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# **Routinely targeted**

## ***Attacks on civilians in Somalia***



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## ***‘The level of human suffering now is unbelievable. This is an unprecedented level of fighting and raw brutality.’***

A representative of an organization working in Somalia , late 2007

### **Introduction**

Civilians in Somalia are being routinely targeted. Rape, killings and looting have become widespread. Entire neighbourhoods have been destroyed. Somali civilians have been violently attacked in the conflict areas of southern and central Somalia, on the roads as they tried to escape and in the camps and settlements to which they fled.

*“I saw girls get raped in my neighbourhood and on the streets. I saw people get slaughtered. I saw people killed in their houses, their bodies rotting for days.”* This account was offered by a 30-year-old man from Ruhe, Mogadishu, one of scores of traumatized survivors of conflict interviewed by Amnesty International.

According to dozens of detailed testimonies, incidents of rape and pillaging by Transitional Federal Government (TFG) forces are frequent and there has been an upsurge in violent abuses by Ethiopian armed forces in Somalia. For example, a 35-year-old woman from Medina in Mogadishu said, *“They killed my husband and my father on the same day on 25 November 2007. They were riding together in a car. When they were stopped, my husband started speaking in Somali, but the soldiers didn’t understand. They shot my husband in the forehead. When my father intervened they shot him too”*.

Somali journalists and human rights defenders have been attacked by TFG and Ethiopian forces, and by armed opposition groups. A 19-year-old radio journalist who left Mogadishu in October 2007 after being threatened several times by unknown callers said, *“I couldn’t tell who to beware of and be careful of—the Ethiopians, the TFG or local national resistance groups.”*

House-to-house searches and raids by TFG or Ethiopian forces have escalated since October 2007 in and around Mogadishu, accompanied by violence, including unlawful killings. A refugee from the Black Sea area near Bakara Market, said, *“My worst experience was one day when the TFG soldiers raided my village. .. I was watching from upstairs in my house. They were in a line and everyone had their hands against the wall. Then the soldiers fired on them, in bursts from their AK47s. They were six or seven metres away from me. ... They also looted the village.”*

Armed groups are also responsible for human rights abuses. A 25-year-old woman from Mogadishu said, *“First they steal, then they take away the girls. Sometimes the girls come back, sometimes they don’t. It was a Thursday in mid-November. We were robbed by armed men. They were only two, and they were masked. They tried to take my sister, but my husband intervened, saying ‘this girl is too young and poor.’ This is when they shot him in the chest with rifles. Then the two masked men ran away with my sister. My husband died after he was shot. I ran away from my home because my husband was shot in front of my kids.”*

All parties to the complex conflict are committing human rights abuses, and are violating international humanitarian law – the laws of war designed to protect non-combatants in conflict. The resulting humanitarian crisis in southern and central Somalia has added to the level of suffering. UNICEF announced on 14 February 2008 that some 90,000 children could die in Somalia in the next few months because of inadequate funding for nutrition, water and sanitation programmes.<sup>1</sup>

About 6,000 civilians were reportedly killed in fighting in the capital Mogadishu and across southern and central Somalia in 2007<sup>2</sup> and more than 600,000 Somali civilians were internally displaced.<sup>3</sup> An estimated 335,000 Somali refugees left the country in 2007,<sup>4</sup> despite enormous obstacles. These included Kenya closing its border with Somalia,<sup>5</sup> marauding armed combatants and bandits on the roads, and the risks of crossing the Gulf of Aden.

Amnesty International is deeply concerned about ongoing human rights abuses and violations of international humanitarian law by all parties to the conflict in Somalia, specifically torture, including rape, and other ill-treatment, extrajudicial executions, arbitrary detention and attacks on civilians and civilian infrastructure.

This report includes information obtained by Amnesty International representatives visiting Nairobi, Kenya, and Hargeisa, Somaliland, in November and December 2007. They spoke to displaced people who had fled the conflict in southern and central Somalia, particularly Mogadishu. In addition to interviews with more than 75 displaced people, Amnesty International interviewed or met scores of representatives of local and international non-governmental organizations (NGOs). The names and affiliations of all these individuals have been withheld for their protection.

This report concludes with recommendations to the TFG, the government of Ethiopia, armed groups in Somalia, and the international community to strengthen the observance of human rights and ensure the protection of civilians.

There is no safety for civilians wherever they run. Those fleeing violence in Mogadishu face further violence on the roads north toward Puntland and west toward Afgooye and Baidoa, including theft, rape and shootings. One woman stated, *“On the road from Mogadishu, there are robbers who come and take your money or just fire directly at the buses. Sometimes, there are roadblocks where they stop and ask you for money. If you don’t stop, they will kill you. ...Sometimes, bandits will threaten and rape women—even if they are pregnant or breast feeding. My own family members have experienced things like this.”*

Reaching an Internally Displaced Persons (IDP) site or a refugee settlement does not guarantee safety. The displaced also face lack of access to essential services, including clean water, medical care, and adequate food supplies. Humanitarian operations are frequently impeded by parties to the conflict and criminal gangs, and the overall level of insecurity in these areas is extremely high. In addition, humanitarian organizations often lack the requisite capacity.

The humanitarian crisis in southern and central Somalia is largely caused by widespread violations of human rights and international humanitarian law. These violations require immediate and effective action by the international community, including the United Nations

(UN), African Union (AU), League of Arab States (LAS), and governments in the International Contact Group on Somalia (ICGS).

The conflict in Somalia is legally characterized as non-international, requiring parties to the conflict to comply with international humanitarian law governing such conflict. Ethiopian troops, as well as African Union Mission in Somalia (AMISOM) forces with contingents from Uganda and Burundi, must also comply with international human rights law. Groups of militia attached to, or acting as proxies for, TFG and Ethiopian forces fall under similar restrictions.

Armed groups in Somalia are many and varied. They include remnants of the Islamic Courts Union (ICU), supporters of the Alliance for the Re-Liberation of Somalia (ARS), and various factions of the Shabab (“youth”) militia – formerly young ICU fighters. As long as members of these armed groups are taking direct part in the conflict, they do not enjoy civilian status. Sub-clan and other local political leaders have also committed crimes against civilians, as have bandits and clan militias. Some are involved as combatants in the armed conflict of TFG and Ethiopian forces against armed opposition groups, while some are not. Many are committing acts of robbery, extortion, rape and violence against civilians throughout southern and central Somalia. The TFG has provided virtually no protection from such acts.

## **1. Background**

Somalia, in the Horn of Africa, is home to nearly nine million people. Its population is almost entirely Sunni Muslim and majority ethnic Somali and is made up of four main clan-families and minority groups. Somalia’s population has been subjected to decades of intensive inter-clan violence, and is vulnerable to severe droughts and floods which contribute to widespread malnutrition and poverty. Humanitarian and human rights conditions have been dire.

Since the overthrow of Siad Barre’s 21-year rule in 1991, civil conflict based on clan rivalries, competition over scarce resources and criminal activity have torn the country apart. Following 13 failed peace conferences to resolve one of the world’s longest crises of state collapse (mostly attended by leaders of militia groups affiliated with specific clans and sub-clans, and held outside the country), the Intergovernmental Authority on Development (IGAD) organized the Somali Peace Process in Nairobi, Kenya. After two years of difficult negotiations, the process culminated in the development of a Transitional Federal Charter and the selection of 275 members of the Transitional Federal Parliament to form a Transitional Federal Government (TFG). In October 2004 Abdullahi Yusuf Ahmed was selected president of the TFG. This interim government is supported by the UN, the USA and other countries in the International Contact Group on Somalia, and by international donors. It has proved unable to establish control over the country, and has not managed to set up functioning institutions or ensure security in the capital, Mogadishu.

By 2006 the Islamic Courts Union (ICU), later called the Council of Somali Islamic Courts (COSIC), emerged from numerous local Islamic courts in Mogadishu, which had been functioning for a number of years in the absence of a central justice system. After some months of armed fighting<sup>6</sup> against a coalition of armed groups calling themselves the Alliance

for the Restoration of Peace and Counter Terrorism, which reportedly received covert US backing,<sup>7</sup> the Islamic Courts (as they are commonly known) captured Mogadishu. They began to provide basic security services in Mogadishu, such as policing the streets to stop violent crime. In late 2006, the ICU began to further extend its control to much of southern and central Somalia, challenging the TFG which remained in Baidoa. The League of Arab States sponsored attempts to broker reconciliation and power-sharing between the TFG and Islamic Courts, but these failed.

In December 2006 the UN Security Council (UNSC) adopted resolution 1725, expressing its support for a regional peacekeeping operation in Somalia.<sup>8</sup> The ICU then launched attacks around Baidoa. Ethiopia (whose forces were already in Baidoa providing support to the TFG) launched a military response in conjunction with and at the request of the TFG, to forcibly expel the ICU from power in Somalia. By the end of December 2006 the ICU had folded before an Ethiopian-led TFG advance, with some ICU leaders and troops retreating south from Mogadishu, and others melting back into the city's population. This retreat occurred in the midst of a humanitarian emergency due to a combination of severe drought followed by devastating floods. This emergency was exacerbated by the armed conflict, creating more internally displaced persons and greater obstructions to delivery of humanitarian assistance.

