

AMNESTY INTERNATIONAL

BRIEFING

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Human rights concerns in southern and central Somalia

Amnesty International is concerned at the widespread violations of international humanitarian law and human rights law, including war crimes, and the dire humanitarian situation that civilians face in southern and central Somalia. Civilians are at high risk of being killed and injured in indiscriminate attacks by all parties to the internal armed conflict,¹ and as a result of a situation of generalized violence and collapse of the rule of law. In addition, certain categories of persons also face targeted attacks, including unlawful killings, torture and other-ill treatment, abductions, death threats and harassment. In areas where there is currently no fighting, civilians bear the brunt of arbitrary and repressive rules, violating their human rights, enforced by armed Islamist groups.

Conflict and associated human rights abuses continue to cause massive displacement in Somalia. According to UNHCR, over 200,000 civilians were estimated to have fled their homes in Somalia between January and early September 2010, some 1.4 million are currently displaced within the country and 68,000 have been registered as newly arrived refugees in neighbouring countries in 2010.

Given the difficulties of access to southern and central Somalia by independent observers, Amnesty International relies on information provided by local sources to document the situation, as well as accounts from Somali refugees who flee Somalia. Amnesty International interviewed hundreds of Somali refugees who had recently fled their country in March and June 2010 in Kenya.

1. The situation in Mogadishu

Somalia's capital Mogadishu has since 2007 been the epicentre of armed conflict between the Transitional Federal Government (TFG) of Somalia and its allies, and the armed Islamist groups al-Shabab and Hizbul Islam. Since 2008, al-Shabab has extended its control to most of the territory in south and central Somalia, including major towns, but heavy fighting and attacks continue in Mogadishu.

Civilians bear the brunt of the fighting. No party to the conflict appears to take the necessary precautions to avoid loss of civilian life and injury, despite their obligations to do so under international humanitarian law. Civilians are often caught up in shelling and cross-fire by all parties to the conflict, resulting in death and injury to thousands. The fighting provokes massive displacement within and outside Mogadishu and disrupts access to humanitarian aid, which is already curtailed by insecurity and the targeting of aid workers.

There are near weekly incidents of fighting and shelling between armed opposition groups on one side and TFG forces and AMISOM troops on the other side, and near weekly reports of

¹ Parties to the conflict include armed opposition groups al-Shabab and Hizbul Islam, groups which are allied against the Transitional Federal Government (TFG) but have also engaged in fighting against each other, especially for the control of Kismayo and parts of Lower Juba in September 2009. Pro-government forces include the TFG military and police, composed of previous TFG armed and police forces and members of Sheikh Sharif Sheikh Ahmed's armed group formerly in opposition, and Ahlu Sunna Wal Jamaa, a Sufi group which took up arms against al-Shabab in late 2008 following al-Shabab's desecration of Sufi graves in central Somalia. A peace support operation, the African Union Mission in Somalia (AMISOM) currently comprising of around 7,000 troops from Uganda and Burundi, is also present in Mogadishu. It is tasked with providing protection to the Transitional Federal Institutions to help them carry out their functions, and security for key infrastructure.

civilian deaths and injuries as a result. Armed opposition groups continue to launch attacks from areas inhabited or frequented by civilians in Mogadishu, endangering the lives of civilians. They fire mortars and heavy artillery in the direction of TFG and AMISOM bases, near which civilians live. AMISOM forces and to some extent TFG forces are repeatedly accused of responding by firing mortars and using other artillery weapons in the direction of the attackers. All sides to the conflict use mortars and other heavy artillery, weapons which are inherently indiscriminate when used in densely populated urban areas. Although Amnesty International does not have sufficient information to make a determination that each of the attacks recorded in Mogadishu is indiscriminate, the use of mortars and other weapons that are inappropriate for fighting in densely populated civilian areas demonstrates a persistent failure by all parties to the conflict to comply with their legal obligation to take all necessary precautions to protect civilians and civilian objects. The mere firing of such weapons is *per se* highly likely to have resulted in indiscriminate attacks. In addition, there are regular reports of people injured or killed by gunfire and improvised explosive devices.

Medical records of the Daynile hospital on the outskirts of Mogadishu for the first seven months of the year 2010 showed that 48 percent of its patients were suffering war-related injuries and that 38 percent of patients with war-related injuries were women and children under 14.² Between June and July 2010, hundreds of civilians were killed and injured in Mogadishu in clashes between armed Islamist groups and the TFG and AMISOM. Some field reports claimed as many as 50 deaths in one day. UNHCR stated that between the last week of August and the first week of September 2010, 230 civilians were killed and 400 injured by fighting.³

MSF states that between 23 August and 24 September 2010 its medical team in Daynile treated 542 war-wounded people, 394 of them suffering from blast injuries and 148 from gunshot wounds, and performed over 200 surgeries in Mogadishu.⁴ MSF states that there was an influx of war-wounded patients in the hospital following intense fighting on 23 September 2010, and its medical team treated 161 patients that day. These numbers do not include statistics from other hospitals in the capital. Moreover, it is suspected that the actual number of people killed and injured is higher, as effective monitoring and recording of the number of deaths is impossible in such an insecure situation.

