



Country of Origin Information Report on South and Central Somalia

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Introduction

This Country of Origin Information report describes the situation in South and Central Somalia insofar as it is relevant to the assessment of asylum applications from persons originating from that country and to decisions on the repatriation of rejected Somali asylum-seekers. This Country of Origin Information Report is an update of the earlier report on Somalia, covering the period from January 2016 to 17 October 2017, that appeared in 2017. This new version covers the period from November 2017 to February 2019. The report was drawn up on the basis of the questions asked and points for attention mentioned in the Terms of Reference (ToRs). These ToRs were compiled on behalf of the Ministry of Justice and Security and adopted on 30 July 2018.

The report is based on information from public and confidential sources. Information has been used from various national and international governmental and non-governmental organisations, specialist literature and media coverage. An overview of the consulted public sources is included in the reference list.

The report is also based on observations in the region and confidential reports of the Dutch mission in Nairobi. A fact-finding mission to Kenya took place in November 2018, during which talks were held with representatives of the aforementioned organisations, most of which work in Somalia. The report frequently refers to public sources that have been consulted, and to confidential sources if information has been collected on a confidential basis.

Chapter One examines recent developments in the political and security fields, as well as identity and travel documents. Chapter Two outlines the human rights situation in Somalia, before going on to consider the extent to which human rights are protected or violated. Finally, the situation of specific groups is presented. Chapter Three deals with the reception of refugees and displaced persons and the activities of international organisations.

1 Country information

1.1 Political developments

The political arena in Somalia in 2018 was primarily the scene for the struggle between the federal government in Mogadishu on the one hand and the individual federal member states on the other.

On an international level, the détente between Ethiopia and Eritrea resulted in a declaration of peace between the two countries. That peace has influenced geopolitical relations in the Horn of Africa, of which Somalia is a part.

Another important international development was the Gulf crisis, which proved to have an impact on the tension referred to above in the relationship between the government in Mogadishu and the federal member states. In what follows, each of these developments is discussed in more detail, and consideration is also given to the new electoral system, the registration of political parties and the fight against corruption.

Centralism versus federalism

During the reporting period, the federal government struggled to assert power and influence over individual member states, including Somaliland, which regards itself as an independent state.¹ Relations between the federal government and the individual member states came under pressure, with each side accusing the other of not complying with the agreements that had been made, on matters such as the distribution of financial resources (including donor funds), the advancement of the constitutional revision process and the fight against Al-Shabaab. In addition, the integration and role of member states' troops in the national army remained a matter of controversy.²

In the meantime, the federal member states have negotiated on their own with foreign powers about ports, military installations and the use of natural resources, without any coordination with the federal government.³ The political conflict was exacerbated after several member states declared during a meeting of the *Council of Inter State Cooperation* (CISC)⁴ that they were no longer willing to cooperate with

¹ Four of the member states are located in South and Central Somalia: Jubaland (the regions of Lower Juba, Middle Juba and Gedo), South West State (the regions of Bay, Bakool and Lower Shabelle), Hirshabelle (the regions of Hiraan and Middle Shabelle) and Galmudug (the regions of Galguduud and Mudug). Puntland will also be part of the federation. No agreement has been reached as yet with Somaliland and the Benadir capital region. Somaliland functions as an autonomous state, with its own military and judicial institutions. Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, October 2017.

² Confidential source, 7 July 2018; Confidential source, 19 November 2018; Confidential source, 26 January 2019; The East African, *Somalia's federal states gang up against Farmajo*, 8 September 2018; House of Commons, *Briefing Paper, Somalia: January 2019 update*, p. 12, 17 January 2019.

³ United Nations Somalia and Eritrea Monitoring Group (SEMG), *Report on Somalia of the Monitoring Group on Somalia and Eritrea*, 2 November 2017; International Crisis Group, *Somalia and the Gulf Crisis*, p. 1, 5 June 2018; Confidential source, 7 July 2018.

⁴ The *Council of Inter State Cooperation* was set up in October 2017 as a body used by the federal states to reach agreement on issues to be negotiated with the federal government. See House of Commons, *Somalia: Update March 2018*, 27 March 2018; United Nations Security Council, *Report on Somalia of the Monitoring Group on Somalia and Eritrea*, 9 November 2018.

the federal government. The former president of Puntland, Abdirahman Farole, was then appointed as a mediator to defuse the political crisis.⁵

Government and parliament

The relationship between the federal government and parliament also proved problematic. The first four months of 2018 were dominated by a political crisis, resulting from a motion of censure against the speaker of the Somali parliament, Mohamed Osman Jawari, which created tensions between the executive and the federal parliament. In the end, the two-thirds majority required to pass the motion was not achieved, but the crisis led to federal legislative activities being delayed. The security forces were also divided into an element that supported the president and a faction that remained loyal to the parliamentary speaker. Further escalation was prevented by the intervention of the African Union.⁶ The president, Mohamed Abdullah Mohamed (nicknamed Farmajo) and the parliamentary speaker were diametrically opposed because parliament wanted to vote on a proposal that would make legislative approval necessary for future foreign investments in Somalia. In April 2018, the parliamentary speaker decided to resign. The Minister of Constitutional Affairs, a well-known opponent of the speaker, praised his decision to resign.⁷

Corruption

The president was elected in the 2017 elections partly because he had promised to tackle corruption. As in previous years, Somalia was listed in the *Corruption Perceptions Index* as the most corrupt country in the world in 2017 and 2018.⁸ During 2018, the Prime Minister implemented a number of anti-corruption measures: dozens of people were arrested, most of them in the police, but also at the Ministry of Foreign Affairs; Mogadishu's port manager was also arrested. The port is one of the government's main sources of income, and it is precisely there that a lot of money leaks away to various 'stakeholders'.⁹ The news source *Africa Confidential* describes corruption as a stubborn problem for the government because it needs money to gain support from MPs and soldiers and to secure its position in the federal member states where elections are taking place.¹⁰ In November 2018, an investigation by the Somali parliament found that USD 42 million had disappeared. Subsequent reports put the amount at USD 20 million. According to the news source *The African Exponent*, parliament has backtracked on its earlier accusations.¹¹

Personnel changes

The year 2018 was also characterised by a large number of changes of the guard. The departure of the parliamentary speaker has already been discussed. The mayor of Mogadishu was dismissed by the president in January 2018. A number of ministers and the *Chief Justice* were also replaced, in the latter case by a person

⁵ Halbeeg, *Puntland deputy leader criticized regional states decision to cut ties with central gov't*, 9 September 2018; Garowe online, *Former Puntland president picked as chief mediator in Somalia's political crisis*, 2 October 2018.

⁶ The New York Times, *Top Somali Politician Steps Down, Avoiding Showdown With President*, 9 April 2018; Garowe online, *Somalia: Jawari survives proposed no-confidence motion*, 14 March 2018.

⁷ The New York Times, *Top Somali Politician Steps Down, Avoiding Showdown With President*, 9 April 2018.

⁸ Transparency International, *Corruption Perceptions Index 2017*, 21 February 2018; Transparency International, *Corruption Perceptions Index 2018, 2019*;

⁹ Confidential source, 10 September 2018.

¹⁰ United States Department of State, *Country reports on Human Rights 2017-Somalia*, 2018 p.18; UNSOM, *Statement of special representative of UN Secretary-General to Somalia Michael Keating to UN Security Council*, 24 January 2018 Africa Confidential, *US strikes, Shabaab gains*, 9 November 2018. Danish Demining Group, *Dadaab Returnee Conflict Assessment*, p. 14, August 2017.

¹¹ Goobjoog News, *Rebirth of Dictatorship in Somalia*, 10 January 2019; The African Exponent, *\$42M Missing from Somalia's Ministry of Finance Accounts*, 21 November 2018; The African Exponent, *Somali Parliament Apologizes for 'Wrong Report' on Missing US \$40 Million*

known to be loyal to the government. A confidential source has called the constitutional nature of these interventions into question and suggests that they indicate autocratic tendencies in the federal government. The news medium *Africa Confidential* has referred to 'dictatorial' behaviour.¹² Moreover, according to a confidential source, the government is increasingly coming under the influence of Salafist networks.¹³

New electoral system and the registration of political parties

The reporting period was dominated by the formation of a new electoral system. An important step in that process was taken on 3 December 2017, when political parties were registered by the *National Independent Electoral Commission* (NIEC) for the first time in fifty years. Seven parties met the registration requirements at that time.¹⁴ This was an important event for the Farmajo government, as one of the government's objectives was the transition from an imperfect clan-based system to a one-person, one-vote model for the 2020 elections. It remains to be seen whether the elections will be able to take place on time, in view of the administrative problems and practical issues that still need to be resolved.¹⁵

At a meeting of the *National Security Council* in June 2018, leaders of the federal government and the individual member states reached political agreement on the formation of the new electoral system, based on proportional representation and a *closed list* system.¹⁶ At an earlier stage in February 2018, agreement had already been reached on a road map for making an electoral system based on proportional representation possible in 2020. The prime minister was instructed to form a technical committee and to draw up the proposal for a new electoral system.¹⁷

Foreign policy with domestic implications

Relations between Somalia and a number of Gulf states deteriorated during the reporting period. The Gulf crisis, also known as the *Gulf Cooperation Council (GCC)*¹⁸ crisis, is responsible for this development. The crisis came about after Saudi Arabia, the United Arab Emirates (UAE), Egypt and Bahrain broke off diplomatic and economic ties with Qatar in mid-2017. They accuse Qatar of supporting Sunni extremist terrorist groups such as Islamic State (IS) and Al-Qaeda, an allegation that Qatar denies. The rivalry that underlies this crisis, in particular between the UAE on the one hand and Qatar on the other, also affects relations in the Horn of

¹² Reuters, *Somali president sacks Mogadishu mayor, names replacement*, 21 January 2018; Africa Confidential, *Cracks in the federal system*, 12 January 2018; UNSOM, *Statement of Special representative of UN Secretary-General to Somalia Michael Keating to UN Security Council*, 24 January 2018;

¹³ Confidential source, 7 July 2018.

¹⁴ On 3 December 2017, the National Independent Electoral Commission (NIEC) organised a meeting for the temporary registration and certification of seven parties at that time. They were the following: the Justice Party (Garsoor), the Unity and Democratic Party, the Somali National Party, the National Democratic Party, the United Somali Republic Party, the Development Party and the United Somali Community Party. Political parties can be registered up to six months before the day of the general election. Under the political parties law, a party must have at least 10,000 registered supporters and party offices in at least 9 of the total of 18 regions. See National Independent Electoral Commission, *Temporary Registration of seven Political Parties*, 13 December 2017; Freedom House, *Freedom in the World 2018, Somalia Profile*, 2018.

¹⁵ A confidential source was sceptical about the principles of the registered parties. 'Some of these parties are so extreme in their ideas that they make Al-Shabaab unnecessary.' Confidential source, 19 November 2018.

¹⁶ In a closed list system, voters can only vote for a party and cannot indicate a preference for a particular candidate. Before the start of the elections, each party must submit a ranked list of candidates. The seats obtained by the party during the elections are then allocated to the candidates in accordance with the order on the submitted list. See Taagepera, R., & Shugart M., *Seats and votes: The effects and determinants of electoral systems*, New Haven p. 24, 1989.

¹⁷ United Nations Security Council, *Report of the Secretary-General on Somalia*, p. 1, 30 August 2018; World Politics, *Somalia's Clan politics*, 13 March 2018; GoobjoogNews, *Somalia formally registers first political parties in 50 years*, 4 December 2017. State-building is a slow process, especially in Somalia, but the latest state of affairs in that area is 'not positive', according to a confidential source. Confidential source, 19 November 2018.

¹⁸ The GCC is an alliance between a number of Gulf states (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates). The Balance, *Gulf Cooperation Council countries*, <https://www.thebalance.com/gulf-cooperation-council-3306357>, consulted on 14 January 2018.

Africa and, in particular, domestic relations in Somalia. The Somali government says it is neutral in this conflict, but the UAE sees the matter differently and considers the relationship between Qatar and the Somali government to be too friendly. The Somali central government accuses the Emirates of interfering in Somali domestic policy by organising opposition in the member states of Somalia, for example by financing these member states.¹⁹

At the same time, the restoration of diplomatic ties between Eritrea, Ethiopia, Djibouti and Somalia was welcomed by the international community during the reporting period.²⁰ On 16 June 2018, the prime minister of Ethiopia, Abiy Ahmed Ali, made a first official visit to Mogadishu, which led to a joint effort by the two countries to strengthen cooperation, including through joint investments in four seaports in Somalia. Encouraged by improved relations between Eritrea and Ethiopia, the president of Somalia visited Asmara at the invitation of the president of Eritrea, Isaias Afwerki, for the first time in July 2018. On 30 July 2018, the two leaders agreed to establish diplomatic ties and promote bilateral relations. On 13 December, President Afwerki paid a return visit to Mogadishu.²¹

The *International Crisis Group* concludes that the Gulf States, and the United Arab Emirates in particular, have played a leading role in the reconciliation between Eritrea and Ethiopia. At the same time, interference by the UAE in Somalia has contributed to the distorted relations between Mogadishu and the individual federal states and thus to the country's destabilisation.²²

1.1.1

Al-Shabaab

Al-Shabaab remained an important player in Somalia during the reporting period, taking advantage of the ongoing unrest both in the political arena and in the field of security. There was unrest between the federal government and the regional governments and other influential social groups, including clans and subclans and minority groups. Militarily, Al-Shabaab retained its ability to carry out a large number of attacks both on military targets and on soft non-military targets. The group strengthened its position in Puntland. In addition to attacks on military bases and strategic suicide attacks on government buildings and busy urban areas, Al-Shabaab's military strategy consists of a range of tactics. The movement uses grenade and mortar assaults, ambushes and targeted assassinations with the help of firearms and explosives. It also uses (*suicide vehicle-borne*) *improvised explosive devices* ((SVB)IEDs).²³ A number of examples of attacks carried out by Al-Shabaab are described in Chapter Two.²⁴

Whether support for Al-Shabaab is growing or decreasing is unknown. The movement is estimated to include between two and three thousand active fighters.

¹⁹ Elsevier Weekblad, *Dit moet Qatar doen om Arabische boycot te doorbreken*, 3 July 2017; International Crisis Group, *Somalia and the Gulf Crisis*, 5 June 2018; Confidential source, 19 November 2018.

²⁰ AlJazeera, *Eritrea consolidates Horn of Africa peace*, 11 September 2018; United Nations, *Secretary-General Welcomes Peace, Stability Agreement Reached for Horn of Africa by Djibouti, Eritrea, Ethiopia, Somalia*, 8 September 2018.

²¹ UN Security Council, *Report of the Secretary-General on Somalia (S/2018/800)*, pp. 1 and 2, 30 August 2018; The East African, *Somali president in Eritrea for talks*, 29 July 2018; Goobjoog News, *Eritrea's Afwerki lands in Mogadishu, also to visit Kenya*, 13 December 2018.

²² International Crisis Group, *The United Arab Emirates in the Horn of Africa*, 6 November 2018; Confidential source, 10 September 2018; United Nations Monitoring Group on Somalia and Eritrea, *Report on Somalia*, p. 30, 9 November 2018; In a wider geopolitical context, the situation in Somalia and the Horn of Africa is also important. The coast of Somalia is a strategically important area. 'The Horn of Africa has become a geopolitical chessboard,' says a geopolitical strategic analyst at the Clingendael research institute in an article in the Volkskrant. De Volkskrant, *Gevaar geweken, missie verlengd*, 18 December 2018.

