

United Nations Universal Periodic Review, 11th Session
Christian Solidarity Worldwide – Stakeholder Submission
SOMALIA

INTRODUCTION

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in religious freedom. In light of Somalia's obligations under international law with respect of the International Covenant on Civil and Political Rights, and particularly Article 18 of the Covenant, this submission focuses largely on freedom of religion or belief for individuals from indigenous communities in Somalia, Somaliland and Puntland.

SCOPE OF INTERNATIONAL OBLIGATIONS

2. **Recommendation: That the State party ensures that domestic legislation, policy and practice is consistent with, and reflects its obligations under the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture. The State party is strongly urged to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women and to demonstrate its commitment to ratify the Convention on the Rights of the Child through the creation of appropriate domestic legislation. The State party is also urged to issue a standing invitation to the Special Procedures of the Human Rights Council and in particular to the Special Rapporteur on freedom of religion or belief.**

CONTINUING WIDESPREAD HUMAN RIGHTS VIOLATIONS

3. The death toll in Somalia for the first seven months of 2010 is higher than for the same period in 2009, with more than 900 people estimated to have died and a further 2,500 injured, according to the United Nations Independent Expert on the situation of human rights in Somalia, Shamsul Bari.
4. Following his latest visit, Bari described a desperate situation where “many children and young people risk being recruited by armed groups and used in the front lines and [where] there are generations who have known nothing but violence and conflict.”¹
5. Human rights violations that currently occur include summary executions, beheadings of innocent people; amputations; floggings; whippings; forcible marriages of young girls to militiamen; the use of civilians as human shields; the imposition of a strict dress code for women; the prohibition of public mass media; and arbitrary bans on listening to music; and public gathering.
6. **Recommendation: That the State party should work with the international community, including the United Nations and the African Union, to end impunity, to provide effective security and protection for all civilians and to ensure accountability for perpetrators of gross human rights and international humanitarian law violations.**

¹ OHCHR Press Release, “UN Expert urges action on Somalia”, 23.08.10,
<http://www.ohchr.org/EN/NewsEvents/Pages/UNExpertUrgesActionOnSomalia.aspx>

The State party along with its international partners is also strongly urged to ensure, where appropriate, that relevant training is provided for officials on basic standards of international humanitarian and human rights laws.

FREEDOM OF RELIGION OR BELIEF IN SOMALIA

7. Notwithstanding severe constraints engendered by the civil war, the State party is legally-bound by the ICCPR and specifically Article 18 which relates to the freedom of religion or belief.
8. Article 29 of the Somalia Constitution states: "Every person has the right to freedom of conscience and to freely profess his own religion and to worship it subject to any limitations which may be prescribed by law for the purpose of safeguarding morals, public health, [and] order." In addition, equality before the law for all irrespective of religion, and the right to life, personal liberty and security are stipulated by the Federal Charter which was adopted by the TFG.² However, a variety of reports by NGOs reveal that Christians are subject to violent persecution, including torture and killing, on the basis of their religious beliefs.³
9. Fuelling the hostility is the widely-held belief, which is in turn fuelled by the extraordinarily homogenous nature of Somali society, that ethnic Somalis are traditionally Muslim. Thus a Somali proclaiming any other faith is seen as apostate and deemed worthy of death, under more extreme interpretations of Shari'ah law⁴. In a society where clan and family are fundamental to one's identity, converts to Christianity are generally rejected by their families, who can become their worst oppressors and in some cases even their killers. Consequently, the Church in Somalia has been driven deeply underground.
10. The already precarious situation for Somali Christians became critical following a declaration by al Shabaab, the Islamist militia that currently appears to be in ascendancy, to eliminate them wherever they are found. A CSW catalogue of the extra-judicial execution of Somali Christians since 2008 is provided in the Appendix to this submission.
11. In spite of their precarious position and the fact that they clearly have a well founded fear of persecution (as is evident from the catalogue of executions in the Appendix), credible Somali Christian refugees experience difficulties when applying for refugee status or asylum, and regularly spend long periods in refugee camps in neighbouring countries where they continue to experience dangers in practicing their faith, and often face hostility from Muslim officials within the refugee system for having changed their faith. Thus there is enormous pressure caused by numerous human rights violations being committed against Somali Christians both within Somalia's borders and internationally.

