



UPR Submission
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Somalia is currently in the throes of one of its worst crises in nearly 20 years of conflict, and the human rights situation is critical. In 2010, the Transitional Federal Government (TFG), supported by the African Union Mission in Somalia (AMISOM), lost further ground to armed opposition groups, with indiscriminate use of force by both sides exerting a massive toll on civilians, especially during an upsurge of attacks in Mogadishu in August and September. Al-Shabaab and Hizbul Islam, the militant Islamist groups that spearhead the armed opposition, have consolidated control over much of south-central Somalia and have imposed increasingly repressive and intolerant measures in the name of Sharia (Islamic law). Armed opposition groups regularly threaten journalists and members of civil society. Children are used in the ranks of both the armed opposition groups and the TFG.

The humanitarian situation across the country remains dire, and humanitarian agencies have limited access due to ongoing insecurity and, in south central Somalia, threats from armed opposition groups.

The northern region of Somaliland, a self-declared independent republic, provided a rare positive note in the region when its long-delayed presidential election took place in a largely free and fair atmosphere in June 2010.

Indiscriminate Attacks in Mogadishu

Continual fighting between militant Islamist groups and the TFG raged in Somalia's capital, Mogadishu, throughout 2010, with all parties conducting indiscriminate attacks on civilians and civilian objects. Opposition fighters have unlawfully deployed in densely populated civilian neighborhoods and at times used civilians as "shields" to fire mortars at TFG and AMISOM positions—attacks conducted so indiscriminately that they frequently destroy civilian homes but rarely strike military targets. Often AMISOM or TFG forces respond in kind, launching indiscriminate mortar strikes on the neighborhoods from which opposition fighters had fired and then fled—leaving only civilians to face the resulting devastation.

The TFG lost further ground to al-Shabaab during the year and currently controls just a few blocks around the presidential palace at Villa Somalia, with the African Union forces defending Mogadishu's port, the airport, and a few other strategic sites.

Clashes and attacks intensified in August and September—during the Islamic holy month of Ramadan—after al-Shabaab claimed responsibility for the July 11 bomb blasts in Kampala, Uganda. At least 74 civilians died in those attacks, which struck crowded public gatherings the day of the World Cup final. Uganda provides the largest contingent of the 7,100-member African Union Mission in Somalia. AMISOM forces were accused of indiscriminate shelling in retaliation for the Kampala bombings, particularly in Bakara Market. Bakara and other residential areas were repeatedly hit on July 12 and 13, again in late August, and on September 9; dozens of civilians were killed and injured in these attacks.

On August 23, al-Shabaab and Hizbul Islam called for escalation in the fighting, and al-Shabaab claimed responsibility for an August 24 suicide attack at the Muna Hotel, which killed 32 people, including civilians and several members of parliament. Another suicide attack on Mogadishu's international airport on September 9 killed at least nine people, including civilians.

A large part of the remaining population of Mogadishu fled this new round of fighting and is now displaced in makeshift camps on the city's outskirts, primarily in the Afgoi corridor, with little access to humanitarian aid and at risk of harassment by local militia groups.

Both the armed opposition groups and the TFG have used children under age 18 in their ranks.

Abuses in Opposition-Controlled Areas

South-central Somalia was under the control of local administrations linked to armed opposition groups throughout 2010. In many areas, al-Shabaab rule brought relative peace and order, which contrasts dramatically with the crime and armed conflict in Mogadishu. Residents from some of these areas credit al-Shabaab with ending a constant menace of extortion, robbery, and murder from bandits and freelance militias. But even where this holds true, security has come at a steep price—especially for women.

Grinding repression characterizes daily life in communities controlled by al-Shabaab, and many local administrations have sought to implement harsh and intolerant measures in the name of Sharia law. These measures control minute details of personal lives, from the way the way people dress and work to interactions between men and women. The punishments for even minor offenses are often summary, arbitrary, and cruel. A climate of fear prevents most people from speaking out against abuses of power. As one resident of the southern town of El Wak put it, "We just stay quiet. If they tell us to follow a certain path, we follow it."

Freedoms women took for granted in traditional Somali culture have been dramatically rolled back. In many areas women have been barred from engaging in any activity that leads them to mix with men—even small-scale commercial enterprises on which many of them depend for a living. Al-Shabaab authorities have arrested, threatened, or whipped countless women for trying to support their families by selling cups of tea.

Al-Shabaab and other opposition forces often threaten to kill people they suspect of harboring sympathies for their opponents or who resist recruitment. These are not empty threats—opposition groups have murdered civilians regularly and with complete impunity.

Elections in Somaliland and Instability in the North

After almost two years of delay, Somaliland finally held its presidential election on June 26, 2010. International observers deemed the polls reasonably free and fair despite an isolated incident in the Sool region, where one person was killed. The incumbent President Dahir Riyale Kahin accepted defeat and peacefully ceded power to an opposition candidate, Ahmed Mohamud Silanyo, further advancing hopes for stability in the northern region.

The situation remains unstable in the contested regions of Sool, Sanag, and Cayn, which lie between Somaliland, in Somalia's northwest, and the autonomous state of Puntland in the northeast. Thousands of civilians were displaced by clan-based clashes and conflicts over resources in the disputed area in June.

