

Table of contents

| | | |
|----|---|----|
| I | A history of human rights abuses | 1 |
| II | Defending human rights | 4 |
| | Risks and dangers | 6 |
| II | The Workshop | 8 |
| | 1. Objectives | 9 |
| | 2. Human Rights Defenders, an introduction (Martin Hill, Amnesty International) | 10 |
| | 2.1 Who is a human rights defender?..... | 10 |
| | 2.2 What do human rights defenders do?..... | 10 |
| | 2.3 What is the range of Somali human rights defenders' work?..... | 11 |
| | 2.4 What can Somali human rights defenders achieve? | 11 |
| | 2.5 What are the risks of human rights defence work?..... | 11 |
| | 2.6 What protection do human rights defenders have?..... | 11 |
| | 3. The UN Declaration on Human Rights Defenders (1998) (Martin Hill, Amnesty International)..... | 12 |
| | 3.1 The UN Special Representative on Human Rights Defenders | 13 |
| | 4. Women Human Rights Defenders (Indai Sajor, NOVIB) | 14 |
| | 5. Working Group reports: the experiences of Somali human rights defenders | 16 |
| | 5.1 Freedom of Expression and Association..... | 16 |
| | 5.2 Justice and Rule of Law | 17 |
| | 5.3 Women's Human Rights..... | 18 |
| | 5.4 Minorities..... | 19 |
| | 5.5 Development and Humanitarian Activities..... | 20 |
| | 6. Impunity and abuses of the past – looking to the future (Dr Ghanim Alnajjar, UN Independent Expert for Somalia) | 21 |
| | 7. Comfort Women in Japan – a past crime not forgotten (Indai Sajor, NOVIB) ... | 23 |
| IV | Conclusion: Declaration of Somali Human Rights Defenders | 25 |
| | APPENDICES | 27 |
| | APPENDIX I | 27 |
| | Declaration of Somali Human Rights Defenders..... | 27 |
| | APPENDIX II | 29 |
| | Participants..... | 29 |
| | Facilitators..... | 30 |
| | APPENDIX III..... | 31 |
| | Message to the workshop from Ms Hina Jilani, the UN Secretary General's Special Representative for Human Rights Defenders..... | 31 |
| | APPENDIX IV..... | 32 |
| | Message to the workshop from Hassan Shirreh Sheikh, a founder and former co-director of the Dr Ismail Jumaale Human Rights Organization (DIJHRO) in | |

| | |
|---|----|
| Mogadishu, now a refugee in Canada..... | 32 |
| Who are the Somali minorities?..... | 33 |

Supporting and strengthening the work of Somali human rights defenders – a workshop report

This is a report of an Amnesty International workshop for Somali human rights defenders from all areas, which was held in February 2003 in Hargeisa, Somaliland. It was co-sponsored by International Cooperation for Development (ICD)¹ and NOVIB (Oxfam-Netherlands)².

I A history of human rights abuses

The work of Somali human rights defenders has a background of massive human rights abuses going back many years to the 21-year repressive government of Somalia headed by Major-General Mohamed Siad Barre and the civil wars following the collapse of the Somali state in 1991 on the overthrow of the Siad Barre government³.

The Siad Barre government originated in a military coup in 1969 after nine years of civilian multi-party government. It ended in 1991 when it was overthrown by armed

¹ ICD is the technical cooperation program of the Catholic Institute of International Relations. It has an office in Hargeisa and a long-standing program of development and capacity-building work in partnership with Somaliland non-governmental organizations (NGOs).

² NOVIB has an extensive program of human rights training for Somali civil society groups- see later.

³ On the Siad Barre government, see “*Somalia - a long-term human rights crisis*”, Amnesty International, 1989. For later human rights reports, see the Somalia articles in Amnesty International’s annual reports on its website, www.amnesty.org.

opposition forces based in Ethiopia. It had been responsible for a persistent pattern of gross human rights violations, including near-genocide by the army in the northwest culminating in the bombing of Hargeisa in 1988; systematic torture of political prisoners by the national security service; arbitrary and long-term detentions of thousands of prisoners of conscience; grossly unfair trials by national security courts; many judicial executions (including executions of prominent sheikhs in 1975) and numerous extrajudicial political killings; and harsh treatment of prisoners in security prisons.

Within months of the Siad Barre forces fleeing Mogadishu in early 1991, the south disintegrated into clan-based political violence and civil war. A United Nations operation began during a horrendous famine in the southwest in 1992, leading to a huge armed UN intervention (“Operation Restore Hope”), which withdrew in 1995 with little achieved in terms of re-establishing peace, disarming armed factions or reconstructing a government and administration. In 2000 a peace conference in Arta, Djibouti, established a three-year Transitional National Government (TNG) and a parliament in Mogadishu. However, by 2002 the TNG had virtually no control against a range of faction-leaders belonging to a Ethiopia-supported alliance, the Somali Reconciliation and Reconstruction Council (SRRC). In the northeast, the Puntland Regional State was declared in 1998 as a future part of a federal Somalia, but its progress was held back by internal armed conflict.

In the north-west in 1991, the Somali National Movement (SNM) force defeated the Somali army and unilaterally declared independence for Somaliland from the rest of Somalia, within the borders of the former British Somaliland Protectorate. The *de facto* independent Somaliland Republic under an inclusive civilian government has not yet received international recognition. It is the only part of the former Somalia to have achieved peace and stability.

In October 2002 the 14th attempt at a peace and reconciliation conference aiming to rescue Somalia from continuing state disintegration, widely seen as a threat to both international and regional stability, began in Kenya, with European Union, IGAD (Inter-Governmental Authority for Development) and Arab League support. The TNG and 18 armed faction-leaders signed a ceasefire, although, like the UN arms embargo and the international ban on the use of child soldiers, it has been frequently violated. Somaliland boycotted the conference, pursuing its political demand for independence. At the time of writing this report, the long-running conference of some hundreds of delegates was due to conclude with the formation of a new interim government to

replace the outgoing TNG in August 2003⁴.

Hundreds of thousands of Somali refugees scattered around the world are still unable to return home safely. This would require the existence of a government sufficiently established and recognized, capable of protecting their basic human rights under the rule of law and offering the opportunity of a sustainable livelihood for returnees and their families. 350,000 people are still internally displaced in Somalia and Somaliland.

⁴ AI's statements on the peace talks are: "*Somalia: No lasting peace without human rights – an Open Letter to the Peace Talks*", 7 November 2002, "*AI calls on the UN Commission on Human Rights to support human rights reconstruction*", 15 April 2003, and "*Somalia: Call for a human rights-committed interim parliament*", 12 June 2003.

II Defending human rights

Somali human rights defenders are working for a variety of rights set out in the Universal Declaration of Human Rights. Some work on civil rights issues such as political imprisonment, torture and prison conditions. Others work on women's human rights or minority rights. Some specialise in health issues, such as HIV/AIDS and disability. There are media associations, associations of educators and lawyers, other professional associations, and youth groups. Numerous local community-based organizations (CBOs) work on development and humanitarian issues. Only a fraction of the hundreds of Somali NGOs and CBOs active in recent years were represented at the workshop, whose participants were selected from those most active and experienced. Most participants are prominent members of recognized NGO "umbrella" groups such as the Peace and Human Rights Network (PHRN) and Coalition of Grassroot Women Organization (COGWO) based in Mogadishu, or the Nagaad women's coalition, the Coalition of Somaliland NGOs (COSONGO) and the Samo Talis coalition in Somaliland. New NGOs are still being formed. A small proportion of NGOs have an office with a computer and some international funding, but most exist (as all others did in their earlier stages) on a voluntary basis, without few material facilities and on a very small local funding basis. Local funding is difficult in what is one of the world's poorest areas and possibilities of international funding are limited.