US aircraft bombed fleeing ICU forces in southwestern Somalia twice in January 2007, with the stated intention of targeting what US government officials described as specific "terrorist suspects." Ethiopia also conducted aerial bombings in the area. In all, some 70 people were reportedly killed in the bombings, some of whom were civilians. The US government later acknowledged that they failed to kill the suspects they targeted.

With Ethiopian military support, the TFG President and other leaders officially moved to Mogadishu in January 2007, but most government ministers and the Transitional Federal Parliament remained in Baidoa. The TFG faced increasing armed opposition from remnants of the Islamic Courts and was unable to establish control or security in the capital. The insurgency escalated as members of Mogadishu's Hawiye sub-clans opposed Ethiopia's military intervention to support a TFG which they perceived as being controlled primarily by the Darod clan. In Mogadishu the insurgency was met by Ethiopian-led counter-insurgency operations in March and April, and there was additional fierce fighting in the final months of 2007. Some 6,000 Somali civilians were reported killed and 600,000 were newly displaced from southern and central Somalia, while hundreds of thousands more fled outside Somalia.

A National Reconciliation Congress, called by the TFG in response to significant international pressure, was held in Mogadishu from July to September 2007. It was boycotted by government opponents and former Islamic Courts leaders, some of whom formed the Alliance for the Re-Liberation of Somalia (ARS) in Eritrea in September, declaring their support for Somalia's insurgents, and calling for an immediate Ethiopian withdrawal from Somalia. Meanwhile, steps necessary to implement the agreed five-year transition to an elected democratic government, expected in 2009, have repeatedly been delayed.

On 29 October 2007, Ali Mohamed Gedi resigned as Prime Minister. Shortly thereafter, TFG President Abdullahi Yusuf appointed Nur Hassan Hussein, former director of the Somali Red Crescent, as the new Prime Minister.

Although Ethiopia's Prime Minister Meles Zenawi has announced repeatedly that Ethiopia would withdraw from Somalia completely, no real move to do so has occurred. The reason most often cited for prolonged Ethiopian military presence in Somalia is the need to allow time for the formation of a regional African peacekeeping force. To date, Uganda, the initial troop contributor, has contributed some 1,600 troops and Burundi has committed some 1,700 troops (some of which arrived in late December 2007). Nigeria and Ghana are reported to be considering troop contributions to AMISOM, which has not received the funding or personnel necessary to fulfil its stated mandate, or to expand that mandate to include civilian protection.<sup>9</sup>

On 14 March 2008 the UN Secretary-General presented his report to the UN Security Council, outlining the status of contingency planning for the possible deployment of a UN peacekeeping operation to take over from AMISOM.

The humanitarian and human rights situation in Somalia has grown worse. Security in many parts of Mogadishu is non-existent. The situation is characterized by growing numbers of internally displaced persons and refugees. Clan militias, remnants of the former ICU, Shabab militia, and armed bandits, as well as TFG and Ethiopian security forces, have all perpetrated abuses against civilians. Death threats and deadly violence against journalists, other media workers, and human rights defenders escalated in late 2007.

While the people of Somalia desperately need humanitarian assistance, they also require action to address widespread human rights abuses and violations of international humanitarian law.

### **AMISOM and peacekeeping operations in Somalia**

Under UNSC Resolution 1725, adopted in December 2006, the Security Council decided,

*“... to authorize IGAD and Member States of the AU to establish a protection and training mission in Somalia,” with the following mandate: “(a) to monitor progress by the Transitional Federal Institutions (TFI) and the Union of Islamic Courts in implementing agreements reached in their dialogue; (b) to ensure free movement and safe passage of all those involved with the dialogue process; (c) to maintain and monitor security in Baidoa; (d) to protect members of the Transitional Federal Institutions and Government as well as their key infrastructure; and (e) to train the Transitional Federal Institutions’ security forces to enable them to provide their own security and to help facilitate the re-establishment of national security forces of Somalia.”*

In February 2007 the UN Security Council unanimously adopted UNSC Resolution 1744, which authorized the establishment and deployment of an African Union Mission to Somalia, an AU “peace-support” force (known as AMISOM) of some 8,000 troops. Since that time Uganda has provided 1,600 troops, less than one-fifth of those authorized. The Ugandans

have been joined by a small Burundian advance team. The AU and UN had envisaged a UN peacekeeping operation replacing AMISOM and Ethiopian troops in Somalia, but in November 2007 the UN Security Council again delayed consideration of this step because of ongoing security considerations. Very little if any progress has been made in strengthening AMISOM, with only US\$32 million of a total annual budget of US\$622 million contributed by the EU, Italy, Sweden, China and the League of Arab States as of January 2008.<sup>10</sup> The UN has deployed a team of military and civilian experts, and the USA has provided logistical support to the Ugandan contingent and pledged to facilitate transport assistance for troop contributing countries. Deployment of 350 Ghanaian and 850 Nigerian troops has not yet been scheduled.<sup>11</sup> In January 2008 the AU Peace and Security Council extended AMISOM's mandate for another six months.

Due to a severe lack of capacity, the AMISOM mission has been extremely limited. It has escorted VIPs, carried out "confidence-building patrols" within its area of operations, protected Mogadishu airport, seaport and Villa Somalia (the presidential office), and provided some security during the National Reconciliation Congress from July to September 2007. AMISOM has neither the mandate nor the capacity to protect civilians in Somalia.

## **2. Violations by TFG and Ethiopian forces**

Violations of human rights and international humanitarian law, including rape and unlawful killings of civilians, have been committed by all parties to the conflict in Somalia, most notably TFG and Ethiopian forces. Many reports indicated that until the second half of 2007, TFG forces were widely perceived as more aggressive toward civilians, less professional, and more prone to theft and looting. Both survivors and civil society observers told Amnesty International that, prior to this time, Somalis would frequently state that they "preferred" the conduct of Ethiopian troops to that of TFG troops. However, since late 2007, there have been growing reports of violations against civilians by Ethiopian forces. In addition, TFG soldiers have reportedly been involved in regular incidents of sexual violence, including rape, and in killing civilians.

Sometimes TFG and Ethiopian forces have directly targeted individuals and small groups of civilians. In other cases, troops have carried out widespread attacks, sometimes destroying entire neighbourhoods, often in response to smaller scale attacks by armed groups. Many civilians have been injured and killed unlawfully in such onslaughts.

Samara, aged 20, from Mercer in Lower Shebelle, was first displaced by fighting in March and April 2007. Her neighbourhood was overrun by a complex mix of assailants, and was later controlled by Ethiopian forces. She said,

*"It started with the Islamists, then the Ethiopians came to Mogadishu. I left my house two months ago, before that the Ethiopians occupied my house. My family died in the first fighting in an artillery bombardment. After that, one day it was al-Shabab, the next it was the Ethiopians, who decided to stay. My own neighbours were attacked by the resistance, who blew up a military vehicle. In response the Ethiopians cordoned off the area. Then we found people cold bloodedly killed—shot in the forehead."*

## **Searches and house to house raids**

Refugees from southern and central Somalia, most often from Mogadishu, who were interviewed by Amnesty International, provided detailed descriptions of violations against civilians in their homes and on the streets. In many cases TFG and Ethiopian forces were searching for specific, named individuals believed to have collaborated with armed groups. In several such cases they beat, arrested or killed someone other than the person they were looking for. In many other cases, TFG and Ethiopian forces would sweep entire streets, moving from door to door, beating or shooting those they found. These raids were in areas from which armed groups were believed to have launched attacks, or areas presumed to be armed group strongholds. Many individuals and families in these areas were accused of collaboration with armed groups by association or just because they lived in the vicinity of attacks.

Among the most common violations reported were gang rape, and a type of killing locally referred to as “slaughtering,” or “killing like goats” — extrajudicial killing by slitting the throat. Amnesty International heard dozens of testimonies stating that the bodies of such victims were left lying in pools of blood in the streets and in homes until combatants, including snipers, evacuated the area and it was considered safe for family and neighbours to retrieve them.

One person told Amnesty International that they had received individual reports of 12 extrajudicial executions allegedly committed by TFG and Ethiopian forces between the start of November and early December 2007, including one case where a young child’s throat was slit by Ethiopian soldiers in front of the child’s mother. Another person said that they had documented 30 extrajudicial executions in October and November 2007. One such execution involved a young man trying to flee Mogadishu. He was rounded up with eight or nine other men who were then fired on by two Ethiopian soldiers. Four of them died instantly.

According to information Amnesty International received from multiple sources in the area, there is almost no respect for international human rights and humanitarian law demonstrated by actors in the conflict.

## **Violations by TFG forces**

Journalists, human rights defenders and aid workers interviewed attribute the dire human rights situation in Somalia to the weak transitional Somali government. No one is being held accountable for human rights and international humanitarian law violations committed by TFG forces. Forces of the TFG often act as if they believe they are immune from accountability, investigation or prosecution, including for crimes under international law.

