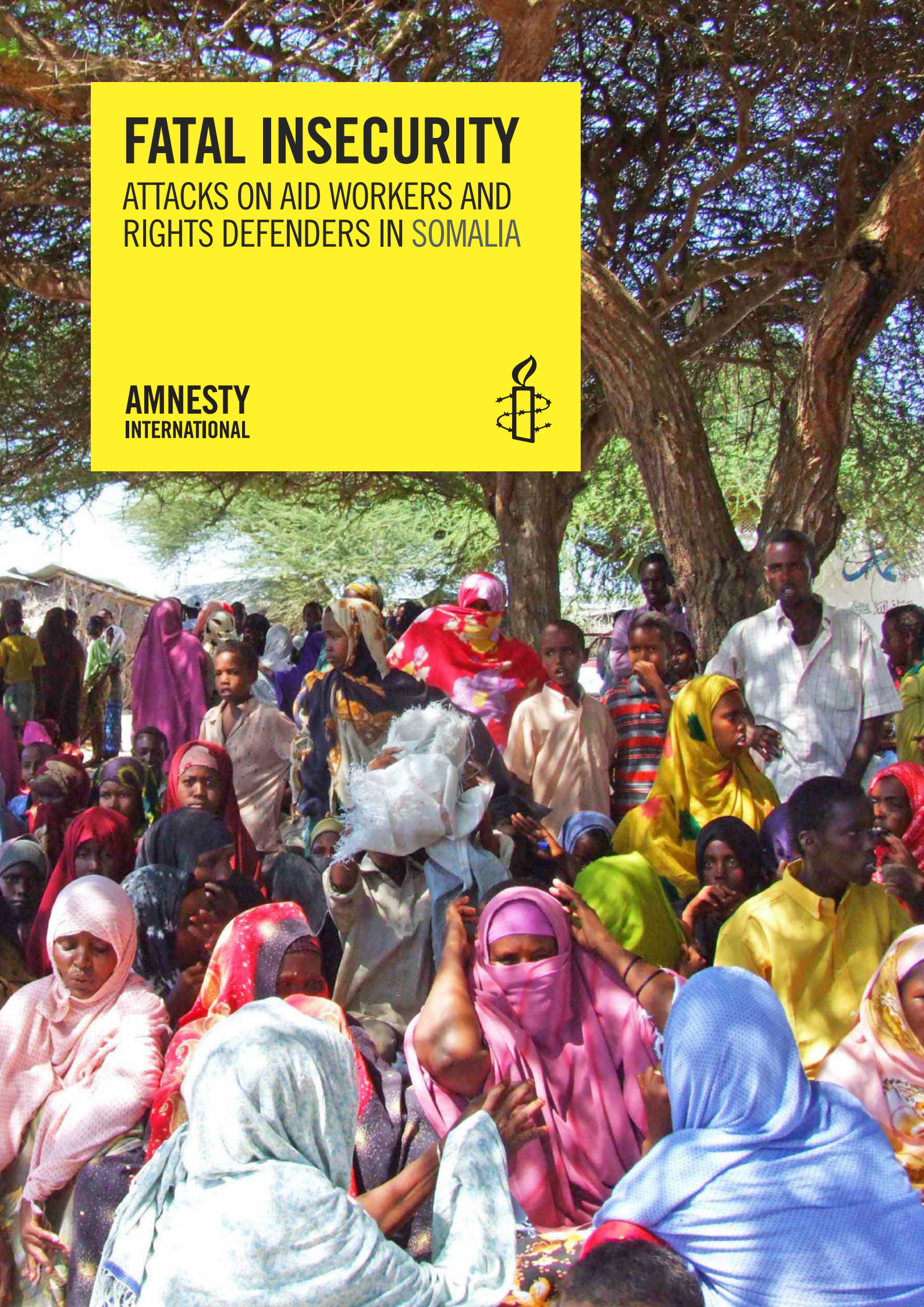


FATAL INSECURITY

ATTACKS ON AID WORKERS AND
RIGHTS DEFENDERS IN SOMALIA

AMNESTY
INTERNATIONAL



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Cover photo: Displaced Somalis gathering for food distribution
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“Even the short man can see the sky, when will the international community see what is happening in Somalia?”

A Somali human rights defender in exile

INTRODUCTION

An escalating wave of attacks on humanitarian workers, peace activists and human rights defenders has been sweeping southern and central Somalia. At least 40 Somali human rights defenders and humanitarian workers were killed between 1 January and 10 September 2008 alone.

Amnesty International has investigated 46 cases in which humanitarian workers and members of Somali civil society organizations were reported to have been killed in 2008. Some were killed in robberies or kidnappings that went wrong, and in at least three cases the victims were bystanders, rather than direct targets of the violence. However, the majority were victims of targeted killings. The information in this report has been drawn from a number of different confidential sources. Some humanitarian organizations were unable to comment on attacks to Amnesty International for fear of provoking further attacks.

