



Annual Human Rights Report

Somalia

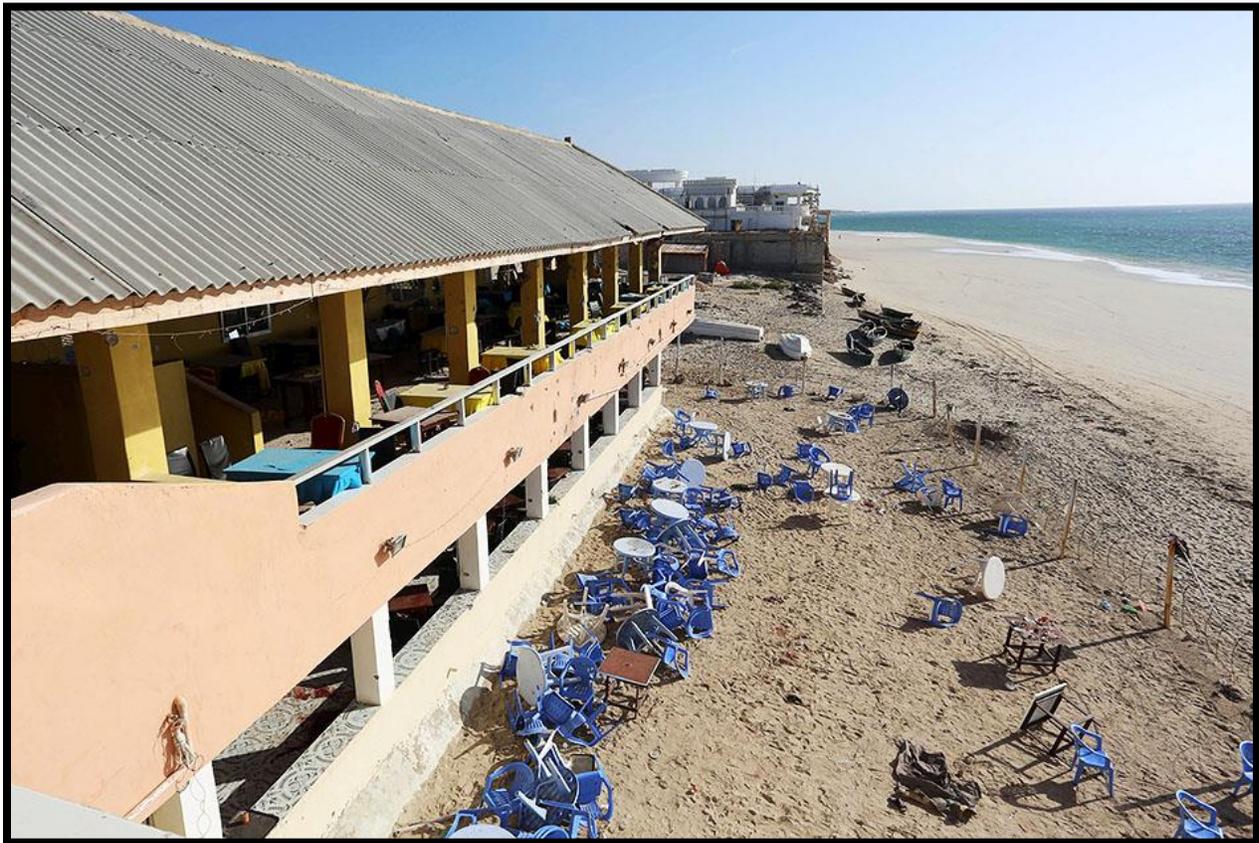


Photo: Aftermath of terror attack on popular beach front restaurant Mogadishu Somalia

2016

INTRODUCTION

The year 2016 has been one of the deadliest year for Somalia since 2012 when the federal government was established inside the country. Over the past four years, the country has been moving toward on the road to stability especially the capital city Mogadishu with the return of many Somalia diaspora from across the world. New business centers, hotels and fancy restaurants as well as spa were opened in Mogadishu. Other major developments included renovation of public streets, government institutions and the re-opening of Somalia's biggest hospital (Digfreer) in Mogadishu with sophisticated medical equipment and health services.