Reports of looting have generally singled out TFG forces, although incidents of looting by Ethiopian troops were increasingly reported. One eyewitness reported seeing TFG soldiers seizing mobile phones at the door of a mosque as men were leaving Friday prayers.

Representatives from intergovernmental organizations have repeatedly called for TFG forces to be held more accountable for their conduct, as well as for continuing human rights violations to be exposed, in order to help end impunity and thereby improve access for

humanitarian assistance and prevent future violations. One senior diplomat based in Nairobi said, "Everyone is sitting around talking about human rights. But we have to have some leverage."

Butaaco, aged 30, from Ruwe in Mogadishu, who fled in October 2007, told Amnesty International,

*"I saw girls get raped in my neighbourhood and on the streets. I saw people get slaughtered. I saw people killed in their houses, their bodies rotting for days. It happened to my neighbour's two girls."*

Mahad, aged 41, a refugee from the Black Sea area near Bakara Market, described the actions of the TFG,

*"I cannot say in one story why I wasn't safe, there are too many stories. My worst experience was one day when the TFG soldiers raided my village. These are the authority troops of Mohamed Dheere (the Mayor of Mogadishu). This was two and a half months ago at about 5am in the morning. I was watching from upstairs in my house. They were in a line and everyone had their hands against the wall. Then the soldiers fired on them, in bursts from their AK47s. They were six or seven metres away from me. I didn't hear the soldiers say anything. I heard the people screaming, others were reciting the Koran, others were crying. After one hour, when the troops left, we came out to see the bodies. They also looted the village. They were Somali TFG forces. Everyone was killed because they were accused of being al-Qaeda. On another day [in early November], a Tuesday morning, I went to Bakara Market at 7:30am and I saw 21 bodies. I counted them. The bodies were lying alongside the road, all together in a row. They were all shot dead, with bullet holes all over their bodies. I saw two of them had their hands tied. I think they were killed because their clan was supporting the ICU..."*

## Violations by Ethiopian forces

There was a marked increase in reports of extrajudicial executions of civilians by Ethiopian soldiers in November and December 2007. The damage and destruction described by witnesses to Amnesty International suggest that many Ethiopian military attacks carried out in response to attacks by armed groups were disproportionate. The increase in reported extrajudicial executions followed fighting in early November 2007 when several Ethiopian soldiers' bodies were dragged through the streets,<sup>12</sup> and the killings are believed to have been at least in part retaliatory. It also followed reported deployments to southern and central Somalia of new Ethiopian troops when more seasoned veterans were apparently transferred to Ethiopia's border with Eritrea.<sup>13</sup>

Many witnesses reported a type of killing they referred to as "slaughtering like goats", which they would describe by physically running a finger across their neck. When asked to elaborate, they described Ethiopian troops slitting men's throats, then leaving them to bleed where family and friends would later find their bodies. Most interpreted these killings as warnings to themselves, and left with their children soon after witnessing such incidents.

Amnesty International was told that during sweeps through neighbourhoods, Ethiopian forces placed snipers on roofs, and civilians were unable to move about for fear of being shot. While some sniper fire appeared to be directed at suspected members of anti-TFG armed groups, reports indicate that civilians were also frequently caught in indiscriminate fire. In many cases families were forced to carry their wounded to medical care in wheelbarrows and on donkeys because ambulance drivers would not operate their vehicles due to general insecurity, including sniper fire. As a result, it has become very difficult for civilians to access medical care.

Somali refugees frequently identified specific characteristics, including uniforms, by which they could identify their attackers as Ethiopian. They often referred to Ethiopian soldiers as “Amharic,” indicating that they could identify them by the language they spoke and the subsequent, sometimes lethal, difficulties they had communicating with them.

Galad, aged 60, a journalist, is a Ugandan Somali who travelled back to Mogadishu in October 2007. While he was there two of his relatives were killed by Ethiopian forces—one in Bakara Market in Mogadishu and one in Beletweyne. He said,

*“One insurgent fired a shoulder-borne rocket, after that everyone was at risk. If they see a beard, they say this is an insurgent, or if they see a young boy. This attack happened when I was asleep. When I woke up, I found that the zone was closed, and the Ethiopians had come. When I came out of my house, I saw all the people running, so I ran. After the Ethiopians left, we came back. We started to look at what had happened there. I have seen the bodies of the slaughtered people, including the son of my brother. This was just the Ethiopian soldiers, no TFG. I’m not sure why they came in, but before that day there was some fighting around there. We buried my nephew about 13 km from Mogadishu. Even the schools are being used for cemeteries, because people cannot take [bodies] outside the city, it’s not safe.”*

Barni, aged 15, from Hawl Wadaag District in Mogadishu, said her area was controlled by the TFG in mid-2007. But when armed groups attacked the TFG and overwhelmed them in the area, the Ethiopian forces came in too. When she came home from school on a day of significant fighting, she found her father with his throat cut, and the rest of her extended family was gone.

Ceebla’a, aged 63, from Wardhiigley, said she fled Mogadishu on 15 November 2007 with her children after some shooting in the area. One day she saw three men leaving their shops being picked up by Ethiopian soldiers for investigation. The next morning she saw the bodies of the three men on the street. One was strangled with electrical wire. The second had his throat cut. The third had been chained ankle to wrist, and his testicles had been smashed.

Canbaro, aged 35, from the Dayniile District of Mogadishu, lost her eldest son (aged 15), who was killed when he left their house to watch some fighting and was caught in the cross-fire in late 2007. On the same day two male neighbours were killed by Ethiopian troops when they entered their house. Their wives were “caught by force” (one of many euphemisms for being raped).

Fatima, 28, from the Wardhiigley District of Mogadishu, fled in late 2007 because she and her sisters were “mishandled” (another euphemism for being raped) by Ethiopian troops, she said, and she was afraid for her children.

Guled, aged 32, from Hawl Wadaag, said he saw his neighbours “slaughtered”. He saw many men whose throats were slit and whose bodies were left in the street. Some had their testicles cut off. He also saw women being raped. One incident took place next door to him where a newly wed woman whose husband was not home was raped by over 20 Ethiopians in a queue. He said, “*Our main problem is communication. The men do not speak our language, they start screaming and we can’t tell them we don’t understand.*”

Haboon, aged 56, from Hamar Jajab in Mogadishu, said her neighbour’s 17-year-old daughter was raped and their sons were killed in mid-2007 by Ethiopian troops. The daughter is in a coma in Mogadishu, as a result of injuries sustained in the attack. The boys (aged 13 and 14) tried to defend their sister but the soldiers beat them and took out their eyes with a bayonet. She doesn’t know what happened to them after that. Even their mother didn’t wait to see, she just fled.

Hibo, aged 52, from the Yaaqsheed area of Mogadishu, now has nine children. Her husband and two other children were killed by Ethiopian troops on 27 March 2007. She told Amnesty International,

*“My story begins with the men not spending the night at home anymore. We were afraid they [Ethiopian troops] could break in and take them. One night when they were entering the bush they were stopped by soldiers who told my husband not to move. He didn’t move, but they searched him and found some money. One of my sons cried out, ‘Don’t take this, we don’t have anything else at home for my mother and the other children.’ One of the soldiers beat my son, and my husband responded by trying to protect him. The soldier beat my husband, and my other son grabbed onto him. The soldier took out his gun and shot him. I saw this from my window. Both boys were shot [dead] and they took my husband. After two days I was called to the hospital to collect my husband. When I arrived he was dead.”*

Zakaria, aged 41, from the Black Sea area, near Bakara Market, in Mogadishu said,

*“On 16 October 2007 I was in Somalia. On the fourth night I was there the village was occupied by Ethiopians. I was among 41 who were arrested by the Ethiopians. We were taken to the military base. I could see the battle wagons, and more than 15 technicals [technicals are jeeps with heavy machine guns mounted on the back]. I was questioned by a Somali guy who was working with the Ethiopians. We were all asked the same question: ‘Why are you here?’ We said we were just living in our homes. When the questions ended, nine of us were taken away and dropped into a lorry. I think these nine were taken to Ethiopia. I think this is because two of them were mullahs with long beards. Others looked ‘normal,’ mostly teenagers, under 20. I used to hear that when the Ethiopians made arrests they picked up people who look like Islamists, and they took them to Ethiopia. The rest, 32 including me, we ran away, we escaped, but 11 were killed, shot dead. I could see them falling as they were ahead of*

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*me, they were the first group running away. That was the day I decided to flee the country. Later, on 22 November I saw five bodies that had their throats cut. Two of them were beheaded. The area was occupied by Ethiopians.”*

Ebyan, aged 35, from Medina in Mogadishu, arrived in a settlement two days before Amnesty International interviewed her. She said,

*“They killed my husband and my father on the same day on 25 November 2007. They were riding together in a car. When they were stopped, my husband started speaking in Somali, but the soldiers didn’t understand. They shot my husband in the forehead. When my father intervened they shot him too. After they killed my husband I hid two of my four children under the bed, and took two with me. I broke the bed over the two beneath so that no one would find them there. Later I came back and found them. I fled and left everything behind.”*

### **3. Human rights abuses by armed groups**

Armed groups in Somalia include remnants of the ICU, supporters of the ARS, and radical Shabab youth militia. They also include clan, sub-clan and local political leaders and militias who act as bandits, carrying out raids and robberies and perpetrating abuses against civilians, including rape and other forms of sexual violence. For example, those called “Mooryaan” are described as “gun-toting young men” or “street kids,” who behave as criminals. Armed group fighters and criminal elements are generally more difficult to identify by dress, vehicle or appearance. The command structures of these entities are opaque in most cases, but leaders whose identity is commonly known should be held accountable for the conduct of their forces.