Somali human rights defenders work in dramatically different political and human rights contexts. In the only area with established peace and a government – the Republic of Somaliland, isolated from most international aid because of its non-recognition – local NGOs go about their work much as in any other similar country in Africa, despite all the problems of weakly-developed government institutions and a poor economic infrastructure. Sometimes Somaliland NGOs and human rights defenders have faced government reprisals for their work, with some activists (including private-press journalists) being imprisoned for short periods. At the time of the workshop, there were no political prisoners, the private press was publishing freely and often criticizing the government and president, and human rights monitoring was readily permitted. Multi-party elections had been successfully held at the local council level with presidential elections imminent in April 2003. There were certainly several important issues of human rights of concern to NGOs but the government had frequently expressed commitment to international human rights standards, and had accepted the legitimate role of NGOs and human rights defenders. Somaliland human rights defenders were, however, aware that this situation could change: Somaliland had passed through two periods of political violence since 1991 and there were

anxieties about the outcome of the presidential elections to come, even though all parties had committed themselves to a peaceful democratic progress. At the time of writing (June 2003), the dispute over the close re-election of President Dahir Riyaale Kahin appeared to be nearing resolution⁵.

In contrast, Somali NGOs in other parts such as the central and southern regions of Somalia had been working in a varied context of absence of central or effective government, and often in the midst of intermittent violence from a range of armed clan-based factions. The Transitional National Government (TNG) had achieved very little control of territory beyond a small section of the capital of Mogadishu, which was divided up by different clan-based faction-leaders, commonly called “warlords”. Even after the UN withdrawal in 1995 and even after the October 2002 ceasefire, there was a steady stream of faction fighting, with civilians frequently caught in the cross-fire or subject to deliberate abuses by uncontrolled and unaccountable faction militias committing crimes with impunity and without any responsibility accepted by their political leaders. There is no national or local rule of law, and little protection from criminal gunmen with past or ongoing links with faction militias. The only protection is from clan militias and customary dispute settlement mechanisms traditional in the Somali nomadic pastoralist culture. Clan support mechanisms provide the only safety in the disintegrated state – but at the same time this fuels clan conflict and discrimination, leaving the excluded and unarmed Somali minorities defenceless targets for killing and looting. Women are also the vulnerable victims of abuses, with a rise in crimes of violence against women, particularly rape, reported in 2002. International relief agencies had withdrawn international staff or entire operations on account of the dangers of kidnapping, murder and looting of relief materials, though some Somali staff remained operational despite the risks.

Despite the October 2002 cease-fire, there is still a high level of political violence and insecurity in Mogadishu and central and south-western regions, although a reconciliation agreement in Puntland in May 2003 offered hope for a return to stability there after a lengthy period of conflict and human rights abuses.

Reporting and criticizing human rights abuses by unaccountable faction militias whose leaders claim power but disclaim abuses by their gunmen or in their claimed areas is a high-risk activity. Engaging in humanitarian or human rights activity can mean exposure to extreme physical danger. Humanitarian workers, businesspersons and returning foreign residents thought to have money, are at risk of kidnapping for

⁵ Amnesty International’s delegates met President Dahir Riyaale Kahin and other members of his government during their visit and discussed human rights issues.

ransom. In Mogadishu, people employ various forms of protection, such as hiring expensive armed guards (who are likely to be former militias with records of abuses) and “technicals” (vehicles with machine-guns or rocket-launchers mounted on them), or calling on the support of their own clan’s militia, or seeking support from the public and the outspoken private newspapers and radio stations.

Despite the dangers, human rights defenders and NGOs even amidst the worst violence in Mogadishu and other recently politically tense regions such as Puntland, Bay, Bakool and Gedo regions and Kismayu, have established themselves on a voluntary basis and with local community support, sometimes receiving some small international assistance later. They have made remarkable breakthroughs in bringing local pressure and restraints on warlords, and have condemned kidnappings, killings of vulnerable civilians including minorities and internally displaced persons (though without being able to name the perpetrators and their political factions), rape of women, looting of property, cruel punishments such as amputation sentences and whipping ordered by Shari’a courts, torture and ill-treatment of prisoners, reprisals against journalists on account of critical articles, and other abuses.

Risks and dangers

Some Somali human rights defenders have suffered heavily for their activities. Probably all have at some time received threats to themselves or their families, and have had to take protective measures for their safety and to enable them to continue their work. The task of documenting their stories of risk and danger has not properly started and this was not a feature of the workshop. It was evident that workshop participants were well aware of the risks and dangers, the limitations on what they could do or say, and the ways to keep safe. The dangers include assassination (where the assailant or the organizer would probably never be identified or brought to justice), arbitrary detention by an authority, kidnapping by a criminal group, banning of an organization, or being forced to flee for asylum.

A few cases are mentioned here to illustrate these dangers, as well as some successful responses. Mohamoud Ali Ahmed (known as "Elman"), a peace activist in Mogadishu who had set up a training institute to rehabilitate demobilised militia fighters, was killed in March 1996 in an apparently political execution. Osman Jeyte, a human rights activist and writer, was murdered in Mogadishu in July 1999 on account of a comedy play he had written satirising the warlords. Faction militias later shot dead at least one person in a demonstration protesting at his murder. Starlin Arush, a humanitarian worker in Merca, was murdered in mysterious circumstances in Nairobi in October 2002 as she was about to attend the peace talks. Her killing was officially blamed on armed robbers but she had previously been threatened by faction militias in

her home area. In Puntland in August 2002, Mohamed Jama and Hassan Marino of the Dulmidiid Center for Human Rights (DCHR) in Bosasso (who both attended the workshop) were detained and accused of being a political opposition group. Their offices were damaged, computers confiscated or damaged, and computer files taken. Both were, however, released uncharged after a few days, following an appeal to the Puntland President by the UN Independent Expert for Somalia, who was visiting Puntland at the time. A few weeks after the human rights defenders workshop, the Puntland government banned DCHR and three other Puntland NGOs, claiming they were not registered - which they disputed. After local and international protests and meetings with the government, the government withdrew the ban in May 2003 and they continued their work safely. Two Somaliland workshop participants had been arrested several times in recent years - Hassan Said Yusuf, editor of Jamhuuriya newspaper, on account of articles he had published criticising government officials, and Abdirashid Osman Jama, an outspoken "street speaker" in Hargeisa. In January 2003 in Baidoa in the south, ISHA, a human rights NGO, had its office raided and computers seized by unidentified faction militias, apparently on account of exposing abuses by warring sub-clan factions. The publicity and ISHA's subsequent meetings with both factions led to the computers being returned and ISHA being able to resume its work with assurances of safety.

It is important to recognise that Somali defenders have been able through careful risk analysis and control to reduce or remove risks, and avoid the dangers. The long-term survival of several Somali human rights defence NGOs through extremely difficult times is evidence of the determination and courage of their members and of the support from the wider public that they have been able to mobilise to gain genuine improvements and successes along the difficult path to gain better protection of human rights.