²³ Improvised explosives placed in a vehicle or otherwise.

²⁴ Anzalone, Christopher, *Black Banners in Somalia: The State of al-Shabaab's Territorial Insurgency and the Specter of the Islamic State*, March 2018, in CTC Sentinel pp. 12-20.

In 2017, Al-Shabaab began to recruit more intensively among the many unemployed young men, and more and more children were forcibly recruited.²⁵

In March 2018, the *African Union Mission in Somalia* (AMISOM) and Somali government officials confirmed that Al-Shabaab had set up checkpoints on road links between the cities of Baidoa, Kismaayo and Jowhar, among others. This enabled them to raise taxes on trade between those cities, including humanitarian aid consignments, but also to intercept convoys of AMISOM and the Somali government.²⁶

Areas of control

Al-Shabaab remained able to exercise control over large parts of Somali territory during the reporting period, including in the regions of Gedo, Bay and Bakool, Lower and Middle Shabelle, Lower and Middle Juba, Hiraaan, Puntland, Galguduud and Mudug. The civil administration of Al-Shabaab was also able to perform a variety of roles in 2018, including administering justice through sharia courts, meeting with clan leaders and providing aid funded through *zakat*, a form of religious tax. Al-Shabaab opened religious institutions and schools, and provided medical training and other courses to women, craftsmen, traders, pharmacists, teachers and others.²⁷

A confidential source reports that the increased fluidity of Al-Shabaab is a clear trend: 'Al-Shabaab is not a clearly identifiable enemy that can be defeated by military power, but exists on different sides of the dividing line and takes various forms'.²⁸

The leaders of Al-Shabaab were particularly concerned about espionage by the government through locally recruited spies. Al-Shabaab executed at least 16 people suspected of espionage in the period between the end of July 2016 and the middle of January 2018. Several people were also executed for the same reason later in 2018 (see, for example, 1.2.2.).²⁹

Al-Shabaab continued to impose inhumane and degrading punishments on civilians in areas under its control, including amputations of limbs, beheadings and public executions. In government-controlled areas, Al-Shabaab continued its campaign of murders.³⁰

People at risk from Al-Shabaab

The Country of Origin Information Report of October 2017 gave details of groups of people who, according to consulted sources, were at increased risk. They are as follows: First, employees of the central (federal) government, senior politicians, elected representatives, clan leaders who support the government, AMISOM troops and Somali national army (SNA) troops. Secondly, deserters or defectors from Al-Shabaab. Thirdly, journalists, human rights activists and NGO employees. The fourth category consists of businessmen who do business with the Somali government.

²⁵ Felbab-Brown, Vanda, *Testimony Developments in Somalia*, 14 November 2018.

²⁶ Radio Dalsan, *We Are Under Siege By Alshabaab, Hirshabelle Says*, 11 March 2018.

²⁷ Anzalone, Christopher, *Black Banners in Somalia: The State of al-Shabaab's Territorial Insurgency and the Specter of the Islamic State*, p.16 March 2018, in CTC Sentinel; According to a report by the *Monitoring Group on Somalia and Eritrea*, the way in which Al-Shabaab generates income is more geographically diverse and systematic than the way in which the federal government or individual member states raise taxes: United Nations Security Council, *Report on Somalia, S/2018/1002*, p. 26, 9 November 2018; Felbab-Brown, Vanda, *Testimony Developments in Somalia*, 14 November 2018.

²⁸ Confidential source, 10 September 2018; Confidential source, 19 November 2018.

²⁹ Anzalone, Christopher in CTCSENTINEL, *Black Banners in Somalia: The State of al-Shabaab's Territorial Insurgency and the Specter of the Islamic State*, March 2018, in CTC Sentinel p. 16

³⁰ UN SEMG, *Report on Somalia*, p. 38, 39, 9 November 2018.

There are no indications that any changes to the risks to these groups have occurred.³¹ The *Monitoring Group on Somalia and Eritrea* also mentions religious leaders as a group against which Al-Shabaab carries out attacks (see also below).³²

A report from February 2018 by the *Combating Terrorism Center at Westpoint* confirms that Al-Shabaab has mainly targeted personnel of the central (federal) government and personnel working for AMISOM and the international community. This institute investigated the background to and specific targets of suicide attacks by Al-Shabaab in the period from September 2006 to October 2017. Such attacks turn out to have been primarily (36.6%) directed against the personnel and symbols of the Somali state (officials of the Somali government and the security sector as well as government buildings and institutions).³³ The personnel and institutions of the international community were also a common target (24.5%): officials and employees of AMISOM, the United Nations and the African Union. Finally, 32.4% of the attacks took place on buildings (hotels, restaurants) where large numbers of employees of the above organisations work or gather.³⁴ Al-Shabaab's method thus seems to be distinct from that of a terrorist organization such as Boko Haram, in the sense that it does not carry out indiscriminate attacks on civilians to spread fear and destruction. Attacks by Al-Shabaab against individuals are primarily aimed at high-ranking figures in Somali society. Civilians are often additional victims of the attacks (see also 1.2.2). Although the attacks in October 2017 in which there were more than 500 mainly civilian casualties seem inconsistent with this, these attacks were never claimed by Al-Shabaab, and there are now many theories about the October 2017 attacks: journalists have speculated that they were actually aimed at the compound at Mogadishu airport where the UN, most of the embassies and AMISOM headquarters are located.³⁵

Al-Shabaab kills, maims and intimidates people whom it suspects of apostasy, or who have not conformed to the group's religious rules.³⁶ During the year, Al-Shabaab was responsible for the murder of civilians, government officials, MPs, Somali national forces, police and troops of the countries contributing to the African Union mission in Somalia (AMISOM). It continued its campaign of characterising AMISOM peacekeeping troops as 'Christians' who intend to invade and occupy the country. In areas under Al-Shabaab's control, it continued to require schools to teach a militant form of jihad. Al-Shabaab emphasises that students must wage war against those who are regarded as infidels.³⁷

Deserters/defectors

The previous Country of Origin Information Report explained that deserters or defectors from Al-Shabaab are at great risk, because Al-Shabaab assumes that they have sensitive information. Even 'government territory' such as Mogadishu is not a safe flight alternative for them, as Al-Shabaab can track anyone down through its network of informers. A deserter or defector who is traced by Al-Shabaab runs the risk of being killed. The Somali government has a number of centres where defectors can join rehabilitation programmes. Only defectors that pose a low risk to

³¹ Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, pp. 18 and 19, October 2017.

³² UN Security Council, *Report on Somalia of the Monitoring Group on Somalia and Eritrea*, p. 39, 9 November 2018;

³³ Combating Terrorism Center at West Point, *Targeted Terror: The suicide bombers of al-Shabaab*, pp. 12 and 13, February 2018.

³⁴ *Ibid*, p.12.

³⁵ *Ibid*, p.35; Confidential source, 19 November 2018; The Guardian, *Somalia executes man by firing squad for 2017 Mogadishu market bomb*, 14 October 2018.

³⁶ US Department of State, *The International Religious Freedom Report 2017, Somalia*, 29 May 2018

³⁷ US Department of State, *The International Religious Freedom Report 2017, Somalia*, 29 May 2018.

Somali society are taken at these centres. Before anyone is admitted to the programme, they must undergo a security screening, which entails a risk of abuse. There is no evidence that such rehabilitation centres are a target for Al-Shabaab attacks. There is a suspicion that Al-Shabaab tolerates the centres and that fighters find temporary shelter there in order to be able to 'recover' in this way before rejoining Al-Shabaab.³⁸

In August 2017, the former deputy leader of Al-Shabaab, Muhktar Robow, defected to the federal government. Since then, he has expressed a desire to return to his local community and use his militia to fight Al-Shabaab. Robow's Leysan subclan has strong historic links to Al-Shabaab, particularly in the Bay and Bakool regions. Robow has a considerable influence on the Leysan subclan and has encouraged its members to collectively leave Al-Shabaab. Several members of this clan have now followed Robow. Robow has also put himself forward as a candidate for the presidential election in South West State. It is unclear how the rehabilitation of such prominent Al-Shabaab members is undertaken. One source sees this development, whereby prominent former Al-Shabaab members are seeking positions within the Somali government, as evidence of increasing infiltration. According to the *International Crisis Group*, the Somali federal government is inconsistent in its implementation of rehabilitation programmes. The Somali government said that Robow could not stand as a candidate because he had not completed a rehabilitation programme, yet other defectors go to work in government departments without having undergone such a programme.³⁹

At the end of 2018, a political crisis arose in South West State. Elections for the member state's presidency were held in December 2018. During the run-up to the elections, the federal government was faced with a dilemma because, as already mentioned, former Al-Shabaab leader Mukhtar Robow Ali announced that he would be a candidate. Some (including several Western donor countries) argued that allowing defectors such as Robow to participate in politics could weaken Al-Shabaab's influence over those attracted to Salafi values. President Farmajo rejected this idea. Robow was arrested on 13 December 2018, just days before the election, automatically excluding him from his position and paving the way for President Farmajo's favourite candidate. Robow's arrest led to unrest in which at least 15 demonstrators were killed. The situation subsequently calmed down somewhat. The *International Crisis Group* called it a 'tactical victory' that might entail security risks for the country in the long term. Nicholas Haysom, the UN Secretary-General's Special Representative for Somalia, was deported on 1 January 2019 after criticising the federal government's behaviour during the presidential elections in South West State. Haysom had criticised Robow's arrest, asked the government to investigate the deaths of protesters after Robow's arrest and disqualification and sought clarification of the legal basis for his arrest.⁴⁰

Journalists, human rights activists and NGO employees

Somalia also remained one of the most dangerous countries for journalists during this reporting period. For the fourth consecutive year, the country ranks highest in the so-called *impunity index*,⁴¹ which lists countries where journalists are murdered

³⁸ Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, p. 19, October 2017; Confidential source, 19 November 2018.

³⁹ UN Security Council, *Report on Somalia of the Monitoring Group on Somalia and Eritrea*, p. 26, 9 November 2018; Confidential source, 19 November 2018; International Crisis Group, *Somalia's South West State: A New President Installed, a Crisis Inflamed*, 24 December 2018

⁴⁰ House of Commons Library, *Briefing Paper, Somalia: January 2019 update*, 17 January 2019; NRC, *Somalië zet hoogste VN-gezant het land uit*, 2 January 2019.

⁴¹ Committee to Protect Journalists, *Global Impunity Index 2018*, <https://cpj.org/reports/2018/10/impunity-index-getting-away-with-murder-killed-justice.php>, consulted on 7 November 2018.

and their killers go unpunished. For the record, it should be noted that not all of these murders can be attributed to Al-Shabaab.

According to the *International NGO Safety Organisation (INSO)*, Somalia is one of the world's most dangerous countries for aid workers. During the period from January to December 2018, a total of 59 incidents in Somalia involved NGOs. Eight people were killed. The perpetrators of these incidents are likewise unknown, so they cannot be attributed (solely) to Al-Shabaab.⁴²

Businessmen

In the previous Country of Origin Information Report, businessmen were also listed as a group at risk from Al-Shabaab, which mainly targets those who work with the Somali government. Those who do not engage with the government and who pay taxes to Al-Shabaab are not at risk.

Businessmen were once again victims of Al-Shabaab during the reporting period. In a robbery in June 2018, trucks were seized by Al-Shabaab. Six businessmen were killed in this incident. Al-Shabaab reportedly wanted to punish them because goods had been delivered to the city of Hudur, which has been occupied by Al-Shabaab for several years. The businessmen had apparently failed to comply with the prohibition on supplying goods to the besieged city. The possibility cannot be ruled out that certain incidents, such as the murder of a businessman, are sometimes attributed to Al-Shabaab when in reality they represent a settling of scores with which Al-Shabaab has no involvement.⁴³

Religious leaders

A report on Somalia by the *Monitoring Group on Somalia and Eritrea* shows that Al-Shabaab is continuing to carry out attacks, mainly targeting government officials, businessmen, individuals suspected of cooperating with AMISOM, traditional clan elders, and religious leaders.⁴⁴

Influence of Al-Shabaab outside Somalia

Kenya

As a result of stricter security measures and improvements to the intelligence services, the number of attacks by Al-Shabaab in Kenya was reduced. However, the movement is resilient and has succeeded in adapting by finding new modes of operation. For example, it has shifted its focus in recruiting fighters from well-known locations such as Mombasa, Nairobi and northern Kenya to the western part of the country. The movement is now also trying to convert young Christians to Islam, whereas attempts were previously made to recruit Muslims through propaganda directed against the state. Finally, Al-Shabaab fighters are using the escape route to Tanzania when they attempt to flee from the Kenyan security forces. In Tanzania they are able to merge with the local population due to ethnic and cultural ties.⁴⁵

Al-Shabaab is also still capable of regularly committing attacks, which have mainly targeted Kenyan police officers and soldiers, especially in the border region of Kenya

⁴² International NGO Safety Organisation, *Somalia Context analysis*, <https://www.ngosafety.org/country/somalia> consulted on 26 February 2019.

⁴³ Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, p. 20, October 2017; The East African, *Al-Shabaab militants slaughter Somali businessmen* 4 June 2018; Confidential source, 19 November 2018; Confidential source, 13 November 2018; Confidential source, 23 November 2018.

⁴⁴ UN Security Council, *Report on Somalia of the Monitoring Group on Somalia and Eritrea*, p. 39, 9 November 2018.

⁴⁵ International Crisis Group, *Al-Shabaab five years after Westgate: Still a menace in East Africa*, p. 7, 21 September 2018

and Somalia. Attempts by the Kenyan authorities to prevent such attacks on police and military in the border area have proved less successful than in urban areas. According to the International Crisis Group, the tighter security measures in Kenya have prompted Al-Shabaab to branch out into areas in Tanzania where there is less surveillance. On 15 January 2019, Al-Shabaab proved that it was still capable of launching attacks against regional allies of the Farmajo government when militants attacked a hotel in Nairobi, killing at least 21 people. This was the biggest attack in Kenya since that at Garissa University in 2015, in which nearly 150 people were killed.⁴⁶

Despite the loss of territory in Somalia and the difficulties encountered in recruiting supporters in Kenya under pressure from the authorities, Al-Shabaab has adapted by finding new areas, including by building relations with militants in southern Tanzania and northern Mozambique.⁴⁷

Somaliland

There were hardly any attacks by Al-Shabaab in Somaliland. Checks are carried out along all access roads and travellers must show a passport to enter Somaliland. The security apparatus in Somaliland is effective. There have been attempted attacks in recent years, but these have been thwarted. The population composition in Somaliland is much more homogeneous than in other parts of Somalia. There is one dominant clan, with subclans. A confidential source reports that there is strong social control in Somaliland: 'People know exactly what is happening in their neighbourhood'. A *community watch* system is used.⁴⁸

Puntland

A UN report from December 2018 states that Al-Shabaab and pro-IS elements have remained active in Puntland.⁴⁹

In July 2018, Reuters reported that Al-Shabaab had captured a small but strategically important town. Af Urur is significant because it is located on the important road that connects Garowe, Bosaso and Mogadishu.⁵⁰

On 20 August 2018, after lengthy advocacy by the United Nations, the president of Puntland signed a decree pardoning 34 children who had been sentenced since 2016 to various prison terms for their ties with Al-Shabaab in Garowe. On 24 November 2018, the children were transferred from Puntland to a rehabilitation centre in Mogadishu, where they are waiting to be reunited with their families.⁵¹

Islamic State-Somalia

Islamic State (IS) in Somalia remained less significant than Al-Shabaab in terms of support, military power and media coverage. There are indications that IS in Somalia has been able to penetrate the Afgooye area west of Mogadishu and beyond its base in Puntland.⁵²

⁴⁶ The Guardian, *Briton and American among dead in Nairobi hotel attack*, 16 January 2019; House of Commons, *Briefing Paper, Somalia: January 2019 update*, 17 January 2019; International Crisis Group, *Al-Shabaab five years after Westgate: Still a menace in East Africa*, p. 7, 21 September 2018.