Many displaced people who spoke to Amnesty International said that they were aware of the involvement of armed groups in fighting in their local communities, but had never seen them personally, or they did not know if they had seen them because it was difficult to identify the members of armed groups. Many survivors of violence in Mogadishu reported that “militias” were not visible, but launched hit-and-run attacks to which the TFG and Ethiopian military responded with artillery fire, frequently destroying entire neighbourhoods. Anti-TFG and anti-Ethiopia armed forces were referred to in a number of ways, including “the resistance”, “those who are defending the land”, the “opposition” and “terrorists”. The term “armed groups” in this report refers to groups that have declared their violent opposition to TFG and Ethiopian forces, as well as non-governmental militias serving as proxies for the TFG forces. All of these groups are reported to have targeted and killed civilians.

There was a strong reluctance among many displaced Somalis (particularly journalists) to provide information about violations committed by armed groups, presumably out of fear of retribution. Many were aware of rocket fire, shelling or gunfire they believed to be the result of attacks by armed groups, but said they never actually saw or were unable to identify the attackers. In other incidents, threats or warnings from armed group members were made by telephone or delivered by a third party for payment or under threat. An international source told Amnesty International, “*We’re not hearing about insurgent abuses except in the context of a skirmish.*”

International humanitarian law strictly prohibits the intentional killing of people who are not taking an active part in hostilities. It also prohibits torture or any form of inhumane treatment. Violations of these requirements and other rules of international humanitarian law constitute serious crimes and those responsible must be held to account. Many killings by armed groups may constitute war crimes.

One journalist from the HornAfrik media company said it was almost impossible to know who was threatening him in most cases, but he was able to identify one individual. He said,

*“Insurgents make threats, we receive calls from unknown callers, but they are not as brutal. There has been some targeting, some indiscriminate attacks by insurgents. But it’s very hard to know who the perpetrators are, and there are no investigations. There was one case where al-Shabab<sup>14</sup> definitely made a threatening call, because I knew the voice.”*

Other displaced Somalis also testified to human rights abuses by armed groups.

Liban, aged 47, from Bakara Market, told the delegates,

*“When I was in Mogadishu, I couldn’t understand two things. First, Shabab would target the military, and the Ethiopians would retaliate using hard weapons, and target civilians with indiscriminate shelling. Second, Shabab and the resistance would throw bombs at entire neighbourhoods too—it’s also indiscriminate.”*

Idil, aged 30, from the Shangaani District of Mogadishu, said her father died after he was beaten with sticks by people linked with the militia.

Nasteexo, aged 25, left Mogadishu because of insecurity. Break-ins had become common. Armed men opposing the TFG, called Mooryaan, took her sister,

*“First they steal, then they take away the girls. Sometimes the girls come back, sometimes they don’t. It was a Thursday in mid-November. We were robbed by armed men. They were only two, and they were masked. They tried to take my sister, but my husband intervened, saying ‘this girl is too young and poor.’ This is when they shot him in the chest with rifles. Then the two masked men ran away with my sister. My husband died after he was shot. I ran away from my home because my husband was shot in front of my kids.”*

Many other interviewees demonstrated a real fear of being killed or otherwise targeted by insurgent groups, particularly if they were seen conducting themselves in a manner that could be interpreted as supporting TFG or Ethiopian forces.

## **4. Attacks on journalists**

*“It is the journalists that are telling the world what is happening in Mogadishu, this is why everyone wants to silence us. I have thought, I will die in this job, but even when I am scared, I can’t be silent, because if I do not tell these stories, no one will protect the civilians. We are their only advocates.”*

Journalist from Mogadishu

Within the context of the overall human rights crisis in southern and central Somalia, journalists and human rights defenders have been specifically targeted for their professional activities in exposing human rights violations. Amnesty International considers the situation for journalists in Somalia to be the worst it has been since the disintegration of the Somali state after the overthrow of Muhammad Siad Barre in 1991. Of particular concern is the silencing of reports of human rights violations through violent attacks and intimidation of Somali journalists. Attacks on journalists have increased in severity, resulting in the flight of dozens of journalists since November 2007.<sup>15</sup> Amnesty International spoke with scores of journalists who fled Somalia in the last few months of 2007.

Journalists and other media workers reported staying for days, sometimes weeks on end in their offices because of general insecurity, specific threats and fear of TFG forces. At other times the reverse would be true—they would not have access to their offices for extended periods of time and would instead have to file reports from Internet cafes. Journalists interviewed expressed concern about human rights violations committed by all parties to the conflict.

One journalist from HornAfrik told Amnesty International,

*“Human rights defenders don’t know who their enemy is any more; before you just had to deal with warlords. It’s the element of surprise, fear that gets to you. Human rights defenders don’t have any allies. They have no protection. It’s the first time that journalists have had to live in the bush. The international community based in Nairobi is not vocal enough about this.”*

Several from a group of journalists from Mogadishu seeking refuge in Hargeisa, Somaliland, told Amnesty International about specific threats to themselves and their families:

Ladan, aged 20, a journalist with Radio Shabelle, left Mogadishu in October 2007 after she received a threat: *“If you continue broadcasting this kind of [women’s] programme anymore, we will rape you or kill you.”* She was terrified of being handed over to the Government of Ethiopia. She said, *“Unknown people tell my family that they will kill them instead of me because I left and they are still there, but my family can’t afford to flee the country.”*

Bilan, aged 19, a journalist with Radio Simba, left Mogadishu in October 2007 after being threatened several times by unknown callers. She said, *“I couldn’t tell who to beware of and careful of—the Ethiopians, the TFG or local national resistance groups.”*

Hanad, aged 22, a journalist with Radio Simba, left Mogadishu in November 2007. In September he had been approached by a man with a gun who told him to stop reporting and broadcasting or he would shoot him. He did not know which side this man was on. Later in September a group of men broke into his neighbour’s house and abducted a man about his age. This journalist was later told that the man they abducted was mistaken for him. He does not know what happened to the man who was taken.

Journalists also told Amnesty International about detentions by TFG and Ethiopian forces. Periods of detention varied from a couple of hours to 11 days.

Qowdhan, aged 27, who worked with Radio Shabelle, was arrested and held for short periods three different times between September and October 2007. He said, “*When I asked why I was arrested I was told that ‘the news you broadcast is anti-TFG.’*”

Qamaan, aged 44, from Hamar Weyne District, editor of a prominent newspaper, left Mogadishu in early November 2007, and arrived in Nairobi only three days before Amnesty International spoke to him. He told Amnesty International delegates this story,

*“What has touched me is I’ve never seen anything like this war. Places where fighting is taking place—where my father used to live—they came with full force, to kill and clear everything in their way. A woman I knew, Helene Diirie, was shot by Ethiopian troops while selling petrol in the Black Sea Market. She called her family on her cell phone after as she lay in the street, but no one could come close enough to rescue her because of snipers. She died.*

*“A TFG security officer started contacting my office, and I was called several times to the office of the police spokesman. I was also tracked down and harassed by unidentified callers complaining about the news reported in my paper. The worst came when several police officers positioned themselves in front of my office on 20 October 2007. The police started to bang on the front door. I was terrified by their shouting. They were threatening to break down the door, so I decided to open it. Not surprising, they had their guns pointed at me. One officer said, ‘We are aware of your activities’ and vowed to punish me. They took some of the newspapers’ documents.*

*“Outside of the office the situation was even more hostile. All you could see were soldiers; the streets were deserted after two days of fierce, intense fighting between the army and insurgents in the area. We were escorted to Hawl Wadaag Road junction, which served as a command centre. We were being called al-Qaeda. When I said, ‘I am the editor of a daily newspaper,’ the officer looked confused. He said, ‘You are one of the people we’ve been looking for who always oppose peace and stability.’ He said, ‘You should have been killed instead of escorting you here alive. Listen to me carefully, you guys, you self-proclaimed journalists, are the enemies of peace, and you will end up being killed, arrested or deported abroad.’ We were then left in a very small cell... where there was no place to sit, to pray, to sleep. It was the longest night of my life.*

*“In the morning an officer called me and three other journalists and informed us we were free to leave, without any further explanation of our arrest. We continued to try to publish the newspaper, but after TFG officials started making hostile public statements against the Somali free press, I decided to flee the capital. This was the most painful decision I have ever made in my life.”*

In January 2008 Prime Minister Hussein appointed Ahmed Abdisalam Adan, co-founder of HornAfrik, as Minister of Information and Deputy Prime Minister. In December 2007 the Prime Minister oversaw the parliamentary approval of a new media law, which could, if enforced, provide some degree of protection for journalists in Somalia.

