

Report
Security and human rights conditions in southern Somalia



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1. INTRODUCTION

This report is based on information collected during a visit to Nairobi, Kenya, in the period 21-29 March 2007. The delegation consisted of representatives from LandInfo and the Norwegian Immigration Appeals Board. Their fact-finding trip was a follow-up to a similar trip in the autumn of 2005. The purpose was to collect information on security and human rights conditions in southern Somalia to be used by the Norwegian Directorate of Immigration and the Norwegian Immigration Appeals Board in their consideration of asylum and residency cases.

Because of the security situation in Mogadishu at the time of the trip, it was impossible for the delegation to travel to that city.

To obtain the most comprehensive information on subjects of interest, the delegation had meetings with representatives of local Somali organizations as well as other knowledgeable Somalis, representatives of Somalia's Transitional Federal Government (TFG), international non-governmental organizations (NGOs) and a variety of United Nations organizations.

The information that the delegation received from its different interview partners cannot be considered fully comprehensive, but it reflects the main aspects of the situation as assessed by those interview partners. Their varying points of view, levels of competence and agendas may explain why certain information and assessments presented to the delegation appear at times to conflict.

This report is organized by subject matter. In the case of information agreed upon by numerous sources, the subject matter is presented here in summarized form. Otherwise, information is attributed to the particular source that provided it.

All interview partners were informed that the information they provided would be published in a public report. Most of them consented to publication of the information, but many did not want to be quoted by name or position. By agreement with them, this report will refer to them in anonymous form, either as a local source/organization or an international organization. Certain interview partners have also been left out of the reference list in order to avoid possible recognition.

Some chapters also contain references to other source material and information from reports or documents the delegation received from international organizations during the visit. Several important events that occurred after the fact-finding trip was over have been described in the report because of their relevance to the issues at hand.

The end of the report includes an overview of the delegation's interview partners.

The report contains no asylum-related legal opinions, conclusions or recommendations by LandInfo.

2. SECURITY SITUATION IN SOUTHERN SOMALIA

2.1 BACKGROUND¹

The Somali reconciliation conference held in Mogadishu in July/August 2007 produced a variety of resolutions. According to independent observers, however, those resolutions have not put a damper on insurgency activities in the capital.

The situation in Mogadishu remains unstable, tense and unpredictable, with roadside bomb explosions, random killings and daily grenade attacks against Ethiopian soldiers and government soldiers. Just hours before the closing ceremony of the reconciliation conference, insurgents attacked three police stations in Mogadishu.

Clashes in Mogadishu have been erupting since December 2006, when the Union of Islamic Courts (UIC)² was driven out by forces of the Somali Transitional Federal Government (TFG) backed by several thousand Ethiopian soldiers.

On 8 January 2007, President Abdullahi Yusuf arrived in Mogadishu for the first time since assuming the presidency in the fall of 2004, and on 13 January the parliament decided that a three-month curfew should be imposed in the capital. On 20 February the United Nations Security Council approved the African peacekeeping force AMISOM, and at the beginning of March the first 400 Ugandan soldiers arrived in Mogadishu. On 23 January Ethiopia withdrew a small group of soldiers from Mogadishu, and in the middle of March AMISOM took control of the international airport at Mogadishu.

A few days later the parliament decided that the government should move from Baidoa to Mogadishu. Violent battles broke out in Mogadishu at the end of March when government forces backed by Ethiopian soldiers went on the offensive against rebels based in the northern parts of the city.

According to observers, the battles were the worst in 15 years. Ethiopian forces employed helicopters, artillery and missile attacks against areas assumed to be insurgent positions. At the beginning of April the Ethiopian forces and the Hawiye clan agreed to a cease-fire.

More than 1,000 people lost their lives in the fighting and more than 4,000 were injured. Many of those killed were civilians, and it became clear during the battles that the insurgents had not been put out of action.

¹ General information presented here, unless otherwise noted in the text, comes from the Economist Intelligence Unit, Country Report, Somalia, May 2007 (commercial service).

² The Union of Islamic Courts, which changed its name to the Council of the Islamic Courts (CIC), was a loose collection of moderate and more extreme Muslim groups. The radical wing was relatively small, but played an important role in the battle against the warlords in Mogadishu during the spring and summer of 2006. Some members and leaders belonged to the former al-Ittihad al-Islamia, which has been linked to al-Qaeda. From June 2006 onward, the movement controlled Mogadishu and a majority of southern Somalia.

Resistance came not only from former members of the Union of Islamic Courts but from other groups within the Hawiye clan, including the Ayr, Duduble and Murusade.

Despite the cease-fire, fierce new battles broke out in the middle of April, and thousands of people fled the capital.³

More than 200 people were killed in these battles, and most of them were civilians. On 28 April the government declared that the insurgency had been defeated in Mogadishu, and for the first time since the AMISOM force came to Mogadishu the Ugandan soldiers were able to patrol some parts of the city.

The national reconciliation conference originally scheduled for April was postponed several times because of the difficult security situation, and parts of the Hawiye clan made it known they would not participate in the conference. The mayor of Mogadishu, Mohammed Omar Habeeb "Dheere", blamed the Hawiye clan's elder-representatives for the violent actions and launched an offensive at the beginning of June to pacify the capital. A large number of police officers and soldiers were deployed in a major house-to-house hunt for weapons and insurgents.

According to SomaliNet (8 July), many business people and ordinary inhabitants in and around the Bakara market were arrested. Haji Iman Omar,⁴ leader of the Hawiye Elders' Committee, was also arrested.

Several hundred young Somalis were arrested at Mogadishu's largest mosque, Al-Hidaya, and Dheere claimed Islamic insurgents had trained the boys to become suicide bombers.

Haji Iman Omar, who previously had refused to participate in the reconciliation conference, said at a press conference that he had changed his mind (Shabelle News, 8 June).

Although the parliament decided in March to move from Baidoa to Mogadishu, the security situation in the capital has prevented the move from actually taking place.

³ According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than 400,000 people fled Mogadishu between February and June of 2007. About 109,000 made their way to Galgadud, about 68,000 to Lower Shebelle, 43,000 to Middle Shebelle, 38,000 to Mudug, 25,000 to Bay, 24,000 to Hiraan and 14,000 to other regions (figures as of May 2007).

⁴ Omar belongs to the Abgaal branch of the Hawiye clan.

At the beginning of April, Sheikh Sharif Sheikh Ahmed, leader of the Union of Islamic Courts (UIC), engaged in talks with Eritrean President Issaias Afewerki in Asmara, Eritrea. This meeting also led to talks between Sheikh Sharif and the former speaker of Somalia's Transitional Federal Parliament (TFP), Sharif Hassan Sheikh Aden,⁵ as well as the former interior minister of the transitional government, Hussein Mohamed Aideed. In a communiqué, the group demanded the immediate withdrawal of Ethiopian forces from Somalia and also criticized the roles of AMISOM and the United States in Somalia.⁶

Several hundred civilians have been killed in southern Somalia in a variety of incidents since January 2007. Numerous government and Ethiopian soldiers have also been killed, either in clashes with rebels or as a result of grenade and bomb attacks. The districts of Yaqshiid, Heliwa (Huruwa) and Wardingley in northern Mogadishu have been particularly hard hit by battles and by official actions to root out insurgents.

A well-informed international source (I) expressed the view that the AMISOM force in Mogadishu had not contributed to any improvement in the security situation. (I) believed there is little chance this force will be able to bring peace even after it reaches its full complement.⁷ In 1993-94 UNOSOM⁸ had more than 20,000 soldiers in Mogadishu and Somalia at large without managing to stabilize the situation.