⁴⁷ International Crisis Group, *Al-Shabaab five years after Westgate: Still a menace in East Africa*, p. 7, 21 September 2018.

⁴⁸ Confidential source, 13 November 2018; Confidential source, 19 November 2018. Confidential source, 28 January 2019.

⁴⁹ United Nations, *Security Council report of the Secretary-General on Somalia*, p. 3, 21 December 2018

⁵⁰ Reuters, *Al Shabaab captures strategic town in Somalia's Puntland*, 20 July 2018.

⁵¹ United Nations, *Security Council report of the Secretary-General on Somalia*, p. 14, 21 December 2018

⁵² Anzalone, Christopher, *Black Banners in Somalia: The State of al-Shabaab's Territorial Insurgency and the Specter of the Islamic State*, pp. 12-20, March 2018, in CTC Sentinel.

Since November 2017 *IS-Somalia* has claimed an increasing number of attacks in Afgooye. On 25 December 2017, the official IS media channel showed a video in which it appeared to describe its fighters in Somalia as an official provincial branch (*wilayat*) of the self-declared caliphate for the first time. Abu Bakr al Baghdadi's organisation maintains 'provinces' in a number of countries, and the video suggests that this is also the case in Somalia. In subsequent IS publications, however, the term *wilayat* has been omitted. In October 2018, IS carried out an attack on foreigners, namely three Ethiopians, for the first time in the port city of Bosaso in Puntland. The main faction of IS is led by Abdulqadir Mumin, a former representative of Al-Shabaab. It is unclear whether the Islamic factions that are active in the west and south of Somalia are also under his leadership.⁵³

Al-Shabaab is extremely hostile to IS, and brutally punishes any IS sympathisers it finds within its ranks. In December 2018 there were various skirmishes in the south and north of the country between fighters from the two groups. The areas where both groups are active are increasingly overlapping, and they now also fight each other in Mogadishu.⁵⁴

⁵³ FDD's Long War Journal, *Islamic State video promotes Somali arm, incites attacks during holidays*, 27 December 2017; Anzalone, Christopher, *Black Banners in Somalia: The State of al-Shabaab's Territorial Insurgency and the Specter of the Islamic State*, pp. 12-20, March 2018, in CTC Sentinel

⁵⁴ House of Commons Library, *Briefing Paper, Somalia: January 2019 update*, p. 15, 17 January 2019; Africa Confidential, "ISIS's nemesis", 27 July 2018; The Jamestown Foundation, *Terrorism Monitor In-depth analysis of the War on Terror*, 25 January 2019.

1.2 The security situation

1.2.1 General

The overall security situation remained volatile and unpredictable, according to a report from the UN Security Council. Other sources refer to an 'unchanged poor security situation'.⁵⁵

Since 2016, after heavy fighting with the *Somali National Army* (SNA) and AMISOM, Al-Shabaab has had to relinquish much of the territory it previously controlled. Despite these territorial losses, Al-Shabaab retains control of significant parts of the territory in the south of the country and the supply routes between cities. It has also given increasing priority to conducting asymmetrical warfare in attacks on Mogadishu and other urban centres.⁵⁶

The current security situation is characterised by armed conflict between AMISOM/SNA and allied forces on the one hand and Al-Shabaab on the other. The conflict is further characterised by air strikes on Al-Shabaab in more rural areas. Various sources confirm that the security situation in South and Central Somalia should not be simplified as a 'black and white conflict' between these parties, as the role of the various actors is much more complex and ambiguous. Moreover, the security situation is affected by droughts, floods, territorial disputes and violence between the clans.⁵⁷

In July 2018 the mandate for AMISOM was extended to 31 March 2019.⁵⁸

Violence as a result of crime receives much less attention in Somalia than, for example, politics and terrorism or clan-related violence. Yet crime-related violence is the third most common source of security incidents at national level and has increased in recent years. Crime and criminal violence seem to be related to an exceptionally high percentage of youth unemployment in the cities.⁵⁹

The ACLED data suggests there was a decrease in the number of incidents in 2018 and, as a result, a decrease in fatalities compared to 2017. The ACLED data can only be seen as an estimate, as explained in more detail below.

Methodology

The quantitative information used in this section is based on data sets from the organisation *Armed Conflict Location and Event Data project* (ACLED). For a detailed explanation of the methodology, see Appendix 4.4. Two maps are shown below that give an overall impression of the distribution of incidents in South and Central Somalia during 2018.⁶⁰

⁵⁵ UN Security Council, *Report of the Secretary-General on Somalia S/2018/800*, p. 3, 30 August 2018; Confidential source, 19 November 2018; Confidential source, 26 January 2019.

⁵⁶ House of Commons Library, *Somalia: Update March 2018*, 27 March 2018; The term asymmetrical warfare refers to a military conflict in which states and/or non-state organisations are unequal parties, with the less powerful party often opting for terror tactics. Dagelijkse Standaard, *De principes van asymmetrische oorlogsvoering*, 18 July 2014.

⁵⁷ EASO, *Country of Origin Information Report, Somalia Security situation 2017*, p. 7, December 2017; Confidential source, 19 November 2018.

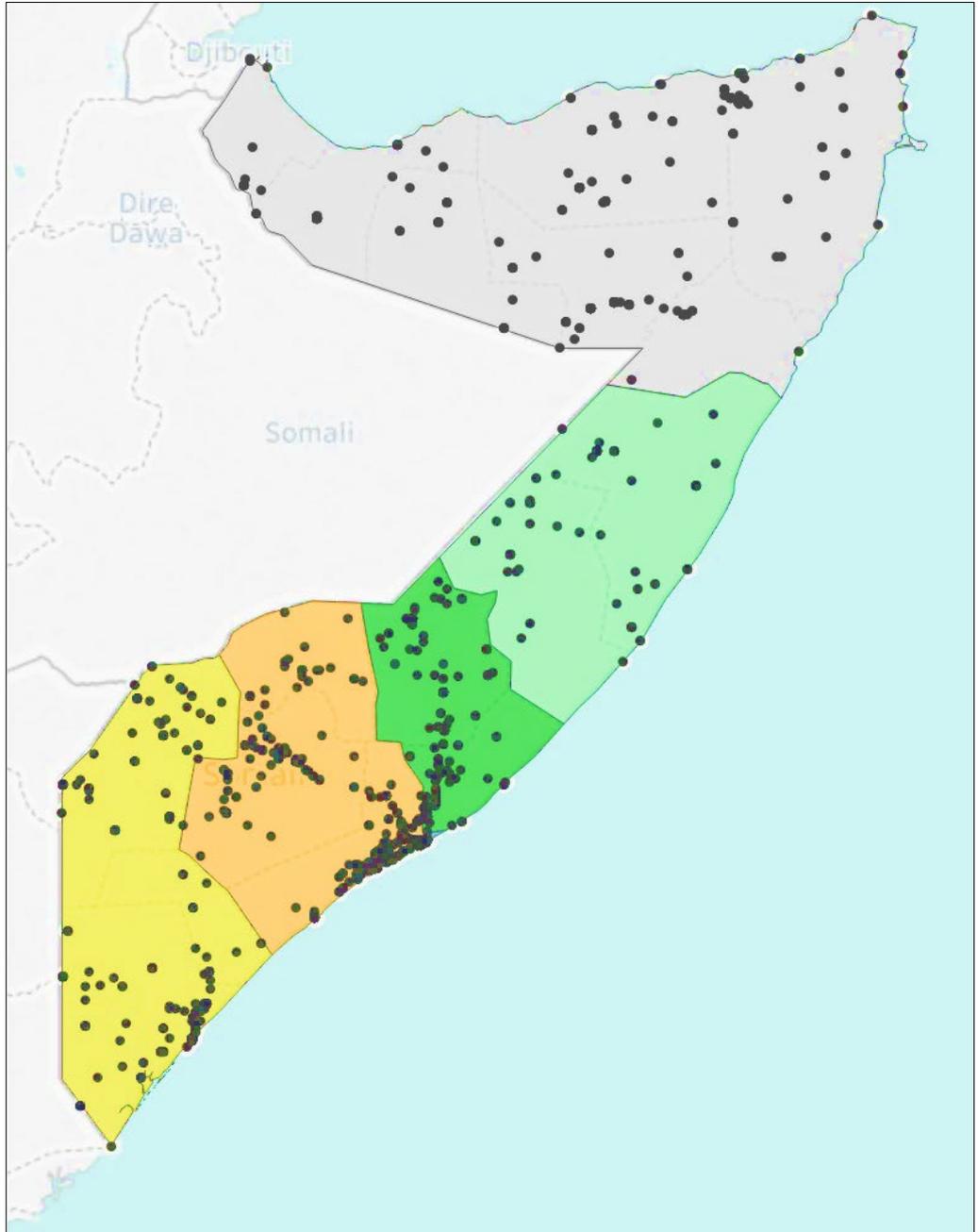
⁵⁸ United Nations Security Council, *Resolution 2408 (2018)*, 27 March 2018; UN Security Council, *Unanimously Adopting Resolution 2431 (2018), Security Council Extends Mandate Of African Union Mission in Somalia, Authorizes Troop Reduction*, 30 July 2018.

⁵⁹ Danish Demining Group, *Dadaab Returnee Conflict Assessment*, August 2017.

⁶⁰ Raleigh, Clionadh, Andrew Linke, Håvard Hegre and Joakim Karlsen. (2010). "Introducing ACLED-Armed Conflict Location and Event Data." *Journal of Peace Research* 47(5) 651-660.

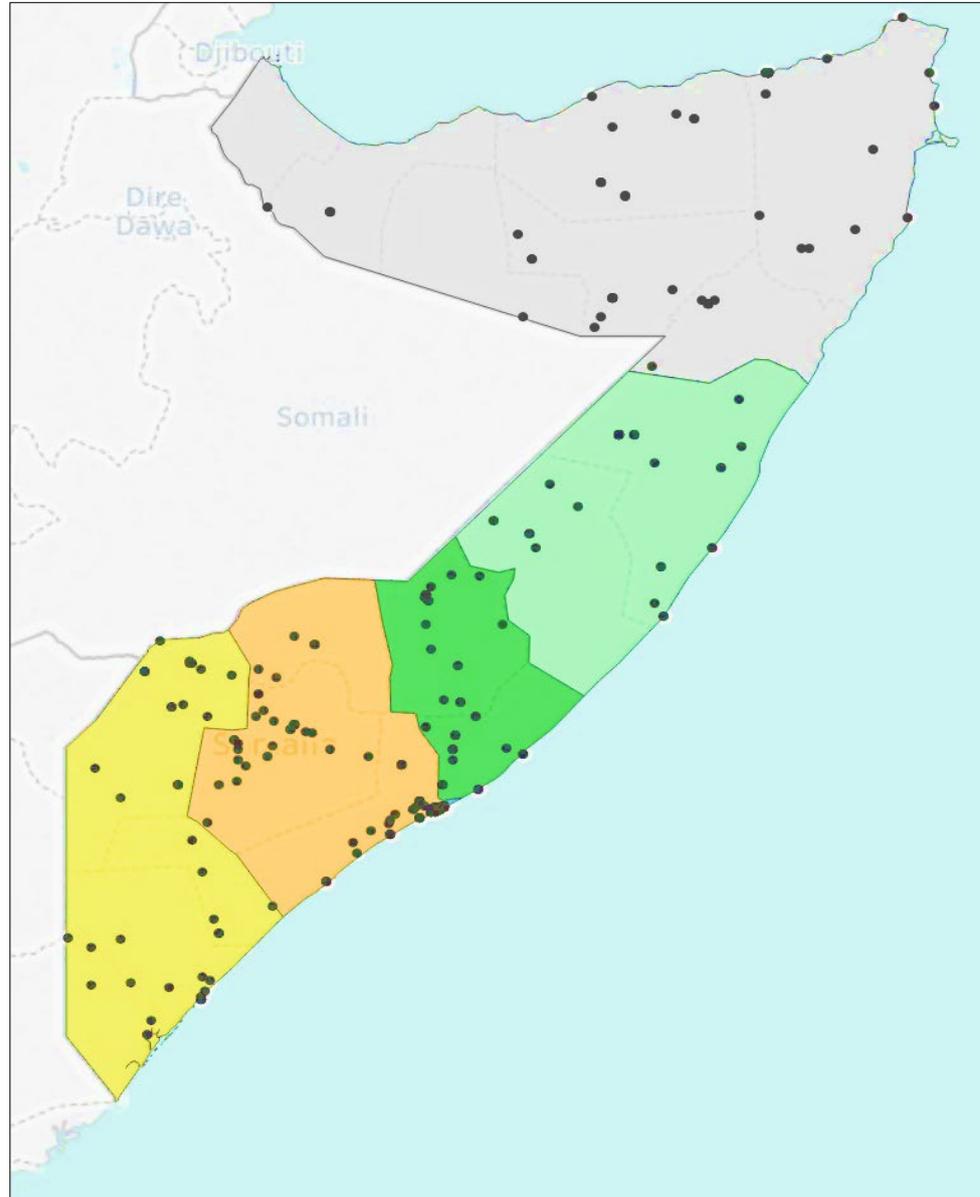
Figure 1 Geographical distribution of all incidents in South and Central Somalia

Period: 1 January 2018 to 31 December 2018



Source: ACLED

Figure 2 Geographical distribution of violence against civilians in South and Central Somalia
 Period: 1 January 2018 to 31 December 2018



Source: ACLED

Drones

The American journal *The Atlantic* has reported an increase in the number of drone attacks by the US Air Force.⁶¹ *Oxford Analytica* reports that the increase in US air

⁶¹ The number of drone attacks by the US military has been increasing over the last year and a half, according to an article published in the American journal *The Atlantic* in September 2018. The article also notes that multiple sources confirm that drone attacks are an effective tool in the fight against Al-Shabaab. The drone campaign hinders Al-Shabaab's ability to communicate, sows mistrust among its members and restricts the leaders' mobility. The increase in these attacks is the result of US policy changes under President Trump, which ended a number of restrictions imposed under President Obama. In March 2017, President Trump designated a number of areas in Somalia as *areas of active hostilities*. At the same time, the article concludes that the use of drones cannot replace a political strategy. According to the American professor Kenneth Menkhaus, an expert in conflict studies in the Horn of Africa, the conflict has its origins in political problems. He therefore argues that ultimately a political solution is required, not a military one. *The Atlantic*, *A Trumpian War on Terror That Just Keeps Getting Bigger*, 11 September 2018; *The Guardian*, *Unmanned: a video game about the unseen horror of drone warfare*;