Since fighting in March and April 2007, independent local human rights organizations that were active in Mogadishu have also been largely silenced, with many forced into hiding after threats and attacks reported to be coming from all parties to the conflict. One local women's organization was raided by TFG soldiers who asked, "Are you the ones giving us a bad name?"

While international press and human rights organizations have been able to document and expose some violations of human rights and international humanitarian law, Amnesty International fears that the majority of violations are not being documented, because of restrictions and closures of independent media, and the general silencing of independent journalists and other human rights defenders reporting on operations by TFG and Ethiopian forces and armed groups.

Samatar, an NGO worker who sought refuge in Nairobi, said,

*"Human rights defenders are squeezed in the middle, when all parties to the conflict are against human rights, democracy and civil society. It saddens me. Young journalists who become prominent are suddenly on the run. I support their leaving Mogadishu. I can't ask them to sacrifice. For what? You simply can't differentiate between people anymore, anyone could be your enemy. There is no line between the armies, shooting from all directions. There is retaliation, collective punishment. You're not fighting a known enemy. While the Ethiopians are shelling entire neighbourhoods, the TFG fighting is even more sinister, it's done for money. The government targets the media houses one at a time. They don't want any media."*

## **5. Shelling civilian areas**

*"You just step on corpses on the street."*

Hodan, aged 17, from the Hodan District of Mogadishu, only arrived in the settlement six days before Amnesty International interviewed her in early December 2007. She said her house was hit by BM rockets, also known as "Stalin Organs". The house was demolished, her brother lost his leg, and she saw her father's dead body. The missile had blown his body apart.

Shelling and other forms of heavy bombardment affect entire areas, destroying buildings and other infrastructure, resulting in unlawful deaths and injuries of civilians, and often emptying entire neighbourhoods, as residents flee for safety. In early December 2007, five Mogadishu districts were reported by humanitarian organizations providing emergency assistance in IDP settlements in Somalia to have been "completely emptied". Also in early December, fighting moved from Bakara Market toward the pasta factory and animal market, where general cross-fire claimed additional lives and forced mass displacement.

All parties to the conflict are reported to have directed attacks at civilian-populated areas, with TFG and Ethiopian government forces using heavy artillery, and armed groups mainly limited to rocket propelled grenades (RPG), small mortar fire and improvised explosive devices. At times TFG and Ethiopian strikes were reported to have targeted civilian areas unlawfully after armed group attacks had been launched from specific locations within those

areas. The TFG and Ethiopian forces may have failed to direct such attacks at military objectives, a clear violation of international humanitarian law, or the attacks may have been aimed at legitimate military targets but had a disproportionate impact on civilians or civilian objects. A number of people interviewed by Amnesty International said they had left their homes for some reason (to collect water, food or other necessities) and when they returned, their houses were simply gone, destroyed by artillery, RPGs or mortar fire.

Under international humanitarian law, civilians may not lawfully be targeted for attack. They lose their protected status as civilians if they take direct part in the hostilities, or could be described as militia forces, that have responsible command, carry distinctive insignia, or carry arms.

Unlawful attacks include those targeting civilians, attacks which do not attempt to distinguish between military targets and civilians or civilian objects, and those which, although aimed at a legitimate military target, have a disproportionate impact on civilians or civilian objects.

Amnesty International researchers collected many scores of testimonies from displaced Somalis who had fled Mogadishu since April 2007, most of whom had left since August, and some as recently as November and December.

Qorran, aged 56, had just arrived at a settlement in early December but had to leave her mentally ill son behind in Mogadishu. She reported that her husband and other sons were all killed. One night a rocket propelled grenade hit their house. Six boys and two girls were killed. They prayed in the evening, and most of her family went to bed, but she and two others went to collect charcoal. She said, "*When I came back, I couldn't find my house.*" She told Amnesty International that her remaining son instantly went crazy. She said, "*If grief is going to kill anyone it's going to kill me.*"

Awa, aged 28, from Afgooye, Somalia, was living in the Hawl Wadaag District of Mogadishu when her house was hit by artillery shells on 1 November 2007. She said her sister (aged 40) and eight of her children (aged 8, 10, 11, 12, 13, 15, 18 and 20) were killed. She saw pieces of her sister's body strewn about. That was also the last time she saw her husband, who arrived home after the shelling, asked from which direction it came, then ran from the house.

Colaad, aged 24, from the Wadajir District of Mogadishu, told Amnesty International that on 28 October 2007 his mother (aged 53) and sister (aged 18) were killed when their house was destroyed by artillery. He came home from the market where he worked weighing food to find their house destroyed. He was not able to find the bodies he believes to be buried in the ruins.

Sufia, aged 45, was living in the Hamar Jadiid District of Mogadishu. She said she arrived in a refugee settlement, with four of her children after her brother (aged 88) and two of her other children (aged 13 and 14) were killed in artillery fire shortly after Ramadan.

Awrala, aged 22, from Hiran, was displaced five times during what she called the "Ethiopian occupation". She said her son was killed in a mortar attack. Her grandmother, aunt and son were all killed by weapons fire in April. Her mother and father disappeared.

Aasha and Maka, two young sisters from Mogadishu, were sent away by their mother in December 2007 after their father died of natural causes and their oldest brother was killed in an RPG attack during Ramadan. When questioned about the perpetrators of this attack, the older sister said that she knew it was Ethiopians by their technicals,<sup>16</sup> their uniforms, their features and their language. She reported that members of the Shabab militia threw small bombs, and in response Ethiopian forces hit her whole block. She said,

*“When they throw a bomb in a place then they come in with troops to observe the place, preventing people from claiming the bodies. My best friend was also killed in a bombing. It was like living in constant fear, fear of RPGs that can reach you. If you go out on the street someone could rape you. But someone could also come in your door and slaughter you. If I choose to come and seek peace here, there are others who are still living under the same conditions that I did.”*

In addition, an aid worker reported,

*“In November we received reports that a Zu (an anti-aircraft artillery) round hit a hotel. I saw for myself on Industrial Road, it was hit by a mortar. This was the first time I saw the physical expression of trauma in the children when speaking with them. They were shivering and flinching, and these Somali kids are tough.”*

## **6. Danger on the road**

Displaced people from southern and central Somalia frequently reported being attacked on the road from Mogadishu to destinations to the north and the southwest where they sought safety. Unidentified robbers stole their money, food and other possessions. At multiple check points and road blocks, operated by all parties to the conflict, they were forced to pay to pass by. Those interviewed also reported incidents of men being beaten, and women being raped or “mishandled” while travelling.<sup>17</sup> One of the most dangerous areas reported was between Jowhar and Beletweyne. Some displaced persons reported abuses on the road committed by clans linked to the TFG, while others reported abuses by clans in opposition.

One woman stated,

*“On the road from Mogadishu, there are robbers who come and take your money or just fire directly at the buses. Sometimes, there are roadblocks where they stop and ask you for money. If you don’t stop, they will kill you. Other bandits will jump out and shoot straight at the car, killing the driver and robbing the occupants. They will rob them of everything, and drive away with the car, leaving the women and children abandoned on the road. Sometimes, bandits will threaten and rape women—even if they are pregnant or breast feeding. My own family members have experienced things like this.”*

The number of attacks on displaced Somalis fleeing along roads leading out of Mogadishu was reportedly on the rise, as was the level of violence exhibited toward those already vulnerable. In particular, gender-based violence including rape, as well as shootings, beatings and abductions, were reported. Amnesty International received reports of violations

committed against internally displaced persons on the road in Somalia by all parties to the conflict, as well as by common bandits and clan militias. Sometimes perpetrators covered their faces to mask their identity, but often survivors believed that they could still identify them by language or appearance.

Bulxan, a young man, said,

*“Between Galgaduud and Hiiran provinces, I was driving at night near Beletweyne when I came to a checkpoint. There, two masked men told me to stop. I got out and they told me they would rob me of what was in the truck if I did not give them 500,000 Somali shillings. I managed to make a deal with these two men... but what bad luck, just at that moment, my mobile phone rang. So one of them came to me and pointed his gun at my chest, telling me he wanted my phone. I pushed the gun away but he fired shots, three of which went into my thigh.”*

Ambro, aged 38, from Hamar Jadiid District, said that she and several of her children fled on the back of a minibus from Beletweyne to Galkayo. They were attacked by highway robbers who opened fire on the vehicle. The driver would not stop, but his tyre was shot. When they were forced to stop the robbers took everything, even clothes, then they left. Some had bayonets, others appeared to have AK47s. During this incident four girls were taken from the vehicle into the bush and raped. Some of them were bleeding. One of them was gang raped by five men.

According to one source, in one incident eight women were raped in front of others with whom they were travelling to south western Somalia in November 2007.