As a result of these attacks, a number of humanitarian and civil society organizations have been forced to

suspend programmes and withdraw staff even though they are in the middle of a humanitarian emergency. Many Mogadishu-based human rights defenders and other civil society members have this year been forced to flee Somalia for the first time since the end of the government of former President Mohamed Siad Barre in 1991. One human rights defender told Amnesty International: “This was the first time I have been forced to flee from Mogadishu. I had been there throughout all the previous fighting since the fall of the Siad Barre regime, and only left the country to attend conferences. Now I have to flee for my life.”

The fall-out of this violence targeting humanitarian workers and Somali civil society has been the further deterioration of human rights and humanitarian conditions for the majority of the population of southern and central Somalia. The restrictions on the freedom of humanitarian agencies to deliver emergency humanitarian services – food, shelter and essential medical services – form one of the leading factors contributing to widespread malnutrition and

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death from starvation or preventable diseases throughout the area. One humanitarian worker said: "We are not able to start new programmes because our staff can't go in. There is acute malnutrition in Mogadishu, but we're not able to respond quickly enough, we have to work by remote control, and quality suffers."

Those who command and execute the targeting of humanitarian workers and members of civil society are partially responsible for creating this humanitarian crisis. Whether they are opposition armed groups, Transitional Federal Government (TFG) militias, or criminal gangs, they must be held to account. The TFG and Ethiopian forces supporting them must immediately act to end the insecurity driving the human rights and humanitarian crises. Otherwise, both governments risk failing to fulfil their respective obligations under human rights law and international humanitarian law – to protect Somali civilians from violations and abuses, and to bring those who target them to justice. Armed opposition groups also have obligations under international humanitarian law to refrain from attacking civilians and to avoid indirect targeting of humanitarian workers and other civilians.

The increasing attacks against humanitarian and civil society workers also testify to the international community's failures in Somalia. The state-building efforts of UN agencies and donor governments have borne little fruit; AMISOM peacekeeping forces are not fully deployed and their mandate is too narrow and inappropriate for the situation. As a result, they are largely ineffectual. The agendas of the international community vary widely and are often contradictory, with some nations prioritizing the targeting of

individuals and groups they believe are linked to international terrorism, others working to develop the capacity of the TFG, and others again focusing on supporting peace and reconciliation between parties to the conflict. These agendas have been further complicated by the actions of governments in Somalia, motivated by their own security concerns and given tacit acceptance by the international community, and by the actions of the government of Eritrea, which is attempting to engage in a proxy war in Somalia and bog down its Ethiopian rivals in an intractable insurgency.

The international community must begin to prioritize the needs of the people of Somalia, if humanitarian workers and Somali civil society are to operate safely in Somalia once more. The TFG, armed opposition groups and the government of Ethiopia do not face consistent international pressure to ensure that their armed forces cease committing human rights abuses and violations of international humanitarian law. A unified position is needed on the part of those in the international community with influence in Somalia to demand the protection of civilians and respect for human rights and international humanitarian law. The interlinked human rights and humanitarian crisis in southern and central Somalia must be made a priority by the international community. Donor countries, the UN Security Council and multilateral agencies have so far failed to take effective measures to end mass human rights abuses and impunity for those abuses, and they have failed to 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.

Men from the central region of Somalia who lost all their livestock during the 2008 drought.



CONTEXT

Recent attacks on Somali civil society and humanitarian workers have occurred against the backdrop of continuing conflict and a worsening humanitarian emergency in Somalia. Since the overthrow of former President Mohamed Siad Barre in 1991, the security situation in southern and central Somalia has been marked by conflict based on clan rivalries, competition over scarce resources and criminal activity. In 2004, a national reconciliation conference that marked the 14th attempt to create a national Somali government resulted in the formation of Transitional Federal Institutions, including the Transitional Federal Government (TFG) under the leadership of President Abdillahi Yusuf. Ethiopia intervened militarily in Somalia in the last days of 2006 to help the forces of the TFG oust the Islamic Courts Union (ICU) from Mogadishu and surrounding regions, where they had maintained effective control since June 2006. In response, remnants of ICU militias and other armed groups opposed to the TFG launched an insurgency against Somalia's transitional government and its Ethiopian allies. In February 2007, following an African Union Peace and Security Council communiqué, the UN Security Council unanimously adopted Resolution 1744, authorizing the deployment of African Union peacekeeping forces, AMISOM. However deployment of the AMISOM troops has been delayed and partial, with initially only Ugandan, and later Burundian, troops deployed.

Since the last Amnesty International report (*Routinely targeted: Attacks on civilians in Somalia* (Index: AFR 52/006/2008)) released in May 2008, TFG forces and the Ethiopian troops supporting them have lost control of increasingly large areas of southern and central Somalia. For example, al-Shabab armed opposition

groups have taken over the town of Beletweyne, and the strategically and economically significant port city of Kismayo. The city of Baidoa, the site of the Transitional Federal Parliament, has also come under repeated attack by al-Shabab militias. In addition, in early 2008, Ethiopian-trained Somali forces, reportedly under the control of the Ethiopian military, were deployed across southern and central Somalia, although according to Amnesty International's information, they have had little military success and suffered high rates of desertion.