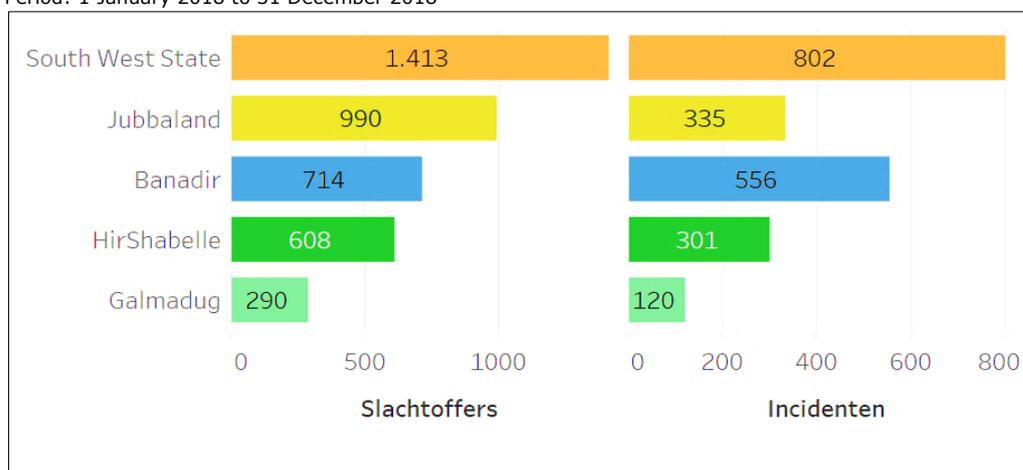
strikes has disrupted Al-Shabaab activities but cannot prevent a continuing upward trend in the impact and frequency of the terror movement's operations, especially around the capital.⁶²

SEMG reports that in the period between 1 September 2017 and 31 August 2018, the United States carried out 31 publicly recognised air strikes (not necessarily with drones) against Al-Shabaab and IS. The *Bureau of Investigative Journalism* reported five civilian casualties as a result of these air strikes. This organisation monitors air strikes by the United States worldwide. SEMG was unable to verify this figure independently.⁶³

1.2.2 Security situation per member state

Figure 3 Numbers of fatalities and incidents per member state (including Banadir))

Period: 1 January 2018 to 31 December 2018



Source: ACLED

Figure 3 provides an overview of the general category 'all incidents and fatalities' per Member State (for more detailed information, see 4.4). Most of these incidents (802) took place in South West State, with an estimated 1,413 fatalities. The ACLED data shows that in the period 1 January to 31 December 2018, a total of 2,114 violent incidents (cumulative) took place in South and Central Somalia, in which a total of 4,015 people died.⁶⁴

By way of comparison, ACLED data shows that there was a total of 4,715 violent incidents in South and Central Somalia in 2017, in which 5,356 people died.⁶⁵

Most war games focus on dramatic on-the-ground heroics, but Unmanned illuminates the effects of drone warfare from a pilot's perspective, 9 October 2018

⁶² Oxford Analytica, *US military can slow but not stem the jihadist tide*, 25 October 2018.

⁶³ UN SEMG, *Report on Somalia*, p. 42, 9 November 2018.

⁶⁴ Armed Conflict Location & Event Data Project (ACLED); acleddata.com consulted on 9 January 2019

⁶⁵ Ibid.

Figure 4 Numbers of fatalities and incidents targeting civilians per member state (including Banadir)

Period: 1 January 2018 to 31 December 2018



Source: ACLED

Figure 4 gives an overview of the specific ACLED category 'violence against civilians' (see also 4.4). Most of the incidents within this specific category occurred in Banadir, with 208 fatalities in 2018 (Figure 4). In the ACLED category 'violence against civilians', a total of 530 fatalities were recorded (cumulatively) throughout 2018, compared to 934 in 2017. According to a report by the *UN Monitoring Group on Somalia and Eritrea (SEMG)*, Al-Shabaab was responsible for the most civilian casualties during the reporting period.⁶⁶

According to the report by the SEMG mentioned above, AMISOM caused fewer civilian casualties than in the previous period. The report states that between 1 September 2017 and 31 August 2018, 12 civilian fatalities were attributed to AMISOM troops. Between January 2016 and June 2017, SEMG reported 88 deaths attributed to AMISOM. The decrease may be related in part to the scaling-down of AMISOM's operational actions in the period in question.⁶⁷

Aid workers' access to areas

During the reporting period, Al-Shabaab continued to impede the delivery of humanitarian aid in South and Central Somalia. In areas under the group's control, the activities of humanitarian organisations – by contrast with Al-Shabaab's own organisation, Al-Ihsaan – were restricted or completely prohibited.⁶⁸

Organisations providing medical assistance were particularly affected. Vaccination campaigns to reach communities in Middle Juba were prevented, following reports by Al-Shabaab that the medicines caused impotence and were non-Islamic; organisations offering door-to-door health services in the area were suspected of

⁶⁶ UN SEMG, *Report on Somalia*, p. 38, 9 November 2018

⁶⁷ UN SEMG, *Report on Somalia*, p. 38, 41, 9 November 2018

⁶⁸ Danish Demining Group, *Dadaab returnee Conflict Assessment*, p. 15, August 2017; UN SEMG, *Report on Somalia*, p. 38, 39, 9 November 2018

gathering information about the group and banned. Stocks of medical supplies from local health services were plundered during Al-Shabaab raids.⁶⁹

An overview is given below of the safety situation for each member state and the Mogadishu/Banadir region. The examples of incidents are taken from the ACLED data set and based on news sources consulted by ACLED.

Jubaland (Gedo, Middle Juba, Lower Juba)

Jubaland consists of three regions, Gedo, Middle Juba and Lower Juba, each of which is subdivided into districts. Jubaland is located in the south of Somalia and is bordered to the west by Kenya and to the north by Ethiopia. To its northeast, Jubaland shares a border with South West State and to its southeast it meets the Indian Ocean. The Lower Juba Valley has fertile farmland. The region's fertility has led to numerous armed groups fighting over its resources for many decades.⁷⁰

Many of Jubaland's rural areas are under the control of Al-Shabaab. Opportunities to trade and do business are hampered by Al-Shabaab. It controls most of the rural areas and the roads between the districts in the Gedo region.⁷¹

An extensive study by *UN Habitat* shows that many of the conflicts are related to land ownership issues, and are fuelled by scarcity of land and water. Jubaland is characterised by conflicts between cattle-farmers and crop-growers. The movements of large herds of cattle are often difficult to control and constitute a nuisance for agricultural land.⁷²

Population growth in Jubaland is a major cause of conflict. Poverty and lack of economic prospects also give rise to conflict. Various forms of crime related to land ownership issues occur in Jubaland, including the so-called *new fringe pastoralism*. A small proportion of cattle farmers have become involved in transnational legal and illegal activities. The illegal activities include human trafficking, arms and drugs dealing and smuggling.⁷³

As mentioned, Al-Shabaab has large parts of Jubaland under control. According to an international observer, Gedo is safer than Lower and Middle Juba. This can be explained by the fact that this region is in the hands of an important clan, the Marehan. Gedo is less heterogeneous in composition than the other two regions. Moreover, Ethiopia has a significant military presence there, and a kind of security umbrella is provided by Ethiopia and Kenya.⁷⁴

Paradoxically, Al-Shabaab plays an important role in dispute resolution in connection with the land ownership questions mentioned above. Some farming communities are loyal to Al-Shabaab, as a way of protecting their property rights. In this capacity, Al-Shabaab acts as a form of alternative territorial authority, engaging in dispute settlement in these rural areas and raising a sort of land tax.⁷⁵

⁶⁹ UN SEMG, *Report on Somalia*, p. 42, 9 November 2018.

⁷⁰ UN Habitat, *Land and Conflict in Jubaland, Root Cause Analysis and Recommendations*, p. 5, May 2018;

⁷¹ *Ibid*, p.5,6

⁷² *Ibid*, p.16

⁷³ *Ibid*, p.23

⁷⁴ Confidential source, 23 November 2018.

⁷⁵ UN Habitat, *Land and Conflict in Jubaland, Root Cause Analysis and Recommendations*, p. 25, 5 May 2018; De Volkskrant, *In Somalië is terrorisme een legitiem alternatief voor een falende overheid*, 16 October 2017.

All incidents

ACLED information (Figure 3) shows that Jubaland had the highest number of fatalities from all incidents after South West State. In the period from 1 January 2018 to 31 December 2018, there were 990 fatalities in total. This compares with 1,107 fatalities in the calendar year 2017.

The three incidents in Jubaland with the most victims are described below as examples:

- **93 fatalities in Bar Sanguni.** On 23 July 2018, Al-Shabaab attacked an army base in Bar Sanguni. The fighting lasted more than an hour, and there were dead and wounded on both sides. A military source stated later in the week that they lost six fighters; the spokesperson stated that the base had been successfully defended;
- **40 fatalities in Bar Sanguni.** On 27 April 2018, American, Kenyan and Jubaland troops attacked an Al-Shabaab base 45 kilometres north of Kismayo, in Bar Sanguni. Thirty Al-Shabaab fighters are said to have been killed. Al-Shabaab claimed to have caused the allied forces losses, but was unable to produce numbers;
- **30 fatalities in Doolow.** On 19 September 2018, the SNA claimed to have killed 30 Al-Shabaab fighters during a military operation in the Doolow district in the Gedo region. Al-Shabaab fighters had ordered the local population to hand over livestock as a form of tax.

Violence against civilians

In 2018, ACLED recorded 49 incidents of violence against civilians, with 47 fatalities (see Figure 4).

Three incidents in which the majority of fatalities fell into the category 'violence against civilians' are described below.

- **5 fatalities in Jilib.** On 9 October 2018, Al-Shabaab executed four former fighters and a civilian in Jilib, all suspected of spying on behalf of the security services;
- **5 fatalities in Saakow.** On 11 October 2018, Al-Shabaab executed five people, including a 16-year-old boy, in the town of Saakow in Middle Juba. The victims were accused of being Somali army informants;
- **5 fatalities in Buulo Gaduud.** On 11 September 2018, five charcoal traders were shot dead by unidentified men in Buulo Gaduud in the Lower Juba region. Al-Shabaab had issued a ban on the charcoal trade in the area. However, the attack could not be specifically attributed to Al-Shabaab.

Mogadishu/Banadir

The Banadir administrative region in fact only covers the city of Mogadishu. The mayor of Mogadishu is also governor of Banadir. Mogadishu consists of 16 districts, and the dominant clan in Mogadishu is the Hawiye clan.⁷⁶

Due to the presence of government agencies and international organisations, Mogadishu is an attractive target for Al-Shabaab. Its attacks do not specifically target civilians: Sources indicate that if there are civilian casualties, this is because they were 'in the wrong place at the wrong time'.⁷⁷

⁷⁶ EASO, *Country of Origin Information Report, Somalia Security situation*, December 2017.

⁷⁷ Confidential source, 21 November 2018; Confidential source, 19 November 2018.

According to the *Danish Demining Group*, not all parts of Mogadishu are equally unsafe. The parts of the city where most returnees stay, such as IDP camps, are generally located in better-protected neighbourhoods. IDP camps are in any case not a target of Al-Shabaab terror attacks.⁷⁸

Another news source reports that Al-Shabaab controls some areas around Mogadishu. According to this source, counter-terrorism actions against Al-Shabaab may have affected its ability to carry out attacks in Mogadishu, but the city is not yet safe.⁷⁹

All incidents

In 2018, 556 incidents took place in Mogadishu/Banadir, with 714 fatalities (Figure 3). The number of incidents was similar to that in 2017: 567 incidents occurred in the period from 1 January 2017 to 31 December 2017. The number of fatalities in 2017 was significantly higher at 1,309.⁸⁰

Some examples are given below of attacks with the most fatalities carried out in Mogadishu during the reporting period:

- **50 fatalities in Hodan/Banadir.** On 9 November 2018, three vehicles were blown up by Al-Shabaab. The explosions took place in the vicinity of three important buildings: the Hayat Hotel, the Sahafi Hotel and the headquarters of the *Criminal Investigation Department* (CID) of the Somali police located in the Hodan district. This was followed by a firefight between Al-Shabaab and the NISA;
- **18 fatalities near Villa Somalia/Banadir.** On the evening of 23 February 2018, two explosions took place in Mogadishu. The first blast was a suicide attack with a vehicle in the vicinity of the headquarters of the security service. The second took place near the parliament. Al-Shabaab was regarded as responsible;⁸¹
- **17 fatalities in Hawl Wadaag/Banadir.** On 22 March 2018, a vehicle was blown up in front of the Wehliye Hotel in Hawl Wadaag. Al-Shabaab claimed the attack.⁸²

Violence against civilians

Of the incidents mentioned above in 2018, 173 were classified as 'violence against civilians', with 208 fatalities (Figure 4). In 2017, there were 200 incidents and 351 fatalities in this category.

- **18 fatalities near Villa Somalia/Banadir.** On 23 February 2018, at least 18 people were killed, including government troops, but also bystanders (civilians). See also above under 'All incidents';
- **7 fatalities in Hodan.** On 10 September 2018, six civilians died in a suicide attack involving a bomb in a vehicle; another 16 were injured;
- **5 fatalities in Hawl Wadaag.** On 5 August 2018, at least five people were killed and seven others were injured as a result of a suicide bombing using a car.

⁷⁸ Danish Demining Group, *Dadaab Returnee Conflict assessment*, p. 23, August 2017.

⁷⁹ American Enterprise Institute, Critical Threats project, *Al-Shabaab Area of Operations: October 2018*, 5 October 2018, <https://www.criticalthreats.org/analysis/al-shabaab-area-of-operations-october-2018>

⁸⁰ Armed Conflict Location & Event Data Project (ACLED); acleddata.com

⁸¹ Reuters, *Two car bombs explode in Somali capital and kill 18 people*, 23 February 2018

⁸² The Globe and Mail, *At least 14 killed in suicide bombing in Somali capital*, 22 March 2018

South West State (Lower Shabelle, Bay, Bakool)

South West State (Interim South West Administration, ISWA) consists of the Lower Shabelle (Shabellaha Hoose), Bay and Bakool regions and is led by President Abdiiaziz Hassan Mohamed Lafta Gareen. He was elected on 19 December 2018 after turbulent elections (see also 1.1.1 under the heading 'Deserters/defectors').⁸³ ISWA is still developing: government structures are weak, the ministries exist on paper only and there are hardly any civil servants.⁸⁴ Apart from the regional capital Baidoa, which has a small number of administrative personnel, there are only 'rudimentary' administrations in the cities of Bay and Bakool, which are not under the control of Al-Shabaab. These administrations are often negotiated and organised by Ethiopia, which also controls and protects them.⁸⁵

In the previous Country of Origin Information Report, the city of Merca (Lower Shabelle) was mentioned as an example of a city that has been alternately captured and recaptured by AMISOM/SNA and Al-Shabaab.⁸⁶ According to an international observer, the city of Merca has been taken over by the government.⁸⁷ *Goobjoog News* reported on 25 September 2018 that the SNA had launched a major military operation. According to an SNA spokesman, government forces carried out a successful operation to reopen the road between Mogadishu and Merca.⁸⁸ However, the situation in the city remains highly unstable, with fighting between different clans. 'It could fall into the hands of Al-Shabaab again,' the confidential source said. On 21 November 2018, 28 Al-Shabaab fighters were killed in combat operations between SNA and Al-Shabaab. Merca is an important location for Al-Shabaab because the group no longer has control of any other port cities. All merchandise of importance to Al-Shabaab is brought in at Merca.⁸⁹

All incidents

South West State is the member state where the most incidents occurred. In the period from 1 January 2018 to 31 December 2018, there were 802 incidents (Figure 3), with 1,413 fatalities. In the calendar year 2017 there were 992 violent incidents, with 1,927 fatalities.⁹⁰

The three incidents in South West State in which the most people died are described below by way of example:

- **70 fatalities in Lowi Erjeeg/Buur Hakaba.** On 15 September 2018, Ethiopian state television reported that 70 Al-Shabaab fighters had been killed during combat operations; they had been planning to attack the military base in Lowi Erjeeg village;

⁸³ AllAfrica, *Somalia: President Farmajo Participates in Southwest State President's Inauguration*, 16 January 2019.