Several lives are lost every week to strikes targeting people associated with TFG administration as well as the police and the army. Many people have also been killed in clan conflicts like those between the Marehan and Mejerdeen on the outskirts of Kismayo in April/May.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported in June that the security situation in Mogadishu has complicated humanitarian efforts in other parts of the country.⁹

⁵ Sharif Hassan Sheikh Aden lost his position as speaker in April, when he (and 31 other members of parliament) did not fulfil a requirement to meet in the parliament. Sheik Aden "Madobe" was elected the new speaker of parliament on 31 January. He is a former minister, and like many Somali politicians was once a warlord. He belongs to the Rahanweyn clan's Hadame subgroup, and served first vice-chairman of the Rahanweyn Resistance Army (RRA).

⁶ On 6 September the opposition opened a conference in Asmara, Eritrea, in response to the reconciliation conference in Mogadishu. Among the almost 400 participants representing the opposition and the Diaspora were also Sharif Hassan Sheikh Aden, the former speaker of the parliament; former Interior Minister Hussein Aideed; and former UIC leader Sheikh Hassan Dahir Aweys. On 12 September the news media reported that the opposition leaders had formed a new opposition alliance called "Alliance for the Liberation of Somalia".

⁷ As of August 2007 there were 1,700 Ugandans soldiers stationed in Mogadishu. According to plan, the size of the force will rise to 8,000 soldiers in all.

⁸ UNOSOM: United Nations Operations in Somalia. UNOSOM I was active in 1992. A new force, UNOSOM II, was established in 1993. The operations were ended in March 1995. At the point of greatest deployment, almost 30,000 soldiers were stationed in southern Somalia.

⁹ Humanitarian Situation in Somalia, Monthly Analysis, June 2007.

Roadblocks in large numbers have hindered access to the southern and central areas of Somalia, while nightly curfews in Mogadishu and Kismayo have slowed the unloading of cargo at the ports. According to OCHA representative Phillippe Lazzarini, Somalia is one of the three most dangerous places in the world for UN operations and UN personnel. He added, however, that the situation for the Somali population is not directly comparable. The situation in Somalia is highly complex, he said, and must be evaluated in light of the absence of any functioning authority that can maintain security for the population.

All of the delegation's interview partners noted that the security situation in southern Somalia changes rapidly, and has grown more complex in the wake of the TFG's assumption of power in Mogadishu. Conflicts are no longer purely local in nature, but often parallel the larger political fault lines. Several interview partners also emphasized that seemingly stable and peaceful areas can change character rapidly as a result of nearby conflicts.

One international source (E) agreed with several other interview partners who said that the security situation is worse than it was in 2005/2006. The period when the UIC controlled Mogadishu and large parts of southern Somalia was described as noteworthy for the relatively positive security situation. (E) based his assessment in part on the increasing vulnerability of average households to banditry. He also said many rapes and robberies occur at roadblocks in Belet Weyn in the Hiraan region as well as in Nedre Shebelle and Mogadishu.

Mobile roadblocks set up by various militia groups produce a sense of insecurity and unpredictability among the population, particularly in the Juba regions, according to (E).

Government forces are trying to control the roadblocks, but for clan militias, roadblocks are the only source of income. Another international source (A) confirmed that the information about mobile roadblocks was accurate in a number of places, including the roads connecting Mogadishu with the cities of Merka and Jowhar.

Christian Balslev-Olesen, a representative of the United Nations Children's Fund (UNICEF), echoed the delegation's other interview partners when he insisted that developments in Mogadishu affect conditions in other parts of the country. Balslev-Olesen said southern Somalia may be divided into three geographic zones for purposes of evaluating security. Hiraan and Bay/Bakool must be considered relatively peaceful, while the Juba regions and Gedo are unchanged in comparison with 2005/2006 and the situation in Benadir (including Mogadishu) and the Shebelle regions is unstable. Balslev-Olesen also said that the situation in relatively stable areas can quickly change for the worse. This assessment was shared by most of the delegation's interview partners, who also gave the opinion that instability in southern Somalia will probably continue through the transition period, which extends until 2009.

2.1.1 Mogadishu

The situation in the capital is still marked by daily hand-grenade attacks and roadside bombs directed at Ethiopian soldiers and the Somali government forces. Sniper killings are also widespread. The targeted attacks affect high-profile individuals, including human rights activists, people who cooperate with the TFG, district administrators and members of vigilante groups.¹⁰

One of Mogadishu's four vice mayors has been the subject of a murder attempt, and in August 2007 a prominent Hawiye elder-representative was killed by unknown assailants in Mogadishu.

The violence increased in June 2007. Many residents had trouble getting to work and school when parts of Mogadishu were closed off in connection with house-to-house searches carried out by the authorities in a hunt for insurgents. To calm the situation, on 19 June the government declared amnesty for former members of the UIC, with an exception for those seen as having links to international terrorist organizations. On 22 June, a curfew was introduced between the hours of 7 p.m. and 6 a.m.

Despite those measures the UN reports an increase in the number of grenade blasts killing or wounding women and children.

On 26 June, five women were killed in the vicinity of the Bakara market, and on 6 July five children were killed when a package they were playing with exploded. During a six-day period in August, more than 20 grenades exploded in city districts, and four sniper killings were reported. The grenade explosions were responsible for the deaths of four people and injury to 30 more. Several of the injured were civilians. On 7 and 8 July, all business activity at the Bakara markets was shut down for the first time in 17 years while TFG forces conducted searches for weapons. At the beginning of August a new series of building searches was conducted in the Heliwa (Huruwa) district in northern Mogadishu, and according to web media in Somalia (Shabelle.net, 7 August 2007) more than 100 people were arrested.

According to the United Nations, reports also suggest that several hundred people have been arrested since the curfew was imposed. Those arrested are denied visits from their families and from independent observers. Neither the International Committee of the Red Cross (ICRC) nor other organizations have access to jails in southern Somalia.

¹⁰ Vigilante groups (*madani*) were formed in several Mogadishu districts as early as the late 1990s in the so-called Black Sea area. They were originally organized by local business people who needed to protect their interests against criminal elements, and by freelance militias from other city districts. Most vigilante groups, however, were established in mid-2003 after a media campaign launched by a variety of local volunteer organizations (La Sage 2005: 49-50).

The fighting in Mogadishu has mainly affected the northern districts of Yaqshiid, Wardingley and Heliwa (Huruwa). Many buildings and homes have been destroyed, and widespread destruction is visible around the Bakara and Gupta marketplaces. The Arafat Hospital in Yaqshiid has been severely damaged, and is out of service. The large number of dead and wounded has put great stress on the hospitals and clinics still in operation. According to Doctors without Borders/Médecins Sans Frontières, only 250 hospital beds are now available in Mogadishu, compared with almost 800 in January 2007. Nearly 75 percent of health personnel at these hospitals have left the city (MSF, 20 August 2007).

A Somali source (A) said Mogadishu's inhabitants have been under great strain, and that all of them risked being random victims of grenade attacks. Another Somali source (D) noted that the capital is rife with rumours that heighten the fears of the population. At the same time, inhabitants are accorded the full freedom of motion; there are no more roadblocks in the city, and no one (apart from the police and soldiers) carries weapons in the streets.

The airport is open and traffic flows normally between the airport and the city. But security on roads leading out of the city is poorer than before, primarily as a result of criminal activity, which is said to have increased by 30 percent on these stretches of road. Some of the people who fled Mogadishu were attacked and robbed while on the move. The same danger faces those who now return to the city.