The loss of control by TFG forces and Ethiopian troops in Somalia is in part due to a concerted campaign of killings waged by opposition armed groups who have targeted civilian TFG officials and supporters. The TFG's capacity to protect its low-ranking officials from unlawful targeted killings has been reduced, even in Mogadishu and Baidoa, and it has likewise proved incapable of creating a secure environment for humanitarian workers and Somali civil society. In fact, some of the attacks on humanitarian workers and human rights defenders have been carried out by TFG police and militias, although armed opposition groups remain the greater threat.

Since a UN-brokered peace agreement was reached in Djibouti in June and signed in August 2008, the positioning of the parties to the Somali conflict has changed. The Alliance for the Reliberation of Somalia (ARS), comprised in part of leaders from the former ICU, split into groups based in Djibouti and Eritrea. This division has been reflected in splits in fragile alliances within the armed opposition groups inside Somalia, who were until then largely united by their active military opposition to the TFG and Ethiopian forces. This has led to recent armed conflicts between opposition



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armed groups supporting the Djibouti-based ARS and other armed groups, including al-Shabab militias, which have expressed strong opposition to the peace talks.

The peace talks have also resulted in greater disunity within the TFG, between a group led by President Abdullahi Yusuf and opposed to any negotiated peace, and an element that supports the efforts of Prime Minister Nur Hassan Hussein. Recent divisions between these two individuals and their supporters have been exacerbated by a dispute over the Prime Minister's dismissal of the Mayor of Mogadishu and Banadir Regional Governor, Mohamed Omar Habab (commonly known as Mohamed Dheere).

It is within this desperate environment that humanitarian workers, human rights defenders and other members of Somali civil society are coming under increasing attack. In this document, Somali civil society is used as an encompassing term, which includes Somali human rights defenders, peace activists and providers of humanitarian and community services. Many Somali organizations and individuals are involved in activities in several of these categories.

A soldier from the international peacekeeping force AMISOM on patrol, May 2007.

HUMANITARIAN CRISIS

The humanitarian situation in Somalia has continued to worsen. Recent UN reports state that 3.25 million Somalis, 43 per cent of the population, will require food aid until the end of 2008. There is a growing food shortage in urban areas. Somalia is currently suffering from the worst drought the region has faced since the early 1990s, with four consecutive failed rains. This drought comes on top of rapid increases in the local price of food, a rapidly devaluing Somali shilling and growing global food prices. The humanitarian situation has been exacerbated by armed conflict, with more than 1.1 million Somalis currently displaced, including 870,000 who have been displaced by the fighting since the start of 2007.

(Figures from Food Security Analysis Unit – Somalia Post-Gu Analysis 22 August 2008.)

NO ONE IS SAFE

Attacks on humanitarian workers, human rights defenders and other members of Somali civil society escalated in 2008, particularly during June and July. While these assaults are not universal or uniform, it is clear that humanitarian workers no longer enjoy the limited protection they previously held, based on their status in the community as impartial distributors of food and emergency services, or as advocates of peace and human rights. These attacks have now become one of the defining features of the conflict in Somalia in 2008, with the significant increase in attacks targeting this group resembling a similar earlier rise in attacks targeting journalists in 2007, as documented in the Amnesty International report *Journalists under attack* (Index: AFR 52/001/2008, March 2008).

Amnesty International has investigated numerous instances of attacks on human rights defenders and has compiled the following list of individuals who have died while carrying out their work in Somalia. The information in this list and the report has been drawn from a number of different confidential sources, including numerous meetings conducted with Somali civic society members and humanitarian organizations in July, August and September 2008. Some cases are not listed here for fear their reporting could prompt further attacks:

- **Mohamoud Ahmed**, a guard for the Daryeel Bulsho Guud (DBG) organization, was killed on 2 January 2008 when 40 heavily armed men stormed the DBG compound in Mogadishu and plundered their offices.
- **Isse Abdulkadir Haji**, an employee of the Zam Zam Foundation, was killed on 7 January 2008. He was shot dead in Yaaqshiid district in Mogadishu by unknown gunmen.
- **Victor Okumu**, a Kenyan surgeon, **Damien Lehalle**, a French logistics expert, and **Billan**, a driver, all from Médecins Sans Frontières (MSF) Netherlands, were killed on 28 January 2008 after their car was hit by a roadside bomb in Kismayo. Somali journalist Hassan Kafi Hared, who was a nearby bystander, was also killed.
- A World Food Programme (WFP) contracted convoy leader was shot on 13 February 2008 at an illegal roadblock on the road near Bu'ale in southern Somalia.



Somali children playing war games, Mogadishu, August 2008.