² Transitional Federal Charter of the Somali Republic, available at <http://www.iss.co.za/AF/profiles/Somalia/charterfeb04.pdf>

³ See the reports on Somalia by Compass Direct www.compassdirect.org, CSW www.csw.org.uk and Open Doors www.opendoorsuk.org

⁴ Nearly all Somalis are Sunnis who practice Sufism, the predominant schools of the latter being the Qadiriyyah, the Idrisiyyah, and the Salihiyah schools. However with the rise of Islamism, and a concomitant rise in the influence of Salafism, has increased societal intolerance towards Christianity in particular, which is often viewed as a "Western" religion. In 2009 the Somali president agreed the adoption of Shari'a law in an attempt to bind the nation together and stem the rise of al Shabaab. However, this has not been as effective as was hoped.

- 12. Recommendation: With the assistance of the African Union and the rest of the international community, the State party is urged to work towards making state policy and practice reflective of its obligations under the ICCPR pertaining to freedom of thought, conscience and religion and doing its utmost to ensure the safety and security of Christians and other religious minorities within its borders. CSW also strongly supports the call of the United Nations Independent Expert on the situation of human rights in Somalia for action from the State party and the international community to “explore all possible means to stop summary executions, including beheadings of innocent people”, including those targeted for their faith. Finally, State party officials, including Government Ministers, should consider visiting refugee camps for themselves, including in Kenya and in Yemen, in line with the Independent Expert’s recommendations⁵.**

FREEDOM OF RELIGION OR BELIEF IN PUNTLAND AND SOMALILAND

13. Islam is the official religion in Somalia, and this is also currently the case in both Puntland and Somaliland. However, Article 5 (1-2) of the Somaliland Constitution also prohibits the promotion of any other religion, with Article 313 of the Somaliland criminal code detailing penalties for Muslims who change their religion. While guaranteeing freedom to worship, the Puntland Constitution also states that Muslims cannot renounce their faith. This is in direct contravention of Somalia’s ICCPR obligations to ensure freedom of religion and belief.
14. In his report of October 2010, the Independent Expert addresses the issue of refugees, and in particular, the forcible deportation of some 900 Somali IDPs, who the President of Puntland contends are al Shabaab members. President Farole also mentions an attack in Galgala, northern Puntland, by a group linked to al Shabaab, and the murders of three members of the Puntland Parliament by this group.
15. However, there is no mention of the increasing insecurity of the region’s Christian minority. In one of the worst cases so far, on October 19 2009, a 35-year-old Christian woman named Amina Muse Ali was murdered in her own home by three masked members of Suna Waljameca, an Islamist militant group said to be relatively moderate. She had been an active member of the underground church, and local sources allege she had long been monitored by members of the group, who were suspicious of her being a Christian. She had declined to wear a veil and had received threats from the group. A local source also reported that Ali had called him on October 4 saying: “My life is in danger. I am warned of dire consequences if I continue to live without putting on the veil. I need prayers from the fellowship.”
16. The situation for Christians in Somaliland is also becoming less secure due to hostile actions by al shabaab supporters and local officials. Non-Muslims who practice their religion often face societal harassment and conversion from Islam to another religion is considered socially unacceptable with human rights violations often committed against apostates. For example, on February 19, 2009 Somaliland border officials in Wajaale

⁵ Report of the UN independent expert on the situation of human rights in Somalia, Shamsul Bari, “Technical Assistance and Capacity-Building”, 2010, A/HRC/13/65

reportedly detained and assaulted Abdi Welli Ahmed, a Kenyan citizen and Christian convert from Islam, as he tried to cross the border from Ethiopia. The officials are alleged to have demanded that he recant and confiscated his personal credentials, religious materials, and cash. Later, on August 3, 2009 sources in Somaliland reported the arrest of a local man, Osman Nour Hassan, for allegedly providing Christian literature in a village on the outskirts of Hargeisa. In addition, another Somaliland convert to Christianity, Mohamed G. Ali, is reportedly on the run from authorities and family members who seek to punish him for leaving Islam.