Many people have lost their homes, and periodically the inhabitants have had trouble gaining access to food and water. Telecommunications, on the other hand, have generally functioned as normal, as have the systems for transferring money from abroad. Some schools have reopened and others are in the process of opening. People with a regular supply of money from abroad have by and large managed without undue difficulty, while internal refugees in particular have had a hard time because regular income-providing activities have been out of order for long periods.

The crime rate is said to have declined, but it remains higher than before the fighting began (and certainly higher than it was under the UIC). The civilian population is vulnerable to random criminal acts. While acknowledging the difficulty of gaining an objective overview of criminality in the capital, a Somali source (A) said there seemed to be relatively little crime despite a practically non-existent court system. Kidnappings are thought to be rare.

According to (A) and other interview partners, neither sharia courts nor secular courts are functioning. Another Somali source (D) pointed out that the mechanisms needed to fight crime are simply not present. This source confirmed the view that criminal activity is relatively low, and that there are no functioning sharia courts. There may be a couple of ordinary courts, but by and large justice is administered through the traditional Somali legal system.

On the streets of Mogadishu today, security is provided by Somali police in conjunction with Ethiopian forces, and the police are stationed in all districts of the city.

In July 2007, the authorities in Mogadishu publicly executed two men who had been convicted of killing two security agents. According to the OCHA, it was the first execution conducted since the transitional authorities seized control in Mogadishu.

A Somali source (D) explained that administrative organizations have been established in all districts of the city. Their only sources of revenue are the harbour and the international airport, from which they receive 15 percent of tax proceeds. Their ability to perform services on behalf of city residents is therefore limited. Taxes are also collected on goods that enter the city through roadblocks on the two main inbound arteries controlled by the TFG.

District administrative bodies are also responsible for organizing local vigilante groups. Every house pays 1,000 Somali shillings per day to these armed groups, which patrol neighbourhoods after dark. Their purpose is to protect the inhabitants against criminal activity. (D) said some members of these guardian groups have been killed by rebels in southern Mogadishu's Black Sea area and other areas.

According to the UN, more than 400,000 people have fled Mogadishu since February 2007, and the UN High Commissioner for Refugees' Population Movement Tracking (PMT) system has identified three waves of refugees with ties to Mogadishu in the course of the year.¹¹

The first wave consisted of about 400,000 people who left Mogadishu between February and May 2007. Most of them travelled to the Shebelle regions, Galgadud and Mudug. The second wave, numbering about 125,000 people, went back to Mogadishu from the Shebelle regions between April and June, and the third wave consists of the approximately 50,000 people who have left Mogadishu since June 2007. Lower Shebelle is the destination for nearly half of that third wave.

Since the beginning of August, the PMT has also reported that the more than 1,000 internal refugees have made their way back to Mogadishu, primarily from Galgadud, Mudug and Lower Shebelle.

According to OCHA, the reason relatively few people return to the capital is threefold: some have too little money for the journey, some fear the security situation, and some no longer have a home to return to. More than 6,000 people who have sought shelter in public buildings have been evicted by the public authorities, according to the UN.¹²

2.1.2 Shebelle regions

2.1.2.1 Lower Shebelle

¹¹ Office for the Coordination of Humanitarian Affairs (OCHA) – Somalia, Situation Report #50 – 24 August 2007.

¹² Office for the Coordination of Humanitarian Affairs (OCHA) – Somalia, Situation Report #51 – 31 August 2007.

A Somali source (D) said that the Lower Shebelle region is completely without administration, and that the Haber Gedir Ayr militia continues to control it. Another Somali source (A) confirmed that portrayal and added that the TFG had appointed representatives of the local clans to help administer the city of Afgoye, which thereby was able to govern itself for the first time in 16 years. The former militia leader Yussuf Siad “Indha Adde” left the district when the UIC lost control in December 2006. In the absence of a strong leader, local residents have challenged the Ayr clan, and there have been clashes between the Garre and Ayr clans. Members of the Ayr have held a lower profile than they used to, partly because of the periodic presence of TFG soldiers and Ethiopian forces.

The Somali source (A) also explained that Brava, unlike Qoryoley, is not under the control of local inhabitants. In Qoryoley the Garre and Galyal clans are in charge. In the view of (A) and other sources, the security situation in most of the region is unstable, and mobile roadblocks heighten the sense of insecurity felt by the local population. UN spokespersons said widespread banditry has plagued the region, especially outside Merka, and that the road from Merka to Mogadishu was thought to be unsafe because of roadblocks.

2.1.2.2 Middle Shebelle

The situation in this region, which was one of the most stable areas in southern Somalia even before the UIC took control in the summer of 2006, is now unstable, according to all interview partners. An international source (I) said no one controls the area around the regional capital, Jowhar, but that the city itself is controlled by men loyal to the former warlord and governor, Mohammed “Dheere”.¹³

Large parts of the region outside of Jowhar are plagued by banditry, but the militia leader who controls the city proper can send members of his force out into the surrounding area to deal with conflicts. According to international sources, the total number of security-related incidents has not changed significantly since 2005/2006, but the absence of functioning authority at the local level complicates the work of UN and other organizations.

2.1.3 Bay and Bakool

A well-informed international organization (I) reported that the situation in Bay and Bakool was stable, but according to the UN, curfews were introduced on 17 June 2007 in Baidoa, in the Bay region, after six people were killed and several others were injured in three hand-grenade attacks. The summer of 2007 also saw attacks on international aid organizations in both Bay and Bakool. At the beginning of August at least 12 people were killed in connection with clan violence in the Bay region’s Bur Hakaba area. The clashes stemmed from disagreements over access to grazing areas and water (Shabelle.net, 7 August 2007).

¹³ Mohammed “Dheere” was appointed mayor of Mogadishu in July 2007.

2.1.4 Hiraan

A Somali source (D) reported that the TFG has appointed an administrative body in the Hiraan region in which all local clans are represented. This administrative body is said to have control over the region, and the situation is seen as peaceful. This information was confirmed by the delegation's other interview partners. A Somali source (A) and an international organization (I), however, said it was difficult to form a comprehensive overview of the situation because too little information was available about conditions in areas of the Mudug region between the regional capital Beled Weyne and Galgayo.

2.1.5 Mudug and Galgadud

Interpeace (the International Peacebuilding Alliance, formerly the War-torn Societies Project, or WSP) brought the delegation up to date on conflicts between the Saad and Suleiman groups within the Hawiye Haber Gedir clan. There have been hostilities between these sub-clans for more than 10 years, and some points of conflict go back nearly 50 years. In 2005 the situation deteriorated, and about 200 people were killed in several clashes. Many of those killed were civilians, and the destruction was widespread. The drought of 2005 exacerbated the problems, with talks between the parties over water and grazing rights breaking down. The conflict also prevented travel between south and north, affecting both food prices and food availability.

On 21 January 2006 the Mogadishu-based political leadership of the two conflicting parties agreed to a cease-fire in Mudug and Galgadud. In February 2006 a number of meetings were held in Galkayo under the aegis the TFG, which, in concert with key political leaders and administrators in Puntland, proposed a peace plan for Mudug and Galgadud. On 27 February 2007 the parties signed a peace agreement that may contain a lasting solution.

An international organization (L) explained that a large number of Hawiye clans and sub-clans live in southern Mudug, and that poor communication generates distrust and suspicion between them. It is important, therefore, to try to get the parties communicating, but the geographic distances between them are relatively large and the infrastructure and transport options are poor. A Somali source (B) informed the delegation that conflict-resolution traditions in Mudug and Galgadud are stronger than in many other areas, and that reconciliation and peace processes facilitated by the international organization Interpeace have made important contributions to the settlement of disputes there.