The TFG controls, with the support of AMISOM, the Presidential Palace, the airport, the seaport as well as some southern districts of the capital. However, areas under TFG control are at risk of being shelled by armed Islamist groups, and some places have been targeted in high-profile attacks. The Presidential Palace, the airport and the seaport, because of their strategic importance and because they are controlled by the TFG, are considered as legitimate targets by the armed Islamist groups, despite the presence of civilians in and around these areas. For instance, on 24 August 2010 an attack by two or three al-Shabab suicide bombers on the Muna Hotel, a hotel situated close to the Presidential Palace and frequented by members of the Transitional Federal Parliament, killed 33 people, most of whom were civilians, including four MPs, according to Somali government figures.⁵ On 9 September 2010, attackers in a vehicle holding explosives drove to the airport; while the attackers were not able to reach the airport hall, the attack killed at least two soldiers at the AMISOM outpost near the airport and at least three civilians. One of them was reportedly a shoe-shiner boy, according to a local source. The attack, which was claimed by al-Shabab, occurred while the UN Special Representative of the Secretary-General for Somalia, the African Union Commission Special

² Médecins Sans Frontières (MSF), Somalia: civilians continue to bear the brunt of fighting, 3 August 2010, <http://www.doctorswithoutborders.com/news/article.cfm?id=4640&cat=field-news>

³ UNHCR alarmed as a fortnight of fighting leaves 230 dead in Mogadishu, 7 September 2010, <http://www.unhcr.org/4c8652839.html>

⁴ MSF, Casualties overwhelming medical capacity, 24 September 2010, <http://www.somali.msf.org/2010/09/mogadishu-mass-casualties/>

⁵ Amnesty International, Somalia: Amnesty International condemns direct attacks on civilians and other violations, 25 August 2010, <http://www.amnesty.org/en/library/asset/AFR52/012/2010/en/a8face07-22ac-486a-8a13-f9244a707ff2/afr520122010en.pdf>

Representative for Somalia and another high-level official were holding discussions at the airport with the TFG President.⁶

The African Union recently announced that the number of AMISOM troops will increase to 8,000, and hopes that AMISOM can be reinforced further in the next few months. This is likely to result in more attacks against the force by armed Islamist groups, and more retaliatory shelling by AMISOM in the capital. Amnesty International believes that civilians will be at increased risk of indiscriminate attacks, unless the African Union takes effective measures to ensure that its troops respect international humanitarian law. Amnesty International has called on the African Union to ensure that the rules of engagement of AMISOM are fully consistent with international humanitarian law and establish an investigation mechanism to conduct prompt, independent and impartial investigations into all credible allegations of serious violations of international human rights and humanitarian law by AMISOM personnel, including allegations of indiscriminate or disproportionate attacks, such as mortar firing or shelling in densely populated areas.

The fighting has dire consequences on the provision of medical and humanitarian aid. Insecurity and indiscriminate violence put at risk humanitarian operations and infrastructure: for instance, on 29 June 2010, a shell hit Keysaney hospital in northern Mogadishu, killing a patient; two more shells hit the same hospital in the following days, despite the International Committee of the Red Cross (ICRC) publicly reminding parties to the conflict to spare medical facilities.⁷ Fighting and insecurity hamper the movement of humanitarian staff within the capital, and the high number of casualties resulting from the fighting overwhelms the capacity of medical facilities to treat patients in Mogadishu.⁸

The fighting causes the destruction of homes, the separation of families during chaotic flight, and massive displacement. UNHCR estimates that 42,400 people have been displaced from and within Mogadishu since 23 August 2010, some 25,400 having fled from Mogadishu and about 17,100 others who have moved to different areas within Mogadishu.⁹

2. The level of violence in South and Central Somalia

Al-Shabab has been seizing cities and territory in southern and central Somalia since 2008 and now controls most of it. However the region has experienced sporadic fighting in the past year and a resurgence in the fighting in areas other than in Mogadishu remains likely.

