

UPR Submission

by the
Somali Human Rights defenders Network (SOHRIDEN)
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Summary

Somali government is a party to most international human rights treaties and has enshrined fundamental freedoms into its transitional Charter as well as its 1960 constitution which is the base to refer back if some issues are missed in the charter. However, the human rights situation in the country is deteriorating day after day and its undergoing to that a rapid decline is just because of the absence of a powerful central government for a decades.

Lack of the government capacity and the endless fighting with its Islamist opponent (Alshabab, Hisbul islam) and the flaws in the international response are significant justifying factors in this failure. Beside all the brutalities inherited from the anarchy the government has also shown a lack of courage and leadership in challenging the powerful factions that continue to abuse the rights of the poor Somalis. The government and international community have almost totally failed to implement the Peace Accord in Djibouti , Reconciliation and the transitional justice mentioned in their document within the tight two years designated period which just increased the number of death and casualties , loss of properties and displacement of the innocent civilians.

The current poor security environment and lack of progress means that a significant extension of the mandate of the Action Plan is necessary. The government and some international actors have cited the insecurity as an obstacle to bringing justice. But truth, reconciliation, and accountability for human rights abuses and war crimes are a necessary component of a long-term and stable peace. Warlordism and corruption has undermined government strength and credibility, which in turn feeds the insurgency.

Human rights violations in the context of armed conflict

Somali Human Rights defenders network (SOHRIDEN) is concerned about reports of indiscriminate shelling in the densely populated, displacement of the civilians , arbitrary detention by the TFG and Alshabaab and Hisbulislam in the areas they control , torture, rape, forced marriage and extrajudicial executions by Alshabaab and Hisbulislam forces of suspected supporters of the TFG in their controlling areas. The ban of aid agencies from all the areas controlled by the Islamist is sanction to death for who already suffering and displaced from their houses now living in the outskirts of the city with out even a shelter from the sun and rains. Human Rights defenders are under attack and death threats , they could not operate in the Alshabaab and Hisbulislam controlling areas, they

forced to flee away from their country and some of them had been detained by Alshabaab and tortured but finally managed to escape from their detention.

Human Rights Abuses by Security Forces

Somalia's poorly trained police force remains mired in deeply entrenched patterns of extortion, torture, and other forms of ill treatment, directed against both criminal suspects and ordinary citizens. The government has failed to provide adequate resources and training to police officers and has made no significant effort to hold members of the security forces accountable for these crimes. Impunity from prosecution remains the biggest single obstacle to ending abuses such as these. Meanwhile thousands of people accused of common crimes are detained without trial for months or even years in substandard conditions.

The network members reports and documentations on Extrajudicial, Summary or Arbitrary Executions, the police continue to be implicated in numerous extrajudicial killings in the course of police operations in the TFG controlled areas

Since last February, more than two hundred people was deliberately killed and wounded by the TFG forces notably we can mention as :-

On February 23, 2010, a 27 year old male was shot and killed by TFG forces in the district of Hodan in Benadir .The motive behind this incident is yet to be established

On February 24, 2010, 10 people were apparently injured during heavy fire exchange between TFG soldiers at the Villa Baidoa base in Wadajir district. That the conflict begun when a section of the TFG soldiers wanted to rob some university students around the KM5 zone.

On March 2, 2010, 5 civilians were injured during heavy confrontations between TFG soldiers and Islamist rebels in Tribunka area of Hodan District in Mogadishu. The two sides apparently exchanged heavy mortars that resulted in a number of civilian casualties

On March 7, 2010, Abdi Nooh Moalim of 25 years old was killed in Afasiyooni area of Hamar Jab Jab district, killed by TFG forces, when a pullets shelled them hit the victim in his home.