A well-informed international organization (H) said tensions were high in Galkayo, where two or three killings are committed each month. (H) added, however, that the violence has declined – not because of increasing respect for the law, but because violence and conflict have come to be seen as harmful to local business. At the same time, freedom of movement in the general population has become more restricted as a result of the presence of armed bandits, and (H) pointed out that the potential for conflict remains alive even in areas where there has been no fighting in several years.

(H) also said that 12,000 to 14,000 internal refugees occupy valuable land on the so-called "green line" in Galkayo.¹⁴ Landowners want to remove them from these areas, and conflicts often erupt between local residents and the refugees.

2.1.6 Gedo

A Somali source (B) said the situation in the southern portion of Gedo is relatively calm, but that the absence of officials and institutions able to preserve security is a major problem nonetheless. An international source (I) confirmed this state of affairs, but another international source (A) said that open clan conflict does occur in Gedo and that latent intra-Marehan conflicts exist as well, particularly in the northern parts of the region.¹⁵

2.1.7 Juba regions

A Somali source (D) informed the delegation that the Marehan/Haber Gedir-dominated Juba Valley Alliance (JVA) movement, which controlled Kismayo from 1999 through September 2006,¹⁶ is no longer functioning. (D) explained that the TFG appointed an administration that was dominated by the Harti and Absame/Ogaden clans but that was also representative of the Hawiye clan's Galjeel people. Another Somali source (A) confirmed that the TFG-appointed administration was in charge of Kismayo. In March, however, the 2,000 Ethiopian soldiers who had controlled the city were withdrawn, and according to IRIN News (24 April 2007) violent clashes erupted between Majerteen and Marehan militias as part of a power struggle between the two clans, both of which were represented in the city administration. The Marehan militia pushed the Majerteen forces out of the city, and on 23 April, 12 people were killed and nine injured in clan strife.¹⁷ Fierce new clashes broke out on 22 June between the Marehan and the Galjeel, with 52 people killed and many more injured.

¹⁴ Galkayo is divided between the Haber Gedir Saad of the Hawiye clan and the Majerteen of the Darood clan. It marks the division between Puntland and southern central Somalia.

¹⁵ Intra-clan conflicts between the Rer Ahmed and Rer Hassan groups of the Darood Marehan clan and between the Hawrsame and Eli Dheere over the border city of Belet Hawa were settled in late 2004 and early 2005, but new conflicts between the Marehan and the Hawiye Garre over control of El Waq in April and June of 2005 led to violent clashes in which many people on both sides were killed. El Waq was originally a Garre-dominated city, but Marehan clans have gradually pushed the Garre clan out of the city and taken control. The conflict between the two began as a traditional dispute related to control over resources, but it developed into a larger political conflict.

¹⁶ The UIC took over the strategically important port city of Kismayo without combat at the end of September 2006.

¹⁷

The most recent strife grew out of differences over grazing areas; more than 13,000 people fled as a result of the conflict. To reduce tensions a curfew was imposed in Kismayo. But on 27 June in Bardere, in the Gedo region, an attempt was made to assassinate the head of the JVA, Abdikader Adan Shire (Barre Hiraale), who has clan links to Kismayo. At the end of June an additional 2,000 people fled the area as a result of conflicts between the Marehan and the Majerteen in and around Kismayo.

A Somali source (B) explained that the situation in the northern reaches of Middle Juba was relatively calm, but that the absence of any public authority capable of preserving security is a significant problem.

A well-informed international source (H) informed the delegation that over several months there had been many killings in the Marere area of Lower Juba, and that 40 to 50 people per month had been brought to the local hospital for treatment of gunshot and knife wounds.

According to (H) there is reason to believe that many additional people have been injured but have failed to seek medical help at the hospital as a result of practical barriers or fear of being exposed.

3. LEGAL PRACTICE AND CONFLICT RESOLUTION

The ordinary structures of state are practically non-existent in southern Somalia. The United Nations Security Council's April 2007 report on the situation in Somalia (UN Security Council, April 2007) points out that transitional institutions, including the court system, are weak, and that the transitional authorities have limited means of safeguarding people's rights.

Somali jurisprudence is manifest in three principle ways: 1) traditional or customary law practiced through elder councils/clan leaders, 2) Islamic law practiced through sharia courts, and 3) secular law through an ordinary court system.¹⁸ According to the delegation's interview partners, traditional or customary law is the most prevalent legal system in today's Somalia.¹⁹

¹⁸ The ordinary court system was destroyed during the civil war, and is still practically non-existent in southern Somalia.

¹⁹ The most fundamental unit of the clan system is the diya group (the blood compensation group, or *mag* in Somali). A diya group consists of the male members of one or more family lines that have common forefathers four to eight generations back; they are collectively responsible for the actions of their members. A diya group is large enough to be able to pay compensation; it is between diya groups that traditional law is practiced and agreements (*xeer*) are made. Members of a diya group are obligated to support one another in the political and legal arrangements spelled out in the *xeer* agreements (Gundel 2006). Membership in a diya group is therefore of decisive importance to an individual's protection, daily survival and legal rights. *Xeer* agreements are the most important element sealing alliances between clans in Somalia. They are the glue that holds society together. They are contracted, however, only between Somali clans; minority groups normally live outside *xeer* and the diya system. While clan identity of any kind is important, it also matters which clan one belongs to and the degree to which that clan is able to provide protection. In order to provide effective protective, a clan or sub-clan must have political/military control over a geographic area.

In their role as enforcers of law and order within and between clans, traditional leaders have come under sustained pressure from Somalia's long-lasting environment of conflict, rapid socioeconomic change and the absence of law and order (Gundel 2006). Likewise, traditional mechanisms and structures face major challenges in southern Somalia (Gundel 2006:28):

“The traditional structures in South Central Somalia are different and more composite, fragmented, weakened and confused than in the North, for a range of reasons: First of all, as mentioned in the introduction to section 2.1, the ethnic composition of people are very different due to a heterogeneous mix of sedentary agriculturalist, agro-pastoralist, old urbanised cultures along the coastline and pastoralist people - all with differing cultural heritage and traditional structures. Secondly, the history including the colonial experience is different and with that a diverse historical social construction of the traditional structures. Finally, the dynamics of the civil war in the South differed as well, resulting in an equally different impact on the traditional structures.”

Some observers have insisted that after many years of conflict the traditional legal and conflict-resolution mechanisms has stopped functioning. The delegation's interview partners, however, claimed that the system works, albeit in varying degrees. Gundel (2006) estimates that between 80 percent and 90 percent of all civil and criminal matters are resolved by resort to *xeer*.

An international source (K) informed the delegation that sharia courts still exist in Mogadishu to adjudicate civil cases, but all other legal activity takes place in the context of traditional Somali practice.

Traditional Somali law, though, may conflict with international human rights standards, while the collective responsibility underpinning diya groups removes individual responsibility for criminal actions. An international organization (B) said individuals can act with absolute impunity. Although the traditional compensation system is functional, it is based on collective rather than individual responsibility.

The UNHCR confirmed this state of affairs, but added that local circumstances, clan strength, lines of conflict, gender and other variables play important roles in how the system functions. A well-informed international source (B) also noted that traditional conflict and compensation mechanisms are dependent on a certain degree of stability.

Traditional law presupposes that a group is capable of paying compensation and that rights and security must be defended, by force if necessary (Gundel 2006). Because no impartial mechanisms are available to force a militarily strong clan to abide by decisions favouring a weaker adversary, Somali minority groups and weak clans often suffer discrimination (Gundel 2006).