- 17. Recommendation: The State party and the international community must persuade the administrations in both Somaliland and Puntland of the importance of ensuring that official policy and practice is wholly reflective of obligations under the ICCPR pertaining to freedom of thought, conscience and religion. The State party should also work with the international community in creating human rights training projects for government and law enforcement officials in these regions and in wider Somalia.**

**APPENDIX:
CATALOGUE OF EXECUTION OF SOMALI CHRISTIANS SINCE 2008**

1. On 13 April 2008 a British headteacher was shot dead in Beledweyne, central Somalia by Islamist insurgents. According to his wife, Daud Hassan Ali may have been targeted because he was a convert from Islam,. He was killed outside the Hiran community education project English school along with Rehana Ahmed, 33, a fellow British Somali teacher. Kenyan teachers Gilford Koech and Andrew Kibet were also shot and killed during this incident.
2. David Abdulwahab Mohamed Ali was killed in Baidawa, 149 miles from Mogadishu, on April 22 2008. One of Ali's cousins had taken two other members of the Islamist al Shabaab group to him and asked if he was a Muslim or an infidel. After informing them that he was a follower of the Messiah, he was shot dead by his cousin and the two members of al Shabaab. Ali had been living in Ethiopia since 2000, from where he travelled to Somalia to visit his family.
3. Sayid Ali Sheik Luqman Hussein converted from Islam in 2004. On July 8 2008 two Muslim men approached Hussein and asked him if he faced Mecca when he prays. Hussein informed them that, as a Christian, he believed God to be omnipresent and therefore did not have to face any specific direction when praying. The men returned to Afgyoye, a town 18 miles from Mogadishu, on July 10, armed with an AK-47 assault rifle and a semi-automatic handgun and shot Hussein to death. Hussein's wife went into premature labour, delivering a stillborn baby upon hearing of her husband's murder.
4. In September 2008, Ahmadey Osman Nur was attending a Muslim wedding ceremony performed in Arabic. Due to the lack of comprehension of the service by any of the guests, Nur asked that the contents of the wedding be translated into the Somali vernacular. The Sheik performing the ceremony was aware of Nur's conversion to Christianity, and took offense to the request. He declared him guilty of apostasy and asked a guard to "silence" him. Nur was escorted from the ceremony and upon exiting, was shot and killed by the guard.
5. In 2008 CSW reported the killing by al Shabaab of a 25-year-old humanitarian worker and convert from Islam. On September 23 2008, Mansuur Mohammed, a 25 year-old World Food Program (WFP) worker, was beheaded in Manyafulka village, 10 kilometers from Baidoa. Members of the al Shabaab militia sliced off his head with a traditional dagger, and a video of his execution was later circulated on the internet. The militants had intercepted Mohammed and a driver, who managed to escape, earlier that morning. Sources close to Mohammed's family said he converted from Islam to Christianity in 2005.
6. Al Shabaab militants beheaded two young boys on February 21 2009 because their Christian father, Musa Mohammed Yusuf, refused to divulge information about a church leader. The militiamen, who had entered Yoday village, 30 kilometers from Kismayo, went directly to Yusuf's house and interrogated him on his relationship with the leader of a group of 66 Somali Christians. Yusuf told them he knew nothing about this leader and had no connection with him. The militants left but said they would return the next day, when

they took hold of three of Yusuf's sons, beheading two of them, 11-year-old Abdi Rahaman Musa Yusuf and 12-year-old Hussein Musa Yusuf. The youngest son, Abdulahi Musa Yusuf, survived.