- An MSF Spain employee died after an attack on an MSF vehicle on 12 March 2008 on the road between Balcad and Mogadishu. Several armed men opened fire on the MSF car and other vehicles including the likely target of the attack, the vehicle of the TFG District Commissioner of Balcad.
- A driver working for the NGO security office was shot and killed and his vehicle stolen in Galkayo on 18 March 2008.
- A gardener for SOS Clinic in Mogadishu was killed on 23 March 2008 during fighting near the clinic. After the fighting, Ethiopian troops occupied the clinic for a number of days. The hospital had just reopened after a three-month closure due to insecurity.
- Two British teachers, **Daud Hassan Ali** and **Rehana Ahmed**, and two Kenyan teachers, **Gilford Koech** and **Andrew Kibet**, from the Hiran Community Education Project English school in Beletweyne, were killed on 14 April 2008 during an attack on Beledweyne by al-Shabab armed militias.
- A WFP-contracted driver was shot and killed on 7 May 2008, when a convoy of 12 trucks carrying WFP food was stopped at an roadblock 30 km north of Galkayo.
- **Ahmed Moalim Bario**, director of Horn Relief, a Somalia aid organization, was killed on 17 May by masked gunmen as he arrived at his house in Kismayo.
- **Mohammed Abdulle Mahdi**, the Chair of the Women and Child Care Association in Beletweyne and a member of the board of the South Central Non-State Actors Network, was killed on 11 June 2008 when gunmen opened fire on his car as he travelled through Mogadishu. His driver was also killed.
- **Hassan Abdi**, a WFP-contracted driver, was killed on 12 June 2008 near Leego village while transporting food aid from Mogadishu to Bay and Bakool regions.
- **Nasteh Dahir Farah**, a BBC reporter and official of the National Union of Somali Journalists, was shot and killed on 7 June 2008 in Kismayo.
- **Mohamed Hassan Kulmiye**, a peace activist with the Centre for Research and Development, was killed on 22 June 2008 by unidentified gunmen in Beledweyne. He died at the scene after being shot in the head several times.
- **Siyaad Mohamed Owroow**, the Chairman of the ASAL aid agency, was killed on 30 June 2008 near Bakara Market in Mogadishu.
- **Abdikarin Sheikh Ibrahim**, the Chairman of the Committee for the Assistance of Somali Orphans, was shot dead by armed men as he was heading home from Bakara market on 2 July 2008.
- **Osman Ali Ahmed**, the head of the UN Development Programme (UNDP) based in Somalia, was killed on 6 July 2008. He was shot as he left a mosque in Mogadishu after evening prayers and died on his way to hospital. His brother was also shot and seriously wounded.

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- **Ahmed Saalim**, a WFP-contracted driver, was shot and killed on 7 July 2008 after fighting broke out between convoy escorts and police at a checkpoint in Lower Shabelle region.
- **Ali Jama Bihi**, a peace activist and mediator between Darod and Hawiye clan militias, was killed on 9 July 2008. Two gunmen shot and killed him as he came out from dawn prayers in Galkayo.
- **Mohamed Muhamoud Qeyre**, the Deputy Director of DBG, was killed on 11 July 2008. Two men shot him three times in the head and ribs while he was distributing aid to displaced Somalis along the Afgooye corridor.
- **Mohamud Ahmed Roble**, a local aid worker, was killed in the town of Galharei in central Somalia on 11 July 2008. He was shot four times by two men as he left his house.
- **Ali Bashi Alore**, the head of Somali Rehabilitation and Development Agency (SORDA), a Mogadishu-based charity, was shot several times on 11 July 2008 while distributing food to internally displaced people (IDPs) in Taredishe camp, 13km south of Mogadishu. He was taken to a hospital in Djibouti, where he died.
- A WFP contractor was killed on 13 July 2008 at a food warehouse in Bu'ale in southern Somalia, after being confronted by local authorities who demanded US\$30 per truck before allowing them to leave the warehouse.
- **Safhan Moalim Muktar**, the executive director of the South Somali Youth Organization, was killed on 14 July in Baidoa, and his car was stolen.
- On 18 July 2008, three Somali elders who were involved in the distribution of food in an IDP camp on the outskirts of Mogadishu were shot by young men carrying guns. One died on the spot, the two others in hospital.
- **Abdulkadir Yusuf Kariye**, head of the Lafole Orphanage Centre, was killed by gunmen on 6 August 2008 (see box below).
- **Adan Quresh**, a local staff member for World Vision International, was a bystander who was hit by gunfire and killed on 12 August 2008 after fighting broke out between armed groups in the town of Wajid in southern Somalia.
- **Abdulkadir Diad Mohamed**, the Deputy Finance Officer for WFP, and his personal driver, **Mohamed** (not a WFP employee), were killed on 15 August 2008 in Dinsur in southern Somalia. Abdulkadir was initially detained by armed opposition group members, and was shot and killed when he tried to escape. After the shooting of Abdulkadir, his driver was also shot and killed, and a third individual who was with them escaped.

Somali children whose families fled Mogadishu protest against the killings of aid workers, July 2008.



KILLED FOR PROTESTING AGAINST ATTACKS ON AID WORKERS

On 6 August 2008, **Abdulkadir Yusuf Kariye** (commonly known as Kariye), head of the Lafole Orphanage Centre in Afgooye, was shot six times in his home by unidentified gunmen. He was rushed to hospital, but died soon after. Kariye had been running the orphanage since 1991. Before his death, Kariye had been involved in organizing protests against attacks on humanitarian workers, including the fatal shooting on 18 July 2008 of three clan elders by a

group of five gunmen. The elders had been involved in distributing emergency humanitarian aid to internally displaced people in the Afgooye area. At Lafole Orphanage, Kariye had offered assistance to hundreds of internally displaced people, as well as more than 300 orphans. Immediately following Kariye's death, further death threats were issued against other humanitarian workers in the area, warning against any further protests.