Oxfam NOVIB (Nederlandse Organisatie voor Internationale Ontwikkelingssamenwerking) informed the delegation that people who commit violence against women generally face no prospect of punishment. For one thing, traditional law does not focus on the victim, and for another, women's rights are not protected by the compensation system in the same way that men's rights are. Minority groups often find themselves excluded from this system because they live outside the clan system and thus lack the support that clan membership entails.

4. HUMAN RIGHTS CONDITIONS

4.1 MONITORING HUMAN RIGHTS

Information about the human rights situation in Somalia has been limited for many years. Relatively few local organizations and almost no international human rights organizations have been able to work in southern Somalia. The international organizations in Somalia are devoted primarily to humanitarian assistance and reconstruction, and they have monitored and reported on human rights conditions only to a limited degree. The human rights situation has not changed much, and, according to the UN, Somali human rights organizations operate under conditions marked by insecurity and fear. In March 2007 the leader of the Somali human rights organization Kisiima was killed, and the UN Security Council stated in June 2007 that it is difficult to collect detailed information about the human rights situation in southern and central Somalia because of poor security and the relatively weak status of those responsible for gathering information.

Phillippe Lazzarini, the OCHA representative, said that his organization – in cooperation with the UNHCR, other international organizations and local partners – has established a so-called Population Movement Tracking (PMT) system and a Protection Monitoring Network (PMN)²⁰ to generate a clearer overall picture of human rights violations.

This monitoring network is supported by about 50 Somali partners located in all parts of Somalia with the exception of Lower Juba and Gedo. The network is designed to monitor and document population movements and incidents that break international law. The system is not designed to document individual violations but to provide a basis for analyzing evolving tendencies.

²⁰ The PMT system started in December 2005 during the widespread drought in southern and central Somalia. The system was eventually expanded to cover population movements prompted by floods, clan conflict, armed combat and migration across national boundaries. The PMT system is closely linked with the Protection Monitoring Network (PMN).

James Nduko, human rights programme officer for Oxfam NOVIB, said his organization cooperates with 17 Somali NGOs in a joint effort to monitor and document human rights violations. The organization also focuses on local NGO training so that activists will be able both to raise public awareness about abuses and to report violations. Nduko stressed, however, that it is very difficult to monitor and document human rights abuses in Somalia. Those who do the monitoring, he said, manage only to cover the areas in which they themselves live. Moreover, the organizations that deal with such issues lack the capacity to provide physical protection to people in danger.

Oxfam NOVIB has also created a database of registered cases of abuse along with analyses of them. But only a small percentage of abuse cases are registered, Nduko said, so the monitoring is rather limited. In Bakool, for example, the organization was aware of only 16 abuse cases, of which seven in 2006 were rapes. One must assume that the real figure is far higher.

Nduko pointed out that underreporting or lack of reporting can be a particular problem in the case of minority groups, so the organization wants to include representatives of these groups in the monitoring activity.²¹

Several of the delegation's interview partners said that most members of certain Somali NGOs belong to the large Somali clans, and that clan interests are given first priority. The lack of understanding or interest for the plight of minorities and marginalized groups is not necessarily a matter of conscious discrimination, but is more likely a result of widespread attitudes within Somali society toward these groups.²² It was emphasized, however, that Somalia's major human rights organizations are credible actors.

Nduko went on to explain that there are a further 16 Nairobi-based human rights organizations monitoring the situation in Somalia. In addition, a number of organizations supported by UNICEF focus on Somali children.

A well-informed international source (H) believed that information about human rights violations in Somalia is not always sufficiently quality-controlled, and that the use of sources is often amateurish because of a reliance on local organizations with insufficient capacity.

²¹ As an example of insufficient reporting, an international organization reported that two minority group members from Hargeisa who had been staying in Nairobi were arrested upon their return without the incident being reported by the NGO that cooperated with them. When a minority group member was executed right outside the window of a Somali NGO in Mogadishu during the rule of the UIC, this too went unreported.

²² There has always been a hierarchical social system in Somalia, with occupational groups such as the Midgan, Tumul and Yibir as well as the Bantu minority holding lower social status. These groups have cultivated ties with Somali clans through so-called patron-client relationships, though without full rights. Marriage between members of such low-status groups and members of Somali clans are still not accepted socially.

Another well-informed international source (B) believed it was difficult, though not impossible, to document human rights abuses in Somalia. The main challenge is said to be the limited number of credible local partners.

4.2 OVERVIEW OF HUMAN RIGHTS SITUATION

In a report dated April 2007,²³ the UN Security Council asserts that the long-term deprivation of economic, social and cultural rights along with extensive poverty and serious violations of civil and political rights have all contributed to an alarming human rights situation in Somalia.

Civilians are exposed to capricious violence and often find themselves in the crossfire between hostile parties, especially in the southern and central parts of the country. Often, people are forced to leave their homes. Unresolved disputes over property and land rights often lead to clan conflicts, and freedom of expression comes under strain.

Discrimination against minority groups and marginalized groups continues. Other worrisome aspects of the situation include sexual abuse of women and the recruitment of children into militia groups.

The UNHCR confirmed that the human rights situation in southern Somalia is sombre. It is exacerbated by the conflict between the TFG and the rebels in Mogadishu. According to the UNHCR, even areas not directly affected by conflict experience a significant degree of insecurity. Many of the people who have fled Mogadishu have settled in areas where resources are scarce; competition for such resources often leads to conflict.

A well-informed international source (D) shared the UNHCR's assessment and expressed the opinion that the situation has worsened in the past year. (D) pointed out, however, that civil society plays an important role in Somalia and helps prevent community structures from dissolving.

The situation is tense and polarized, however, and even high-profile human rights activists have been targeted by snipers. Among numerous killings, (D) drew specific attention to that of Issa Abdi Issa, the leader of the Kismayo-based human rights organization Kisima, in March 2007. This divide-and-conquer tactic takes direct aim at the positive forces in civil society. But (D) emphasized that most of Somalia has not been affected by the conflict and unrest, though most regions do contain unstable areas. Nduko, of Oxfam NOVIB, confirmed that human rights activists are under pressure.

²³ See UN Security Council, April 2007.

Journalists, too, have been the subject of targeted attacks, and on 11 August a journalist associated with HornAfrik Radio was shot and killed in Mogadishu by unknown assailants. That same day, the founder of HornAfrik, Ali Iman Sharmarke, was killed by a remotely detonated bomb while he was returning from the funeral of a colleague. Since January 2007, six Somali journalists have been victims of terror attacks (HornAfrik Media Online, 11 August 2007).

A well-informed Somali source (B) said that neither individuals nor groups were subject to persecution by state authorities, but that abuses committed by other actors cannot be ruled out. (B) added that members of minority groups continue to be vulnerable to abuse, and indicated that the TFG, Islamic rebels, nationalists and independent militia groups all represent security threats to the population as a whole. However, the source believed that local reconciliation conferences, like the one in Mudug featuring the Saad and the Suleiman groups, have blunted antagonisms and helped cultivate rapprochement in a number of places. (B) insisted at the same time that political freedom cannot be said to exist as long as a Marehan from Abudwaq (in the Galgadud region) cannot serve as a representative on a local administrative body anywhere in the country.

According to UNICEF, every Somali risks falling victim to assault or mistreatment as a result of the lack of public control.

Oxfam NOVIB informed the delegation that the lion's share of abuses that occur in southern Somalia are criminal in nature. As an example, the organization mentioned people who receive money from relatives abroad who are then robbed or blackmailed by militias or other armed groups. Persecution on the basis of clan or a group identity is very rare, but an individual's vulnerability or security – even in legal matters – may be a function of clan or group identity.