⁸⁴ Das Bundesamt für Fremdenwesen und Asyl/Das Staatssekretariat für Migration (BFA/SEM), *Sicherheitsanlage in Somalia*, August 2017.

⁸⁵ Das Bundesamt für Fremdenwesen und Asyl/Das Staatssekretariat für Migration (BFA/SEM), *Sicherheitsanlage in Somalia*, August 2017.

⁸⁶ Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, pp. 46, 47, October 2017.

⁸⁷ Confidential source, 23 November 2018.

⁸⁸ GoobjoogNews, *Somali army in major operations to open Mogadishu-Marka roads*, 25 September 2018.

⁸⁹ Confidential source, 23 November 2018.

⁹⁰ Armed Conflict Location & Event Data Project (ACLED); acleddata.com

- **36 fatalities in Qorjooley.** On 24 September 2018, 35 Al-Shabaab fighters were killed during combat operations between the SNA and Al-Shabaab. At least one Somali soldier was killed in the fighting;
- **28 fatalities in Jilib Merca.** On 21 November 2018, the SNA killed 28 Al-Shabaab fighters during combat operations around Jilib Marca, and captured a number of areas and villages. According to the Somali army, fighters from Kuwait, Lebanon and Sudan were among the militants killed.

Violence against civilians

ACLED estimates that civilians were targeted in 134 incidents in 2018, in which 190 people were killed (Figure 4). In 2017, there were 203 incidents and 304 fatalities in this category.

Three examples of violence against civilians are given below:

- **24 fatalities in Baidoa.** On 13 October 2018 a suicide attack took place in a busy café in Baidoa, killing 23 people (24 including the perpetrator) and injuring 70 or more. The attack was claimed by Al-Shabaab;
- **6 fatalities in Lafole/Afgooye.** On 30 October 2018, at least six clan elders were killed in a clan feud. Three of the victims were from one family;
- **5 fatalities in Afgooye.** Four civilians died in a suicide attack at a checkpoint on 5 August 2018. According to one source, the perpetrator was aiming for a military vehicle but missed the target.

Hirshabelle (Hiraan, Middle Shabelle)

Hirshabelle consists of the Hiraan and Middle Shabelle regions. The formation of the state of Hirshabelle was contested for a long time because both Hiraan and Middle Shabelle wanted to establish their own regional state.

According to an international observer, Middle Shabelle is a complete no go area. This source says that the region is an Al-Shabaab area, and is used as a corridor for attacks on Mogadishu. It is also the area where Al-Shabaab puts together IEDs. Other sources report that the larger cities in Middle Shabelle are under the control of AMISOM, but this control is unstable. The rural areas are controlled by Al-Shabaab.⁹¹

All incidents

According to ACLED, a total of 301 violent incidents took place in Hirshabelle in 2018, with 608 fatalities (Figure 3). In 2017, there were 423 incidents and 672 fatalities.

Some examples are given below of incidents with the most fatalities:

- **72 fatalities in Moqokori.** On 1 June 2018, Al-Shabaab fighters attacked an army base occupied by Somali government forces in Moqokori. They claimed to have killed 65 SNA soldiers. The area fell under Al-Shabaab control. The following week Al-Shabaab adjusted the number of deaths up to 72. Ethiopian troops were also involved in the incident;

⁹¹ Confidential source, 23 November 2018; EASO, *Country of Origin Information Report, Somalia Security situation 2017*, p. 101, December 2017; GoobjoogNews, *Allied forces seize Al-Shabaab stronghold in Middle Shabelle*, 23 October 2018; The American Enterprise Institute, Critical Threats project, *Al Shabaab Area of Operations: October 2018*, 5 October 2018, <https://www.criticalthreats.org/analysis/al-shabaab-area-of-operations-october-2018>, consulted on 28 February 2019.

- **32 fatalities in Maxaas.** On 16 March 2018, combat operations took place in which Al-Shabaab attacked Ethiopian and Somali forces. The government reported that 32 Al-Shabaab fighters were killed in a six-hour battle;
- **30 fatalities in Belet Weyne.** On 28 October 2018, Al-Shabaab launched an attack with explosives on a convoy of Ethiopian soldiers near the village of El Gal near Belet Weyne. Al-Shabaab claimed to have killed 30 soldiers, although this was not confirmed.

Violence against civilians

In 2018, ACLED recorded 55 incidents as violence against civilians. An estimated 53 people were killed (Figure 4). In 2017 there were 108 incidents and an estimated 113 deaths.

A few examples of violence against civilians are given below:

- **6 fatalities in Belet Weyne.** On 3 June 2018, a number of civilians were ambushed by Al-Shabaab between Qurac Joome and Xudur while travelling to Belet Weyne. Six people died and eleven trucks were destroyed;
- **5 fatalities in Warshiik.** On 25 June 2018, five travellers were killed outside Warshiik by unidentified armed men;
- **3 fatalities in Ceel Baraf.** On 5 October 2018, Al-Shabaab fighters killed three people between Ceel Baraf and Cali Foldhere. Al-Shabaab then took their cattle away with him.

Galmudug (Galgaduud, South Mudug)

The Galmudug Interim Administration (GIA) covers the regions of Galgaduud and South Mudug (the northern part belongs to Puntland).

In Galmudug, there were also clan conflicts during the reporting period.⁹² A source reports that the situation in the city of Galkayo seems to have improved. The city was divided due to a conflict between clans, and it used to be very difficult to get from one part of it to another. However, following a conflict resolution process, the border has been opened and the roadblocks have been removed. There are still incidents outside the city but the violence in the city has decreased. The two clans are now cooperating with one another. However, according to an international observer, reconciliation in Somalia never lasts long.⁹³

According to the same international observer, Galmudug is one of the least risky areas in South and Central Somalia. That image is confirmed by the ACLED information listed below. This was the member state with the fewest violent incidents during the reporting period.⁹⁴

All incidents

According to ACLED, an estimated 120 incidents occurred in 2018, resulting in 290 deaths (Figure 3). In 2017, there were 228 incidents and 341 deaths.

⁹² Radio Shabelle, *Inter-Clan Battle Erupts in Galgaduud Region*, Central Somalia, 19 July 2018.

⁹³ Confidential source, 22 November 2018; Confidential source, 23 November 2018.

⁹⁴ Confidential source, 23 November 2018.

The three incidents in which the most people died are described below by way of example:

- **60 fatalities in Xarardheere.** On 13 October 2018, the *US Africa command* announced that at least 60 Al-Shabaab fighters had been killed by the US Air Force in an air strike on the city of Hardere;
- **27 fatalities in Debatscile.** The US Air Force killed 27 Al-Shabaab fighters in an air strike near the village of Debatscile on 19 November 2018;
- **20 fatalities in Ceel Buur.** Al-Shabaab fighters were killed in an American air strike to the southwest of Ceel Buure. According to additional reports, 16 Al-Shabaab fighters died. A Somali news source reported four civilian casualties.

Violence against civilians

In 2018 there were an estimated 44 violent incidents against civilians, in which 32 people were killed (Figure 4).

Three incidents in which there were civilian fatalities are described below by way of example:

- **2 fatalities in Balanbale.** On 25 January 2018, members of the Wagardhac/Marehan clan killed two civilians from the Ceyr/Habargidir/Hawiye clan in what was said to be an old clan feud. The perpetrators escaped;
- **2 fatalities in Dhuusamarreeb.** On 11 February 2018, Al-Shabaab killed two civilians in the village of Wamooley;
- **1 fatality in Gaalkacyo.** On 6 October a soldier from Galmudug killed a civilian. The motive is unknown.

1.3 Documents

In South and Central Somalia, documents still play little or no role. Somali citizens do not require identity documents when travelling within Somalia. At checkpoints, an identity card is apparently not requested; instead, the person's clan background is assessed.⁹⁵

National Identity Programme

Several sources reported in early July 2018 that Somali identity cards were being introduced. A Somali government official explained that a Somali National Identity Programme is being developed – the first of its kind for the Horn of Africa – which will attempt to implement a fundamental identification system based on biometric data.

In addition to practical purposes such as payment processing, the system should also serve to increase security and can be used in the identification of displaced persons and in the democratisation process.⁹⁶

⁹⁵ Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, p. 34, October 2017; Confidential source, 14 January 2019

⁹⁶ African News, *Somalia seeks to issue identification for citizens*, 4 July 2018; Biometric Update.com, *Somalia launching foundational biometric identity program*, 10 July 2018.

The information below is taken from a confidential report from February 2018, which details the procedure for applying for Somali travel and identity documents.⁹⁷

The passport

According to the report, the Somali passport as currently issued (for the first time in 2014) contains both biographical and biometric data. The biometric data (fingerprints), signature and photo are stored on a chip.⁹⁸

Passport database

The information provided when applying for a passport is recorded in a central database, the passport database. This database has been in use since 1 January 2014 and contains both biographical and biometric data. As of 29 November 2017, approximately 350,000 people were registered.⁹⁹

The Somali *Immigration and Naturalization Directorate* (IND) has opened passport application centres throughout the country, which are electronically linked to the central server in Mogadishu.¹⁰⁰ Applications can also be submitted at a number of authorised Somali embassies. For people in a small number of categories (senior government officials and students outside the country) an application can be submitted online. However, there is a requirement that the applicant must already be registered in the passport database. Students outside the country are subject to the condition that they must reside in a country where there is no authorised Somali representation.¹⁰¹

The source indicates that a mobile service exists for people who are in hospital and not allowed to leave due to their medical situation.¹⁰²

Passport application procedure

The procedure described below for passport applications and the issuing of passports has been in force since 1 January 2014. Applicants must appear in person and submit a Judicial Documentation extract¹⁰³ and a birth certificate. Inhabitants of Benadir must also submit a regional identity card. The mother's name must also be stated on the application form; the reason for this is that there is very little variation in male names. The mother's name also appears on the personal details page in the passport.¹⁰⁴

The applicant must then complete the so-called personal identification form. An immigration service employee checks this form and the underlying documents, which are then entered into the passport database.

Fee

The applicant must then pay a fee of USD 98.50 for adults and USD 55.00 for minors (under the age of 15). The applicant is given a receipt. The fee for a passport application at the embassy is the same as in Somalia. A confidential source reports that there are regular rumours of applicants having to pay extra money in addition

⁹⁷ Confidential source, February 2018

⁹⁸ Confidential source, February 2018.

⁹⁹ Ibid.

¹⁰⁰ An application may be made in the following cities: Abudwak, Adado, Dusamareb, Guriel, Galkayo, Bosaso, Garowe, Baidoa, Hudur, Mogadishu, Beledweyn, Jowhar, Garbaharey, Dolow, Kismayo, Badhan, Borame, Buhodle, Burao and Hargeisha.

¹⁰¹ Ibid

¹⁰² Ibid

¹⁰³ This extract is issued by the *Criminal Investigation Department* (CID). The CID is a separate department within the Somali police and has a link to the Somali criminal records, both at its Mogadishu headquarters and at the regional CID offices. The CID has offices in all regions of Somalia. Confidential source, February 2018.

¹⁰⁴ Ibid

to the regular charges.¹⁰⁵

Passport applications at an embassy

Passport applications can be submitted at 27 Somali embassies. The application procedure at the embassy is no different in general terms from the procedure described above. Employees of the IND have been posted to the embassies, and they alone are authorised to register the application in the passport database. Part of the procedure is an interview with an employee of the *National Intelligence and Security Agency* (NISA). The complete application with attached documents is sent by diplomatic post to the IND in Mogadishu. This is followed by a central check, approval or rejection and archiving. The check also includes the verification process (judicial extract) by the CID (for this see 'Passport application procedure'). The information as entered in the passport database is also checked. The work of the IND staff at the embassy is therefore checked by the application centre in Mogadishu.¹⁰⁶

The issuing of passports

The office responsible for issuing passports is located in Mogadishu, in a different part of the city than the office where applications are submitted. All passports are printed at the issuing centre: 350,000 since 1 January 2014. All passports go to the application centre in Mogadishu, which then distributes them to the application centres in the various regions and the embassies.

Passports applied for at the embassy must be collected in person, and the receipt showing payment must be submitted. Children do not have to appear in person: a parent can collect their passport.¹⁰⁷

According to a confidential source, no new passports were issued in the last two to three months of 2018. This is not the first time that the issuing process has been suddenly interrupted. The production of Somali passports is outsourced to an external party outside Somalia, which stops production if there is a payment delay.¹⁰⁸

The 'passport ID card'

This document is issued at the same time as the passport; there is no separate application or issuing procedure. Applicants can indicate on the passport application form whether they want to receive a passport only, a passport ID card (*National ID Card*) only, or both documents. The 'passport ID card' does not (yet) function as a *National ID card*. There are plans to introduce this at a later stage. The 'passport ID card' costs USD 8.¹⁰⁹

Birth certificates and the regional Banadir ID card

Somalia does not have a national population register or a unique number (comparable to the Dutch Citizen Service Number). However, the IND has made it a requirement that a birth certificate must be submitted with all passport applications. As the birth certificate was previously a non-existent document in practice, all embassies and regional authorities issue new birth certificates as part of the process of issuing passports. According to the source, there is no clear system for issuing birth certificates, so that regional differences can exist.¹¹⁰

¹⁰⁵ Ibid; Confidential source, 14 January 2019

¹⁰⁶ Confidential source, February 2018.

¹⁰⁷ Ibid.

¹⁰⁸ Confidential source, 14 January 2019.

¹⁰⁹ Confidential source, February 2018.

¹¹⁰ Ibid.

For the purpose of registering citizens, the local authorities in the Banadir region started a kind of registrar service in 2015. Part of this process is the introduction of the requirement that a *Banadir ID card* must be issued before a birth certificate can be issued.

Central 'birth certificate register' – the passport database

Since 1 January 2014 birth certificates have also been issued for all passport applications. Although there is no separate registration of birth certificates, it can be concluded that the passport database, although incomplete, functions as a birth certificate register, according to the confidential report.¹¹¹

Registration of birth certificate and ID card in Banadir¹¹²

Part of the procedure for issuing the birth certificate in Banadir is that the local authorities issue a separate document called the *Certificate of Identity Confirmation*. This certificate, together with the birth certificate and the regional ID card, are then registered in a local database. There are plans to link the local database with the IND's central passport database.

Registration of births in hospitals

Many women in the Banadir region now give birth in hospital. Of the eleven hospitals in Banadir, four have started to register births. Parents can use this registration when applying for a formal birth certificate from the local authorities. According to the local authorities, the plan is that all hospitals will ultimately issue this birth registration document.¹¹³

Issuing of birth certificates at embassies

A birth certificate must be applied for first before a passport can be applied for. This can be done at the embassy itself. The relevant information for the application for a birth certificate (including biographical and biometric data) is registered via the embassy's local database. The fact that the embassy database is not linked to the central passport database in Mogadishu implies that the birth certificate is not immediately verified by the IND. Only at a later stage after the passport application together with all relevant documents has been sent to Mogadishu does verification by the IND follow (see also above).¹¹⁴

The procedure for issuing a birth certificate at the embassy starts with the need to submit as many supporting documents as possible, such as previously issued passports, documents from local authorities or from the UN.