In September 2009, al-Shabab and a faction of Hizbul Islam clashed in and around Kismayo, a coastal city and port south of Mogadishu. In January 2010, the city of Dhusamareb in central Somalia and the city of Beletweyne in the Hiran region were the scene of intense fighting between al-Shabab and Hizbul Islam on the one hand, and Alhu Sunna Waal Jamaa on the other side. Armed groups on both sides used mortars and heavy artillery in the cities, causing the displacement of some 29,000 civilians from Dhusamareb, in the Galgadud region, and some 25,000 civilians from Beletweyne, in the Hiran region. Doble, a Somali town on the Somalia/Kenyan border, through which most people flee to reach Kenya, experiences regular fighting between al-Shabab, which controls it, and pro-TFG militias allegedly supported by the Kenyan government. The town of Belet Hawo in the Gedo region was reportedly seized from al-Shabab by pro-TFG militia leader Barre Hirale on 17 October 2010.

⁶ Joint statement by AMISOM, IGAD and UNPOS, on the terrorist attack on AMISOM troops in Mogadishu, 10 September 2010, <http://www.bar-kulan.com/2010/09/10/joint-statement-by-amisom-igad-and-unpos-on-the-terrorist-attack-on-amisom-troops-in-mogadishu/>

⁷ ICRC, Somalia: shelling of Mogadishu's Keysaney Hospital continues despite ICRC pleas, 1 July 2010, <http://www.icrc.org/web/eng/siteeng0.nsf/html/somalia-news-010710!OpenDocument>

⁸ OCHA, Somalia, Humanitarian access August 2010, <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1175515>, MSF, Casualties overwhelming medical capacity, 24 September 2010, <http://www.somali.msf.org/2010/09/muqdishu-mass-casualties/>

⁹ OCHA, Somalia: Weekly humanitarian bulletin, 1-8 October 2010, <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1175740>

Al-Shabab has severely restricted humanitarian access in most of southern and central Somalia, putting civilians at risk. Restrictions have included the banning of UN and international agencies working in areas under al-Shaba's control, and the arbitrary closure of national organisations, which the group sometimes accuses of "spying" for the international community. One high-profile ban was that of the World Food Programme in early 2010. According to OCHA, humanitarian access in southern Somalia is at its lowest since the end of 2006.¹⁰ In August 2010, al-Shabab banned three humanitarian organisations from areas under its control, claiming that they were spreading Christianity; in September 2010, three more aid organisations were banned after al-Shabab accused them of having links with the USA.

OCHA reports that on 23 August 2010, al-Shabab instructed aid agencies operating in Beletweyne to pay 10,000 USD within 15 days, in order to work for the next six months, after which agencies should pay an additional 6,000 USD for another six-month work permit, and transmitted similar instructions to all aid agencies operating in Middle and Lower Shabelle, Bay, Bakool, Middle and Lower Juba regions.¹¹ Restrictions on the movement of humanitarian supplies are also imposed. For instance, MSF reported in October 2010 that a truck containing medical supplies was stopped and that flights carrying medical supplies have been banned from landing in southern Somalia.¹²

3. Targeted human rights abuses

In addition to indiscriminate attacks and the situation of generalized violence which put the lives of civilians at risk, certain categories of people are at risk of being targeted for killings, torture, harassment and forced recruitment. In 2009 and 2010, armed Islamist groups have reportedly been responsible for the majority of such targeted attacks.

Persons linked with the TFG are at high risk of being killed, abducted, tortured and otherwise threatened by armed Islamist groups; they include members of the government, parliamentarians, judges, district officers or former officials. But the perception of being linked or sympathizing with the TFG, is sometimes considered enough reason to be targeted: women selling tea to TFG soldiers have been flogged or otherwise punished by al-Shabab members, and persons coming from TFG areas in Mogadishu are sometimes suspected by the armed groups of being spies.

Civil society activists, including human rights activists, aid workers and journalists are at risk of being targeted for killing, abduction and torture, because they are suspected of sharing information on the conflict with outside observers, or because they have expressed opinions about the human rights situation in Somalia.¹³

Throughout 2009 and 2010, reports of incidents of torture and unlawful killings carried out by armed opposition groups have increased. There has been a worrying trend of individuals stoned to death, publicly shot dead, amputated and flogged on the orders of quasi-judicial bodies operated by local leaders linked to armed groups. There is little information about the way the "courts" of armed opposition groups operate, but individuals "tried" under these bodies do not appear to benefit from any due process guarantees, including legal representation or possibility

¹⁰ OCHA, Somalia, Monthly humanitarian overview, September 2010

¹¹ OCHA, Somalia, Humanitarian access August 2010, <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1175515>

¹² MSF, Increasing challenges to delivering healthcare in Somalia put patients' lives at risk, 6 October 2010, <http://www.somali.msf.org/2010/10/increasing-challenges-to-delivering-healthcare-in-somalia-put-patients%E2%80%99-lives-at-risk/>

¹³ See Amnesty International, Annual Report 2010, Somalia, May 2010, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=238; Amnesty International, Hard news – journalists' lives in danger in Somalia, 22 July 2010, <http://www.amnesty.org/en/library/asset/AFR52/009/2010/en/fa122891-03a6-4bac-9d83-4e1b515be50a/af520092010en.pdf>

of appeal. These acts violate international humanitarian law, which armed opposition groups are obliged to respect. Declarations attributed to al-Shabab local leaders ostensibly claim that such acts are carried out to impose conformity with their interpretation of Islamic law. However, several testimonies gathered by Amnesty International show that many such abuses target persons suspected of opposing al-Shabab or who refuse to comply with an al-Shabab order. Many of these acts are carried out in public. Amnesty International believes that armed groups aim, under the pretext of maintaining law and order, at intimidating and instilling fear in the civilian population, through public displays of cruelty and violence, in order to assert their control over territory.

