
African Rights Monitor

Somalia

Submission to the UN Universal Period Review

Seventh Session of the UPR Working Group of
the Human Rights Council
November-December 201



Executive Summary

In this submission, African Rights Monitor provides information under sections B, C and D as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*:

- Under section B, African Rights Monitor (ARM) raises concern over lack of an effective Central Government that protects its citizens and provides social services. ARM is also concerned about piracy in Puntland, attacks on media, banning of charity organizations by Al-Shabaab, and use of child soldiers.
- Under section C, ARM wants to highlight the human rights violations within the context of the Somali conflict. Abuses were committed and continue to be by the Transitional Federal Government, Al-Shabaab, African Union Mission in Somalia (AMISOM) peacekeepers, Puntland, and Somaliland. ARM raises concerns over the conflicts in Galgala and Sool. ARM expresses its concerns about the treatment of internally displaced persons by Puntland authorities and renditions of Ogaden Somalis by Puntland and Somaliland to Ethiopia.
- In section D, African Rights Monitor makes a number of policy recommendations for the Transitional Federal Government, Puntland authorities, Somaliland authorities, and Al-Shabaab in order to address areas of concern.

B. Normative and institutional framework of the State

Lack of Effective Central Government

Somalia has been without an effective Central Government since the collapse of General Siad Barre's Administration in 1991. There have been 14 reconciliation conferences that were aimed at resolving the Somali conflict, none of which have produced a viable Central Government that has legitimacy with the Somali people and sovereignty over all of the country. Today, Somalia is divided into several fiefdoms run by competing warring factions. There is a weak but internationally recognized Transitional Federal Government which is protected and supported by African peacekeepers. The government under the protection of the African peacekeepers only controls the port, airport and few blocks of the Capital City. The government is at war with an insurgent Islamist movement composed of Al-Shabab who controls large swathes of Southern Somalia and Hizbul Al-Islam. The Northern part of the country is controlled by Puntland (a semi autonomous region) and Somaliland, a secessionist region that declared its independence from Somalia in 1991. Due to the lack of an effective central government, the Somali people suffer from insecurity including protracted armed conflicts, high unemployment, lack of basic health and educational services, drought and famine.

Piracy in Puntland

Piracy continues to grip Somalia, most severely the northeast region of Puntland. The rise in piracy has further undermined the already weak law enforcement institutions in the country. In Puntland, many believe the regional authorities themselves have engaged in or benefit from piracy. Piracy is a lucrative business and there is possibility other factions in the country will follow suite in order to profit and fund their activities. Piracy exacerbates the humanitarian situation in the nation by making it dangerous and expensive to travel through Somali waters or approach the docks.

Media Attacks

In 2009, Somalia was the second deadliest place for journalists and other media personnel. All factions targeted the media in some way, whether through violence or intimidation. Several Somali journalists were killed in 2010. Among those killed was veteran radio journalist Barkhat Awale, who was the director of a community radio station called Hurma Radio. In May 2010, another veteran journalist was killed by armed men. Sheikh Nur Mohammed Abkey worked for the state-run radio Mogadishu, and it is believed he was killed by Al-Shabaab; the Islamist faction that is fighting the weak Transitional Federal Government. On September 19, Islamist factions took over the local FM radio and Television Stations of Horn Afrik and GBC. The media clampdown continued to prevail in the Northern regions as well. Authorities in Somaliland

blocked the popular United Kingdom-based satellite broadcaster Universal TV and the authorities gave no clear reason for their action. In Puntland, the media crack down also continues unabated. On August 13, 2010, the authorities arrested the director of Horseed Media, Abdifitah Jama, and seven other staff members. Mr. Jama was indicted under an obscure anti-terrorism law. The day after the indictment, he was tried and convicted, and is now serving a six year prison term.

The Ban of Aid Organizations

On August 2010, Al-Shabaab banned three Christian aid organizations: the Adventist Development and Relief Agency, World Vision and Diakonia. Al-Shabaab accused the organizations of proselytizing, however, no evidence that the three organizations were ever engaged in proselytizing was brought forward. Hundreds of thousands of civilians depend on charities to provide basic necessities such as food and healthcare. To make matters worse, every day thousands are displaced from their homes in Mogadishu as the fighting between Al-Shabaab and the government intensifies. As a result of this recent ban, thousands of Somalis, most of whom are internally displaced, will be left with no means to feed themselves and the majority of those who will be affected are women and children. All aid organizations have specific policies that prohibit proselytizing and are signatories to the Red Cross Code of Conduct. There are acute humanitarian needs in Somalia and this ban further exacerbates the crisis.

Child Soldiers

According to the annual Children and Armed Conflict report published by the General Assembly Security Council, there is compelling evidence of widespread recruitment and use of children by all warring factions. In June 2009, United Nations research confirmed that there was systematic and widespread recruitment of children by the various parties in Somalia's conflict. One Islamist insurgent group, Hizbul Islam reportedly employs 30 people to recruit children. It is estimated that this group has around 500 active child soldiers. Al-Shabaab has been actively recruiting children as well and it is estimated that they have recruited about 1,800 children from the Bakool region of Somalia. The government is also accused of recruiting children and many have been found openly serving in combat in Mogadishu.