However, amidst all these developments there are reports of gross human rights violations and abuses documented by WITNESS SOMALIA in Somalia. This report highlights major violations in south central regions of Somalia. Among the documented reports include atrocities committed by the terrorist groups which are suicide bombings, target assassinations as well as hit and run attacks in government controlled areas in and outside Mogadishu. This report also indicates violations committed by the state actors including law enforcements departments, national security intelligence agency (NISA) as well as other judiciary institutions. Which include arbitrary detentions, illegal arrests and denial of justice to victims of abuses. Government institutions are also generally accused of corruption, and diversion of funds from intended purposes. Corrupt government officials tolerate illegal activities in return for bribes. Dysfunctional institutions facilitate an environment of lawlessness, and the absence of any form of strong regulatory framework makes it worse.

In this year, A total number of 272 people mostly civilians were killed in several attacks targeted with major hotels and other places in Mogadishu. There are also undocumented murder cases which occurred in far remote areas of the country. On 7th October 2016 an inter-clan fighting between Galmudug and Puntland regional administrations has erupted in Galkacyo town of Somalia which have claimed the lives of 18 people and the injury of more than 50 others including innocent civilians. The fighting has also caused displacement of more than 100,000 people. It was just December last year when same groups fought against each other leaving 75 people dead while scores were wounded.

SECURITY SITUATION

Alshabab has been launching attacks against government and civilians both in and outside Mogadishu. This year alone, the group carried out eight major attacks targeting government hotels. The groups claim these attacks, which claims lives of innocent civilians, are meant for government officials and those people caught in the fire are just supporters of the government. The group has also been hunting government officials, journalists, activists and ordinary citizens whom are seen are doing business with the government and foreigners.

The most horrible attack perhaps was January 20th 2016 after Al-Shabaab struck with a two consecutive car bomb at popular seafood restaurant located in Mogadishu's famous Lido Beach killing at least 20 people and wounding 17 Aong the victims were two sisters and their brother, one of those woman was pregnant. Most of the victims were normal civilians (families) who visited the beach for the weekend. Muss murder in its worst kind.

"I was in the bathroom for three consecutive hours" says one of the survivors "the explosion, the gunfire, people screaming, some crawling to hide in the rooms. I just prayed God that I survive that horrible moment for another day. I am still suffering sleep disorder because of that night . I didn't even slept the first three weeks that followed the incident" he adds.

"I have lost family members, friends all of them my loved ones" says another. "But thank God I survived although I am still living with that terrible memories".

Another shocking incident happened in June when at least 18 civilians were killed after roadside bomb went off in Lafoole district, about 20 kilometers away from Mogadishu. Most of the victims were vegetable venders, milk sellers and other ordinary citizens who were heading back home after they did EidulFitri shopping in the town.

"I was driving far behind the mini bus. They passed me near Elasha biyaha and all over sadden I heard huge explosion! Then i saw huge smoke blowing up in the sky. At first I did not think the hit was the mini bus but when I reached at the scene. I was shocked that I almost lost my consciousness" says one of the local businessmen. No one has claimed the responsibility for that incident.

On June 2nd the group hit another popular hotel called Ambassador in central Mogadishu that left 16 people dead and wounding 55 others. Three weeks later In the same month the terrorist again attacked Nasa-Hablod hotel which was not from the location of their target hotel (Ambassador). A suicide bomber detonated an explosives-laden vehicle at the gate of the hotel which was followed by a second explosion with attackers fighting their way inside the building. With this attack they have killed 16 people including two members of the parliament and wounded 20 others.

ARBITRARY DETENTION; A NEVER ENDING STORY

Over the past 2 years, we have been witnessing massive arbitrary and unlawful detention in Mogadishu. The process usually carried out by the National Intelligence Service Agency (NISA) under the name of “security operations” often conducted at nights, mostly after midnights as forces stormed homes without warrants. In the course of these operations several people are taken away from their houses blindfolded and detained for weeks and months without trail. According to the Somali constitution, one cannot be detained more than 48 hours otherwise he/she shall be taken to court. However, such arrests end up without due process or trial in the court. People are kept in inaccessible detention facilities notably Godka Jilicow and the Statehouse detention facility managed by elite security intelligence forces. According to the victims, they were systematically tortured and denied visits of their family/friends. Only the lucky ones are released after their families pay certain amounts of money often demanded by corrupted officials. The amount of the money depends on the financial status of that family. This usually comes after the suspect is cleared of not being guilty.