II The Workshop

"It is a great opportunity that different Somali human rights defenders are here today, some of them coming from far places like Kismayu. There are people from Mogadishu, Puntland, and Somaliland. We work in different circumstances. People who work in Somalia and especially in the violent environment in Mogadishu work in really dangerous situations, therefore they have more experience and are more mature in defending human rights in very difficult situations. Here in Somaliland, conditions are very good and there is less danger for human rights defenders.

"There is a Somali saying, 'When you want to do something, it's better that your cousin does it for you'. So if our human rights brothers and sisters are in difficulty in, say, Mogadishu, and they find it difficult to speak out, then we have to do it for them."
(Mohamed Barood Ali of Samo Talis, chair of the workshop)

An important key theme of the work of Amnesty International (AI) in Africa and internationally is supporting and working with local human rights defenders⁶. The idea for a Somali civil society workshop developed through AI's previous collaboration with International Cooperation for Development (ICD) in 1998 in supporting non-governmental organizations (NGOs) in Somaliland⁷, and through cooperation with NOVIB's Somali Civil Society Program of training for Somali NGOs in human rights investigation, documentation, reporting and advocacy⁸.

⁶ Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights. AI's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. AI's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights. An example of its work for human rights defenders in Africa is the publication "Be quiet, you talk too much" – Human rights defenders in West Africa, April 2001, AI Index: AFR 05/001/2001.

⁷ The workshop report was published jointly by AI and ICD – "Human rights in Somaliland: awareness and action", 1999. See also ICD's website, www.cjir.org.

⁸ See NOVIB's website, www.somali-civilsociety.org. NOVIB is also engaged in other Somali civil society activities, such as a large conference of civil society activists which took place in Hargeisa from 22-26 February 2003. Taking advantage of this rare assembling of active Somali NGOs from all areas, two other human rights training workshops were held on other days in mid-February 2003, one by NOVIB as part of its NGO human rights training program, and another by ICD and AI for Somaliland NGOs. These two additional workshops are, however, not covered in this report.

The workshop was held in Hargeisa, the capital of Somaliland, from 13 to 14 February 2003. It was organized and led by AI and co-sponsored by ICD and NOVIB. Hargeisa was at the time the only part of the disintegrated and often conflict-torn former state of Somalia where Somali NGOs from all areas could meet to work together in a friendly atmosphere of peace and security and on a fully-accepted non-political basis. Amnesty International takes no position on political issues such as the question of international recognition of Somaliland and this was not an issue at the workshop. The workshop was about human rights and participants considered all Somali political authorities responsible for protecting human rights in the areas they control.

The 34 participants (*see list in Appendix II*) came from human rights organizations in different parts of Somalia and Somaliland – from Hargeisa, Mogadishu, Baidoa, Kismayu, and Bosasso in Puntland. Participants were invited from members of NOVIB's Somali civil society program and from Somaliland NGOs who had participated in AI's 1998 training workshop, with some other NGOs which were more recently established.

Messages of support were read out from Ms Hina Jilani, Special Representative of the UN Secretary General on Human Rights Defenders, and Hassan Shirreh Sheikh, former co-director of the Dr Ismail Jumaale Human Rights Organization (DIJHRO) – *see Appendices III and IV*.

1. Objectives

At the end of the workshop, participants would:

- Understand better the role of human rights defenders and how to work with the UN Special Representative
- Know the benefits of working in national and international coalitions and alliances, and have plans to contact and work with each other
- Be aware of the range of actions available to human rights defenders to protect themselves and each other against the risks of defence activism
- Increase understanding of human rights defence of different rights - freedom of association and expression, justice and rule of law, women's human rights, minority rights, and development and humanitarian activism
- Set out principles for dealing with impunity for human rights abuses in the past
- Formulate proposals for coordinating human rights defenders' activities

- Draw up a Declaration of Somali Human Rights Defenders for public and media distribution and distribute it to all Somali civil society groups and political leaders for further discussion and commitment.

2. Human Rights Defenders, an introduction (Martin Hill, Amnesty International)

2.1 Who is a human rights defender?

Anyone working peacefully to support, implement and defend the fundamental human rights proclaimed in the Universal Declaration of Human Rights is a human rights defender.

Examples:

- Activists in human rights organizations and NGOs
- Students associations and youth groups
- Women's rights organizations
- Religious groups
- Peace activists
- Community-based organizations (CBOs), e.g. of farmers, nomads, urban-dwellers
- Trade unionists
- Minority rights activists
- Lawyers
- Journalists
- Academics and teachers
- Doctors and health professionals
- Victim support groups
- Some politicians and political activists

2.2 What do human rights defenders do?

- Investigate abuses
- Make recommendations and seek remedies for abuses
- Publicize abuses
- Promote awareness of human rights and public discussion
- Lobby government officials and political authorities
- Support other human rights defenders

2.3 What is the range of Somali human rights defenders' work?

- Freedom of opinion, association and expression - including press freedom, democracy, free and fair elections, NGO activities
- Justice and the rule of law – against arbitrary detentions, kidnappings, disappearances, unfair trials, torture, inhumane treatment of prisoners, the death penalty, extra-judicial executions and political killings
- Women's rights – against violence against women and female genital mutilation, working for empowerment and non-discrimination
- Equal rights of minorities
- Development and humanitarian activism - poverty reduction, child rights, disability advocacy, HIV/AIDS, environmental protection, refugees and internally displaced persons
- Promoting peace and reconciliation

2.4 What can Somali human rights defenders achieve?

- Influence government and faction leaders to make human rights a priority
- Make officials accountable to the law and citizens
- Expose and stop abuses
- Support victims of abuses
- Create better public awareness of rights
- Build a dynamic and responsible civil society
- Seek justice and compensation for victims of abuses
- Deal with abuses of the past for the sake of the future
- Support and protect other human rights defenders

2.5 What are the risks of human rights defence work?

- Defamation, social ostracism and isolation
- Threats to personal security, employment and livelihood, and to family members
- Arrest, arbitrary detention, unfair trial, “disappearance”
- Torture and ill-treatment
- Being killed
- Forced to become a refugee

2.6 What protection do human rights defenders have?

- The UN Declaration on Human Rights Defenders and other international and regional human rights instruments⁹

⁹ Future governments of Somalia are bound by human rights treaties previously ratified.

- International support – the UN Special Representative on Human Rights Defenders, UN agencies, African regional organizations, other governments
- International, regional and local NGO solidarity, linkages and support
- Media and internet publicity
- Lobbying government and political authorities
- Public campaigning
- Security measures and risk control procedures for organizations and individual activists

3. The UN Declaration on Human Rights Defenders (1998) (Martin Hill, Amnesty International)

Article 1: "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels."

Defenders' rights (Articles 5-9 and 13):

- to meet or assemble peacefully
- to form, join and participate in non-governmental organizations
- to communicate with non-governmental or inter-governmental organizations
- to seek, receive and hold information on human rights
- to publish reports
- to discuss human rights publicly and advocate for rights
- to submit criticisms and proposals to governments and public bodies
- to participate in government and public affairs
- to make complaints and recommendations nationally and internationally about human rights violations
- to request and receive resources for defending human rights.

Article 12:

"Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms."

"The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration."