According to the UN, from April to early July 2010, there were reports of nine executions by firing squad or stoning in areas controlled by al-Shabab, on accusations of spying, adultery or murder; five cases of amputation; some 28 individuals flogged; and seven cases of beheading, including of five workers allegedly involved in reconstruction work at the Parliament in Mogadishu.¹⁴ Amnesty International believes that the number of such abuses remains under-reported because of the secrecy within which al-Shabab leaders operate and the dangers associated with circulating information about the group's actions.

Male children, including sometimes as young as nine years old, and young men are at a high risk of being forcibly recruited to fight for the armed Islamist groups. During its last visit to Kenya, Amnesty International collected information about a widespread pattern of such forced recruitment, particularly by al-Shabab, in the areas under its control, including in al-Shabab controlled districts of Mogadishu. Amnesty International has also received reports of girls being forced to marry al-Shabab members, or to cook and clean for al-Shabab forces. Amnesty International has also received testimonies indicating that al-Shabab has targeted minority group members for recruitment into their forces.

4. Humanitarian situation in IDP camps and refugee camps in neighbouring countries

According to humanitarian organizations, the situation of the displaced in camps throughout southern and central Somalia is critical. The UN Representative of the Secretary-General on the human rights of internally displaced persons (IDP) reported in January 2010:

“During flight and in settlements, the internally displaced remain exposed to grave human rights abuses, in particular rape and domestic violence. Many of their rights and needs, including shelter, food, water, health care and education, remain unaddressed. The severe situation of malnourishment, in particular of children, in camps for internally displaced persons is of deep concern. Protracted displacement situations in all parts of Somalia are exacerbated by the influx of new arrivals. Existing humanitarian assistance is insufficient, because of a lack of humanitarian access as well as a lack of funds. At the same time, recovery and development efforts are needed to strengthen the resilience of the displaced and the absorption capacities of host communities and to find durable solutions for the displaced where this is possible”.¹⁵

The Afgoye corridor, a stretch of land north-west of Mogadishu, hosts hundreds of thousands of displaced persons from Mogadishu, with minimal or no access to humanitarian aid. The Afgoye corridor is currently under the control of Hizbul Islam and al-Shabab. Satellite imagery released by UNHCR shows that some 410,000 persons currently reside in Afgoye.¹⁶

Somaliland and Puntland host tens of thousands of IDPs from southern and central Somalia, which has put a strain on their resources. IDPs in Somaliland and Puntland have limited

¹⁴ UN, Report of the Secretary-General on Somalia (S/2010/447), 9 September 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/493/40/PDF/N1049340.pdf?OpenElement>

¹⁵ UN, Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Mission to Somalia (A/HRC/13/21/Add.2), 21 January 2010

¹⁶ UNHCR Briefing notes, Afgoye corridor fast becoming the capital of Somalia's displaced, 1 October 2010, <http://www.unhcr.org/4ca5d91f9.html>

access to health services and education and are vulnerable to evictions; women are particularly vulnerable to sexual abuse and minority groups are subjected to discrimination. Persons not originating from Somaliland are considered by the Somaliland authorities as “foreigners”. The Puntland authorities have deported IDPs from southern and central Somalia. On 19 and 20 July 2010, the Puntland authorities forcibly removed some 900 internally displaced persons mainly from southern and central Somalia, suspected of having connections with the insurgency or of being potential targets for recruitment by the insurgents. These IDPs from southern and central Somalia were taken to Galguduud Province by the Puntland authorities.

In Kenya, host to more than 600,000 Somali refugees, the situation is cause for concern. The three Dadaab camps in North-Eastern Kenya, which host almost 300,000 refugees, the vast majority being Somalis, are overcrowded and this puts a strain on refugees’ adequate access to water, housing and education. The Kenyan authorities’ closure of the Kenyan border with Somalia, and of a transit centre for screening asylum-seekers in Liboi near the border has put refugees at risk. Amnesty International has received many testimonies of Somalis fleeing to Kenya being forcibly returned to Somalia or subjected to extortion or detention by the Kenyan security forces, both near the border and in the capital Nairobi.

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Public Document
International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org