4.3 CLAN PROTECTION

Individual security in traditional Somali society was dependent on the clan's (that is, the diya group's) ability to pay compensation and to defend itself in case of attack. This situation has changed little in modern times, and with the collapse of state institutions in 1991 the clan still represents the main social safety net for most of the Somali population. Vulnerability and protection in Somalia are therefore closely tied to clan strength. In a given area, however, weak clans or groups traditionally have been able to seek association with dominant clans and thereby secure a degree of protection. The depth of such associations may vary (Gundel 2006), and in today's Somalia the system may be sensitive to local conditions.

According to the delegation's interview partners, the concept of protection is complex, and an individual's vulnerability or opportunity to win protection and support is dependent on a number of factors. The UNHCR explained that the situation is complicated and unclear with regard to whether a person will find safety or protection in a clan's traditional home area. Conflicts over scarce resources have complicated the situation and made it unpredictable.

An international source (B) said the situation in recent years has been characterized by intra-clan conflicts, so that belonging to a dominant clan does not necessarily guarantee protection.

Another international source (E) explained that in order to gauge someone's likelihood of being protected it is necessary to know his or her (political) point of view in relation to recent developments in the area. (E) added that when refugees return to their home areas they compete for scarce resources, thereby provoking conflict at the sub-clan level much more easily than before. Such conflicts over time can lead to revenge killings.²⁴

The long-lasting conflict in southern Somalia has also weakened household economies, and many families are dependent on money transfers from relatives abroad to survive. Scarce resources and natural catastrophes such as floods and droughts limit the ability of local populations to support newcomers, even if they are part of the same clan.

A Somali source (B) claimed that no one today can be assumed to enjoy clan protection. UNICEF was less categorical in its own assessment, stating that individual factors can be decisive; but it acknowledged that clan members who return to their homes after many years away cannot automatically assume that protection and aid will be offered when needed. UNICEF also pointed out that traditional structures of clan protection in southern Somalia are far weaker than in Somaliland and Puntland, and that even in those areas the structures are fragile. According to UNICEF, there are no guarantees of clan protection, and when evaluating the safety of individuals in southern Somalia one must take into account the political interests of clans as well as business interests and international and regional interests.

Phillippe Lazzarini, of OCHA, confirmed that clan protection is more reliable in Somaliland and Puntland than in southern Somalia, but he said clan members in the south, too, can generally expect their clans to protect them. The lack of certainty does make it harder to assess an individual's likelihood of being protected. Lazzarini also emphasized that the diya system imposes duties on members. In exchange for protection one must contribute to compensation cases either by making monetary payments or participating in revenge actions. It is also expected that one will take part in actions of a political character. In the process, one risks becoming a revenge victim oneself. But anyone who refuses to participate risks being excluded from the local community. Individuals are therefore more likely to lose the protection of their clan today than in the past. Lazzarini added that internal refugees have no clan protection because they are by definition outside their native clan areas. Nor do they receive any compensation if a kinsman is injured or killed.

²⁴ *Xeer*, or traditional Somali law, assigns responsibility to an entire diya group when one or more of that group's members commit a crime. But if diya is not paid, the clan that was offended against can choose to kill the offender or some of his kinsmen (PDRC 2003:26). Revenge killings have traditionally been used to force an unwilling clan to pay compensation, and their incidence was formerly limited. But after the civil war the number of revenge killings increased sharply as a result of the many weapons in circulation among civilians and militias alike (Gundel 2006:25).

A well-informed international organization (H) informed the delegation that the traditional protection system works for members of strong clans in relatively stable areas, such as the Galkayo area. But (H) added that conditions there, too, can change in a hurry.

4.4 WOMEN

4.4.1 Rape

According to CRIN (the Child Rights Information Network, 13 August 2007), gender-based violence in Somalia mainly occurs in internal-refugee residences and camps. Because protection mechanisms work very poorly for internal refugees, offenders are able to enter the camps and commit sexual assaults against young girls and women. Rape cases do not get reported because of the shame associated with such cases, and there are few support services for victims.

UNICEF confirmed that female internal refugees seem to be more vulnerable to rape than women belonging to the dominant clan of an area, and that attackers face no risk of punishment. It is hard to quantify how many rapes occur, UNICEF said, because few women are willing to talk about rape for fear of stigmatization. According to UNICEF, most rapes occur arbitrarily, but it noted that minority women are more likely to suffer systematic abuse at roadblocks in places such as Lower Shebelle. An international source (B) confirmed the arbitrary nature of most rapes but would not exclude the possibility of more systematic rape activity, though evidence of it is lacking. (B) also confirmed that rapes are committed mainly by armed militia members who control roadblocks. (B) added that the traditional system of clan-based protection, even in peacetime, does not appear to deter rapes.²⁵ The current situation is highly fragmented, opening the way for abusive acts. A Somali source (C) said that all women were at risk of rape, but that rapes occur first and foremost when women are found outside of their neighbourhood, whether collecting firewood, fetching water or moving about for whatever reason away from home.

An international source (F) noted that women who have been raped are generally shunned; they have few rights and few options for judicial redress or assistance.

Phillippe Lazzarini, the OCHA representative, said that during the spring and summer of 2006 information related to rape cases was collected from across the country. Although the PMT system assembled data on 640 rapes, the figures were far from complete and thus not illustrative of the actual situation, according to Lazzarini.

²⁵ A rape victim's family under ordinary circumstances will demand that the rapist marry the woman or face a claim of compensation. But weak clans or minority groups have little or no political or armed influence, and it is therefore difficult for them to demand compensation. The practice of forced marriage between the woman and the rapist is based on the idea of protecting the clan's honour, and on making sure the "bride price" is not lost. Marriage also creates bonds between the clans, thereby preventing more violence.

Six months after being registered, the cases were followed up. By then, 10 percent of the rape victims had committed suicide and 20 percent had disappeared.

4.4.2 Female Genital Mutilation (FGM)

Some 80 to 90 percent of Somali women have been subjected to infibulation, which involves removing all or parts of the exterior genitalia and stitching together of the vaginal opening (WB & UNFPA 2004).²⁶ In Somalia this is not a rite of passage marking the transition from childhood to adulthood, but is instead a practice related to traditions and concepts of purity, virginity and control over unwanted sexuality. A survey conducted in the Awdal district of northwestern Somalia (Somaliland) and in the Mandera district of northeastern Kenya confirmed that genital mutilation is practiced on girls between five and eight years of age. According to a Somali NGO in Puntland (northeastern Somalia) every girl between six and eight years of age who begins school has been subjected to infibulation (WB & UNFPA 2004).

In most of Somalia the procedure is performed by traditional circumcisers called *guddaay*, but an increasing number of professional health-care workers also do the procedure. Many nurses perform a less extensive procedure in exchange for payment, and they advise parents against the use of traditional circumcisers (and against infibulation) because of the harmful effects to health (ibid.).

²⁶ In 1997 the World Health Organization (WHO) divided the various approaches to genital mutilation into four categories (I-IV). A fifth type (V), shown below, has been described by UNICEF (LandInfo 2007. *Kvinnelig kjønnslemlestelse i Vest-Afrika*).

Type I. Clitoridotomy: Splitting or removing the clitoral hood; may include partial or complete amputation of the clitoris.

Type II. Clitoridectomy: Amputation of the clitoris and complete or partial removal of the inner labia.

Type III. Infibulation: Removing parts or all of the outer genitalia and stitching together most of the vaginal opening. The remaining opening must be expanded before the woman can have sexual intercourse, and it must be re-opened altogether before childbirth. This type of mutilation is also called *pharaonic*. Re-sewing the vaginal opening after birth is called re-infibulation.