We have tried to speak to some of those victims who were detained but due to fear and extreme shock they could not speak to us.

One of our staff member who was invited in the statehouse youth dinner asked the president about a case of 13 years old boy who was detained by NISA for three months. The boy was cleared and was not found any guilty of being member of Alshabab, however, his family came to our office and informed us that they were asked to pay \$4,000 and the family were not financially in a position to pay that amount of money. The president’s answer was simple and short “*I have not received the report of that case*”. This is just one of many untold stories of extreme ordeal faced by detainees held in custody.

MEDIA: SOMALI JOURNALISTS UNDER FIRE

During 2016, two journalists were gunned down in Mogadishu. 23 years old female journalist Sagal Osman Salad was shot dead in front of Plasma University shortly after she finished her class. She was working as producer for state-owned media. Another local journalist Abdiiaziz Ali who was working with Shabelle radio was also killed when he was visiting his parents at Yaqshid district. Two other journalists were detained by the government, Hamza Mohamed producer for Doha-based English channel Aljazeera and Abdi Adan Guled editor of local newspaper Xog-Ogaal, both of them were released after national and international outcry.

In 2013 the government drafted a media law, which was widely criticized due its strict media restrictions and heavy fines. The law was passed by the council of ministries in late 2014 without consultations with the medial groups. On December 2016 the parliament passed the controversial media bill proposed by the government, saying it aims to regulate the nation’s media industry.

According to IFEX 2014 Somalia annual report, many of the broad restrictions laid out by this legislation could be used by Somali authorities to silence their critics, control independent media, disproportionately punish journalists, and result in self-censorship on the part of journalists and media houses in order to avoid potential repercussions.

According to Article 6, provision 6.2 of the bill, this article clearly establishes a media regulatory body which is dominated by the Ministry of Information with most of its members appointed by the same ministry. The council therefore lacks independence, credibility, and the journalistic community. Therefore the wider public have no faith in it. All media houses including newspapers must register at the Ministry of Information and pay an unspecified annual license fee to get a license from the ministry, according to Article 7, provision 7.3. This opens the door for the ministry to politicize the issuance of licenses and deny any media house that they may deem to be critical of them. The draft media law further states that a journalist or media house shall pay a fine of between US \$5,000 to \$10,000 for breach of the "code of ethics."

Apart from all these restriction, journalists in Somalia have to face other harsh realities like continuous threats, intimidation, kidnappings, and the closure of media outlets, which is still common in Somalia. There is no protection mechanism for journalists based in Somalia other than to keep hoping for the best. The government cannot protect them; in fact, the government's security obligation mostly caters to protecting only their own staff and their compound.

SEXUAL AND GENDER-BASED VIOLENCE

According to UNFPA Somalia, the 2016 reporting period indicates that 99 percent of the survivors of sexual and gender based violence were female, while 76 percent of the survivors came from the IDP community. Out of all cases, physical assault is the most reported form of GBV at 52.5 percent followed by rape at 16.8% percent, sexual assault is reported to be at 13.9 percent, denial of resources opportunities and services is at 6.9 percent, and psychological abuse is at 6.7 percent while forced marriage is at 3.3 percent. The trend of the incidences report is suggesting that the number of the GBV incidences increased by 16 percent in 2015 and 88 percent in 2016 during the first quarter compared to the same period in 2014.

WITNESS SOMALIA office has also supported 8 survivors of Gender based violence throughout this year. 6 of these survivors were brutally raped by unknown perpetrators. 2 of them were provided with legal assistance and their case is still prosecuted in the court. One of the victims was just 6 years old girl. We have decided to include her story on our report

Asha (not her real name) 6 years old young girl living in a makeshift IDP (Internally Displaced Person) camp located on the outskirts of Mogadishu. The camp's name is Buulo, one of the least populated camp in the area, most of its residents came recently as result of fresh military operations in southern regions against Alshabab. At the time we met with Asha, she was

extremely traumatized and physically injured, she could not speak. Therefore we have decided to write her story from her mother who, shortly before the incident, sent her to buy soaps and washing powder from nearby shop.