The applicant has an interview with a NISA employee at the embassy, focusing primarily on the indicated geographical link, family relationships, clan and language.

The verification by the CID forms part of the application for a birth certificate. This also means that background checks are carried out (see 'Passport application procedure' for this).

¹¹¹ Ibid.

¹¹² The confidential source describes the situation in Benadir. According to the source, there are not yet any authorities in the other Somali regions that regulate the issue of a separate ID card. However, the authorities of the federal states do have plans to start using a similar procedure. Ibid.

¹¹³ Ibid

¹¹⁴ The lack of a link to the central database in Mogadishu mainly causes problems in the event that an application is rejected: the embassy's rejection is not automatically recognised if the applicant submits an application to another embassy.

Temporary travel documents issued at the embassy in Nairobi.

The Somali embassy issues temporary travel documents when Somali refugees return to Somalia. Around 1.5 million Somalis live in Kenya, including both registered and unregistered refugees. The Somali embassy in Kenya cooperates with UNHCR and the Kenyan authorities in facilitating the return of Somalis. The information used when registering the application for temporary travel documents is stored on a local database of the embassy. The information includes biographical and biometric information (passport photo).¹¹⁵

The procedure for issuing temporary travel documents is the same as that for issuing birth certificates at the embassy. This means that an attempt is made to collect as many supporting documents as possible. There is also an interview with a NISA official. As with the birth certificate, the application for temporary travel documents is sent to Mogadishu, where a CID check is performed.¹¹⁶

Nationality declaration

It is not known whether the information in the nationality declarations issued by the Somali embassy in Brussels is verified against the information available in Somalia.

¹¹⁵ Ibid.

¹¹⁶ Ibid

2 Human rights

The human rights situation remained a cause for concern during the reporting period.

The situation was characterised by violations of human rights and international humanitarian law, including attacks on civilians and civilian targets, extrajudicial executions, arbitrary arrests and/or prolonged detentions. Other problems include gender-related violence, including conflict-related sexual violence, abductions, abuse and torture, violations of freedom of expression, discrimination in political participation, and the recruitment and deployment of children by Al-Shabaab and the security forces. Often, violations and abuses are not investigated. Al-Shabaab remains in control of the territory in Central and South Somalia and commits serious human rights violations both within the areas it controls and beyond them through targeted killings. *Freedom House* indicates in its annual report that civil liberties have increased, mainly as a result of the government and the international force recapturing territory from Al-Shabaab.¹¹⁷

2.1 Legal context

2.1.1 *Treaties and protocols*

Somalia is a party to a number of international human rights conventions, including the UN Refugee Convention and its protocol, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR) and its first optional protocol (the second protocol on the abolition of the death penalty has not been signed). Somalia is also a party to the African Charter on Human Rights and Peoples' Rights.¹¹⁸

Somalia ratified the Convention on the Rights of the Child on 20 January 2015 with a number of reservations. Its first protocol, on the involvement of children in armed conflict, was signed in 2005 but has not been ratified. The second protocol, on the sale of children, child prostitution and child pornography, was not signed. The African Charter of 1990 on the Rights and Welfare of the Child has not been ratified by Somalia. However, Somalia is a party to the *International Labour Organization (ILO) Worst Forms of Child Labour Convention*.¹¹⁹

¹¹⁷ United Nations Human Rights Office of the High Commissioner, *OHCHR in Somalia*, 2018 ; Human Rights Watch, *World report 2018. Our annual review of human rights around the globe*, 2018; Human Rights Watch, *World Report 2019 Somalia: Events of 2018, January 2019*; Freedom House, *Freedom in the World 2018, Somalia Profile*, 2018.

¹¹⁸ See the UN Treaties website: www.treaties.un.org, consulted on 3 January 2019, and the website of the African Union https://au.int/sites/default/files/treaties/7770-sl-african_charter_on_human_and_peoples_rights_2.pdf consulted on 8 November 2018

¹¹⁹ The *Country of Origin Information Report* on Somalia of March 2016 details the reservations expressed by Somalia with regard to a number of Treaties. See Ministry of Foreign Affairs, *Country of Origin Information Report on Somalia*, 30 March 2016; United Nations Treaty Collection, Convention on the Rights of the Child, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en#EndDec, consulted on 9 November 2018; International Labour Organization, *Submission of R190 - Worst Forms of Child Labour Recommendation, 1999 (No. 190)*,

Somalia has not signed the UN *Convention on the Elimination of All Forms of Discrimination against Women*.¹²⁰

Since 1 January 2019, Somalia has been a member of the UN Human Rights Council. It was elected for a three-year term in October 2018.¹²¹

Constitution

The constitution is still provisional in character. In May 2018, the authorities organised a three-day gathering to discuss a new constitution for Somalia. The gathering marked the launch of the national constitutional convention. A number of unresolved constitutional issues still need to be addressed, including the future status of Mogadishu as an administrative unit and the division of powers and resources between the federal government and the federal states. The absence of representatives from Jubaland during this national convention cast a shadow over the event. The president closed the gathering with the assurance that the final constitution must be established by the scheduled date of the end of 2019.¹²²

Independent National Human Rights Commission

In August 2016, a law was passed on the formation of a National Human Rights Commission. However, the formation of this commission has been delayed; a few formal steps still need to be taken before it can actually start.¹²³

2.2 Oversight and legal protection

Impunity for human rights violations remained the norm in this reporting period. The authorities make minimal efforts to prosecute and punish government officials who commit violations. In particular, soldiers and police officers who are accused of rape, murder, clan-related violence and extortion are still beyond the reach of the law. The police are seen as ineffective and lack adequate equipment and training.¹²⁴ There is also corruption. In Mogadishu, the police do not have enough vehicles to transport prisoners, and medical facilities are also inadequate. The police presence outside Mogadishu is limited. Many policing tasks are performed by the National Intelligence Service Agency (NISA). There is a lack of effective control over the security forces.¹²⁵ Security force personnel abused civilians and often failed to prevent or respond adequately to social violence. Abuse by the police, the army or militia members is often not investigated. 'A culture of impunity was widespread,' according to the *United States Department of State* (henceforth *US Department of*

https://www.ilo.org/dyn/normlex/en/f?p=1000:13300:0::NO:13300:P13300_INSTRUMENT_ID:312528 , consulted on 9 November 2018.

¹²⁰ United Nations Treaty collection, *Convention on the Elimination of All Forms of Discrimination against Women*, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-8&chapter=4&clang=en, consulted on 9 November 2018.

¹²¹ Caasimada online, *Somalia wins election to Human Rights Council*, 13 October 2018

¹²² UNSOM, *Meeting on Somalia's new constitution closes with presidential promise to speed up review process*, 16 May 2018; Constitutionnet, *Somalia holding National Constitutional Convention as part of constitution review process*, 14 May 2018.

¹²³ Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, p. 39, October 2017; UNSOM, *The precarious enjoyment of freedom of expression in Somalia*, September 2018.

¹²⁴ US Department of State, *Country report on Human Rights practices for 2017*, 2018

¹²⁵ Human Rights Watch, *Somalia, Events of 2017*, 2018; Committee to Protect Journalists, *Global impunity index*, <https://cpj.org/africa/somalia/> consulted on 3 January 2019; United States Department of State, *Country report on Human Rights practices for 2017*, 2018; BFA/SEM, *Sicherheitslage in Somalia. Bericht zur österreichisch-schweizerischen FFM*, p. 13, August 2017.

State). There are initiatives to improve relations between the populace and the police.¹²⁶ A report by the Austrian *Bundesamt für Fremdenwesen und Asyl* notes that in a number of large cities (Jowhar, Kismayo and Belet Weyne) where the police are recruited locally, they are able to gain the trust of the local population and also obtain information more easily. This makes it harder for Al-Shabaab to keep activities secret.¹²⁷

People often turn to the Al-Shabaab courts if they fail to gain a hearing in the regular judicial system, for example for property issues or business disputes.¹²⁸

2.3 Compliance and violations

2.3.1 *Freedom of expression, including press freedom*

In the provisional constitution, freedom of expression (including freedom of the press) is guaranteed in Article 18. In practice, freedom of expression is not respected by either the federal government or the regional authorities. Journalists were killed, mistreated and harassed during the reporting period, not only by the authorities but also by Al-Shabaab. Individuals in government-controlled areas who were critical of the behaviour of government officials were at risk of retaliation, especially if the criticism focused on alleged corruption on the part of these officials, or if it was suggested that government personnel were unable to ensure security. The US Department of State reported that government interference decreased after President Farmajo was elected in February 2017,¹²⁹ but no other sources were found to confirm this development. *Amnesty International* reports that journalists are restricted in their ability to carry out their work, both by Al-Shabaab and by the government. The *World Press Freedom Index* ranks Somalia 168th (out of 180 countries worldwide) in 2018. It was ranked 167th in 2017. According to the aforementioned source, the freedom to gather information is undermined by corruption, political violence, the extreme weakness of central authority and the fact that non-state actors control large parts of the country. At least four journalists were killed in 2017 in connection with their work, and others were injured in terrorist attacks.¹³⁰

According to a report by the *United Nations Assistance Mission (UNSOM)*, eight journalists and other media workers were killed and 32 were injured in the reporting period investigated by UNSOM (1 August 2016 to 31 July 2018). Al-Shabaab was

¹²⁶ US Department of State, *Country report on Human Rights practices for 2017, 2018*; Hiraan Online, *Restoring the Foundation of the Somali Police Force*, 5 March 2018; AMISOM, *Somali Police officers trained on community policing*, 22 June 2018; *Community Policing* is policing with a strong local orientation, based on the principle that the police seek to be rooted (at home) in the local community: <https://www.ensie.nl/basisboek-integrale-veiligheid/gebiedsgebonden-politiewerk>, consulted on 23 August 2018.

¹²⁷ BFA/SEM *Sicherheitslage in Somalia. Bericht zur österreichisch-schweizerischen FFM*, p. 13, August 2017; Confidential source, 21 November 2018.

¹²⁸ Confidential source, 22 November 2018; People involved in property disputes do not trust the government, due to corruption, and opt instead for Al-Shabaab. In such a situation, you are phoned by an Al-Shabaab representative, who tells you to appear at a certain time before their court; this is located just outside Mogadishu, although there are also rumours that the process can take place in the city. Al-Shabaab also has the means to implement court decisions, which is why people opt for Al-Shabaab in such circumstances. This also applies to Jubaland. Confidential source, 19 November 2018.

¹²⁹ US Department of State, *Country Reports Human Rights practices for 2017, Somalia*, p.11, 2018; UNSOM, *UN envoy praises courage and dedication of Somali journalists on World Press Freedom Day (press statement 04/2018)*, 3 May 2018; Human Rights Watch, *World Report 2019, Somalia events of 2018*, January 2019

¹³⁰ Reporters without Borders, *The World Press Freedom Index 2018*, <https://rsf.org/en/ranking/2018>, consulted on 16 January 2019; Reporters without Borders, *The World Press Freedom Index 2017*, <https://rsf.org/en/somalia>, consulted on 16 January 2019; Amnesty International, *The State of the World's Human Rights Somalia 2017/2018*, 22 February 2018.

responsible for most of the casualties, accounting for the murder of three journalists and media workers and the injuring of another 30.¹³¹

The number of journalists and other media workers murdered in the indicated period was lower than in the period from January 2014 to August 2016. By contrast, there was an increase in the number of people arrested on charges related to the exercise of freedom of expression. This included people who took part in demonstrations, politicians and supporters of political parties, bloggers, human rights activists, poets and social activists. Many of those arrests took place in Somaliland in the context of the presidential elections in that region in November 2017.¹³²

According to UNSOM, the central government and the authorities of the federal member states closed or suspended 19 media channels (seven TV stations, five radio stations, five websites and two newspapers) during the reporting period. News broadcasts were also blocked, due to alleged threats to stability, alleged links with Al-Shabaab, or the spread of 'fake news' regarded as a threat to national security.¹³³

As noted above, freedom of expression was not restricted at central level only: the government of the state of Jubaland also tried to silence critics. In March 2018, a law was passed in Jubaland enabling the immunity of MPs to be lifted if they expressed criticism. Earlier in 2018, a member of Jubaland's parliament was arrested and held for several days after putting forward a motion of no confidence against the Jubaland state government together with other MPs. The motion accused the state government of 'poor leadership, incompetence and nepotism'. After troops loyal to the arrested MP had blocked a number of key roads in the city of Kismayo, he was released by order of President Madobe of Jubaland.¹³⁴

2.3.2 *Freedom of association and assembly*

Under Articles 16 and 20 of Somalia's provisional constitution, everyone has the right to assemble freely, to form trade unions and political parties and to demonstrate without having to ask the authorities for permission in advance. In practice, the government restricts these rights. The general lack of security in the country means that their effective exercise is limited. Civil society organisations, for example, have difficulty operating in large parts of the country due to the armed conflict. Al-Shabaab does not allow any assembly without express permission.¹³⁵

Trade union leaders in Somalia are intimidated by the government according to some news sources. According to the head of the *National Union of Somali Journalists* (NUSOJ), the *International Labour Organisation* (ILO) should launch an investigation into violence and intimidation against trade unionists, as he is sceptical about whether the Somali government has complied with a previous call from the ILO to investigate and try the perpetrators.¹³⁶

2.3.3 *Freedom of religion and belief*

Around 99% of the population is Sunni Muslim. Intolerance on the part of both the government and society contributes to poor conditions as regards freedom of

¹³¹ UNSOM, *The precarious enjoyment of freedom of expression in Somalia*, p. 4, September 2018. Note that this report also describes the situation in Somaliland and Puntland.

¹³² Ibid

¹³³ Ibid, p.4

¹³⁴ Garowe Online, *Somalia: Jubaland frees opposition MP after protest*,

¹³⁵ US Department of State, 2018 p. 13; Civicus, *Monitor Tracking Civil Space*, <https://monitor.civicus.org/country/somalia/>, consulted on 16 August 2018.

¹³⁶ Equal Times, *The ILO should investigate persecution of trade unions in Somalia, says union leader*, 18 April 2018.

religion. Al-Shabaab is responsible for many of the abuses of religious freedom in Somalia; this is discussed in 1.1.1.

The provisional constitution contains a number of provisions that are not compatible with religious freedom. The constitution names the Koran and the Sunnah as the main sources of law in the country, and states that the legal system depends on Islamic and customary law. Although it provides for the right of individuals to profess their religion, it prohibits the propagation of any religion other than Islam in Articles 2 and 17. It also states that Islam is the state religion and stipulates that legislation must comply with Sharia principles.¹³⁷

2.3.4 *Freedom of movement*

Within Somalia, freedom of movement is not restricted by regulations. Under Article 21 of the provisional constitution, everyone is free to travel through the country as they wish, or to leave the country. In practice, however, freedom of movement continued to be severely restricted by the poor security situation.

In general, travelling by road in South and Central Somalia is not easy and is regarded as risky and expensive. Main roads in South and Central Somalia are only partially controlled by AMISOM/SNA, and in some areas Al-Shabaab has complete control over the roads. According to a UN source, Al-Shabaab controls most of the main supply routes in South and Central Somalia. Al-Shabaab and other armed groups have checkpoints in South and Central Somalia at which public transport users are questioned and/or have to pay taxes.¹³⁸ Civilians continue to carry out their daily activities and to do business despite the conflicts, but the roadblock phenomenon has been causing considerable damage to the economy in South and Central Somalia for the last two decades.