WOMEN'S RIGHTS ORGANIZATIONS

Throughout the most recent conflict in Somalia, violations of women's rights have been widespread, with rape and sexual assault perpetrated by a number of armed groups, including the forces of the TFG and the Ethiopian military. (See Amnesty International, *Routinely Targeted: Attacks on civilians in Somalia*, Index: AFR 52/006/2008 for further information.)

Only a few women have been targeted in the killings of members of civil society. However, though few in number, these targeted killings of women are significant. They indicate that long-standing norms of Somali culture, which would traditionally have prevented the targeted killing of women in conflict, have been further weakened, as demonstrated by the killing of Medina Mahamoud Elman, among others.

Women's rights activists have faced increasing threats in 2008, largely from Islamic armed opposition groups. One said, "We face threats from al-Shabab. They are threatening us, saying 'why do you mislead the women on fake rights. Why do you encourage the women to be out of their homes?'"

Another women's rights activist told Amnesty International of threats communicated through her family: "An al-Shabab person told two of my relatives, 'why is your relative doing counselling for victims of violence?' He said, 'she should stay out of it.' So I stopped going to where I was doing my work, helping children, and when it is very necessary I put cover over my face, like a ninja, and went there. But when I was in the counselling space, people could see there was someone there, and they will know it was me, even if I cover my face. So I stopped."

Women's rights organizations have also faced threats when organizing events. "We were organizing an event for 8 March (International Women's Day). They distributed leaflets saying 'you have to stop 8 March or we will kill you.' After this, I got the phone call saying 'we will kill you.' We believe that we have one day to die, so we are working still. We held the event, and criticized the threats against women's organizations."

THE KILLING OF MEDINA MAHAMOUD ELMAN

Medina Mahamoud Elman was killed on 15 November 2007. She was a leader of HINNA (Woman Pioneers of Peace and Life), a women's rights organization in Mogadishu. HINNA, established in 2001, was responsible for opening militia roadblocks, demobilizing militia members and recruiting them as staff for the Mother and Child hospital, which was opened in 2003.

Medina was shot while she was distributing food aid in Elasha camp for the internally displaced, on the outskirts of Mogadishu. She died before she could be evacuated to a hospital outside Somalia.

Another Somali women's rights activist told Amnesty International, "Before she was killed, she received telephone threats, saying, 'You should stop talking about peace, and stay home.' She was fearless and would continue in her work regardless of these threats."



A blind woman, with her granddaughter, in Elasha camp for the internally displaced, April 2008. She was forced to flee from Baidoa in 1998, and from Mogadishu in 2007. © Private

ABDUCTIONS

Since the beginning of 2008, at least 23 UN officers, humanitarian workers and members of Somali civil society have been abducted. As of 10 September 2008, at least 12 were still being held captive. Some of those abducted were released relatively quickly, while others were freed only after the payment of what has been reported to be substantial ransoms, particularly in the cases where the abducted individuals were European nationals.

Abductions spread across Somalia in 2008. In 2007 there were isolated cases reported, but in 2008 abductions and attempted abductions took place across southern and central Somalia and Puntland, with a range of armed groups reportedly involved. Organizations investigating the abduction of their staff have also reported that the abducted individuals have at times been sold or transferred between armed groups, and moved significant distances. Many humanitarian organizations have responded to abductions by temporarily suspending the deployment of international staff into Somalia, withdrawing international staff from Somalia, or severely restricting their movements within the country. This has made humanitarian organizations more heavily dependent on local Somali staff, who have then also come under increasing threat.

THREATS

Since the US military attack on Dhusamareb on 1 May 2008 and the signing of the Djibouti peace agreement in June 2008, the security of Somali human rights defenders and other civil society members has worsened considerably. In addition to the killings listed above, members of civil society receive regular threats, both from unidentified individuals and from people claiming to be members of armed opposition groups. In some cases, it is impossible for civil society members to determine who exactly is making these threats.

One human rights defender told Amnesty International, "with these anonymous threats I am like a person fighting a *djinn* [mythical being]. If I knew who it was, I wouldn't have to leave, because I could sort it out."

Another said, "Initially, I thought the threats were just people trying to chase me from my job, so they could apply. But then my relatives told me it was al-Shabab, so I had to lie low, because when al-Shabab threaten, it's real."

A prominent Somali human rights activist told Amnesty International, "I was receiving phone calls saying to stop what I was doing against Islam. If you are given a warning once by these groups, it means you are going to be killed."

The threats have been delivered in various ways. While most threats in 2007 came via phone calls or word of mouth, recently other methods, including leaflets, have been used. One leaflet distributed this year in Mogadishu threatened the Coalition of Grassroots Women's Organizations (COGWO), MSF Holland,



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UNDP and the Somali humanitarian organizations Saacid and Daryeel Bulsho Guud (DBG). Shortly after this leaflet was distributed, Mohamed Muhamoud Qeyre, the Deputy Director of DBG, was killed.

Members of Al-Shabab militia in Mogadishu, before an attack on the presidential palace, May 2008.

Threats were also made on Voice of Peace radio in Mogadishu on 14 July by a man identifying himself as Sheik Mohamud, who threatened peace and human rights organizations as well as humanitarian aid workers, saying they “must either stop work or face death because they are spoiling the community by introducing fake rights. Human rights are very clear in Islam.”