Asha's mother Sadia(not the real name) is 36 years old with 7 children with Asha being her third youngest daughter. While erasing the tears from her eyes Sofia starts her story what has forced them to come here in the first place that led to this horrible tragedy.

"We had a good nomadic life back in our place of origin .I never thought this would happen to my daughter. It was the merciless those merciless terrorist groups who forced us to flee our own houses, they harassed us by taking our properties forcibly, killing anyone that would be against their decision. The very reason I fled was the fact that they were marrying girls by force and I was scared for my eldest and the second eldest daughters. Unfortunately our livestock were mostly killed by the droughts and the remaining ones were taken by Alshabab. Then we decided to move to the town seeking better life for my children. But instead, I am here mourning for what happened to my innocent daughter, we were staying in this camp for the last two years. The only job I could get was washing clothes for other families and my husband works on wheelbarrow".

She stopped for a moment and the counselor asks what exactly happened to the young daughter.

"It was about a week ago, I don't even remember, my daughter was playing with her younger brothers. I called her and told her to buy a white soap and washing powder from nearby shop. She went away and she did not come back as I expected, the wait was too long. Out of nowhere, one of our neighbor lady came to our push shouting "your daughter, your daughter". I was shocked to death, I thought she was run over by a car but the lady said "she was raped by Ilyas, the shopkeeper, she is bleeding, come and see your daughter". I run toward the shop and by the time I came I saw my daughter laying inside the shop while the perpetrator escaped before my arrival. He told her that he would give her some candies and then he raped her".

"I did not know where to report and what to do. I just cried and mourned, I told my husband and he was shocked too, speechless. We knew the man, we knew his family and there was nothing we could do simply because we belong to MINORITY clan who are considered to be less human, unarmed and can never take any action on atrocities committed against us. I was helped by some other IDPs and the camp leader who took my daughter to nearby pharmacy, they gave her some pain killers but I knew something big was wrong. Our camp leader told me that he knew some organization who are there to help victims like us. That is how I have been connected to one of your staff".

On 3rd September, WITNESS SOMALIA received the report of the incident and sent one of its case workers to help the victims. The young daughter was provided with POST-EXPOSURE

PROPHYLAXIS (PEP) medications to prevent from being infected with Sexually Transmitted Diseases (STDs). She was also referred to the police station where she was given ‘referral letter’ of which the police officer send the victim to recognized medical doctor who then proved that Asha was raped. she was also provided series sessions of psycho social counselling by our counselor.

The challenging environment drastically limits national protection and support for survivors of GBV and their families. The violations are noted to be aggravated as a consequence of weak rule of law, limited access to legal redress social stigma, lack of confidence in a fair trial and fear of reprisals as perpetrators often enjoy clan protection. Limited public education on human rights issues has also been noted to be a key barrier to ending GBV.

WOMEN’S RIGHTS IN GENERAL

Women and girls make up about 50% plus of the Somali population and yet they endure gross inequalities and human conditions both as a result of the prolonged conflicts and civil wars in the country. The situation of Somali women is particularly dire and presents real concerns for their fair treatment, access to justice, political participation and overall human rights protection.

Somalia is considered as one of the most dangerous country in the world for a woman to live Women bear unequal brunt of the hardships resulted in by poverty, conflicts and wars, natural disasters and deeply clan-based culture which promote strict male hierarchy and authority, in these circumstances; women come under extreme pressures, and violence under stressful conditions that exist in Somalia.

This situation is further exacerbated by religious and cultural limitation on the role and status of women in Somali society, and as a result of this, deeply rooted gender inequality prevails; Somali women are most often excluded from decision-making and asset ownership. They suffer Sexual Gender Based Violence (SGBV), a general lack of or limited access to formal justice mechanisms and face extreme marginalization and repression under the traditional justice system and sometimes under distorted interpretations and implementation of Sharia law. The practice of female genital mutilation (FGM) still remains widespread in its severest form (infibulation) with Somali women and girls.

A total number of 272 people mostly civilians were killed in several attacks targeted with major hotels and other places in Mogadishu. There are also undocumented murder case which occurred in far remote areas of the country.