On March 08, 2010, Abdi Rahman Osman Abdi Rahman of 20 years old was killed in Maajo village of Waberi district , the Victim is on the street when TFG police forces attach his as they want to take him mobile phone and some money he has on the pocket that resulted to died for that sake

On April 9, 2010, Abdi Abdulaahi Mahad of 36 years old, was killed in Hamar weyne district of Benadir region by Two TFG forces who make a round control in

the area, the victim is searching food in the area when the perpetrators attach as they want to take by force his properties

On April 19, 2010, Aweys Hassan Canshuur of 12 years old was wounded in Suuq yaraha area of Dharkeeynleey district, by TFG police forces who reside in the area, the victim was cut on both legs by pullets open of the perperator as the victim wants to collect Mirra Khat from the area.

On June 3, 2010, Abukar Ahmed Mahamed of 35 years old, living in Bakaaro market of Howl Wada district of Benadir region, was shot by T.F.G FORCES who has a base in Dabka cross section of Hodan district, the victim was suspected to be opposition forces who work in Bakaaro market.

On June 6, 2010, Mukhtaar Abdulle Shaldhac of 27 years old was killed in Buulo huubeey area of Wadajir district by TFG forces who had a check point in the area, for checking all vehicles passing the street.

On June 7, 2010, Victim named Aweys Saciid Kuulow walking in Hamar Jab Jab district of Bendir region was killed by two TFG police forces; they fired the victim 8 pullets that resulted to die the victim on the spot, as they want to take by force his properties

On July 1, 2010, Hassan Omar Ali of 30 years old, inhabit at Wadajir of Benadir region was killed in Wadajir area by TFG police forces who has a checkpoint in Korantadda area of Wadajir, as he is walking on the street, they accused to be Al-Shabaab solider

On July 19, 2010, Nuurto Ibraahim Moalin of 45 years old was raped in Dharkeeynleey district of Benadir region, by 3 TFG police forces who had implementing mobile checking, the victim has came on a friend near her home, the perpetrators had taken her a broken home nearby and raped by force on a gun point.

Human Rights Abuses committed by Alshabaab and Hisbulislam.

The islamist armed opponents who control mainly the South and Central Somalia are implementing the Sharia (Islamic law) courts and have their own jurisdiction over criminal cases, and social matters. Alshabaab and Hisbulislam are believed by adopting a wrong interpretation of Sharia law which they just adopt harsh provisions for sentences of their own understanding that amount to cruel, inhuman, and degrading treatment, including floggings, amputations, stoning and death sentences.

Many trials conducted by the Alshabab and Hisbulislam courts were not shown fairness and do not respect due process even as defined by Sharia legislation. Defendants have no access to a lawyer, while poorly trained judges often fail to inform defendants of their basic rights. The manner in which Sharia is applied by

the Alshabab and Hisbulislam discriminates against minorities and women, particularly in adultery cases where standards of evidence differ based on the sex of the accused.

Amutations around Ten cases have documented and flogging reaches hundreds and became part of daily punishments in their controlling areas. Stoning because of adultery and killing because of accusing as spies for the government as the young ladies recently killed in Beletweine were some the worst of the cases which have ever been recorded. The other daily abuses as reported by the network members are like :-

On February 19, 2010, 2 people were killed and 3 others injured after Al Shabaab attacked a cinema in the district of Madina in Mogadishu. The cinema was reportedly screening soccer games.

On February 21, 2010, A member of the Al Shabaab allegedly shot and killed a clan chief in the village of Warmahan in Shabelle Hoose. the insurgent opened fire after a disagreement with the clan elder to stop the action opposing Al-Shabaab.

On June 29, 2010 a group of women in Janaaled village of Lower Shabeele region was arrested by Al-shabaab forces , while they were having a marriage ceremony party in the vilage , an armed groups attached them and captured 24 girls whose their age between 9-35 years and one of the girls were her marriage party all of them are in the prison in Janaale district

On July 23, 2010, Qaasim Ali Mohamed, of 56 Years, live in Lower Shabeele region of Janaale district, has arrested Al-Shabaab forces and lashed him 80 wibe , when few disputes happen among the AMIIR of the village

On July 27, 2010, Haji Malable of 48 years old, Shiiqow Mahdi of 51 years old and Abdulaahi Boorow of 28 years old were tortured by a group of Al-Shabaab forces who catch the victims accusing of holding mobile phone with a momery of sex film, which is a way of taking the mobiles of poor people in the Buulo Aruundo village of Janaale district.