Type IV. Other types of genital mutilation: Most other forms of genital mutilation are grouped in Type IV, and may involve pricking, piercing or incising the clitoris and/or labia; stretching the clitoris and/or labia; cauterizing the clitoris and surrounding tissue with heat; scraping tissue surrounding the vaginal opening (angurya cuts) or cutting of the vagina (gishiri cuts); introducing corrosive substances or herbs into the vagina to cause bleeding or to tighten or narrow it; and any other procedure that causes damage to the genitalia.

Type V. Symbolic genital mutilation: Pricking or lightly cutting the clitoris to produce a few drops of blood for symbolic purposes rather than to create lasting damage (LandInfo 2007. *Kvinnelig kjønnslemlestelse i Vest-Afrika*).

Hibo Yassin, a regional coordinator of the Italian NGO Cooperazione per lo Sviluppo dei Paesi Emergenti (COSPE), or Cooperation for the Development of Emerging Countries, said that 98 percent of Somali girls are subjected to genital mutilation, and she explained further that the procedure is performed on girls when they are between four and seven years old. Yassin added that FGM is performed at a later age on females of the Somali Diaspora, and suggested that some of them undergo the procedure even in their 20s. Yassin said she believed, however, that there has been a move away from infibulation in favour of sunna circumcision (Type I or II, see footnote 28). Among the Bendir people, sunna is said to be the most common form, and it is performed on girls at birth. According to Yassin, the difficult economic situation of the 1990s caused a decline for a while in the number of girls being mutilated, because the celebrating that goes along with the ritual costs money. It is this celebrating that enables the local community to know which girls have undergone FGM. Those who are not circumcised experience teasing, and may have problems later in the marriage market, Yassin indicated. She added that city residents are more aware than villagers of the problems associated with genital mutilation and of the need to counter act this tradition.

Yassin said positive change is already underway with regard to FGM. She also claimed that the tradition is primarily a women's affair. The young generation of men, between 15 and 26 years of age, does not consider FGM a precondition for marriage, and according to Yassin young men generally along with whatever the women decide to do. It is therefore possible, she said, for mothers to oppose FGM.²⁷

Yassin added that regardless of a mother's opinion girls risk being genitally mutilated when their parents are away, because other family members may take advantage of the opportunity. But Yassin said she thought this does not occur if parents are open about their attitudes. Yassin also indicated that a woman does not need her husband's support in order to resist FGM being performed on her daughters. However, she said, the situation may be different for Jareer women.

4.4.2.1 Situation for anti-FGM activists

Several local organizations, including the National Committee Against FGM and Save Somali Women and Children (SSWC) operate informational activities against FGM in conjunction with a number of international organizations. None of these organizations have reported physical attacks or other local reactions against anti-FGM activists (interviews in Nairobi, September 2005).

²⁷ According to the World Bank (2004), men nevertheless bear a responsibility for the continuation of this practice. For most would-be bridegrooms, circumcision is a precondition for marriage, and it is they who pay the "bride price", which requires a circumcised bride. Fathers of girls also play a key role. If a daughter is not circumcised her chances on the marriage market are poor, and her father risks losing out on the bride price.

Yassin confirmed this information but noted that the way in which anti-FGM messages are communicated can determine the response. She said too few serious organizations in Somalia are campaigning against FGM, but she noted that among individuals dedicated to the cause there are some men. Yassin insisted that civic organizations in Puntland and southern Somalia have done more to oppose FGM than have their counterparts in northwestern Somalia (Somaliland), and she expressed the opinion that the FGM tradition runs deeper in Somaliland because of its closer ties to the Arabian Peninsula.

4.5 FORCED RECRUITMENT OF CHILDREN AND CHILD SOLDIERS

UNICEF operates closely with local NGOs, and there are 12 people in southern and central Somalia with responsibility for monitoring and reporting the abuse and mistreatment of children. In recent times the organizations have focused on abuses against children in Mogadishu in connection with the violence in February and March 2007.

UNICEF made it clear to the delegation that the situation for children in Mogadishu is troubling. They have been caught in the crossfire between hostile parties. They may also come in contact with explosives or be subjected to sexual abuse. According to UNICEF, there are child soldiers all across Somalia, and minors are recruited not only to the militia groups but to the TFG's own military forces. The UIC also used children in its militias, but it has since apologized, admitting that it was wrong to recruit soldiers by quota in schools and other places of learning. UNICEF also said those children with former ties to the UIC now fear reprisals from the TFG. According to UNICEF, the out-and-out recruitment of minors for service in militias is no longer a major problem, although minors can still be found in the army and a variety of militias.

4.5 SITUATION FOR MINORITIES

A well-informed Somali source (C) informed the delegation that members of minority groups are always in danger of mistreatment or attack because they are not armed or under the protection of a clan.

The OCHA's Philippe Lazzarini confirmed that the situation for minority groups remains difficult and that members of these groups are susceptible to criminal actions and abuse. Their vulnerability stems mainly from their exclusion from the clan system, their lack of weapons and their lack of organized militia groups.

Oxfam NOVIB confirmed that depiction, and added that members of weak Somali clans are also vulnerable.

Jabril Ibrahim Abdulle, director of the Centre for Research and Dialogue in Somalia (CRD-Somalia), explained that minority group members lack "social capital" because they live outside the clan system. But he also said that there are differences between minority group members, and that some of them hold important positions. The deputy speaker of the transitional parliament (TFP), for example, is a Jareer (Bantu).

Abdulle said that many minority group members supported the UIC. In his view, the half-year during which the UIC controlled Mogadishu was marked by peace and security that extended to minorities.

According to the delegation's interview partners, members of ethnic minority groups and minority Somali clans are not exposed to targeted attacks on the basis of their ethnic or clan identity. Some Somali sources said they believed that the situation for minority groups has improved. A well-informed Somali source (D) noted, for example, that Mogadishu's vice mayor belongs to the Rer Hamar people. This source added that few "black cats"²⁸ remain in the area where the Benadir people²⁹ live because the TFG now controls those city districts.

Nevertheless, most of the delegation's interview partners held the opinion that the situation for minorities is unchanged, and an international source (A) said that minorities are unsafe because of natural catastrophes as well as human conflict. (A) said minorities are still vulnerable, and high-profile minority members in particular are more likely to be victimized as a result of their lack of protection. Some highly respected minority group members shun the public eye because of the risk involved in rising to prominence.

A Somali source (A) confirmed this portrayal and informed the delegation that the former director of Shabelle Radio, a Jareer, withdrew from the directorial position because of the attention it drew. A well-informed international source (E) expressed the view that minority groups continue to live under difficult circumstances: they are marginalized, they must accept the society's worst jobs in order to survive, and the number of beggars among them is on the rise. On the other hand, an international source (A) said, members of minority groups are less likely than others to be killed because they do not themselves commit killings and thus avoid involvement in revenge killings. According to (A), even though the situation for minority group members in the city of Merka is difficult they have not given up or sold their homes. What this means, according to the source, is that minority living conditions are more complex and nuanced than observers might first assume.

²⁸ A "black cat" is a man belonging to the Hawiye clan who marries a minority woman and moves in with her family. For Rer Hamar families, such marriages have served as protective mechanisms, but they often violate the true will of the woman and her family.

²⁹ The Benadir population consists of a variety of groups of Arabic, Asian and possibly Portuguese ancestry living primarily in the coastal cities of Mogadishu, Merka and Brava. The name Benadir refers to the coastal area around Mogadishu, but the use of Benadir as an umbrella name for these minority groups is of recent origin. Benadir members who live in Mogadishu are called Rer Hamar (meaning the people from Hamar. i.e. Mogadishu). Benadir members from Merka are called Rer Merka, and Benadir members from the city of Brava are referred to as Barawas or Rer Barawa.