Leyla, aged 38, from Hamar Jadiid, was robbed near Beletweyne. She said, *“They raped the pretty women, not all of us. Four girls were raped. They were clan militia, but I couldn’t tell who because their faces were covered.”*

Haboon, aged 56, from Hamar Jajab, said that Ethiopian soldiers abused those with whom she was travelling on the road when they fled. *“If the girls were pretty, they would try their best to take them from you. I was trying my best to cover the girls so they wouldn’t see them. The day that I came here [to Hargeisa] was the first time I had peace of mind.”*

Most of those displaced arrived in temporary settlements with literally nothing but the clothes they were wearing, having been robbed of all money and possessions on the road.

Until September 2007, some drivers had been able to travel relatively safely through areas by virtue of their clan affiliation, but this changed in November and December 2007. Internally displaced persons were increasingly targeted even where they shared clan affiliations with their attackers.

In November a source reported 88 check points between Mogadishu and Bossaso, where aid workers were trying to place internally displaced persons with host families by sub-clan. From Mogadishu to a settlement to the southwest, there were reportedly 150 check points at that time. At many of these checkpoints, people were taken off buses, their money was stolen,

their luggage was looted and women were sexually assaulted. The prevalence of reports of related incidents escalated from September to November 2007.

Mariam, aged 45, from Mogadishu, was beaten and robbed on the road. One of her daughters (aged 15) was raped near Beletweyne. When she tried to defend her daughter she was hit in the teeth. She said, *“Afterward, we cried and cried. They brought the girl back in a bad condition. It was at night. They were rough and aggressive and rude. They were Somalis, I could see their eyes. We gave them money to let us go.”*

## **7. Conditions for displaced Somalis**

In Kenya, Somali refugees are clustered in several locations, including Dadaab refugee camps, and in Nairobi.

Despite the Kenyan government’s closure of its border with Somalia since January 2007, a significant number of Somali refugees have sought refuge in Kenya, both before and since the closure. According to one local humanitarian organization interviewed in late November 2007, over the previous year there had been an influx of some 35,000 Somali refugees into Dadaab camps alone. He said, *“There are 40,000 youth there, with no possibility of return to Somalia. In addition, some 16,000 arrived since the border closure.”* A high level agency official reported that 1,000 refugees a week were finding their way into Kenya in December 2007.

Kenya’s border closure has served to encourage people-smuggling, while keeping the most vulnerable from reaching safety. Somali refugees and aid workers with whom Amnesty International spoke said that single Somali men are able to travel to Kenya much more easily than their families, so many are being separated, with women and children left behind in IDP settlements in southern and central Somalia.

Most Somali refugees interviewed by Amnesty International in Nairobi had not registered with the UN High Commissioner for Refugees. While some were receiving basic assistance from local NGOs, others were completely dependent on the goodwill of clans and neighbours for food and shelter.

In Hargeisa, the situation for displaced people is complicated by the fact that Somaliland’s self-declared statehood has not been internationally recognized. While the government of Somaliland considers displaced southern Somalis to be refugees on their territory, international aid agencies designate these same individuals as IDPs. This confusion over their status comes in addition to inadequate financial and material support to the displaced Somalis in Somaliland.

There are currently at least six settlements for displaced Somalis in and around Hargeisa. These emerged at different stages—after Somalia’s civil war in 1991, and subsequently as conditions in Somaliland became increasingly stable and peaceful. While the government of Somaliland does not officially accept displaced people from Somalia, it has allowed thousands into its territory, particularly in Hargeisa.<sup>18</sup> IDP settlements which previously accommodated Somaliland returnees, as well as minority communities, are now crowded with southern Somalis who have found peace and welcome, if not adequate basic services there.

The UN has reported that there are approximately one million IDPs in southern and central Somalia. New IDP settlements, in 70 areas including Afgooye along the Baidoa Road, are reported to be sheltering hundreds of thousands of displaced civilians.

As one senior official told Amnesty International in late November 2007,

*“Everyone is in denial—denial of the scope of the problem. We say there are 600,000 newly displaced from Mogadishu and we’re accused by the TFG and Ethiopian government of distorting reality. Between March and now, the scope of the crisis has been controversial. Even when 300,000 people left in March, the TFG and the Ethiopians were in denial. They said, ‘It was a maximum of 25,000’.”<sup>19</sup>*

Another source stated,

*“The level of human suffering now is unbelievable. This is an unprecedented level of fighting and raw brutality.”*

There is currently a fledgling database of human rights violations, and a fledgling human rights monitoring network being developed for Somalia. Both protection and human rights monitoring initiatives clearly require significantly more support.

### **Lack of access to humanitarian assistance**

Funding, access and security for humanitarian organizations have been and continue to be insufficient to provide adequate support for displaced civilians in southern and central Somalia. Every day humanitarian workers face checkpoints, road blocks, extortion, car jacking, a lack of acceptance of the impartial nature of their assistance, and numerous bureaucratic impediments and confusion among government authorities. These obstructions hamper humanitarian access, travel and humanitarian supplies. The provision of humanitarian assistance is made difficult by bureaucratic impediments, restricted access, restricted movement and overall insecurity, but also by contempt for humanitarian operations exhibited by the TFG government, as indicated in speeches by Somali government authorities.

In one speech to a government planning session in Baidoa in late November 2007, TFG President Abdullahi Yusuf condemned the role played by UN agencies, and in October TFG security agents detained the director of the World Food Programme for nearly a week.

Humanitarian organizations operating in Somalia in 2007 faced grave risks. Staff from CARE (in May) and Médecins Sans Frontières (in December) and a French journalist (in December) were abducted, and later released, in Puntland, reportedly by non-state armed groups. In January 2008 three Médecins Sans Frontières staff members were deliberately targeted and killed in Kismayo.

Operational organizations have lacked sufficient government support to ensure their security and access. They have not therefore been able to ensure the provision of food, water and shelter to civilians, to provide human rights and protection monitoring, and to expand their reach beyond southern and central Somalia to include displaced Somalis in Puntland and other areas.

In response to these dire circumstances, in October 2007 humanitarian organizations made a rare public statement calling for urgent support for increased humanitarian space. Forty international aid organizations wrote:

*“There is an unfolding humanitarian catastrophe in South Central Somalia... International and national NGOs cannot respond effectively to the crisis because access and security are deteriorating dramatically at a time when needs are increasing. The international community and all parties to the present conflict have a responsibility to protect civilians, to allow the delivery of aid and to respect humanitarian space and the safety of humanitarian workers.”<sup>20</sup>*

Amnesty International’s interviews with displaced Somalis in Nairobi and Hargeisa revealed the trauma they experienced in southern and central Somalia, the trauma they experienced on the road as they fled, and the dire conditions they experienced in the places to which they fled.

Amnesty International considers it essential that the TFG ensures that full and unimpeded access is granted to humanitarian operations providing vital assistance to vulnerable populations, and that the international community exerts all available pressure on the TFG to uphold this obligation. In addition, TFG and Ethiopian authorities and non-state armed groups must end the practice of extorting fees for the delivery of humanitarian aid.

## **8. Who is responsible for human rights in Somalia?**

The testimony received by Amnesty International in late 2007, much of which is included in this report, strongly suggests that war crimes and possibly crimes against humanity have been committed by all parties to the conflict in Somalia.

In 2006 the UN Security Council adopted resolution 1674 on the protection of civilians in armed conflicts. This reaffirmed provisions of the 2005 World Summit Outcome Document on the responsibility to protect populations from war crimes and crimes against humanity. The World Summit Outcome Document noted that,

*“Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity... We accept that responsibility and will act in accordance with it.... The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, ..., to help protect populations from... war crimes... and crimes against humanity.”<sup>21</sup>*

The TFG, as the internationally recognized government of Somalia, bears principal responsibility for ensuring the human rights of the people of Somalia. Similarly, the Ethiopian military, as a significant military force with a leading role in backing the TFG, and with considerable influence over policies and actions taken by the TFG, also bears a level of responsibility to ensure the respect and protection of human rights for all individuals in Somalia.

The principle that commanders or superiors may be responsible for acts of people under their effective command and control is applicable to leaders of non-state armed groups as it is to

those of armed forces.<sup>22</sup> With regard to war crimes and crimes against humanity, the question of whether the perpetrator belonged to an army of a state, an armed group or any other entity is of little relevance; anyone responsible for such crimes may be and should be brought to justice.

Under customary international law, and now included in Article 7.1 of the Rome Statute of the International Criminal Court, crimes against humanity are acts specified as part of a “widespread or systematic attack directed against any civilian population, with knowledge of the attack.” Among the relevant crimes are unlawful killings, unlawful imprisonment, torture and other inhumane acts.

Both the TFG and the international community must ensure that all those suspected of war crimes and crimes against humanity are investigated and, where there is sufficient admissible evidence, prosecuted in fair trials, without the possibility of the death penalty. In addition, all survivors and their families must be able to seek and obtain full reparations.