States' responsibilities:

- to protect the human rights of their citizens and the rule of law;
- to promote human rights awareness and education at all levels;
- to publish and make widely available their laws and international human rights instruments;
- to train lawyers, law enforcement officials, armed forces personnel and public officials in human rights;
- to create national human rights commissions and other appropriate institutions;
- to enable all persons to enjoy these rights in practice;
- to make national law consistent with the Charter of the United Nations and the Universal Declaration of Human Rights, and relevant international human rights treaties, declarations and standards.

3.1 The UN Special Representative on Human Rights Defenders

To give effect to the Declaration on Human Rights Defenders, the UN Secretary General, Kofi Annan, appointed Ms Hina Jilani, a human rights defender from Pakistan, as his Special Representative on Human Rights Defenders. Her role is to:

- Promote and advocate for human rights defenders
- Receive submissions about human rights defenders at risk
- Communicate concerns to governments and ask for response
- Consult with civil society groups and NGOs about human rights defence
- Report each year to the UN Commission on Human Rights on the situation of human rights defenders throughout the world.

The reports on human rights defenders can be found on the website of the UN Office of the High Commissioner for Human Rights, www.unhchr.ch. The human rights defenders section also contains guidelines on how to make a submission to the UN Special Representative on Human Rights Defenders about a threat, arrest, “disappearance” or other violation against a human rights defender or a human rights defenders organization – email address: urgent-action@ohchr.org.

4. Women Human Rights Defenders (Indai Sajor, NOVIB)

Human rights are those rights that every human being possesses and is entitled to enjoy simply by virtue of being human. Human rights are based on the fundamental principle that all persons possess inherent human dignity and that regardless of gender, race, colour, language, national origin, age, class, religion or political beliefs, they are equally entitled to enjoy their rights. All women have the entitlement to their rights.

The World Conference in Vienna in 1993 recognized women's rights as human rights. This recognition was brought about by the global campaign of human rights activists around the world – from Africa, Asia, Europe, Latin America and North America. The Vienna platform recognized that private violations are also public violations and therefore human rights violations.

It is therefore recognized that private violence done to women within their homes and to their bodies is a violation of their human rights. A systematic violation of rights is the domination of women by men within their homes and in their communities.

Other forms of cultural or traditional practices like female genital mutilation (female circumcision or cutting) are among the most rampant violations of women's human rights in Africa. It is estimated that 30 million women in Africa suffer from genital mutilation and 2 million women a year are subjected to this gross violation. Many have children who may suffer from this in the future. Even if this cultural practice is still widely accepted within many communities (although it is dying out), the international human rights community now sees it as a form of torture or cruel, inhuman and degrading treatment.

Due to over a decade of war and devastation, the status of Somali women has also deteriorated in their communities. Economic hardship and lack of infrastructure, like access to health care and housing, have driven many women and their children below the poverty line. This situation has been aggravated by abuses and sexual violence which targeted Somali women. It is now very important for Somali women to reclaim their human rights and make their communities recognize their rights. The continuing abuses and discrimination faced by Somali women are worsened by their lack of access to fair justice mechanisms or redress. Wrongful acts done to them continue unabated as the perpetrators are not brought to justice.

Violations in the public sphere include:

- women and girls are not given equal education
- women are not involved in public governmental work
- women do not hold responsible positions in government or community affairs
- women are discriminated against in access to resources
- women do not have equal access to protection of the law or equal rights in Shari'a courts
- women have so much to work for in order to gain their status in society.

Sexual violence is one of the most rampant of violations done to women, and includes:

- sexual violations in war and armed conflict
- sexual slavery
- forced marriage
- forced impregnation
- indecent assault
- genital mutilation.

All acts of sexual violence constitute crimes of violence, aggression and domination. The goal for the offender is gaining control, degrading and humiliating the victim. Sexual violence can be an element of almost all major crimes prohibited by international human rights law, humanitarian law and domestic law. It may be referred to as torture, cruel, inhuman or degrading punishment. Sexual violence may also constitute an element of a crime against humanity or of genocide during war or armed conflict. It may be considered as a war crime, a violation of the laws and customs of war, and a grave breach of the Geneva Conventions.

Sexual violence in all its forms constitutes a violation of international and customary law and the victims should have the opportunity of redress. In the Somali collapsed state context where there is no effective system of governance and justice to protect the rights of women, the problem is made worse by the impunity which the perpetrators of abuses seem to possess.

Women are victims of violations because they are women, or as a result of their beliefs or activities, family or clan relationship, or minority community status. These violations are perpetrated by individuals or armed groups. Somali women have seen horrendous violations perpetrated by faction militias. Their violations go unpunished even though the leaders of these armed groups control territory and wield power.

In the current situation in Somalia, it is important to promote the rights of women for their protection in their families and communities. This will help them to play a major role in their communities and in rebuilding the country.

5. Working Group reports: the experiences of Somali human rights defenders

Rapporteurs from the five working groups reported back on their discussions. The report-backs were not intended to be specific and comprehensive for any particular area but to cover the range of situations in different areas and contexts.

5.1 Freedom of Expression and Association

What have defenders done?

- Developed civil society capacity, advocacy groups, human rights organizations and journalists' associations, which report on human rights abuses and keep the issue active until it is corrected, take issues to a wider audience, make people aware of human rights issues and developments.
- HornAfrik (a private Somali radio/TV station) has conducted media training on human rights issues with EU and NOVIB sponsorship.
- Developed a peace and human rights network that collaborates with the media and other local Somali human rights networks.
- Except in Somaliland, there is no clear and legal basis for the formation, function or protection of media associations, which leaves freedom of expression under constant threat.

What risks and dangers have they experienced?

- Detention without trial
- Constant harassment
- Government threat to introduce a restrictive press law
- Private or independent radio stations are not usually allowed.

What protection measures were undertaken?

- Intervention and pressure on the authorities by the UN Independent Expert
- Pressure turned on the authorities by local media, human rights organizations and NGOs, and personal lobbying
- Political parties and elders played a major protection role
- Development assistance and training by UN and media groups enhanced media skills and knowledge of rights.

Q: “Why is the Somaliland government hesitant to license private radio stations when it allows so many independent papers and TV stations?”

A: “There isn’t a law about the establishment of private radio stations. The government says it will bring in a law that would also cover organizing media associations in general. Newspapers were set up when the government was weak. The government thought that radio is their domain because there were no private individuals or groups establishing radio stations. The government has a monopoly and wants to maintain it. Most of the people don’t read and write. Many of those who can read and write don’t have the money to buy newspapers and there is no culture of reading in this country. Radio is very important, because of its reach and because we are still an oral society. The government feels a private radio station may drive people out of their hands.”

5.2 Justice and Rule of Law

What have defenders done?

- Human rights training for law enforcement agencies
- Survey of human rights needs
- Monitoring, documentation and reporting of abuses by the security forces or faction militias.

What risks and dangers have they experienced?

- Arrest, detention, torture, defamation of character
- Taken before courts that were not independent, arbitrary convictions, no due legal process, confusion of legal systems, any of which could be used in a particular case – the Penal Code, Shari’a law or Somali customary law
- Lack of community-level awareness of human rights and the law
- Inadequate human rights defenders networks to advocate for defenders who become victims
- No laws to protect human right defenders
- Unable to get international intervention when human right defenders are in danger.

What protection measures are needed?

- More developmental and training assistance to local media by UN and international organizations to improve public human rights awareness
- Develop a network of Somali human rights defenders
- Human rights training for law enforcement officials
- Survey of the needs for successful law enforcement.