Humanitarian organizations have also informed Amnesty International that death lists have been circulated in Mogadishu in recent months. While the authenticity of such lists is often suspect, in the unclear security environment of Somalia, even threats which may be baseless must be investigated, and have resulted in the temporary removal of staff as a precaution.

Witnesses told Amnesty International that on 8 August 2008, a preacher at Abuhurada mosque in Bakara market said “the Western governments dismissed all Islamic NGOs, so we have to dismiss the UN and all western NGOs, and local NGOs that have relations with Westerners”.

WHO IS RESPONSIBLE?

Humanitarian workers and civil society workers have been killed by all parties to the Somali conflict. In the majority of instances, they were the victims of deliberate, targeted attacks, although sometimes apparently as a result of mistaken identity. In a few cases, they were in the wrong place at the wrong time.

The identities and affiliations of their killers are increasingly unclear. Many organizations and prominent members of civil society have told Amnesty International that this confusion has further exacerbated the insecurity they feel.

Most recent killings have been carried out by one or more gunmen. In almost all cases reports have described the killers as young men between 15 and 25 years old. In only a handful of the 46 deaths Amnesty International investigated were the names of suspected individual perpetrators available.

In many cases, it is unclear which armed group the attackers are affiliated to, with a variety of theories offered as to who was behind the attack. In some of the cases Amnesty International examined, a number of witnesses or individuals who investigated the killings insisted that the attackers were armed opposition forces, while others claimed they were TFG forces impersonating opposition gunmen and some suggested that feuds or business competition were the actual reasons behind the attack. As one human rights defender told Amnesty International, "There is manipulation by each side (in the conflict), who are themselves killing prominent civil society members and blaming the other side."

Many members of civil society and humanitarian organizations in Somalia have told Amnesty International that this lack of clarity is fuelling the violence, particularly where killings are reportedly carried out because of personal vendettas or competition over business opportunities. In this environment of deliberate confusion, Somali traditions of paying compensation, and clan responses to crimes, traditions which had previously prevented impunity for violent actions, no longer act as effective deterrents. Perpetrators can rely on the fact that either al-Shabab or TFG militias will be blamed as convenient scapegoats, preventing them from being forced to pay compensation.

However, in approximately half of the 2008 killings of humanitarian workers, human rights defenders or other Somali civil society members, Amnesty International has been informed by a number of individuals close to those killed that the affiliations of the attackers are known, or can be reasonably determined. In the majority of these cases, the attackers have been reported to be members of armed opposition groups, including al-Shabab militias, and the various ARS-affiliated militias (often still called Islamic Courts). Clan militias and clan-affiliated criminal gangs committing acts of banditry or extortion are the second largest group of attackers reported, with a small number of remaining attacks reported to have been carried out by TFG militias or Ethiopian troops.

REASONS FOR ATTACKS

Even in instances where the affiliations of attackers are known, the motivation for attacks is not always clear. Many members of Somali civil society organizations have been clearly warned by Islamic armed opposition groups that they are being targeted because of their work. In particular, women's organizations have been accused of teaching women "false rights" or teaching them to "leave the house".

Similarly, a number of Somali peace activists have been killed as a direct result of their work, in violation of Somali traditions regarding their status as inviolable, and in clear violation of international humanitarian law. These attacks increased following the announcement of the Djibouti peace agreement, as armed groups who were left out of or chose to boycott the peace process sought revenge against members of Somali civil society for their role in promoting it. One peace activist told Amnesty International that he was threatened by an armed opposition group member who stated, "You have divided us, so you are our enemy," referring to the split in anti-TFG forces that occurred after the Djibouti agreement was signed.

Other civil society members who have been affiliated with the TFG have been killed because of these links, as part of a broader, more overt campaign by armed opposition groups to kill civilian TFG government leaders. Hundreds of civilians have reportedly been killed for having links to the TFG reportedly as trivial as serving tea to TFG militia or Ethiopian forces, according to UN Protection Cluster Updates, and interviews with humanitarian organizations.

The motivation for attacks on humanitarian workers has been a matter of great concern to humanitarian

organizations, as the possibility that armed opposition groups are targeting their staff solely because of their work must be assessed, to ensure the safety of their staff and partner organizations. Currently many humanitarian organizations do not believe their staff are being targeted by armed opposition groups solely because of their delivery of emergency humanitarian aid or services; they have consequently assessed that they can continue delivering essential humanitarian aid and services in southern and central Somalia. However, the number of humanitarian staff killed



Distribution of food aid by a Somali humanitarian organization in Madina, Mogadishu, May 2007. Such aid is now under threat. © Private

or attacked in 2008 clearly indicates that the nature of their work no longer provides them with protection.

While reasons vary from attack to attack, some patterns can be drawn.

First, a growing number of attacks are reported to be financially motivated. These include threats and acts of violence to extort “fees” from contractors delivering humanitarian aid, and the abduction of humanitarian staff and vehicles for ransom. Amnesty International contacts believe such attacks are being carried out by a variety of armed groups acting independently, including clan militias and powerful local leaders, TFG-affiliated militias and armed opposition groups, and elements of al-Shabab militias operating in middle and lower Juba region under the control of Hassan Abdullahi Hersi al-Turki (Hassan Turki).