## **9. Applicable international law**

### **International humanitarian law**

All parties to the armed conflict must comply with provisions of international law applicable to them. International humanitarian law governs the conduct of war, and seeks to protect civilians, others not participating in the hostilities and civilian objects. Ethiopia and Somalia are party to the 1949 Geneva Conventions, and Ethiopia is party to the two Additional Protocols of 1977.<sup>23</sup> In addition, all parties to the armed conflict, including armed groups that are not part of the forces of a state, must respect certain fundamental rules of international humanitarian law applicable to non-international armed conflict, including those applicable to the conduct of hostilities under customary international law.

Provisions governing the conduct of hostilities in non-international armed conflict are found in Common Article 3 of the four Geneva Conventions. Additional Protocol II also contains rules applicable to non-international conflict. Many of the rules on the conduct of hostilities in international armed conflict contained in Additional Protocol I (including all those cited in this report) are rules of customary international law that are also applicable in non-international armed conflict.<sup>24</sup>

Civilians and others not participating in the hostilities must be protected. The principle of distinction is the cornerstone of the laws of war. All parties to armed conflict, including armed groups that are not part of the state armed forces, have a responsibility to distinguish between civilians and civilian objects, which may not be attacked, and military objectives, which, subject to certain conditions, may be attacked. Civilian objects include homes, mosques, schools, hospitals and clinics.

Direct attacks against civilians and civilian objects are prohibited, as are indiscriminate attacks. Indiscriminate attacks are those that fail to distinguish between military objectives and civilians or civilian objects. Disproportionate attacks, also prohibited, are those in which “collateral damage” would be regarded as excessive in relation to the direct military

advantage to be gained. All parties to the conflict must also take “constant care... to spare the civilian population, civilians and civilian objects”. Where it is unclear whether a target is used for military purposes, “it shall be presumed not to be so used.” Specific precautionary measures required include: to “refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;” and that “effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.” Further, parties to a conflict must take all necessary precautions to protect civilians under their control against the dangers resulting from military operations, including by removing civilians from the vicinity of military objectives and avoiding locating military objectives within or near densely populated areas.<sup>25</sup>

Direct attacks against civilians or civilian objects, as well as indiscriminate and disproportionate attacks in a situation of armed conflict, may amount to war crimes. International humanitarian law requires that persons responsible for the commission of such acts be brought to justice.

All parties to a non-international armed conflict are obliged, as a minimum, to apply Article 3 of the four Geneva Conventions (Common Article 3), which protects all persons taking no active part in hostilities. Common Article 3 provides that civilians and other non-combatants “shall at all times be humanely treated.” Common Article 3 includes the duty to take care of the wounded and sick as well as prohibitions on unlawful killings, torture and humiliating and degrading treatment, sexual crimes such as rape, and extrajudicial executions.

## **Human rights law**

Both Ethiopia and Somalia have human rights obligations and are party to a number of international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (known as the Convention against Torture), and the African Charter on Human and People’s Rights (ACHPR). Ethiopia and Somalia are obliged to take measures to provide protection from impairment of human rights by non-state actors, including armed groups. These human rights treaties are applicable during armed conflict.

These human rights treaties also remain applicable to Ethiopia in its actions in Somalia. The International Court of Justice has confirmed the applicability of the ICCPR and the ICESCR when a state exercises jurisdiction outside its own territory. The UN Human Rights Committee has repeatedly emphasized that states’ obligations under the ICCPR extend to those in their power, including in situations where a state's forces are operating outside its territory. The prohibition on torture and other cruel, inhuman and degrading treatment or punishment contained in CAT is also applicable outside a state’s own territory.

Article 6 of the ICCPR and Article 4 of the ACHPR establish the obligation of state parties to ensure the enjoyment of the right to life by all individuals under their jurisdiction. In addition, the UN has adopted specific standards governing the use of force in law enforcement in the

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These standards restrict the intentional lethal use of force or firearms to situations when strictly unavoidable to protect life.

The Convention against Torture, Article 7 of the ICCPR and Article 5 of the ACHPR prohibit absolutely torture and other cruel, inhuman or degrading treatment. Torture is a crime under international law, and states have an obligation to bring to justice any person violating this prohibition.

Article 19 of the International ICCPR provides that everyone shall have the right to freedom of expression including the right to receive and impart information. Although some limited restrictions may be permissible on these freedoms for protection of national security or public order, these must be strictly necessary and provided specifically by law. Articles 8-12 of the ACHPR state that all persons, including journalists and human rights defenders, possess protected basic freedoms of conscience, association, assembly, movement and the right to receive and disseminate opinions and information within the law.

## **10. Conclusion and Recommendations**

There is a dire human rights situation in southern and central Somalia, which has largely contributed to the current humanitarian emergency. One million Somalis are internally displaced; hundreds of thousands are newly displaced refugees; journalists and human rights defenders fear each day for their lives and many are fleeing the country; some 6,000 civilians were killed in attacks in 2007; and the entire population of Mogadishu carries the scars of having witnessed or experienced violations of human rights and international humanitarian law. All parties to the conflict have committed human rights abuses, which include unlawful killings, extrajudicial executions, torture and other ill-treatment, including rape and beatings, arbitrary detention and enforced disappearances. Somali civilians have been routinely targeted and have suffered violations of human rights and international humanitarian law in the conflict areas of southern and central Somalia, on the roads as they fled conflict areas, and in camps and temporary settlements to which they fled.

International humanitarian organizations continue to face a severely disruptive and hostile environment in southern and central Somalia, marked by ongoing threats and physical impediments by all parties to the conflict, so preventing the delivery of humanitarian assistance to vulnerable civilians. Aid workers have come under attack, as well as strong pressure to refrain from exposing human rights violations they witness and document. They have in large measure yielded to this pressure in order to preserve their operational presence on the ground so that they can continue to provide essential emergency assistance to displaced people and other vulnerable civilians. These circumstances—combined with restrictions on and threats against journalists—guarantee that the real scale of this devastating human rights crisis is yet to be revealed.

Amnesty International concludes that all parties to the conflict in Somalia have committed serious human rights abuses or violations and serious violations of international humanitarian law. The recent upsurge in brutal violence on the part of Ethiopian and TFG forces, the

apparent near-total impunity of Ethiopian and TFG forces, and attacks on civilian-populated areas by all parties to the conflict must end immediately. The TFG, the government of Ethiopia, and commanders of all non-state armed groups must immediately stop all violations of human rights and international humanitarian law.

The TFG and the government of Ethiopia currently face little consistent international pressure to ensure that their armed forces cease committing human rights violations and violations of international humanitarian law. A unified position is needed on the part of interested international actors to demand genuine change—to protect civilians and ensure human rights. Amnesty International therefore strongly recommends that the interlinked human rights and humanitarian crisis in southern and central Somalia is made a priority by the international community. The international community, including the International Contact Group on Somalia countries, has failed to take measures that will end mass human rights violations, end impunity for those abuses, and ensure assistance and protection to vulnerable civilians across southern and central Somalia. Accountability and humanitarian access must be given the same level of attention as regional security concerns. Amnesty International therefore recommends the following:

## ***Recommendations***

### **To the Transitional Federal Government of Somalia (TFG)**

- Halt immediately all violations of international human rights and humanitarian law;
- Issue instructions to all TFG forces clearly prohibiting all unlawful attacks, including those targeting civilians, those which do not attempt to distinguish between military targets and civilians or civilian objects, and those which, although aimed at a legitimate military target, have a disproportionate impact on civilians or civilian objects;
- Issue instructions to all TFG forces clearly prohibiting all arbitrary arrests and detentions, rape and extrajudicial executions;
- Suspend from duty in the TFG forces anyone implicated in violations of international human rights and humanitarian law pending an investigation;
- Ensure prompt, effective and impartial investigations into all violations of international humanitarian law, including murder and unlawful attacks, and bring those responsible to justice in fair trials without application of the death penalty;
- Ensure prompt, effective and impartial investigations into all cases of extrajudicial killings and rape, and other human rights violations, and bring those responsible to justice through fair trials without application of the death penalty;
- Ensure that victims of human rights violations or their relatives are able to obtain effective reparations, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- Ensure protection for all displaced people without discrimination, with special attention to the need to provide protection from rape and other attacks on the roads;

- As a primary responsibility of the national authorities, take all necessary steps to ensure the provision of humanitarian assistance, based on need, to displaced people without discrimination;
- Remove all restrictions on the delivery of humanitarian assistance by humanitarian organizations, and take all necessary steps to ensure unimpeded delivery of humanitarian assistance to vulnerable civilians in Somalia, including those displaced in and around Mogadishu.