What more can be done to protect defenders?

- Community level awareness-raising about human rights
- Effective network to advocate for human rights defenders who become victims
- Laws to protect human right defenders should be enacted and implemented
- International community should intervene to protect human rights defenders when there is a crisis.

5.3 Women's Human Rights

What have defenders done?

- Formation of women's national coalitions and networks
- Establishment of young women's association
- Education and awareness-raising about women's rights
- Policy formulation workshops
- Campaigning for political participation of women in parliament, government ministries, local councils, electoral commission
- Investigation, documentation and reporting of violence against women.

What risks and dangers were experienced?

- Misunderstandings about violence against women
- Accusation of introduction of western culture and values
- Accusation that women's rights activism is encouraging divorce and family conflicts
- Becoming victims of killing, injuries, defamation or even stoning
- Surveillance and intimidation by the security authorities.

What protection measures have been undertaken?

- Involvement of religious leaders in women's rights education and promotion of women's human rights
- Obtaining recognition and authorization by the political authorities
- Utilization of the media
- Keeping their own security updated
- Strengthening and coordination of civil society networks.

What more could be done to protect women defenders?

- Better information-sharing
- Link Somali women defenders locally, regionally and internationally
- Women defenders should have a unified voice.

“There are a lot of women who ask if human rights are a western idea. We human rights defenders explain to them that this is not so and we relate the issue to Islamic teachings to support this.”

5.4 Minorities¹⁰

What have defenders done?

- Formed organizations
- Advocacy training, lobbying, raising awareness, workshops on human rights education to make the minorities aware of their rights
- Educated the public, elders and the political authorities
- Encouraged minorities to participate in electoral and peace processes
- Mainstreaming of human rights and minority rights
- Pressed for amendment of the constitution to include minority rights
- Discussing minority rights is no longer a taboo subject - minorities issues can now be openly discussed, and no-one is against this
- Information-gathering on abuses of minority rights.

What risks and dangers were experienced?

- Defamation
- Threats
- Sabotage
- Ignored by the international community
- Ignored by the majorities.

What protection measures have been undertaken?

- Minority activists insisted that “No protection measures were successful”.

What more can be done to protect defenders?

- Enact laws for the protection of minority rights
- The government or political authorities should develop and declare a policy on minority rights and protect minority activists
- The international community should defend minority rights defenders, especially where the rule of law is weak or non-existent.

“We [minorities] actively participated in the recent local government elections in Somaliland but although our voice and votes are well recognized, no member of the minorities was elected”.

¹⁰ See Appendix V for a description of who the Somali minorities are.

“The rights of minorities are violated every day and even newspapers don’t report these violations. We don’t have any protection at all, because we are minorities. Bad things happen to the minorities but they are not written about because it would affect the country’s image. 15 huts were burned down recently and nobody talked about it. The media did not even write about it.” To this complaint, a media participant replied that the private newspapers actively advocate for minority rights and have taken up some cases with the authorities, but they can only report and investigate issues that are brought to their attention.

“Quotas need to be assigned for minorities instead of competing with the majority in political institutions.”

“The question of minority protection being non-existent is not true. The protection problems reported by the minorities also apply to women.”

“We are talking about laws. Women share some problems equally with the minorities. All people who have been denied their rights by those in power need to struggle to get their rights.”

“The minorities suffer social segregation and discrimination. All human rights defenders should take the minorities issues seriously. If the majority don’t support minority issues, the minorities will always remain the same.”

“The minorities should also defend other human rights and not just advocate for minority rights.” To this point raised by a non-minority participant, a minority activist replied (to applause): “Just as all human rights defenders should defend the rights of minorities, I agree that minority rights defenders should also defend all human rights.”

5.5 Development and Humanitarian Activities

What have defenders done?

- Awareness-raising campaigning to minimize conflict
- Building the capacity of development workers in the fields of management, development skills and human rights.

What risks and dangers did they experience?

- Conflict with powerful interests
- Campaigns against female genital mutilation (FGM) were opposed by FGM practitioners.

What protection measures have been undertaken?

- Involvement of grassroots communities
- Informed the local authorities - this reduced the risks.

What more can be done to protect defenders?

- Protect confidentiality
- Training in protective measures
- Involving the authorities in what human rights defenders are doing.

**6. Impunity and abuses of the past – looking to the future
(Dr Ghanim Alnajjar, UN Independent Expert for Somalia¹¹)**

What is impunity?

Impunity is exemption from punishment or liability for a crime.

Impunity for war crimes

The Nuremberg Trials of World War II criminals were of a punitive nature by the victorious powers. Now war crimes are considered as serious crimes against humanity that are condemned by all. Suspected war criminals can be hunted worldwide and brought to the International Criminal Court. This was the result of relentless effort by human rights activists all over the world who got positive responses from their governments and parliamentary representatives. Some countries like Belgium have adopted laws to allow trial of any war criminal from any part of the world in Belgian courts. There were two successful cases against Rwandan genocide perpetrators in Belgium, costing the Belgium state US\$10 million each.

Impunity in civil wars

There have been gross human rights abuses in civil and political strife in a wide range of countries, such as South Africa, Lebanon, Argentina, Chile and Rwanda. The solutions took different directions. In Argentina they decided to have a national amnesty and to forget everything in the past. In South Africa there was the Truth and Reconciliation Commission where perpetrators of crimes publicly confessed their

¹¹ *Dr Ghanim Alnajjar, UN Independent Expert for Somalia is a human rights defender, academic and writer on human rights, especially in the Arab world. A key issue for Somali human rights activists is how to deal with the history of gross human rights abuses in the past – war crimes (during insurrections and civil wars), crimes against humanity, and other gross violations of human rights. At the peace talks, civil society delegates are asking whether the perpetrators should be allowed to hold public office again. Should a government containing perpetrators be international acceptable? At this critical time for peace and reconciliation, some are talking about forgiveness while others are talking instead about justice and “no impunity”.*

Dr Alnajjar’s talk triggered discussion on what position Somali human rights defenders might take on dealing with gross abuses from the past, for the sake of their future work and protection. The consensus of opinion was reflected in the Declaration of Somali Human Rights Defenders (Appendix 1).

crimes in front of their victims and applied for amnesty. Nelson Mandela set the example for the South African communities when he extended forgiveness to the man who was mainly responsible for his unjust imprisonment for over 30 years. Yet any one who wishes to take an individual case to court can still do so.

Past abuses

When I started my UN work on Somalia, the issue came up of what to do about human rights abuses during Siad Barre's time. We cannot forget large-scale human rights abuses like the bombing of Hargeisa or atrocities in other parts of Somalia. If we forget them, there will not be lasting peace in the future. There must be justice for the victims and their families.

Civil society groups can have a part in the process. For example, in Somaliland where mass graves were being destroyed by floods, civil society groups worked with the government and organised to protect the sites for further forensic investigations.

Hopefully the question of impunity will move forward. We shouldn't forget about past large-scale crimes. If we forget about them, we can't talk about the future. The value of not forgetting will take us forward in our human rights work. There should be justice for the victims and the dead, as without justice we cannot have rights.

Past crimes are still resurfacing. All Somalis should have the courage to address these past crimes. People should be held responsible for what they have committed. Those who are responsible for these crimes should be brought to justice and given fair trials without the use of the death penalty.