Attacks on Journalists, Human Rights Defenders, and Humanitarian Workers

Somalia remains one of the world's most dangerous places to be a journalist. At least three journalists were killed in 2010, bringing the total killed since 2007 to 22. Two were targeted killings: Sheikh Nur Mohamed Abkey of state-run Radio Mogadishu was killed by three gunmen in May, and Abdullahi Omar Gedi was stabbed by unknown assailants in Galkayo. Barkhat Awale was killed by a stray bullet in Mogadishu on August 24. Both TFG and opposition forces have harassed the dwindling number of journalists still struggling to operate in Somalia. In April al-Shabaab banned all BBC broadcasts in Somalia and confiscated equipment.

Journalists also suffered arbitrary arrest and harassment in the northern Somali regions of Somaliland and Puntland. In January, Puntland authorities released Mohamed Yasin Isak, a local correspondent for Voice of America, after 17 days of detention without charge. According to the Committee to Protect Journalists, in October the Somaliland authorities imposed a suspension order on the United Kingdom-based satellite broadcaster Universal TV, apparently after the station aired

material covering militia activity in the Sool, Sanag, and Cayn area, a region that is disputed by Somaliland and Puntland.

The majority of human rights defenders fled the country in the past years amid increasing threats to civil society and media; the few individuals remaining in south-central Somalia censor themselves.

The delivery of humanitarian assistance to south-central Somalia has been partially blocked by insecurity as well as measures imposed by armed opposition groups specifically targeting humanitarian agencies. At least eight agencies have been expelled from Somalia by al-Shabaab since January. In addition, US sanctions on support to terrorist groups have restricted the delivery of food aid toward southern and central Somalia. As a result, some agencies had to cancel their operations, and access is reportedly at its lowest point since 2006.

Recommendations

To the Transitional Federal Government of Somalia (TFG)

- Immediately issue clear, public orders and take all necessary steps to ensure that TFG security forces and allied militias comply with international humanitarian and human rights law.
- Halt all firing of mortars into populated areas of Mogadishu unless measures are implemented to ensure that their use complies with the principles of distinction and proportionality under international humanitarian law.
- Ensure that all credible allegations of humanitarian law violations by TFG forces are promptly, impartially, and transparently investigated and that those responsible for serious abuses, regardless of rank, are held to account.
- Invite the UN Office of the High Commissioner for Human Rights to increase the number of staff monitoring and reporting on human rights abuses in Somalia.
- Conduct rigorous screening and take other active measures to ensure that no children under the age of 18 are recruited into TFG armed forces. Release all previously recruited children.
- Request that the UN Secretary-General establish a commission of inquiry to investigate and map serious crimes and recommend measures to improve accountability for violations of international human rights and humanitarian law in Somalia, and fully cooperate with that commission once it is established.
- Ensure that all credible allegations of humanitarian law violations by AMISOM forces are promptly, impartially, and transparently investigated and that those responsible for serious abuses, regardless of rank, are held to account.

- Ensure that AMISOM forces immediately halt all use of mortars in populated areas of Mogadishu unless measures are implemented to ensure that their use complies with the principles of distinction and proportionality under international humanitarian law.
- Ensure that AMISOM personnel receive appropriate training in international humanitarian law.
- Consider implementing a system of meaningful payments for civilian loss of life, injury, and property damage. This system should not be limited to compensation for violations of the laws of war but should also include condolence or ex-gratia payments for losses stemming from AMISOM troop activities in which there is no assumption of liability. The system should not be considered a substitute for training and other measures to ensure that AMISOM military personnel comply with international humanitarian law.

Recommendations for all Armed Opposition Groups

- Immediately take all necessary steps to end violations of international humanitarian law:
 - Cease using civilians as “human shields” or placing them at unnecessary risk by launching attacks and firing mortars from densely populated areas.
 - End all firing of mortars into populated areas of Mogadishu unless measures are implemented to ensure that their use complies with the principles of distinction and proportionality under international law.
 - Facilitate the departure of civilians to safer areas during military operations.
 - Halt death threats and targeted killings of civilians.
 - End all forced recruitment of adults.
 - End all recruitment of children under the age of 18 and release all children previously recruited.
 - Appropriately hold to account all personnel, regardless of rank, who commit serious violations of international humanitarian law.

Recommendations for al-Shabaab and Local Authorities in al-Shabaab-Controlled Areas

- Immediately take all necessary steps to comply with the principles of international human rights law:
 - Lift all formal or informal bans on the rights to freedom of expression, association, peaceful assembly, and religion. These include measures that prevent groups from gathering or speaking openly, that impose

criminal sanctions for failing to pray or for public activity during prayer times, and that attempt to censor public education.

- Halt all measures that discriminate against women, including restrictions on their work, travel, and attire.
- Eliminate cruel, inhuman, and degrading punishments, including death sentences, amputations, and flogging for criminal and other offenses.
- Halt arbitrary interference in the rights to privacy, home, family, and expression, including punishing people whose dress or appearance do not conform to codes imposed by al-Shabaab or local authorities.
- Ensure that all criminal sanctions are the result of proceedings that respect the due process and fair trial rights of the accused.
- Appropriately hold to account al-Shabaab members and local administrators who commit human rights abuses.