On August 2, 2010, Farah Abdirahman, of 35 years, in Middle shabeelel Jowhar , was tortured and beated him with the gun AK 47 infront of the people, by 2 militia of Al-Shabaab, they tied on both hands and legs in cross way , which resulted bad injuries on his body.

Human Rights Violations in Puntland

Arbitrary or Unlawful Deprivation of Life The fighting between Puntland forces and the militias loyal to Mohamed Atam has caused the death of 100 people, and assassination 50 civilians.

Important peace and human rights activities, media workers and traditional leaders became target and were either killed or wounded for their roles of the peace building.

Torture and Other Punishment

Puntland charted prohibit all forms of human rights violations, government troops torture the civilians, and their political rivals.

Arbitrary Arrest and Detention

Government of Puntland arrested the journalists several times during the year, in 23 July 2010; security forces arrested Yusuf Ali Aden, freelance reporter and former editor of www.somalifans.net , from that period up to now, Yusuf is in Bosaso Central prison without charge.

On 10 October, Ministry of information and communication of Puntland banned the VOA reporter, Nuh Muse Barjef in reporting VOA.

13 August 2010, security forces arrested deliberately, Director of Horseedmedia, Abdifutah Osman, military court sentenced him six years and 500 fines.

On 20 July 2010, Puntland security forces arrested 1200 people and repatriated them to south and central regions, most of these people were internal displace peoples, living in Puntland more than 11 years.

1 Sept 2010, unknown gunmen has killed Abdifutah Osman, reporter of Radio Daljir in Galka'ayo Since Farole came to power in two year before, the human rights violations has increased,

Child Soldiers

The recruitment and use of children in militias, are now days becoming common in Puntland. Mohamed Said Atam is recruiting children to fight for him, on 23 August 2010, death of two children were brought in Bosaso General Hospital after Puntland security forces and Militias loyal to Mohamed Said Atam fought in Galgala village, 40 Km away from Bosaso. 40 children were reported to recruit the militias to fight Mohamed Said Atam.

Child trafficking

On 15 March 2010, one child were reported to trafficked from Qardho to Hargeissa, the trafficker was Russian man used to live in Qardho town for about 4 years, Somaliland police forces arrested the trafficked and save the Fadumo Abdi, 14 year girls trafficked from Qardho and reunited to her parents.

6 April 2010, 12 years old girls called Najmo Mohamed Shire was trafficked in Bosaso, but later Al-shabab militias saved Ayaan and arrested the two traffickers in Bakol region, one was Tanzanian lady while the other was Somali.

10 Sept 2010, was found the body of 11 years old boy in Bosaso, his two kidneys and the heart was removed by preparatory.

Piracy

Piracy activities are increasing day after day, during this year almost 20 vessels were kidnapped by piracy men, right now there are 15 vessels under the hand of piracy men, most they have bases in coastal towns of Puntland such Eyl of Nugal region, Garacad of Mudug region and Baargaal of Bari region.

Freedom of Assembly

Puntland charter gave for freedom of speech, but still ban on demonstrations and assemblies continued.

26 May 2010, Ministry of Planning and International Cooperation has stopped workshop conducted by PDRC (Puntland Development and research Centre), where almost 100 participants from all regions of Puntland participated.

Recommendations

The following measures are to be considered to ensure the stability in Puntland

- ❖ Training the Puntland Police forces on human rights issues to halve the human rights abuses in the regions.
- ❖ Creating awareness of peace and human rights through media and discussion forums
- ❖ Supporting and training the Judiciary system of Puntland government.
- ❖ Government should create job opportunity to the young people of Puntland .
- ❖ International community should increase the aid to the Somalia to support the needy people.
- ❖ Civil society organizations in Puntland must organize peace forums.

Freedom of Expression.