Second, some attacks may have been motivated by a desire on the part of opposition groups to root out people who they believe are operating as spies for the TFG or Ethiopian military. Such suspicions are rife within opposition groups led by individuals designated as terror suspects by the US government such as al-Shabab commanders Abu Mansour Robow and Hassan Turki.

For many humanitarian organizations, suspicions by opposition groups about their impartiality and neutrality have resulted in threats against their staff, abductions, interrogations of Somali staff and physical attacks. Suspicions intensified after a US missile strike on Doobley in southern Somalia on 3 March 2008, and a US attack on Dhusamareb on 1 May which killed at least nine people, including al-Shabab commander

Aden Hashi Farah “Ayro”. Since these attacks, humanitarian workers have told Amnesty International that they are afraid to travel outside the country because they would probably be accused of being spies upon their return. They also spoke of other humanitarian workers who had been detained, interrogated and attacked by members of al-Shabab and other armed opposition groups on suspicion of espionage against them.

Third, many attribute increasing violence against humanitarian workers and members of civil society to growing uncertainty over the security situation in Somalia. The Djibouti peace talks further fragmented the armed opposition groups, previously largely united in opposition to the TFG and Ethiopian forces. Splits have led to recent armed conflicts between opposition groups supporting the Djibouti-based ARS and others, including some al-Shabab militias.

These divisions have resulted in greater insecurity throughout Somalia, most particularly in southern and central Somalia. It is difficult for humanitarian organizations to identify who is in control of a given area, or to assess whether the assurances of safety given by leaders will be followed in the field by young and relatively inexperienced commanders of local sub-groups. Amnesty International has been informed by a number of humanitarian organizations that risks are substantially higher in contested locations, where certain armed groups may seek to attack humanitarian organizations to demonstrate that their opponent armed groups do not have the ability to provide local protection for humanitarian operations, or ensure security in the area.

WIDER SUFFERING

The threats, abductions and killings of humanitarian workers and Somali civil society members constitute violations of human rights and international humanitarian law. However, the impact of these attacks goes beyond the individuals targeted, to the 3.25 million Somalis who currently require emergency humanitarian assistance.

The attacks on the staff of international and national humanitarian organizations place them in an impossible situation; they are forced to weigh risks to the lives of their staff and local partner organizations against malnutrition, starvation and disease faced by millions of Somalis if their assistance doesn't arrive.

Currently, humanitarian access in southern and central Somalia is inadequate given the increasingly desperate needs of the local population. Humanitarian organizations have told Amnesty International that they have suspended programmes, withdrawn international staff, and relocated local staff because of security threats. The UN reports that the number of international staff working in Somalia was halved between January and August 2008. (UN OCHA Access Update – 1 to 31 August 2008.)

Related to this is the fact that the cost of delivering humanitarian aid in Somalia has significantly increased. Security threats on land and at sea, illegal checkpoints, roadblocks and other means of extortion by authorities and armed groups alike have further added to the increased costs of food delivery. In August 2008, the UN reported that there were at least 325 roadblocks in Somalia, most staffed by TFG police or clan militias, and almost all demanding payment of



Gathering water: local resources have been depleted by the number of displaced people fleeing from Mogadishu. © Private

fees or protection money before allowing humanitarian aid vehicles to pass through. (UN OCHA Access Update – 1 to 31 August 2008.)

In addition, attacks have often immobilized local Somali civil society organizations. Given the prolonged lack of state capacity to govern southern and central Somalia, these organizations have filled the gaps to provide services that in other countries are routinely provided or supported by the state. These include hospitals and health care centres, counselling services, schools and training centres, demobilization and disarmament programmes, food and housing assistance, and garbage collection. All of these services have been affected by armed attacks. Campaigns of threats and intimidation by a range of armed groups have prevented civil society members from documenting and responding to human rights violations and abuses, providing education and other essential services, or working to restore peace and promote reconciliation in their conflict-ravaged communities.

INTERNATIONAL HUMANITARIAN LAW

International humanitarian law governs the conduct of war and seeks to protect civilians, others not participating in hostilities, and civilian objects during times of armed conflict. Somalia is a party to the 1949 Geneva Conventions. 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.

All parties to the conflict in Somalia are obliged, as a minimum, to apply Article 3 of the four Geneva Conventions (Common Article 3) which provides protections in situations of non-international armed conflict and 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,” and it sets out the duty to care for the wounded and sick as well as prohibitions against unlawful killings, torture and humiliating and degrading treatment, sexual crimes such as rape, and extrajudicial executions. Common Article 3 also acknowledges and protects offers of impartial humanitarian assistance and sets out that in a non-international armed conflict “an impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the parties to the conflict.”

Common Article 3 and customary international law therefore place an obligation on all parties to the conflict in Somalia to protect civilians, and all others not taking part in the conflict. All parties to an 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. Under international humanitarian law, humanitarian workers are considered to be civilians and should never be attacked.