Independence and impartiality

Human rights defenders are not political activists. We are politically neutral, but not neutral about human rights. We are objective and we commend a government if it does something good. We are not working to topple governments, only to defend human rights.

When human rights activists join a government, they should resign from their human rights organisation to avoid a conflict of interest. When they join a government, they can make a difference and can provide useful support for local and international human rights organizations.

Q: "If you go to a political authority or the police to ask about a prisoner and whether their rights are being respected, you are told you're an intruder. 'Who are you to ask?' is the usual question. What can you do?"

A: “You have to present yourself properly and negotiate diplomatically with the authorities. You do not just go directly to a police station. You probably discuss it first with a lawyer who is ready to cooperate. And it is really best to work through an organization, not just as an individual. If there is a National Human Rights Commission, that is even better.”

“Your ‘social capital’ can be very useful. For example, an official who is a former schoolmate, or related by kinship or marriage, can help a lot.”

Q: “How do you pursue persons who are directly responsible for human rights crimes?”

A: “For the future, the International Criminal Court will conduct its own investigations into who is responsible and accountable for human rights crimes. But often there seems to be impunity for past crimes as Somali war criminals are often protected by their clan. Even a human rights defender will have difficulty pursuing a clan relative and the clan system can hinder the work of human rights investigators. Yet at some time in the future there will be trials of Somali war criminals and even the warlords fear that and are scared of civil society activists.”

7. Comfort Women in Japan – a past crime not forgotten (Indai Sajor, NOVIB¹²)

During the Second World War, Japan occupied and colonized many Asian countries, including Malaysia, Burma and Vietnam. During those periods of aggression the Japanese imperial army abducted many women from different countries and made them sex slaves. They brought them to their military “comfort stations” where women were raped every day by soldiers. After the war there was a War Crimes Tribunal in Tokyo but the case of the “Comfort Women” was not heard and violations against women were relegated as a secondary issue.

The Comfort Women kept silent about this. In 1991 when I was in South Korea doing a conference on women trafficking, one Korean former comfort woman spoke out because she knew that Japanese delegates were about to go to Cambodia. She went

¹² *Indai Sajor was requested by participants to speak about her experience of leading this successful campaign to confront abuses of the past and give justice to the victims, so that such violence against women would never be allowed to be hidden or to be perpetrated again. As Dr Ghanim Alnajjar noted, the International Criminal Court has defined rape during armed conflict as a prosecutable war crime, and this is a victory for women. Rape had previously been treated only as a crime against the individual*

public and told everyone her story. Women's organizations supported her. The Japanese government was shocked about it. We went back to our countries and made the story public, and we asked women who had suffered the same fate to come out. There were women aged in their 80s and 90s who came to us to tell their stories. We documented their stories and filed a court case against the Japanese government. The Asian network of human rights defenders, which includes male lawyers, was very supportive of the process. We formed a coalition from different countries and filed several court cases against the Japanese government.

We demanded restorative justice. The process of compensation will take a long time. As NGOs and civil society organisations, we developed our own way of seeking restorative justice. We came up with a list of demands to the Japanese government. We wanted an individual apology from the Japanese government to each comfort woman. Each comfort woman should be given a letter admitting the atrocity. We demanded also that their experiences should be written in textbooks and history books so that young Japanese wouldn't repeat the crimes. The Japanese teachers' association supported our struggle. We said sexual slavery should be recognized as a war crime and a crime against humanity, and those responsible for these crimes should be punished. We also demanded that women victims should be given health assistance in their old age.

We did extensive research about this, investigating particular assignments of particular soldiers during that time. Up to this time there has been no punishment of offenders but the campaigning of civil society organizations was so effective that the issue moved to the international level. We worked hard to shame the Japanese government. I myself met with three ministers of the Japanese Government. We picketed Japanese embassies all over the world, got lawyers to assist us, and organized the Women's International War Crimes Tribunal in Tokyo. We contacted eminent judges, like the judge of the Yugoslavia Tribunal, and brought them to Tokyo to hear the historical record that the Japanese government, including Emperor Hirohito, committed war crimes.

It's the same thing when we talk about Somalia. It's so that the younger generation should know about the crimes of the past. So that nobody should forget and that nobody should think about committing such crimes again.

IV Conclusion: Declaration of Somali Human Rights Defenders

The Somali human rights defenders at the workshop, speaking also for all other Somali defenders, resolved to increase their struggle against human rights abuses, and to work for the equal rights of all, with full protection for vulnerable groups such as women and minorities.

The Declaration called on all Somali political authorities to publicly recognize the legitimate role of human rights defenders in the protection and promotion of human rights, and to publicly guarantee their rights as set out in the UN Declaration on Human Rights Defenders.

Defenders also appealed to the international community to respond positively to appeals for recovery, rehabilitation and development assistance, especially for those areas displaying evidence of commitment to human rights, peace, security and good governance. They urged them to assist and protect Somali human rights defenders facing severe risks by bringing pressure on the authorities persecuting them, and by helping to build the capacity of their organizations and enhance their influence.

For the future, Amnesty International's own ongoing research and campaigning for human rights in Somalia and Somaliland will focus on involvement in peace and reconciliation processes, communications with Somali political authorities and the Somaliland government, gender and minority issues, support for Somali human rights defenders and civil society activists, investigating and reporting on human rights abuses, monitoring the situations of refugees and internally displaced persons, impunity issues and human rights reconstruction for the future.

AI will also work for Somali human rights defenders at the international level, such as the UN Commission on Human Rights (working closely with Dr Ghanim Alnajjar as the UN Independent Expert for Somalia), the UN Development Program for Somalia and other relevant UN agencies; donor governments, including the European Commission; other international NGOs working on Somali issues; and Somali academic and diaspora groups.

Attention needs to be given to the following:

- training and other assistance to Somali human rights defenders, including for making submissions to the UN Special Representative on Human Rights Defenders and involving the international community in campaigning to

support and defend defenders;

- further discussion on risk control and protection mechanisms for Somali human rights defenders in danger;
- creating a network (or networks) of Somali human rights defenders, and linkages with other human rights defenders organisations in Africa (particularly in the Horn of Africa) and internationally.

APPENDICES

APPENDIX I

Declaration of Somali Human Rights Defenders

We, Somali human rights defenders,

Representing civil society organizations covering issues of justice and the rule of law, women's human rights, minority rights, freedom of expression and association, and development, coming from Somaliland, Puntland and Central and Southern Somalia, with a common aim of a better human rights future for all our Somali brothers and sisters,

Gathered together for human rights discussions and workshop training in Hargeisa, and determined to increase the extent and influence of human rights defence activities by defenders seeking peace, reconciliation, justice, security and good governance,

Remembering countless Somali civilian men, women and children who have died as a result of political violence, including human rights defenders, and others who fled dictatorship and civil war,

Encouraged by the support for human rights defenders worldwide established by the international community in 1998 on the 50th anniversary of the Universal Declaration of Human Rights, when the United Nations' General Assembly adopted the Declaration on Human Rights Defenders,

Responding to the strong support of the UN Secretary General's Special Representative on Human Rights Defenders, and appreciating the efforts of the UN Independent Expert for Somalia on behalf of Somali human rights defenders,

Recalling the signing of a worldwide Human Rights Pledge in 1998 by the Government of Somaliland, the President of the Transitional National Government, certain political leaders, and hundreds of members of civil society throughout Somalia and Somaliland - a pledge to "*do everything in my power to ensure that the rights set out in the Universal Declaration of Human Rights become a reality throughout the world*",