The organisation *Transparency Solutions* has investigated the impact of such roadblocks. Travel between areas controlled by AMISOM/SNA and Al-Shabaab areas entails the risk of being suspected by both sides of collaborating with the enemy. Such a suspicion can lead to punishment, kidnapping and interrogation or murder. For AMISOM/SNA, lack of security on the roads seriously limits the transport options for goods on the main supply routes. AMISOM and the SNA therefore mainly use aircraft to transport troops and essential supplies.¹³⁹

A report by the *Monitoring Group on Somalia and Eritrea* notes that the system by which Al-Shabaab raises tax via checkpoints is applied consistently in South and Central Somalia, although there are differences in rates between regions. Al-Shabaab is said to have an accountable and predictable system of taxation, including the issue of payment receipts. This contrasts with the checkpoints manned by the federal government or by the authorities of the individual member states. Al-Shabaab does not double-charge drivers who have already paid at another checkpoint. As a result, professional drivers prefer Al-Shabaab checkpoints to those of the federal or regional authorities.¹⁴⁰

¹³⁷ Constitutionned, *The Federal Republic of Somalia: Provisional Constitution, adopted August 1, 2012 as of Sep 19, 2012*; consulted on 20 August 2018; US Department of State, *The International Religious Freedom Report 2017, Somalia*, 29 May 2018; International Humanist and Ethical Union, *Freedom of thought report, Somalia*, 28 October 2016.

¹³⁸ Danish Refugee Council, *South and Central Somalia Security Situation, al-Shabaab Presence, and Target Groups*, p. 10, March 2017.

¹³⁹ Danish Refugee Council, *South and Central Somalia, Security Situation, al-Shabaab Presence, and Target Groups*, p. 10, March 2017; Transparency Solutions, *Beyond Isbaaro; Reclaiming Somalia's haunted roads*, 2016.

¹⁴⁰ United Nations Security Council, *Report on Somalia, S/2018/1002*, p. 26, 9 November 2018.

According to a Somalia expert, Al-Shabaab continues to conduct checks on the major roads in Somalia.¹⁴¹ Another source reports that Al-Shabaab uses most of the highway between Mogadishu and Beledweyne as a *support zone*. From this position, it can carry out attacks on SNA and AMISOM troops. The road between Luq and Dolow is also used in this way by Al-Shabaab. Control over this road offers the possibility for future attacks in Ethiopia.¹⁴²

Domestic air traffic

As has already been noted, AMISOM and SNA often opt for air transport for security reasons. Civilians can take domestic flights on civil aviation. *Ocean Airlines* maintains connections between Mogadishu and a number of larger cities such as Galkayo, Kismaayo, Garowe, Bosaaso and Hargeisha, and *Jubba Airways* flies between Mogadishu, Hargeisa and Bossaso.¹⁴³

2.3.5

Judicial process

As in many other African countries, there is a pluralistic legal order in Somalia. Customary law (*Xeer*)¹⁴⁴, religious law (sharia) and secular law exist side by side. The position of minorities is weak in the informal judicial system, in which majority clans are able to enforce compensation or redress in the event of disputes.¹⁴⁵

The formal judicial system is not generally respected, with government officials ignoring court rulings and citizens often turning to customary law or interpretations of sharia as a form of informal justice. *Freedom House* gives Somalia the lowest possible score (zero) for *rule of law*.¹⁴⁶

In recent years, the president's staff have dismissed judges and members of the *Judicial Service Commission* in violation of the provisional constitution. President Farmajo has promised to reform the judiciary, but the suspension of 18 judges by the supreme courts in September 2017, an action that was seen as part of the reform effort, may also have been unconstitutional in the opinion of *Freedom House*.¹⁴⁷

Some guarantees are offered on paper. For example, the provisional federal constitution states that 'everyone has the right to a fair public hearing by an independent and impartial judge or court, to be held within a reasonable time'. According to the same provisional constitution, individuals have the right to a presumption of innocence. They also have the right to be informed quickly and in detail of the charges against them in a language they understand, although the constitution is unclear as to whether the right to translation applies to all appeals.¹⁴⁸

¹⁴¹ Felbab-Brown, Vanda, *Testimony Developments in Somalia*, 14 November 2018;

¹⁴² A *support zone* is an area without significant enemy action that makes the provision of effective logistical and administrative support to combat forces possible. The American Enterprise Institute, Critical Threats project, *Al Shabaab Area of Operations*, 1 October 2018, <https://www.criticalthreats.org/analysis/al-shabaab-area-of-operations-october-2018> consulted on 26 February 2019.

¹⁴³ Ocean airlines, <https://ocean-airlines.com/page/10/flights>, consulted on 3 January 2019; Jubba Airways, <http://www.jubbaairways.com/destinations.html>, consulted on 3 January 2019.

¹⁴⁴ Because there has always been competition between clans over scarce natural resources in Somalia, in particular land and water, a code of conduct known as *Xeer* has developed to settle disputes and maintain social order. The sources of *Xeer* precede Islamic and colonial traditions and are generally regarded as the agreements reached by elders from different clans that have lived and migrated alongside one another. However, *Xeer* is not a written legal code, but rather a tradition that is passed down orally from one generation to the next. ACCORD, *Reinvigoration of Somali Traditional Justice through Inclusive Conflict Resolution Approaches*, 12 October 2017.

¹⁴⁵ Confidential source, 21 November 2018.

¹⁴⁶ Freedom House, *Freedom in the World 2018, Somalia Profile*, 2018.

¹⁴⁷ Freedom House, *Freedom in the World 2018, Somalia Profile*, 2018; Confidential source, 7 July 2018

¹⁴⁸ US Department of State, *Country Reports Human Rights practices for 2017, Somalia*, p. 9, 2018.

Detainees have the right to be brought before a competent court within 48 hours of being arrested and to consult a lawyer.

Most of the guarantees in the field of judicial procedures were not respected by the authorities. Clan politics and corruption often impeded access to a fair trial. The provisional constitution also lacks a number of procedural guarantees: for example, it does not provide for the right to be heard, the right to appeal against a court decision, sufficient time and facilities to prepare a defence, or the right to present one's own evidence and witnesses.¹⁴⁹

Military courts sometimes try civilians, and defendants in military courts rarely had legal representation or the right to appeal. In some cases, the authorities executed those sentenced to death within a few days of the court's verdict. Some government officials continued to claim that a 2011 state of emergency gave military courts jurisdiction over crimes, including those committed by civilians, in areas from which Al-Shabaab had withdrawn. There was no clear government policy indicating whether this decree remained in force, although the original decree was adopted for a period of three months and never formally extended.¹⁵⁰

2.3.6 *Arrests, custody and detention*

Although the provisional federal constitution prohibits unlawful imprisonment, government forces and associated militias, regional authorities, clan militias and Al-Shabaab were all guilty of arbitrary arrests and detention. On 13 December 2018, Muhktar Robow was arrested, as noted in 1.1.1. He was detained without prior charge at an unknown location, possibly on NISA premises. Although the law provides for the possibility of challenging unlawful arrest and detention, it has been found in practice that only politicians and businessmen can actually exercise this right.¹⁵¹

Al-Shabaab imprisons individuals in the territories it occupies. They are held in inhumane conditions and for relatively light 'offences' such as smoking, possession of unauthorised information on mobile phones, listening to music, playing or watching football and violations of clothing regulations.¹⁵²

2.3.7 *Maltreatment and torture*

The provisional constitution of Somalia prohibits torture and mistreatment. Such abuses were once again practised by soldiers of the SNA and AMISOM during this reporting period. NISA officials are also said to have mistreated and tortured prisoners, including defectors from Al-Shabaab. Al-Shabaab was also guilty of abuse and torture, and its sharia court also imposed severe punishments during this reporting period, including amputations. On 9 May 2018, Al-Shabaab stoned a woman to death in a public square. The stoning took place in the city of Slablale, about 200 kilometres south of Mogadishu. The woman was accused of being married to 11 men.¹⁵³

¹⁴⁹ US Department of State, *Country Reports Human Rights practices for 2017, Somalia*, pp. 9, 10, 2018

¹⁵⁰ US Department of State, *Country Reports Human Rights practices for 2017, Somalia*, p. 10, 2018; Human Rights Watch, *World Report 2018, Somalia events of 2017*, February 2018; Human Rights Watch, *World Report 2019, Somalia events of 2018*, January 2019.

¹⁵¹ Mareeg.com, *AU chief in Somalia and Ethiopia asked to answer who carried out Al Shabaab founder's detention*, 11 January 2019; Freedom of expression.com, *Robow's arrest turmoil in the South West*, 17 December 2018. US Department of State, *Country Reports Human Rights practices for 2017, Somalia*, p. 4, 2018. Confidential source, 13 November 2018.

¹⁵² US Department of State, *Country Reports Human Rights practices for 2017, Somalia*, 2018 p. 4

¹⁵³ US Department of State, *Country Reports Human Rights practices for 2017, Somalia*, 2018 p. 2; Human Rights Watch, *World Report 2018 - Somalia: Events of 2017*, p.2 18 January 2018; Deutsche Welle, *Escape from al-Shabab: 'I was turned into a sex slave'*, 3 March 2018; Human Rights watch, *'It's Like We're Always in a Prison'*, 21 February 2018; Garowe online, *Al-Shabab cuts off hand of 24-year-old man for theft*, 22 July 2018; Garowe

2.3.8

Disappearances and abductions

According to the *US Department of State*, there were no abductions by the Somali government in 2017. The same source also states that there was no government involvement in disappearances in 2017.¹⁵⁴

Al-Shabaab continued to kidnap employees of humanitarian organisations and members of AMISOM. On 2 May 2018, a German nurse was abducted from the premises of the *International Committee of the Red Cross*. It was the first successful kidnapping of a foreigner in Somalia since 2014. On 9 August 2018, five aid workers were reportedly kidnapped by Al-Shabaab between the cities of Baidoa and Awdinle.¹⁵⁵

2.3.9

Extrajudicial executions and killings

There were further instances of extrajudicial executions and killings in this reporting period. Government security forces and allied militias, other uniformed persons, regional security services, Al-Shabaab and unknown attackers all carried out killings. In October 2018, five men were executed in public by Al-Shabaab for espionage in the city of Jilib; their execution occurred after they had been found guilty by an Islamic court. The news was announced by the Al-Shabaab-appointed governor of the Juba region. One of the victims is said to have had dual British and Somali nationality. Previously, five men were killed in December 2017, including a teenager, who Al-Shabaab claimed had gathered information about their organisation for the American and Kenyan governments.¹⁵⁶

Government officials and regional authorities executed individuals without due process. Impunity remained the norm.¹⁵⁷

2.3.10

The death penalty

The death penalty is applied under traditional law and Sharia law in Somalia. It is regularly imposed and implemented, despite support from Somalia for the UN resolution calling for a moratorium on the death penalty. More detailed information on the death penalty and conflict resolution under traditional law can be found in the Country of Origin Information report on Somalia from 2016.¹⁵⁸

Human rights organisations expressed concerns about the death sentences imposed by military courts, in part because of the absence of procedural guarantees and on the grounds that the penalties were not carried out in accordance with international standards.¹⁵⁹

According to Amnesty International, 24 executions were carried out in 2017, including 12 by the federal government in South and Central Somalia. According to

online, *Somalia: Al-Shabab stones women to death for polygamy*, 9 May 2018; BBC, *Somali woman 'with 11 husbands' stoned to death by al-Shabab*, May 2018.

¹⁵⁴ US Department of State, *Country Reports Human Rights practices for 2017, Somalia*, p. 2, 2018.

¹⁵⁵ United Nations Security Council, *Report on Somalia, S/2018/1002*, p.43, 9 November 2018; Halbeeg News, *Suspected Al-Shabaab militants abduct five aid workers in Bay region*, 9 August 2018.

¹⁵⁶ NRC, *Al-Shabaab executeert vijf mannen vanwege spionage*, 10 October 2018; The Telegraph, *Terror group al-Shabaab says it executed 'British spy' with four others accused of spying for US and Somalia*, 10 October 2018; US Department of State, *Country Reports Human Rights practices for 2017, Somalia*, p. 2, 2018;

¹⁵⁷ US Department of State, *Country Reports Human Rights practices for 2017, Somalia*, 2018 p. 2;

¹⁵⁸ Ministry of Foreign Affairs, *Country of Origin Information Report on Somalia*, 30 March 2016; Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, October 2017.

¹⁵⁹ US Department of State, *Country Reports on Human Rights Practices for 2017, Somalia*, 2018.

the UN, at least 24 death sentences were handed out in 2017: 8 by the federal government of Somalia and 16 in Puntland.¹⁶⁰

On 5 May 2018, two men accused of placing an improvised explosive in the city of Barawe were tortured and executed, allegedly under the authority of a Somali national army commander and in the presence of senior federal government officials. The victims' bodies were found to have broken teeth, and one of the men seemed to have had an eye removed. The Barawe police commander who subsequently investigated the incident was detained by the Somali national army on 6 August 2018, reportedly tortured and placed under house arrest.¹⁶¹

2.4 Position of specific groups

2.4.1 *Members of opposition parties/political activists*

Somalia did not have any political parties for a long period. In September 2016, the then president signed the law on political party formation. This provided the basis for establishing legal parties for the first time since 1969, when President Siad Barre banned political activities after coming to power through a coup. The law requires political parties to register, and this process was started by the *National Independent Electoral Commission* on 3 December 2017. Seven parties met the conditions for accreditation on that date.¹⁶²

According to the *US Department of State*, the number of people detained for politically motivated reasons in 2017 is unknown. The government and regional authorities arrested journalists and others who criticised those in power. Arrests and intimidations of opponents in Mogadishu have 'substantially declined' since President Farmajo took office, according to the same source. According to confidential sources, however, arrests have in fact increased, reflecting the increasingly authoritarian nature of the federal government in Mogadishu. The tactics employed consist of 'threats and character assassination'.¹⁶³ Another confidential source reports that NISA arrests individuals. As this is often done in secret, the source says that this makes it difficult to determine whether there have been more or fewer arrests.¹⁶⁴

2.4.2 *Ethnic minorities, professions and specific clans*

In Somalia, ethnic groups, minority clans and specific professions still face social exclusion and discrimination.¹⁶⁵

Majority clans

The nomadic clans are often referred to in the literature as 'noble clans'. They are the four large majority clans: the Hawiye, the Darod, the Dir/Iissa and the Isaaq. The Rahanweyn with their subgroups, the Digil and the Mirifle, consist of farmers and are also regarded as a larger clan. All clans in Somalia can be said to have ties of some closeness to a specific geographical area, albeit to varying degrees. For

¹⁶⁰ Amnesty International, *Death sentences and Executions 2017, 2018*, p. 37.

¹⁶¹ United Nations, Security Council, *Report on Somalia of the Monitoring Group on Somalia and Eritrea*, 7 November 2018.

¹⁶² Freedom House, *Freedom in the World 2018, 2018*; Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, October 2017;

¹⁶³ Confidential source, 26 January 2019; Confidential source, 28 January 2019.

¹⁶⁴ US Department of State, *Country Reports on Human Rights Practices for 2017*, p.7, 2018; World Policy, *Somalia's Clan Politics*, 13 March 2018; Freedom House, *Freedom in the World 2018, 2018*.