Freedom of expression is diminishing for those who criticize the Islamists armed groups of alshabab and Hisbulislam . Threats, violence, and intimidation are regularly used to silence to all those whom they see against them including government officials , human rights activists , journalists, and all civil society activists.

The Islamists and fundamentalists who took control of majority of southern regions continued to treat media and journalists with hostility. The extremist authorities issued orders to intimidate the media such as "no music and songs on air" furthermore; unfavorable news broadcast will be subject to station closure or risks stringent punishment. Hizbul Islam insurgent group imposed restrictions on radio stations. The group banned music and jingles; describing them as un-Islamic. They also made direct threat to journalists working in the government controlled territory, who could not immediately obey their orders.

The order got into effect on 13th April 2010, ten days after it was issued. Most of the radio stations in Somalia stopped playing music. The stations said they had to comply with the ban as if they did not; they would be putting their lives at risk.

Residents can only hear music from Radio Mogadishu, the government-controlled station, Bar-Kulan, Kenya-based UN-funded radio station, which has a FM transmitter in Mogadishu and Shebelle independent broadcaster.

In July first 2010 Hizbul-Islam again banned radio stations from airing programs on the country's national Day.

As a the first disobedience by a radio station in the rebel controlled area to an order imposed by militants , Shabelle broadcaster secretly, moved from its premise in Bakara market to the government controlled area and immediately re-started airing the celebrations and national songs on the national independence day, as well as airing songs. Its authorities described the move as one that led them to more freedom of speech.

September 11 2009 Alshabab shut down Horn Afrik branch in southern port town of Kismayo, and on 30 September 2009 Al-Shabab forces in the south western Somali town of Baidoa ordered that the FM station stop broadcasting. Many radio stations became under their control like those in Bar-dhere, Beledhawo, Jowhar and Beledweyn and all faces violations, including arbitrary arrests of their journalist's constant imposition of new orders and regular threats. They also banned the BBC accusing them in spreading Christianity and un Islamic programs. They had looted transmission equipment belonging to the BBC in Five regions . They imposed a strict orders on Horn-Afrik Media Company to stop relaying BBC and VOA programs from its station.

Later on the Alshabab group took all the equipment, including computers, FM transmitter and other accessories, belonging Somaliweyn radio station in Mogadishu amid heavy fighting in the neighborhood in May 2010, and they installed in Elbur where Alshabab's strong hold base is.

Last September Al-shabab and Hizbul Islam have taken over the local FM radios and Televisions of Horn Afrik and GBC respectively in Mogdisho Although GBC is still on air broadcasting the agendas of the militants, Horn Afrik believed to be the first of an independent radio station in Somalia remains out of air.

As long as their safety is concerned both the media stations and journalists continue to receive phone call death threats, intimidating text messages and direct physical harassments to deter them from performing their duty impartially.

The threats created fear and endless worry with in the journalists, forcing many to abandon their jobs and seek refuge in the neighboring countries such as; Kenya and Uganda, where they are leading very desperate living conditions as exile journalists.

According to records compiled by our network media organizations in the network, the last five years more than 198 cases of journalists' arrests and abductions were reported across Somalia.

Somalia's north eastern Semi-autonomous region of Puntland and in the North West self-declared republic of Somaliland were leading the record of the journalists' arrests and arbitrary detentions, While the south and central Somalia was notorious with the killings abductions and the constant death threats..

Apart from the killings of the journalists also there have been gross media violations and repressions imposed on both journalists and the media houses further worsening the already risk surrounded media in Somalia.

Women's Rights

Under a strict rules imposed by Alshabaab and Hisbulislam women has to wear the precise type of *abaya* - a bulky head-to-toe garment - prescribed by local edicts and can travel with out Mahram (male guardianship) like husband , brother.