The African Union Peacekeepers which were deployed in Somalia back in 2007 has been supporting the Somali government under the support of the international community. The peacekeepers have been fighting with Alshab

THE 2016 ELECTIONS

Somalia's parliamentary election is hugely affected by corruption, vote-buying, intimidation and harassment against some candidates. Reports coming from the main five polling stations in the country indicate that the level of corruption in vote buying has reached its peak with candidates paying as much as they can to secure their seat in the Lower House. According to the General Auditor of the country Mr Nur Farah Electoral College delegates are voting for the highest bidder, "Some votes were bought with \$5,000, some with \$10,000, and some with \$20,000 or \$30,000. But not all seats are equal. Some are influential seats and have a lot of candidates competing for them," he said in an interview with the Somali Voice of America Radio. So far two seats with highest cost have been won by two candidates each seat costing \$1.3 million, one of the winners was contesting Galmudug state and the other in Hirshabelle State

"If you don't stop what you doing you will be dead, this is Mogadishu"

Some of the Electoral College delegates were threatened by rouge candidates, some of them were denied an entry in the election hall. "I travelled Adaado to vote for someone but to my surprise my name was not in the list" says one of the delegates. "On the second day there was this powerful guy (I don't want to mention his name) came with the security and entered the hall forcibly expelling some of the delegates and came with his own list of delegates. Apparently he was aiding his close brother who was also contesting for the seat" he adds.

Early November, one of the federal electoral commissioner Ms. Fardowsa Mohamed Duale has publicly mentioned that she has received death threats from cabinet minister in Mogadishu regarding list of delegates for Somaliland. Ms. Duale blew the whistle in an interview with local radio Goobjoog FM. "he literary threatened "If you don't stop what you doing you will be dead, this is Mogadishu" she added. Ms. Duale is one of 22 Federal Indirect Electoral Implementation Team (FIEIT) whose main mandate is to supervise and implement the election process.

Looking at the current process of the election, it seems the realization of 30% quota reserved for women is very challenging if not impossible. So far only 20 female MPs have been elected out of the 82 seats allocated for women, indicating that there's so much to do to secure the 30%. In total, 222 of MPs were elected out of the 275

Several women rights activists have already started outrage on social media demanding the gender adherence of the 30% quota without negotiation. "It is not open for negotiation, our quota, our rights" said an activist on social media. However, according to the delegates traditional elders and clan chiefs are not option female candidates due to both financial interests and the fact that some clans do not even want them to be represented by female candidate. "It seems people don't want to be represented by female especially traditional

elders” says one of the delegates. “Besides men are spending thousands if not millions of US dollars to secure seats while women do not have that much amount of money” he adds.

The presidential election which were supposed to be held in November was postponed and now is set to take place on 28th of December, however, many believe that this is not possible. “With the way things going on right now. I don’t think we will have presidential elections by the end of this month” says one of the delegates. The international community however is putting pressure on the outgoing Somali government to meet the deadline.

Somali civil society organizations are concerned over the continuing allegations of corruption in the electoral process and reports of cyclical intimidation of Electoral College delegates and election officials as well as prospective candidates for parliament, Civil society strongly urges and demands all stakeholders including FIEIT, SIEIT and the international community to take urgent steps preserve the credibility of the electoral process.

RECOMMENDATION:

- ❖ Ensure civilians are protected and restore rule of law
- ❖ Work on reconciliation and negotiation meetings among the conflicting clans in central regions of Somalia
- ❖ Stop arbitrary detentions and extrajudicial arrests against civilians, ensure pure justice mechanism is place for handling such cases.
- ❖ Building the capacity of the law enforcement departments and security intelligences on human rights, national and international laws/instruments and proper investigation
- ❖ Protect journalists and respect freedom of speech and media indolence. Amendment of the media bill with wider consolation is also must as some of its articles are against media freedom
- ❖ The international community should hold the Somali government accountable for the corruption which has badly affected in most government imitations
- ❖ Access to justice for victims of abuse and survivors of sexual violence is undeniable, the state must ensure that people get their legal rights
- ❖ Civil society organizations should increase monitoring and reporting human rights violations and abuses
- ❖ Civil society organization should scale up their services for the community in all regions of the country.
- ❖ The independent election bodies should document all disputed seats and report it to the international community/donors for accountability
- ❖ Women’s 30% must be secured, those who are trying to take seats reserved for women should be stopped and disqualify from the election.