Humanitarian workers are extended further specific protection under international law governing armed conflict. Under a number of provisions of international humanitarian law, impartial and humanitarian relief operations that are conducted without any adverse distinction may be undertaken, and these provisions relating to the protection of humanitarian workers have been recognized by states to reflect customary international law. Under customary international law, now included in Article 8 (2) (c) (iii) of the Rome Statute of the International Criminal Court, intentionally directing attacks against humanitarian personnel in a non-international armed conflict constitutes a war crime.

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. With regard to war crimes, the question of whether a 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. Effective measures must be taken by states to limit any risk to the security of humanitarian workers and there is a duty to

Displaced man near Hawlwadak, Mogadishu, April 2008. © Private



suppress breaches of international law and prosecute those responsible for war crimes. War crimes may also be prosecuted in another country on the basis of universal jurisdiction.

The TFG, Ethiopian Government and the international community must ensure that all those suspected of war

crimes in Somalia 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.

RECOMMENDATIONS

To the Transitional Federal Government

- Halt immediately all violations of international human rights and humanitarian law, and suspend from duty in the Transitional Federal Government forces anyone implicated in such violations, pending prompt, effective and impartial investigations and fair trials without application of the death penalty.
- Take all necessary steps to ensure the provision of humanitarian assistance, based on need, to displaced people without discrimination.
- Remove all roadblocks and other restrictions to the delivery of humanitarian assistance by humanitarian organizations, and take all necessary steps to ensure unimpeded delivery of humanitarian assistance, based on need, to vulnerable civilians throughout Somalia, including displaced people without discrimination.

To armed groups opposed to the Transitional Federal Government

- Refrain from any targeted attacks against humanitarian workers, civil society members and other civilians, including civilian officials of the Transitional Federal Government, and abide fully by the provisions of Common Article 3 of the Geneva Conventions including provisions permitting the delivery of humanitarian aid.
- Suspend from military activity anyone implicated in violations of international human rights and humanitarian law pending an investigation.

To the Government of Ethiopia and Ethiopian armed forces based in Somalia

- Halt immediately all violations of international human rights and humanitarian law and suspend from duty in the Ethiopian forces anyone implicated in such violations, pending prompt, effective and impartial investigations and fair trials without application of the death penalty.
- Take all necessary steps to ensure the provision of humanitarian assistance, based on need, to displaced people without discrimination.

To international humanitarian organizations working in Somalia

- Ensure that local staff and partner organizations are provided with appropriate levels of training and support to enable them to function effectively in an environment of heightened risk, including provision of emergency medical assistance and arrangements for medical evacuation.
- Continue to uphold the standards of independence, impartiality and neutrality essential for humanitarian organizations operating in an area of conflict, and promote these standards in a manner that can be readily communicated to armed groups inside Somalia.

To the United Nations

- Ensure a transparent and clearly demonstrated distinction between the impartial, independent and neutral role of UN agencies in the delivery of humanitarian assistance, and any political or development activities carried out by UN bodies.
- 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 extending its mandate to investigate, document and expose arms transfers; positioning UN monitors at sea ports and airports; enforcing the requirement of application for exemptions; and considering 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.
- In conjunction with the African Union, ensure that the African Union Mission in Somalia (AMISOM) and any succeeding UN peacekeeping mission is mandated to protect civilians including women, children, Somali minorities and internally displaced people. Also include a strong human rights component with the capacity to monitor, investigate and publicly report human rights violations.

To the international community

- Prioritize the safe delivery of humanitarian aid in Somalia over state-building, counter-terrorism, regional security or other agendas in Somalia in the determination of policy on Somalia.
- 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.
- Provide support and refuge to Somali civil society members who are forced to flee from Somalia, including innovative solutions such as expedited travel documents or pre-existing permission to travel.
- Ensure that Somali refugees who have fled from persecution are afforded protection and full respect for their human rights, as required under international law and international standards governing the treatment of refugees.
- Fully fund and staff emergency humanitarian assistance programmes to meet the needs of vulnerable Somali civilians in Somalia and throughout the region.

FATAL INSECURITY

ATTACKS ON AID WORKERS AND RIGHTS DEFENDERS IN SOMALIA

An escalating wave of attacks on humanitarian workers, peace activists and human rights defenders has swept southern and central Somalia. At least 40 Somali human rights defenders and aid workers were killed between 1 January and 10 September 2008.

The targeted violence has forced many humanitarian and civil society organizations to suspend programmes and withdraw staff, even though they are in the middle of a humanitarian emergency. The result is that conditions for the population of southern and central Somalia have deteriorated even further.

Those who target aid workers and civil society – whether they are opposition armed groups, Transitional Federal Government militias or criminal gangs – must be held to account.

The Transitional Federal Government and the Ethiopian forces supporting them must address the crisis. The international community must also take more concerted and effective action: international peacekeeping forces are largely ineffectual while the agendas of powerful countries are varied and contradictory.

Amnesty International calls for the arms embargo on Somalia to be strengthened, for neighbouring countries to open their borders to Somalis seeking asylum, and for all members of the international community to provide support and refuge to Somali civil society members forced to flee their country. Above all, the international community must exert consistent pressure to demand genuine change – to protect civilians and ensure human rights.

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