Noting the achievements of human rights defenders across Africa and the rest of the

world in building democracy, strengthening the rule of law and resolving conflict,

Determined that there shall be no impunity granted to those who have committed war crimes and crimes against humanity, and believing that if they were allowed to hold government office they could commit such crimes again;

Resolve that:

We will increase our struggle against human rights abuses, such as arbitrary killings, torture, arbitrary detention and kidnapping,

We will work for the equal rights of all, without regard to gender, social identity or status or regional origin, with full protection for vulnerable groups such as women and minorities, and for a sustainable livelihood and favourable humanitarian environment,

We recognize and support women human rights defenders in their work for the promotion of women's rights, the eradication of violence against women and female genital mutilation, their services to women victims of violence, and campaigning for women's full political participation in building democratic governance at all levels;

Call on all Somali political authorities to:

- **publicly recognize** the legitimate role of human rights defenders in the protection and promotion of human rights,
- **guarantee** our right, as set out in the UN Declaration on Human Rights Defenders, to hold meetings and rallies, conduct research and investigations into human rights abuses, publish reports, make complaints and recommendations, lead public discussions, look for and receive resources both nationally and internationally, and communicate freely with the international community and mechanisms of the United Nations,
- **publicly declare** that human rights defenders will not be subject to reprisals for these activities, whether through arbitrary actions of security forces or laws incompatible with international human rights instruments,
- **ensure** that human rights defenders have access to institutions of accountability, a free press, democratic political institutions, justice consistent with international standards, and redress when their rights are abused;

Appeal to the international community to:

- **respond positively** to appeals for recovery, rehabilitation and development

- **assist especially** those areas displaying evidence of commitment to human rights, peace, security and good governance, and engagement in development through their own efforts,
- **assist and protect** Somali human rights defenders facing severe risks by bringing pressure on the authorities persecuting them, and by helping to build the capacity of their organizations and enhance their influence.

The Declaration was unanimously adopted on 14 February 2003 at the conclusion of the workshop by participants representing their organizations (listed in Appendix II) in the presence of the UN Independent Expert for Somalia. For the Somali-language version of the Declaration, visit:

http://web.amnesty.org/web/content.nsf/pages/gbr_somalia_hrd_declaration

APPENDIX II

Participants

1. Samo Talis Coalition for Human Rights: formed in Somaliland as an outcome of the 1998 AI/ICD workshop for Somaliland NGOs.
2. Nagaad Women's Coalition: the women's NGO forum in Somaliland.
3. Peace and Human Rights Network (PHRN, also known by its Somali-language version as ENHA or INXA): the main NGO "umbrella" group in Mogadishu, with a branch in Puntland.
4. Dr Ismail Jumaale Human Rights Organization (DIJHRO): a prominent human rights NGO in Mogadishu, named after the late human rights defender and advocate, Dr Ismail Jumaale.
5. Coalition of Somaliland NGOs (COSONGO): the "umbrella" NGO forum in Hargeisa.
6. Coalition of Grassroots Women Organizations (COGWO): the women's "umbrella" NGO forum in Mogadishu, affiliated to PHRN.
7. WAWA ("We Are Women Activists"): a Puntland women's NGO forum.
8. Isha Human Rights Organization: an NGO in Baidoa.
9. Dulmidiid Centre for Human Rights (DCHR): a Puntland human rights NGO based in Bosasso.
10. Somaliland Commission for War Crimes Investigation: a Hargeisa-based group funded by the Somaliland Government to investigate war crimes in Somaliland under the Siad Barre government.
11. Kisima Peace and Development Organization: an NGO in Kismayu.

12. Technical Development Foundation: a Somaliland minorities organization.
13. Academy for Peace and Development: a Somaliland research institute associated with the UN War Torn Societies project.
14. Somaliland Manufacturing and Craft Association: a Somaliland minorities organization.
15. Somaliland Trade Union Confederation: a Somaliland minorities organization.
16. Heegan Human Rights Network: a Somaliland women's NGO.
17. Somaliland Women for Peace and Advocacy: a Somaliland women's NGO.
18. Somali Young Women Activists: a Mogadishu NGO affiliated to COGWO.
19. Somaliland Journalists Association: a professional association of journalists in Somaliland.
20. Dulmar: a Somaliland women's NGO.
21. Somaliland Women's Research and Action Group (SOWRAG): a Somaliland women's NGO.
22. Forum for Peace and Governance (FOPAG): a Somaliland research group affiliated to Life and Peace Institute (Sweden).
23. Hornwatch (Horn of Africa Human Rights Watch Committee): a Somaliland human rights monitoring NGO based in Hargeisa.

Facilitators

- Dr Ghanim Alnajjar: the UN Independent Expert for Somalia, facilitator at the AI/ICD 1998 Somaliland NGOs workshop, founder-member of AI in Kuwait, Professor of Political Science at the University of Kuwait.
- Dr Martin Hill: AI's London-based researcher on the Horn of Africa (including Somalia and Somaliland) since 1976, co-organiser of the AI/ICD 1998 Somaliland workshop, and editor of this report.
- Indai Sajor: human rights consultant and trainer in NOVIB's Somali civil society program - she is an internationally-known women's rights activist from the Philippines, now resident in the USA.
- Mohamed Barood Ali: chair of Samo Talis coalition for human rights in Somaliland, overall coordinator and chair of the workshop, former facilitator at the 1998 Somaliland NGOs workshop.
- Ismahan Abdisalam: director of Nagaad, the Somaliland women's NGO umbrella group, former participant at the 1998 workshop.

In addition, Deborah Ossiya, ICD's NGO liaison officer in Hargeisa, and Dorothe Appels, NOVIB's Somali project coordinator based in The Netherlands, assisted at the workshop.

APPENDIX III

Message to the workshop from Ms Hina Jilani, the UN Secretary General's Special Representative for Human Rights Defenders

“I congratulate Amnesty International and co-organizers of this conference for continuing their efforts to build regional solidarity for the protection of human rights defenders. Consultations amongst defenders on their activities for the effective implementation and realization of human rights have been a valuable source of information and guidance for me in the implementation of the UN mandate on the situation of human rights defenders.

“The significance of the promotion of human rights in the region and of the process of democratization in which human rights defenders play a crucial role must be fully recognized. The work of human rights defenders is at the core of all efforts to build civil society and democratic structures as well as the protection of social, economic and cultural rights. Their contribution is essential to monitoring the efforts of States and publicizing information on violations whether committed by States, armed groups or other entities.

“Governments and political leaders need to increase their tolerance for dissent and cease to view human rights defenders as adversaries. It must not be forgotten that human rights defenders play an important role in helping a society to move forward and assist political leaders in their efforts to improve compliance with international human rights norms and standards. Where this has opened the avenues of cooperation, civil society organizations have responded positively. Actions oriented towards securing the free exercise of these liberties would help create an enabling environment for the work of human rights defenders and support their actions to consolidate the rule of law and democratic principles.

“Governments have the responsibility to implement the Human Rights Defenders Declaration, especially the provisions relating to the protection of human rights defenders seeking democratic transformation and reacting against or opposing, through peaceful means, acts resulting in violations of human rights. In this regard, I would encourage Governments of the region as well as regional organizations and NGOs to promote and disseminate the UN Declaration on Human Rights Defenders. All have an important role to play in order to make this important text a reality.