### **To the government of Ethiopia**

- Halt immediately all violations of international human rights and humanitarian law by Ethiopian armed forces based in Somalia;
- Issue instructions to all Ethiopian forces clearly prohibiting all unlawful attacks, including those targeting civilians, those which do not attempt to distinguish between military targets and civilians or civilian objects, and those which, although aimed at a legitimate military target, have a disproportionate impact on civilians or civilian objects;
- Issue instructions to all Ethiopian forces clearly prohibiting all arbitrary arrests and detentions, rape and extrajudicial executions;
- Suspend from duty in the Ethiopian forces anyone implicated in violations of international human rights and humanitarian law pending an investigation;
- Ensure prompt, effective and impartial investigations into all violations of international humanitarian law committed by Ethiopian forces, including murder and unlawful attacks, and bring those responsible to justice through fair trials without application of the death penalty;
- Ensure prompt, effective and impartial investigations into all cases of extrajudicial killings and rape, and other human rights violations, committed by Ethiopian forces and bring those responsible to justice through fair trials without possibility of the death penalty.

### **To armed groups opposing TFG and Ethiopian forces in Somalia**

- Halt immediately all violations of international humanitarian law;
- Issue instructions clearly prohibiting all unlawful attacks, including those targeting civilians, those which do not attempt to distinguish between military targets and civilians or civilian objects, and those which, although aimed at a legitimate military target, have a disproportionate impact on civilians or civilian objects;
- Cease all use of death threats, rape, looting and intimidation of civilians, and abide fully with the provisions of Common Article 3 of the Geneva Conventions;
- Take all other necessary measures to protect the civilian population from the dangers arising from military operations, including not locating military objectives among civilian concentrations.

## **To the UN Security Council**

- Strongly condemn violations of human rights and international humanitarian law, and strongly encourage all parties to the conflict to adhere to their international obligations, in all documents and statements pertaining to Somalia;
- Strengthen the capacity of the UN Political Office for Somalia (UNPOS) and allocate sufficient resources to the Office of the United Nations High Commissioner for Human Rights to effectively monitor and report on human rights conditions, provide technical assistance and advice to the Transitional Federal Institutions, and support human rights defenders throughout Somalia;
- Strengthen the UN arms embargo on Somalia and take more determined action to ensure the embargo is fully respected by states in the region, including by increasing the capacity and resources of the UN Monitoring Group, and by extending its mandate to investigate, document and expose arms transfers; by positioning UN monitors at sea ports and airports; by enforcing the requirement of application for exemptions; and by considering imposing a ban on aircraft, ships, and land vehicles owned by individuals, companies or states reported to have breached the arms embargo;
- Establish an International Commission of Inquiry or a similar mechanism to investigate violations of international human rights and humanitarian law committed in Somalia in 2007 and 2008, and to map violations since 1991 which may be considered war crimes or crimes against humanity. This mechanism could be assisted by the International Humanitarian Fact-Finding Commission, established under article 90 of the First Additional Protocol to the Geneva Conventions;
- Publicly and privately insist that TFG and Ethiopian armed forces cease extrajudicial executions and other unlawful killings, including all direct, indiscriminate or disproportionate attacks against civilians and civilian objects in violation of international humanitarian law;
- Strongly urge the TFG and the Ethiopian government to fulfil their obligations under international law to investigate and bring to justice armed forces commanders and other personnel suspected of violations of international human rights and humanitarian law;
- Strongly encourage a mandate for the African Union Mission in Somalia (AMISOM) and any succeeding UN peacekeeping mission that includes the protection of civilians, including women, children, Somali minorities that suffer discrimination and internally displaced persons, and ensure a strong human rights component with the capacity to monitor, investigate and publicly report human rights violations;
- Call on the TFG and other parties to the conflict to remove all obstacles to the delivery of humanitarian assistance, and take effective measures to ensure the safety of local and international humanitarian workers.

### **To the international community**

- The International Contact Group on Somalia, the African Union, the League of Arab States and donor states contributing to the TFG, including the EU, Italy, Norway, and the USA, should support mechanisms to investigate violations of international human rights and humanitarian law committed in Somalia in 2007 and 2008, and to map violations since 1991 which may be considered war crimes or crimes against humanity;
- The International Contact Group on Somalia, the African Union, the League of Arab States and donor states contributing to the TFG and the government of Ethiopia, including the EU, Italy, Norway, and the USA, should take steps to ensure that any security sector assistance to the TFG and Ethiopia does not contribute to violations of human rights or international humanitarian law. The human rights impact of any such assistance should be closely monitored;
- The governments of all countries to which Somali refugees have fled from persecution must ensure that they are afforded protection and full respect for their human rights, as required under international law and international standards governing the treatment of refugees;
- The government of Kenya should open its border and allow access to its territory to people fleeing Somalia to seek asylum in Kenya, and ensure the protection and delivery of humanitarian services to Somali refugees in Kenya;
- UN agencies and member states should fully fund and staff emergency humanitarian assistance programs to meet the needs of vulnerable Somali civilians in Somalia and throughout the region.

## **Abbreviations**

ACHPR	African Charter on Human and Peoples' Rights
AMISOM	African Union Mission in Somalia
ARS	Alliance for the Re-Liberation of Somalia
AU	African Union
AUPSC	African Union Peace and Security Council
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
COSIC	Council of Somali Islamic Courts
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICGS	International Contact Group on Somalia
ICU	Islamic Courts Union
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
LAS	League of Arab States
NGO	Non-Governmental Organization
NRC	National Reconciliation Congress
RPG	Rocket propelled grenade
TFG	Transitional Federal Government
TFP	Transitional Federal Parliament
UNPOS	United Nations Political Office for Somalia
UNSC	United Nations Security Council
WFP	World Food Programme

## Map of Somalia



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<sup>1</sup> See UN News Service, 14 February 2008, <http://www.un.org/news/dh/pdf/english/2008/14022008.pdf>

<sup>2</sup> In early December the Elman Human Rights Organization estimated that close to 6,000 civilians had been killed in Somalia due to conflict in 2007.

<sup>3</sup> The UN has estimated 600,000 new internally displaced people (IDPs) in 2007, which, combined with 400,000 long-term IDPs in southern central Somalia, brings Somalia's estimated total IDPs to approximately one million.

<sup>4</sup> USAID estimates that 335,000 Somali refugees were newly displaced in 2007, a figure which does not include long-term Somali refugees displaced in prior years. (Somalia Complex Emergency Report #1, December 20, 2007).

<sup>5</sup> Some Somali refugees, particularly adult men, have reached Nairobi and other areas of Kenya, despite the border closure. See Section 6 below.

<sup>6</sup> Hundreds of civilians were killed during this fighting.

<sup>7</sup> *Washington Post*, 17 May 2006, A01.

<sup>8</sup> See below. for further description of UNSC Resolution 1725 and AMISOM.

<sup>9</sup> See below. for details of this mandate.

<sup>10</sup> Report of the Chairperson of the Commission on the Situation in Somalia (African Union, 18 January 2008).

<sup>11</sup> Report of the Chairperson of the Commission on the Situation in Somalia (African Union, 18 January 2008).

<sup>12</sup> Several incidents in which Ethiopian troops were killed and their bodies dragged through the streets of Mogadishu were reported in early November, including one in which a fire-fight reportedly caused the deaths of some 50 Somali civilians, when Ethiopian troops attempted to retrieve the body of one of their soldiers. Such incidents recalled images of Somali gunmen dragging the bodies of US military personnel through the streets of Mogadishu after clan militia downed two Black Hawk helicopters in 1993.

<sup>13</sup> Ethiopia increased troop deployments to its border with Eritrea when hostilities increased in early November 2007.

<sup>14</sup> This journalist recognized the voice of a local youth leader of a radical Islamist militia.

<sup>15</sup> See Amnesty International Focus Sheet, *Somalia: Systematic Attacks on Journalists* (March 2008, AFR 52/001/2008).

<sup>16</sup> Technicals are jeeps with heavy machine guns mounted on the back.

<sup>17</sup> There are several terms women used to refer to rape, including some use of the word "kofse," a harsh and explicit expression for rape, and the Somali word for "mishandled". Some women described rape that they appeared to have suffered themselves, but talked about it as if it had happened to someone else.

<sup>18</sup> There is no official figure.

<sup>19</sup> As previously mentioned, UN agencies and international organizations, as well as USAID, widely reported that there were some 600,000 Somali civilians newly displaced in southern and central Somalia in 2007. This adds to some 400,000 long-term IDPs in southern Somalia to make a total of approximately one million IDPs in this area.

<sup>20</sup> A second statement was issued by humanitarian agencies in late March 2008.

<sup>21</sup> UN General Assembly "2005 World Summit Outcome" (A/RES/60/1) 24 October 2005 [138-139]. Accessed from <http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>.

<sup>22</sup> W. Fenrick, in O. Triffterer (ed.), *Commentary on the Rome Statute* (1999), article 28, margin No.5.

<sup>23</sup> Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Geneva Convention II for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces; Geneva Convention III relative to the Treatment of Prisoners of War; Geneva Convention IV relative to the Protection of Civilian Persons in Time of War; 1977 Geneva Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts; 1977 Geneva Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts.

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<sup>24</sup> Henckaerts J-M and Doswald-Beck L, *Customary International Humanitarian Law*, International Committee of the Red Cross, Cambridge University Press, 2005.

<sup>25</sup> These provisions of customary international law are found in Additional Protocol I, Articles 50-8; see also Henckaerts and Doswald-Beck, rules 1-24.