In the areas controlled by Alshabaab and hizbulislam women are forced to marriage which they don't know to whom they will be married . If by instance, the parents refused they will pay the price. Forced Marriage reached to compel parents to arrange their daughter be evacuated from the controlled areas of the Alshabaab and Hizbulislam . If this forced marriage took place the young girls will be divorced immediately after Four months and whenever she got pregnant. Strictly enforced sex segregation further hinders women's ability to participate fully in public life who were the main bread winners for their families. They are also lashed if they don't wear the *abaya* - a bulky head-to-toe garment - prescribed by local edicts which is very expensive and most of the women could not buy it..

Many local al-Shabaab authorities devote extraordinary energy to policing the personal lives of women and preventing any mingling of the sexes. Several women told Human Rights Watch that they had been beaten, flogged, or jailed for selling tea to support their families because the work brought them into contact with men.

Indiscriminate Shelling and massacre of Non combating civilians

As those Alshabaab and Hisbulislam are using human shield and launch their mortars from the residential areas and markets AMISOM forces retaliation to counter attacks they indiscriminately send massive bombardment to those densely populated areas such as the Bakara Market, which constitutes gross and systematic human rights violations of the Somali people. AMISOM's artillery shelling resulted in the massacre and injuries of hundreds of civilians, extensive damage to civilian infrastructure, and the displacement of hundreds of thousands people fleeing heavy shelling and bombardment.

Recruitment of children into the armed groups

- Child recruitment into the armed groups has tremendously increased by warring parts involved in on-going hostilities including TFG, and Insurgents (Alshabab and Hizbul Islam).. Casualties and death of child soldiers observed during the recent fighting in Mogadishu that caused great uproars of how children are used in the frontlines.

Disappearance of children (boys and Girls)

- Six cases of disappeared/abducted girls were recently documented along the Afgoi corridor by unknown militias. Similarly, a number of boys are missing and suspected that they were recruited by the warring parties. Trafficking was cited to be one of the most likely behind this.

Arbitrary arrests/Detention of children

- In the central prison there are seven boys with different kinds of charges including murder, terror suspect and disciplinary measures were arrested with adults since there is no especial prison for children. Poor conditions of the main prison and the prisoners reported

Physical and sexual violence against children

- Gender Based Violence (GBV) is increased in IDPs settlements at Afgoi corridor during fire wood and water collection time. There are few reports of sexually molested boys particularly in the Mogadishu prisons.

Evictions

- Hizbul islaam militias are reported to have forced out of their make shift structures some of the IDPs at former Lafole University. In the recent times, evictions at the Afgoi corridor have been an increasing trend after landlords opted to sell their land to establish business centers. Some reports say that this was due to the decrease of the income of the landlords after aid assistance in the corridor lowered due to the restrictions imposed by the insurgents.

Recoomedations:

1. The Somali Transitional government should consider that its primary responsibility is the protection of civilians and should take all suitable measures and mechanisms required for securing the civilian protection.
2. The Somali Transitional Government should pursue all possible venues of negotiations with its opponents to achieve a lasting peace. Only with reconciliation and dialogue in between the Somalis with out any intervention from outside the long conflicts can be solved .

3. Without utilizing of knowledgeable and dedicated people with proven good records in the governments key positions the TFG could achieve its dreams and could not overcome from the corruption and the inefficiency that hinders its activities.
4. The TFG should consider the role of Civil society in political and especially the human Rights Defenders to be part of the consultation in the future constitution, Also all the society sectors should be consulted with and their views should be given a consideration.
5. The opponents and all armed groups as Alshabaab and Hizbulislam should seek a nonviolent means and instead of continues fights they should come to the negotiation table prioritizing the current situation of our people who had been suffering so long. We also call them to respect the human Rights of the civilians in their controlling areas and allow the humanitarian agencies to operate and help our needy people in the IDP camps.
6. We call the international Human Rights organizations and the international community to support the HRDS in conducting the mapping of human rights violations in the current and in the past and accountability should be implemented proper investigation by international independent inquiry bodies.
7. AMISOM forces should respect the international humanitarian laws and the human rights instruments and stop those barbaric indiscriminate shelling in the densely populated civilian areas , otherwise it will a war crimes committed deliberately.