C. Promotion and protection of human rights on the ground

Human rights violations in the context of armed conflict

African Rights Monitor-ARM is concerned over the continuous abuses of Somali people by all warring factions. During the holy month of Ramadan, Al-Shabaab launched an all out offensive against the government and African Peacekeepers. During the first week of the offensive, 70 civilians died, 33 of whom were Somali members of parliament. The offensive intensified in the subsequent days displacing thousands of people and killings hundreds of civilians. Hospitals in Mogadishu were overcapacity with the injured. The government and the African peacekeepers contributed to the carnage as there was evidence of AMISOM peacekeepers indiscriminately bombarding parts of the city, thereby killing innocent people. The African peacekeepers have particularly targeted Suuqa Bakaaraha (Bakaraha Market), the busiest market in Somalia, where crowds can be found shopping for basic necessities almost every day of the year. . Apart from the daily fighting, individual factions have targeted residents of Mogadishu and other towns. Rogue Transitional Government forces rob and at times kill ordinary citizens. Al-Shabaab exerts its own brand of Islam on the areas under their control: alleged criminals are tried and convicted without due process; those convicted of stealing have their hands or feet amputated. There are cases where women have been stoned for allegedly engaging in adultery, without being given proper due process. Al-Shabaab has also executed some residents for allegedly spying for the government. Human rights abuses are rampant in the Northern regions as well. In Puntland, the authorities launched war against the militias of Mohamed Said Atom, an alleged militant Islamist that has links to Al-Shabaab. The fighting took place in Galgala, a village that is near the coastal town of Bosaso. Hundreds of locals were displaced and there are reports that Puntland militias looted houses and burned farms. The local traditional elders have alleged the fighting is about control over resources, not war against Islamists. In Somaliland, there is a low-key insurgency that has been ongoing for three years, waged by local tribes that are opposed to the secession of Somaliland. Sympathizers to the insurgency have been arrested and jailed, and some have been killed under mysterious circumstances. This has displaced thousands of the local residents.

Over the last few years, Puntland authorities have deported hundreds of internally displaced Somalis from the south. Deportees are forced to go back to the regions which they initially fled due to armed conflict and instability. In July 2010, Puntland deported 900 IDPs back to southern Somalia, forcing them to return to dangerous environs. The regional government's crackdown on IDPs is under the pretext of halting insecurity in the region, however, there is no evidence suggesting that IDPs are responsible for any insecurity in Puntland. According to a 2010 report published by the Internal Displacement Monitoring Centre, the increasing deportations of

southern Somalis by Puntland have created a sense of conflict between the host community and IDPs. The continuing crackdown has led to verbal harassment, arrests and detentions. There are several IDP camps that are in extremely poor condition. People live in huts made of plastic bags, and fires frequently break out, fanned by the regions high winds. Sanitation is a major concern as there are frequent outbreaks of cholera and other diseases. Crime is prevalent in the camps as well, and women and children are frequently the targets. According to the organization, We Are Women Activists (WAWA), there were 30 rapes in October 2009 and 45 in November in the camps. The numbers of the reported rapes are only a percentage of the overall rapes in these camps due to the stigma attached to victims. The violence is perpetrated by men from the host community and those living in the camps.

Puntland and Somaliland have engaged in the process of renditioning men and women who are fleeing from the conflict in the Somali region of Ethiopia. The authorities have arrested and handed over to Ethiopian security forces many refugees, and the whereabouts and condition of many of these refugees are unknown. There is evidence that some of these men and women are subjected to torture and imprisonment for allegedly being part of Ogaden National Liberation Front, a rebel movement that is fighting for independence from Ethiopia. In October 2009, the Puntland authorities detained five young Ogaden Somalis and one of the detainees was handed over to the Ethiopian secret services. In the beginning of 2010, Puntland handed over a young man by the name of Mohamed Muhumed Hussein (Ilka Case) to the Ethiopian secret service. The whereabouts of Hussein are still unknown. On February 10, 2010 Somaliland authorities arrested Bishaaro Wa'adi Shaqlane, a senior member of the Ogaden Womens Democratic Alliance (OWDA) and respected businesswoman who had been residing in Hargeisa.

D. Recommendations for action by the State under review

- The TFG must do more to prevent the death and injury of civilians in Mogadishu. These civilians should not be seen as collateral damage, but as essential constituents and participants in governance.
- Al-Shabab must allow aid agencies to work freely in its territory to enable essential humanitarian assistance to reach civilians.
- All parties must protect the freedoms and safety of members of the media.
- All factions must stop recruiting child soldiers.
- Puntland and Somaliland must cease the deportation of IDPs back to the volatile southern Somalia and Ogaden region of Ethiopia.

African Rights Monitor calls on AMISOM peacekeepers:

- To avoid indiscriminate shelling of Mogadishu neighborhoods in particular the Bakaarah Market.

African Rights Monitor calls on Puntland and Somaliland:

- To stop deporting the internally displaced persons back to the conflict areas.
- To stop renditioning Somali Ogadens back to Ethiopia.
- To fight piracy.

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Children and armed conflict

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