hussein Mohamed

Son of General Mohamed Farah Aideed. Mr Aideed is Minister of Internal Affairs in the cabinet of Mr Ghedi. A member of the SRRC, his USC/SNA forces control much of south Mogadishu and large tracts of southern Somalia. [17a] (p8)

ALI Abdirahman Mohamed

A former general in the Somali army, appointed as Defence Minister in the cabinet of Mr Ghedi. [17a] (p8)

FARAH Hassan Abshir

A former Prime Minister of the TNA and former Interior Minister of Puntland. [17a] (p8)

GHEDI Ali Mohamed

Interim Prime Minister in the FTP. Mr Ghedi has taught at Mogadishu University and worked for the AU. He has no formal links to armed groups. [17a] (p8)

HASSAN Abdiqassim Salad

Former president of the transitional national Government. He handed over to Abdullahi Yusuf and went back to Mogadishu. He is from the Habar Gedir sub-clan of the Hawiye clan. [10j]

HASSAN Abdikassim Salat

Former interim President in the Transitional National Assembly (TNA). Mr Hassan has close ties with the Islamic courts and the business community in Mogadishu. [17a] (p8)

HIRSI Gen. Ade Muse

President of the self-declared autonomous region of Puntland. Lived in exile in Canada but returned to Somalia in 2001 to lead opposition forces against Abdullahi Yusuf, then leader of Puntland, until 2003 when they signed a peace deal. He is from the Majeerteen subclan of the Darod clan. [10j]

HIRSI Gen. Muhammad Said “Morgan”

Siad Barre's son-in-law and former Defence Minister who currently holds no position in the TFG. He controlled Kismayo until his forces were defeated by forces led by Hiirale

and Serar in 1999. He is a member of the Majeerteen sub-clan of the Darod clan. A member of the SRRC. [10j] [17a] (p9)

IBROW Salim Aliow

Finance Minister in the cabinet of Mr Ghedi. [17a] (p9)

ISMALI Abdullahi Sheik

Foreign Minister in Mr Ghedi's cabinet. A former diplomat. [17a] (p8)

KAHIN Dahir Riyale

President of the self-styled Somaliland Republic. Relatively new to politics, before being appointed Vice-President in 1997 his only experience of public administration was a 15-year stint as a secret police officer under the Siad Barre regime. [17a] (p8)

MOHAMED Ali Mahdi

Interim President after the fall of General Siad Barre; former leader of the United Somali Congress (USC)/Somali Salvation Alliance (SSA); current level of influence unclear but still considered a Mogadishu faction leader. [17a] (p8)

OSMAN Ali Hassan "Ato"

Construction Minister in the cabinet of Mr Ghedi. A former chief financier of General Aideed, his United Somali Congress (USC)/Somali National Alliance (SNA) forces control parts of south Mogadishu. He also belongs to the SRRC. [17a] (p8)

QALINLEH Mohamed Ali Aden

Former RRA spokesman. Appointed Governor of the RRA administration in the Bay region in 1999. [17a] (p9)

SHATIGUDUD Mohamed Nur

President of south-western Somalia. One of five co-chairmen of the SRRC, and Agriculture Minister in Mr Ghedi's cabinet. [17a] (p9)

SILANYO Ahmed Mohamed Mohamoud

Presidential candidate for the Kulmiye party in the Somaliland elections. A former chairman of the Somali National Movement (SNM). [17a] (p8)

YALAHOW Musa Sude

A Mogadishu faction leader initially allied to Mr Aideed. [17a] (p9)

YUSAF Mohamed Abdi

A former Prime Minister of the TNA. [17a] (p9)

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ANNEX G: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EBRD	European Bank for Reconstruction and Development
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
FTP	Federal Transitional Parliament
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organization of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TFA	Transitional Federal Assembly
TFG	Transitional Federal Government
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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ANNEX H: List of Source Material

The Home Office is not responsible for the content of external websites.

Numbering of the source documents below is not always consecutive because some older sources have been removed in the course of updating this document.

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