7. On July 10 2009 militants reportedly killed seven Christians in Baidoa. The beheadings in the south central town were believed to be the largest number of killings at one time. "Al Shabaab told us that they were beheaded for reasons they described as being Christian followers and spies," said one relative, who gave his name only as Aden.
8. Mohammed Sheikh Abdiraman, a convert, was shot dead by members of the al Shabaab militia on July 20 2009 in Mahadday Weyne, 100 kilometers north of Mogadishu. Sources say that Abdiraman was the leader of an underground "cell group" of Christians in Somalia. Another eyewitness who requested anonymity said he had been a Christian for 15 years.
9. On July 27 2009 four Somali Christians, Fatima Sultan, Ali Ma'ow, Sheik Mohammed Abdi and Maaddey Diil were beheaded after being kidnapped by members of al Shabaab in Merca, near Mogadishu. On August 4, a member of the group notified the families of the victims that the Christians had been promoters of fitna, or religious discord, and had been beheaded for apostasy for refusing to return to Islam.
10. On August 18 2009 al Shabaab militiamen shot and killed Ahmed Matan in Bulahawa, as he was about to enter Mandera, eastern Kenya, with a donkey carrying sugar, batteries, shampoo and other goods for sale. The extremists were seeking evidence that he had converted from Islam to Christianity, according to underground Christians. A convert who fled the area in 2005 and had been a former leader of a secret Christian fellowship to which Matan belonged said he had received a telephone call from Matan two weeks earlier in which Matan said he was being monitored by al Shabaab and that this was preventing him from leaving his home to carry out his small-trade business. Matan had been a member of an underground church since 2001. He was a father of three, his last child just three months old when his father died.
11. On September 15 2009 al Shabaab militants shot and killed 69-year-old Omar Khalafe, who had been an underground Christian for 45 years, at a checkpoint they controlled after discovering that he was transporting Bibles. Khalafe was carrying 25 Somali Bibles that he hoped to deliver to an underground church in Somalia. The militiamen noticed that that the elderly Khalafe resembled a face in one of the photos found with the Bibles. They asked Khalafe if he was the owner of the Bibles; he kept quiet. They shot him to death. The body was taken to 10 kilometres to Merca, according to the source, and once there the al Shabaab militants placed the 25 Bibles on top of Khalafe's body as a warning to others.
12. A leader of Islamic extremist al Shabaab militia shot 46-year-old Mariam Muhina Hussein to death on September 28 2009 in Marerey village after discovering her to be in possession of six Bibles published in Swahili. Local sources said that on September 27, Sheikh Arbow sent his wife to her house in order to confirm the presence of the Bibles. Pretending to be interested in Christianity, the militia leader's wife confirmed the existence of the Bibles. Sources reported that Hussein readily agreed to discuss Christianity with Arbow's wife, and read parts of the Bible with her. When Arbow's wife requested one of the Bibles, however, Hussein had demurred.

13. On November 14 2009 Islamist militants controlling part of Mogadishu executed 23-year-old Mumin Abdikarim Yusuf after accusing him of trying to convert a 15-year-old Muslim to Christianity. Members of al Shabaab had taken Yusuf into custody on October 28, after the 15-year-old boy had reported him to them. According to reports, before being executed by two shots to the head, Yusuf had been badly beaten and his fingers broken as the Islamists tried to extract incriminating evidence against him and information about other Christians. The source later learned that Yusuf's corpse showed signs of torture; all of his front teeth were gone, and some of his fingers were broken.
14. On December 3 2009, Abdurrahman Hajji Omer, a Somali convert, was poisoned by an unknown assailant in Addis Ababa, Ethiopia. He died the next morning at a local hospital, and is survived by three children.
15. On January 1 2010, a 41-year-old leader of an underground church, Mohammed Ahmed Ali, was shot to death by al Shabaab militia in Hodan, outside the capital city, Mogadishu. Upon learning that Ali had become a Christian, al Shabaab members murdered him after he had left his home. Ali had organized New Year's Day festivities for Christians which were to take place in Medina, about 15 kilometers outside of Mogadishu. According to his wife Amina Ibrahim Hassan, al Shabaab extremists killed him after word of the planned party leaked to them. After receiving threats on her own life his widow fled to Nairobi with their two-year-old only child.
16. Madobe Abdi was an orphan who was raised a Christian. On March 15 2010 in Mahaday village, 50 kilometers north of Johwar, al Shabaab militia tracked down this underground church leader, who had escaped a previous kidnapping attempt on March 2, and shot him. Sources said the militants prohibited his body from being buried, ordering that it be left to dogs as an example to other Christians.
17. On March 23 2010 three al Shabaab militiamen killed Mu'awiye Hilowle Ali in front of his home in Afgoye by shooting him at close range, hitting him in the head and chest. Islamists had previously accused Mu'awiye and his family of spreading fitna, or religious discord. Mu'awiye Hilowle Ali is survived by his wife and 10 children.
18. Yusuf Ali Nur was the leader of an underground church movement and had been on a list of people suspected by al Shabaab of being Christian. Eyewitnesses said that after al Shabaab took control Xarardheere, about 60 kilometers from Jowhar, after battling a rival group, they went from house to house looking for enemy fighters. The militants came across Nur in his house on May 4 2010 and fatally shot him. Nur is survived by his wife and three children, aged eleven, nine and seven. Nur had worked on a farm while in Jowhar.
19. Osman Abdullah Fataho was a long standing member of an underground Christian movement and was murdered in front of his wife and children by al Shabaab militants on July 2 2010 in his home 30 kilometers from Mogadishu. The assailants abducted his wife and children, later releasing his wife on the condition that she surrendered her children to be trained as soldiers, local sources said. A Christian leader who attended Fataho's funeral on July 22 said that one of the slain man's relatives noted that al Shabaab had had targeted him because he had left Islam.