4.6.1 Oromo population in Mogadishu

Phillippe Lazzarini, the OCHA representative, estimated the number of Oromos³⁰ in Mogadishu at 20,000 to 30,000 and said they have been more vulnerable to arrest than other non-Somali groups since the TFG and its Ethiopian military backers took control of the capital.

4.7 UIC MEMBERS AND OPPONENTS

According to a diplomatic source (A) in Nairobi the number of UIC supporters who have been arrested is not known. This is considered a significant human rights problem. Some of these prisoners were captured by Ethiopian forces, and others by the TFG. Ethiopian and other non-Somali citizens were transported to Ethiopia while Somali prisoners were turned over to the TFG and are now being held in a camp east of Baidoa. The Somali group, according to (A), includes both ethnic Somalis from Ethiopia and Somali citizens. Several of the delegation's interview partners said that the number of insurgents and UIC supporters varies over time depending on circumstances.

An international source (K) informed the delegation that Hawiye Haber Gedir Ayr members, who have expressed criticism of the radical Islamists, are at risk for reprisal attacks perpetrated by people associated with the UIC. (K) added that Haber Gedir Ayr members are stuck between two dangers: they are threatened by the militant group of Aden Hashi Farah "Ayro"³¹ on the one hand, and on the other they fear collective punishment by the TFG.

4.8 INTERNALLY DISPLACED PERSONS (IDPs)

According to the United Nations, the situation for internal refugees in Somalia is very difficult. Many live in camps, others occupy abandoned public buildings, and many of them have lived that way since the beginning of the 1990s. Security in their camps and residential areas is very poor, and the people are vulnerable to rape, robbery and assault. Their attackers are often members of militia groups. The majority of the internal refugees come originally from Bay and the Bakool region, and most belong to the Rahanweyn clan.

³⁰ The Oromo people are the largest ethnic group in Ethiopia. The Oromo Liberation Front (OLF), a major rebel group, has been in conflict with Ethiopian authorities for years.

³¹ Aden Hashi Farah "Ayro" belongs to the Hawiye clan's Haber Gedir Ayr people. He led the radical group Shaabab (the UIC's youth movement) and is said to have trained with Al-Qaeda in Afghanistan prior to 2001. After that, Ayro was associated with the Shiirkoole sharia court in Mogadishu (ICG 2005).

Phillippe Lazzarini, the OCHA representative, explained that the UN has divided internal refugees in Somalia into different categories.

One category consists of about 400,000 people who have been internal refugees for a number of years. In the cities, these people live in public buildings and slum dwellings. About 250,000 of these internal refugees are in Mogadishu, where most of them have lived since 1991.

Within this group are about 40,000 households divided into 260 settlements. Of these settlements, 144 are on public property, and it is estimated that a third of those who lived on public property abandoned their settlements during the battles that began in January 2007. Most of them fled to temporary shelters at the edge of Mogadishu. More than half of internal refugees must find new places to live because the authorities have announced that they will not be allowed to return to the settlements they had occupied on public property.

All settlements on public property are to be emptied, and the internal refugees who abandoned settlements on private property have lost their homes because others took them over while they were away.

The second category of internal refugees, consisting of about 250,000 people, may be characterized as temporarily displaced. Their situation is related to flood, drought or local conflicts.

Since January 2007, new waves of migration have risen due to the battles in Mogadishu between the UIC and TFG/Ethiopian forces. The UNHCR estimates that about 400,000 people have left Mogadishu since the hostilities began. Some 109,000 have travelled to Galgadud, 44,000 to Hiraan, 40,000 to Mudug and 28,000 to the Bay region. Since conditions change almost daily, it is hard to get accurate figures reflecting the number of people in flight, but it is estimated that more than 80 percent of those who returned to Mogadishu in May and June of 2007 came from the Shebelle regions (FSAU, August 2007).

An international source (B) informed the delegation that the plight of internal refugees in Mogadishu in some ways may be compared with that of the city's many poor people. Though many internal refugees have been forcibly removed from the public buildings they occupied for years, they have not otherwise been mistreated by the authorities. Nonetheless, they are not integrated into the local community and enjoy no clan protection.³² The UNHCR also noted that internal refugees are vulnerable not only to rapes and kidnappings but to everyday assaults such as punching and kicking.

³² It is very rare for internal refugees to secure protective alliances with the host clans in the areas they flee to. The elder-representatives of internal refugees are responsible for making *xeer* agreements, but these elders are seen as weak and treated without respect. If conflicts emerge between their communities and the host clan they are unable to guarantee the safety of their people. This violates the traditional law requiring that people who seek refuge in a certain area are to be protected by the host clan. The reason this tradition is not maintained may be that the large number of internal refugees has overwhelmed the host clans, and that clan structures, especially in the cities, have been unable to absorb the pressure (Gundel 2006).

A Somali source (D) confirmed that internally displaced persons are vulnerable to rapes and assaults. They get little help from vigilante organizations and lack the clan networks necessary for protection and economic/material support. According to the UNHCR's Protection Cluster Update, dated 10 August 2007, internal refugees in the city district of Heliwa (Huruwa) demonstrated at the beginning of August against TFG soldiers that had been accused of raping four women and a teenage girl in a settlement in the district.

The UNHCR added that there have been attacks on internal refugees in connection with the distribution of food, especially in Puntland, and this was a worrisome development.

In the summer of 2007 the FSAU and its partners conducted a survey in the Shebelle regions, Hiraan, Mudug, Galgadud and Bay. It found that more than 70 percent of internally displaced persons were without employment and more than 80 percent received no money transfers from relatives in Somalia or abroad. Their problems in acquiring food were exacerbated by their poor social networks and employment prospects as well as rising food prices.

More than 80 percent of internal refugees also lack access to clean water, and sanitary conditions are particularly bad in districts containing many internal refugees (FSAU, August 2007).

4.9 PROPERTY SEIZURES

Property issues and compensation for properties that were taken over during the civil war in 1991-92 are matters that international observers say must be solved in order to achieve true and lasting reconciliation in southern Somalia. The rich agricultural land in Juba and the Shebelle Valley and the port cities of Merka and Brava were important economic areas occupied primarily by minority clans unable to defend their rights against the heavily armed Hawiye militias (largely Haber Gedir) who went there during the civil war.

It's true that large parts of the most fertile areas had already been taken over by politicians and business people well connected to the Barre regime in the 1970s and 1980s (Cassanelli 1995 and African Rights 1993), but during the civil war the Hawiye militias seized control of cities such as Afgoye, Jenalle, Awdeegle, Qorioley, Marka, Brava and Jilib in Lower Shebelle, where the Hawiye had practically never had a presence before.

An international source (C) noted that those who appropriated buildings and land early in the 1990s are today integrated in the local communities through marriage and other means. (C) added that appropriation and occupation are not new phenomena in southern Somalia. Almost all the clans, according to (C), have conquered areas that previously belonged to others, and the source indicated that it may be unrealistic to expect Haber Gedir clan members to leave the areas in which they now live.

When asked whether incidents of land occupation occur today, a Somali source (A) explained that most property seizures took place during the civil war. At that time large land holdings and farms once owned by the state in Lower Shebelle and the Juba Valley were especially vulnerable to seizure by the Hawiye Haber Gedir. Smaller farms remain in the ownership of local people. (A) added that certain properties in Mogadishu were handed back to their previous owners during the rule of the UIC.

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