“Finally, I wish to stress that the current global situation poses a great challenge for those who stand committed to the values of human rights. Respect for human rights

and fundamental freedoms cannot be undermined in any circumstances and conditions, even in the context of international tensions or threats to peace and security. It is important to recall that values of freedom and democracy can only be strengthened by firmly adhering to these values in times of crisis. The work of human rights defenders is never easy. The present situation may require from them a more ardent defense of universal values of human rights, in order that prospects of building peace, promoting democracy and protecting human rights are not diminished.”

APPENDIX IV

Message to the workshop from Hassan Shirreh Sheikh, a founder and former co-director of the Dr Ismail Jumaale Human Rights Organization (DIJHRO) in Mogadishu, now a refugee in Canada

“My fellow defenders,

“I take this opportunity to send you my greetings on this important occasion of holding the first Somali Human Rights Defenders workshop inside Somali territory.

“When we founded the Dr Ismail Jumaale Human Rights Centre, the daunting human rights issues we were confronted with at the time included the use of excessive force by various armed groups within the civilian populated areas, political and clan-based unlawful killings, widespread rape of girls and women of all ages, and kidnapping for extortion of international aid workers as well as prominent members of minority communities. These atrocities still constitute, sadly, a persistent pattern of human rights violations in many areas in the south. As you can testify through your peaceful assembly in Hargeisa, Somaliland achieved relative stability through grassroots efforts and the basic rights of the people are generally respected.

“As we worked together under threat in a situation of armed conflict in a divided society, we still monitored, investigated and publicly reported on these human rights abuses by any group. We organised public protests against Islamic Court sentences and procedures in 1997 and again in 2002, which led the court to suspend amputation penalties. We conducted human rights campaigns, for example for the 50th anniversary of the Universal Declaration of Human Rights, by organising sign-up sessions for various groups including faction leaders. We raised human rights awareness through publication of the Declaration in a Somali-English pictorial booklet. We pioneered the launching and development of Somali civil society networks in many areas. As human rights defenders we stood solidly against human rights abuses occurring in our respective areas, at a great personal risk. In the process

we lost valuable human rights workers and peace activists, including Starlin Arush, “Elman” and Osman Jeyte.

“For me, some events over the past years fuelled my own determination: a week spent in Johannesburg at the All-Africa Human Rights Defenders conference in November 1998, where more than 100 African defenders from 45 African countries met to compare notes of fear and hope; participation in the Global Summit for Human Rights Defenders on the occasion of the 50th anniversary of the Universal Declaration of Human Rights in December 1998 in Paris, where representative of all the peoples of the world renewed their pledge to support the rights in the declaration; a week in Bosaso in February 2000, where I stood in admiration of the bravery and dedication of that regions’ strong but besieged human rights community during the unprecedented second all-Somali Civil Society Conference there; and a week in Calgary, Canada at the time of the G8 summit in June 2002, where hundreds of committed defenders’ voices joined together to express collective demands and to speak out with one voice.

“In all these events our Somali work and aspirations became part of important regional and international declarations and plans of actions. I hope you will be all able to draw inspiration from this at this workshop. For your rights, think globally and act locally!

“Best wishes for the workshop and your renewed commitment in the years ahead. Thanks to AI, NOVIB, and ICD for their constant support and solidarity for Somali rights everywhere.”

APPENDIX V

Who are the Somali minorities?

Information published about the Somali minorities is sparse and more research is needed. Somali society is homogenous in many respects, in that all Somalis share common cultural institutions and values. However, it also contains substantial distinct minority groups outside the dominant nomadic-pastoralist cultural core.

Minorities and minority political rights have been recognized in the Kenya peace and reconciliation conference and preceding peace talks, where quotas of delegates were allocated on the basis of a 4.5 formula, with the minorities being given half the representation of each of the four main clans. Minorities are expecting similar

representation in a new interim parliament and government of Somalia.

The four clans (which contain numerous sub-clans, internally dividing on lines of patrilineal descent) comprise the three main pastoralist clan-families (Darod, Hawiye and Dir) and the agriculture-based Digil-Mirifle (or Raheenweyn) clan-family, which - although previously underprivileged - is now given parity and recognized as controlling Bay and Bakool regions where a new regional state may be formed.

The minorities comprise distinct communities, each with a different non-nomadic economic origin. Each has its own separate cultural institutions and history. What they have in common is that they have traditionally not been allowed to inter-marry with the nomadic clans and have been subjected to different degrees of social segregation and discrimination. At the same time, they had some limited protection from clans or families with which they were locally linked. However, as unarmed groups they were extremely vulnerable to human rights abuses since 1991 by clan-based faction militias as a result of the state disintegration, civil wars and social breakdown. Minorities often became deliberate targets for killing, looting, rape and displacement and thousands of survivors fled the country. Indeed, civil conflict and political violence in Somalia have constantly been marked by identity-based abuses. "Clannism" has frequently led to arbitrary abuses against members of other clans or subclans, sometimes of near-genocidal proportions.

The minorities include the following diverse communities, some of which have formed community associations or political groups or have become aligned to particular clan-based factions:

- i) The fairly wealthy Benadiri or Rer Hamar urban "coastal" communities, mainly merchants and traders of Middle Eastern or Asian origin in past centuries, residing in Mogadishu and other southern ports. The inhabitants of Brava sea-port (Bravanese) have a similar origin. The island-based Bajuni fishing community in the south is sometimes linked to them.
- ii) The largest minority group is the Bantu (or Jarir) community, numbering almost a million. Of distinct "African" appearance setting them apart from other Somalis, their origins lie in east and central Africa from where their ancestors had been brought to Somalia by Arab slave traders, with some establishing free communities in remote forest areas, but they may also pre-date nomadic population movements into the region. They are poor peasants or landless labourers, living mainly in the southern inter-riverine farming areas. They were mostly attached to local nomadic clans and families, in conditions varying from benevolent protection to semi-slavery,

- and often subject to arbitrary ill-treatment without protection of their rights as citizens.
- iii) A smaller and very poor group of minorities, dispersed throughout Somali territories, are the artisan or occupational “caste” groups performing services to nomadic families involving leather and metal materials, haircutting and certain ritual functions – such groups as the Midgan (also known as Gaboye or Madiban), Tumul and Yibro. There are in addition some very small and remote hunting communities.
 - iv) There are also small Islamic religious minority communities (such as the Ashraf and Shikhal) in this Sunni Muslim society; a very small Christian-convert community; and communities of Ethiopian Oromo ethnic origin, including refugees.

The poorest and most excluded minorities (Bantu and artisans) still experience extreme economic deprivation and discrimination, as well as danger to their lives, through the absence of effective protection under the rule of law and very weak protection under customary Somali law. The Siad Barre government opened up access for a few members of minority groups to modern educational and economic opportunities, with a few holding high government posts, but social discrimination remained strong.

There is now an increasing willingness by clan-members to discuss minority rights and to deplore and oppose discrimination against minorities. However, progress towards equal rights and opportunities for minorities has been slow. Recent positive signs have been the appointment of minority members to ministerial posts in the Transitional National Government (TNG) and the Somaliland government, and quotas in their parliaments. But there is not yet any vigorous long-term strategy for Somali minority rights promotion in accordance with the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.