¹⁶⁵ Confidential source, 19 November 2018; US Department of State, *Country Reports on Human Rights Practices for 2017*, p.23, 2018; Confidential source, 19 November 2018.

example, the Rahanweyn as farmers have a stronger bond with a specific area than the nomadic clans.¹⁶⁶

Minority groups

Estimates of the size of Somalia's minority groups range from 6% of the population to as much as a third. As the considerable divergence in these estimates indicates, dividing the Somali population into clans and minority groups is an intricate matter. Many researchers see the precise identification of the exact composition of a clan or minority group as an almost impossible task. It is therefore argued that clans and minority groups should instead be seen as living organisms within which dynamic changes occur over time.¹⁶⁷ Earlier Country of Origin Information reports, most recently that of October 2017, have dealt extensively with specific professions, clans, ethnic minorities and other minority groups. There are no indications that their position changed during the reporting period. Somalia remained in second place (after Syria) in the *Peoples under threat index* of the *Minority Rights Group International* in 2018.¹⁶⁸

According to the *US Department of State*, minorities and professional groups are at extra risk of becoming victims of human rights violations or abuses such as land expropriation. They are unable to defend themselves, since in many cases they do not have armed militias.¹⁶⁹ In the national elections, minorities gained 31 of the 275 seats in the Lower House, including 11 seats won by the Bantu. There is one Bantu minister in the current government. A confidential source gives a more nuanced picture of this political representation: in the opinion of this source, minorities may 'participate' but are 'not represented' as a group.¹⁷⁰

Another source reports that members of specific professions can in principle be protected by a majority clan, although it should be noted that their position is weaker than that of persons belonging to the majority clan, so that protection may be lacking, especially in times of emergency. The same source notes in a more recent report on the situation in Mogadishu that members of minority clans are potentially more vulnerable when it comes to crimes such as robbery and rape, including in confrontations with government forces. However, according to the report, there are no indications that people who do not belong to the dominant clans in Mogadishu are *systematically* exposed to violence in the city.¹⁷¹

The clan issue also plays a role in the formation of the Somali national army. The army mostly consists of members of the Hawiye clan. A report by the BFA/SEM explains that members of minority groups or small clans are afraid: if a soldier from a large clan kills someone, the matter is handled within the traditional framework

¹⁶⁶ Austrian Centre for Country of Origin & Asylum Research and Documentation, *Clans in Somalia*, p.11, December 2009; European Asylum Support Office, *Country of Origin Information Report, South and Central Somalia Country overview*, p. 43, 2014; Ministry of Foreign Affairs, *Country of Origin Information Report on Somalia*, pp. 72, 73, 74, November 2012

¹⁶⁷ Lifos-Centre for Country Information and Country Analysis in the Migration Area, *Somalia: the position of women in the clan system*, 27 April 2018.

¹⁶⁸ UK Home Office, *Majority of Clans and Minority Groups*, June 2017; Minority Rights Group International, *Peoples under Threat 2018*, 2018

¹⁶⁹ US Department of State, *Country reports on Human Rights Practices for 2017*, p.23, 2018.

¹⁷⁰ A confidential source explains that the arrangements are complied with properly and that the exact agreed number of seats are allocated; however, the large clans often look for someone within the minority who is subsequently selected as the representative of that minority, but in fact is not their representative. This will often be the wife of a majority clan member. On paper, the minority group will then have two MPs or ministers, for example, but they will be controlled by the majority. They do participate, but it is doubtful whether they represent the minority, according to this source. Confidential source, 19 November 2018; Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, p. 54, October 2017.

¹⁷¹ Landinfo, *Query response Somalia Low status groups*, p. 8, 12 December 2016; Landinfo, *Somalia: Security challenges in Mogadishu*, p.13, 15 May 2018

and the soldier enjoys the protection of his clan, whereas if a soldier belonging to a minority kills someone, clan protection is lacking.¹⁷²

Reer Hamar

In the Country of Origin Information report on Somalia of 30 March 2016, it was noted that the Reer Hamar minority group is not without power and cannot be targeted by other clans with impunity. This does not mean that members of this minority are no longer discriminated against, but that a number of mitigating circumstances work to their advantage. By drawing attention to their situation and speaking out on their own behalf internationally, they have also generated awareness in Somalia itself. Many of them are relatively prosperous, have key positions and are able to buy protection from majority clans. The Reer Hamar can also strengthen their position by entering into a marriage with a member of a majority clan, in particular the Hawiye Abgal and the Habr Gedir. Reer Hamar families whose daughter marries a man from a strong clan enjoy a certain degree of protection from that clan, although they can still fall victim to extortion and blackmail from militias from the other larger clans.¹⁷³

Marriages between members of different clans

It was noted above that marriages occur between members of minority and majority clans. However, interclan marriages can sometimes lead to violent crimes. For example, a man was burned alive in Mogadishu in October 2018, because he was reportedly involved in a marriage between his cousin and a woman belonging to a different clan. The bride's family is said to have rejected the marriage. The cousin belonged to the *Bantu Jareer* minority group, while his bride came from a majority clan. The victim of the lynching is said to have facilitated the marriage and offered the couple a hiding place. Several sources have stated that this was an exceptional situation and that many Somalis have expressed outrage at this incident.¹⁷⁴

2.4.3

Women

The provisional constitution of 1 August 2012 gives women equal rights to men. In practice, the situation of women remained extremely concerning.¹⁷⁵ Somalia consistently scores very poorly in rankings that assess the position of women. The *Thomas Reuter Foundation* ranks Somalia as the world's 4th most dangerous country for women.¹⁷⁶

In practice, women in Somalia face significant official, cultural and social barriers. The 30% goal for female political representation for the 2016/17 elections was not met. However, the election results were an improvement on the previous parliament: women now make up 24% of the Lower House (compared to 14% in the previous parliament) and 23% in the newly formed Upper House.

Formal participation of women in the workforce is limited by cultural norms that make women responsible for domestic work. Given the widespread poverty and the large number of single mothers, many women work in the informal labour market. The participation of women in education is considerably lower than that of the male

¹⁷² BFA/SEM, *Sicherheitslage in Somalia*, p.14, June 2017.

¹⁷³ Ministry of Foreign Affairs, *Country of Origin Information Report on Somalia*, p. 64, 30 March 2016; UK Home Office, *Country Policy and information note Somalia: Majority clans and minority groups in south and central Somalia v.2.0.*, p.30, June 2017.

¹⁷⁴ Hiraan Online, *Somalis hope to end inter-clan discrimination after violent dispute*, 22 October 2018; Confidential source, 19 November 2018.

¹⁷⁵ UK Home Office, *Country Policy and Information note, Somalia: women fearing gender based harm and violence*, p.10, April 2018.

¹⁷⁶ Thomas Reuter Foundation, *The world's most dangerous countries for women 2018*, <http://poll2018.trust.org/>, consulted on 24 October 2018.

population: according to UNICEF, 25% of women between 15 and 24 years old are illiterate.¹⁷⁷

Women and girls who are displaced are more vulnerable to gender-based violence. Sexual and gender-related violence remained widespread. Somalia's *Integrated Management System*, a government agency, documented at least 400 cases of gender-based violence in South and Central Somalia, according to Amnesty International in its report *The State of the World's Human Rights* for 2017. The drought led to more women becoming separated from their families, putting them at greater risk of sexual and gender-based violence, especially because they were seen as women who lacked 'male protection'.¹⁷⁸

Single women

The poor security situation in Somalia particularly affects single women who lack the protection of a clan network and women who are displaced.¹⁷⁹ These factors, as well as the patriarchal system, lead to a high degree of discrimination and exclusion. Women from weak clans who live in refugee camps are particularly vulnerable, and lack sufficient protection against violence and sexual abuse. A UN report for 2018 notes that 80% of recorded incidents of gender-related violence involve displaced persons. Women or girls were involved in 96% of these cases.¹⁸⁰ In terms of clan protection, women are largely dependent on an existing male network that can represent them in Xeer negotiations (see 2.3.5).¹⁸¹ In Mogadishu too, single women without a network are particularly vulnerable to violence.¹⁸² In the displaced persons' camps, women can become victims of abuse and sexual violence from family, strangers, camp guards, AMISOM troops or police.¹⁸³

The UK Home Office concluded in April 2018, on the basis of the available country information, that single women and single mothers with children, in particular those belonging to minority groups, do not have a domestic flight or settlement alternative if they lack a significant support network or if they cannot support themselves.¹⁸⁴ On 30 May 2018, the cabinet approved a bill against sexual offences (see also below). UNSOM has cooperated closely with the government and civil society to work out the details of the bill. A confidential source reports that the bill is ready, but is 'too controversial because it is too progressive'. Insufficient support has been created to steer it through parliament.¹⁸⁵

Shelters for victims of sexual violence

The previous Country of Origin Information report referred to the fact that there are few shelter options for female victims of sexual violence. The extreme rainfall in early 2018 after a period of prolonged drought resulted in flooding that destroyed

¹⁷⁷ Australian Department of Foreign Affairs and Trade (DFAT), *Country Information Report – Somalia*, paras 3.21 to 3.23, 13 July 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-somalia.pdf>

¹⁷⁸ Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, October 2017; United Nations Population Fund, *Somalia GBV Sub-Cluster Bulletin*, April-June 2018; Confidential source, 20 November 2018; Amnesty International, *The State of the World's Human Rights, Somalia 2017/18*, February 2018.

¹⁷⁹ Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, p. 57, October 2017.

¹⁸⁰ United Nations, Security Council, *Report of the Secretary General on Somalia*, p. 12, 30 August 2018.

¹⁸¹ Lifos, *Somalia: The position of women in the clan system*, p. 13, April 2018.

¹⁸² Danish Refugee Council, *South and central Somalia security situation, al-Shabaab Presence, and Target Groups*, p.12, p.55, March 2017

¹⁸³ Human Rights Watch, *World Report 2018-Somalia*, 2018; Human Rights Watch, *World Report 2019, Somalia events of 2018*, January 2019.

¹⁸⁴ UK Home Office, *Country Policy and Information note, Somalia: women fearing genderbased harm and violence*, p.8, April 2018.

¹⁸⁵ UN security Council, *Report of the Secretary-General on Somalia*, 30 August 2018; Confidential source, 28 January 2019.

basic infrastructural facilities such as shelters for victims of gender-based violence, hospitals and schools.

The provision of shelters for victims of sexual violence is managed by the UN or international or local NGOs. There are considerable obstacles to women going into a shelter, because of the social stigma with regard to sexual violence. As well as the provision of accommodation, support offered to victims includes medical assistance, material assistance, legal services and counselling.¹⁸⁶

Through the NGO *Sister Somalia*, the *Elman Peace and Human Rights Center* in Mogadishu offers shelter, advice, medical care and accommodation to women who need it. The NGO *Save Somali Women and Children* also runs a crisis centre in Mogadishu where support is provided to victims of sexual violence.¹⁸⁷

Sexual offences bill

On 30 May 2018, the cabinet of the federal government of Somalia unanimously approved a bill criminalising a number of sexual offences.

The bill had already been submitted on 31 December 2015.¹⁸⁸

The existing legislation on sexual violence is based on a law from 1962, which in turn derives from old Italian colonial laws. This legislation does not properly regulate the protection of victims of sexual violence, according to an article from the *London School of Economics and Political Science*. According to this source, it is more likely that those who report sexual violence will be arrested themselves for the crime of 'insult' than that the perpetrators of sexual violence will be dealt with. The bill has yet to be approved by parliament.¹⁸⁹

Sexual violence and gender issues are still difficult to address in Somalia and have proved controversial. In 2016, the Ministry of Women and Human Rights Development issued a national gender policy that called, among other things, for the introduction of a quota system in the upcoming elections. A group of Islamic sheikhs pronounced a fatwa concerning the policy and stated that it was permitted to kill anyone involved in its development. It was, according to the source, a 'grim reminder' that those who seek to make changes to the strict gender norms prevailing in Somali society are at risk.¹⁹⁰

Female genital mutilation

In Somalia, around 98% of girls are circumcised. The number of women and girls affected by genital mutilation in Somalia remains the highest in the world, and there are few signs that changes have taken place in this respect over time. There is no up-to-date, accurate data on the practice that can be used to develop (policy) programmes. Genital mutilation is prohibited under the Somali constitution, but the continuing lack of a national law criminalising and punishing all forms of genital mutilation undermines the efforts of all parties working to end the practice in the country. According to the organisation *28 Too Many*, which is working to have genital mutilation outlawed, ending this practice in Somalia will remain a complex

¹⁸⁶ Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, October 2017; UNFPA Somalia, *GBV Sub-cluster bulletin April-June 2018*, August 2018.

¹⁸⁷ Sister Somalia, Save Somali Women and Children, http://www.sswc-som.com/gbv_crisis.html, consulted on 24 October 2018.

¹⁸⁸ The London School of Economics and Political Science, *By balancing Sharia law and the new Sexual Offences Bill, Somalia is legislating for the 21st century*, 14 June 2018; United Nations Assistance Mission in Somalia, *Annual 16-day campaign of activism against gender-based violence is launched in Somalia*, 25 November 2018.

¹⁸⁹ The London School of Economics and Political Science, *By balancing Sharia law and the new Sexual Offences Bill, Somalia is legislating for the 21st century*, 14 June 2018.

¹⁹⁰ *Ibid*; One of the points of discussion in dealing with the Sexual Offences Bill was rape within marriage. In the Somali context, this is not seen as an issue: the matter is regarded as something introduced by outsiders. The age limit for marriage also prompted debate. Confidential source, 21 November 2018.

challenge. The implementation of national legislation is an important part of the strategy for ending this practice. According to this organisation, implementing it will send a clear signal that the government is committed to protecting women and girls and may thus help to have these harmful practices made illegal.¹⁹¹

Genital mutilation can have fatal consequences. For example, various media reported that a ten-year-old girl died in July 2018 after being circumcised.¹⁹² She reportedly died as a result of blood loss a few days after the circumcision. The incident was made public by an activist working for the *Galkayo Education Centre for Peace and Development*. As a result of the incident, for the first time in the country's history the Somali government announced that anyone engaging in genital mutilation would be prosecuted.¹⁹³ The public prosecutor announced in the closing statement after an anti-FGM meeting in Mogadishu that he was investigating the case in collaboration with the criminal investigation department.¹⁹⁴ In response to this incident, the Deputy Prime Minister of Somalia stated in a video message on Twitter that 'this is a decisive moment in Somalia'.¹⁹⁵ In practice, it often proves difficult to actually prosecute perpetrators. The victims' family members often do not cooperate with the investigation.¹⁹⁶

2.4.4 LGBT

Homosexuality is illegal in Somalia. The Penal Code of 1962 states that sexual intercourse between two people of the same sex carries a prison sentence of three months to three years. An 'act of lust' other than sexual intercourse can be punished with a prison sentence of two months to two years. However, the Penal Code is scarcely applied in South and Central Somalia.¹⁹⁷

During the reporting period, the position of homosexuals in Somalia remained poor. The subject is taboo and is hushed up, including in the media. The *US Department of State* reports that there is still social stigmatisation of LGBT people in Somalia. There are no known LGBT organisations in Somalia, and no organised LGBT activities.¹⁹⁸

It is not known whether the government actively persecuted LGBT people during the reporting period.

2.4.5 Minors

Somalia has a very young population. According to a UNICEF report from 2016, the total population is over 14 million, of which more than 7 million are under the age of 18, including more than 2 million under the age of 5.¹⁹⁹

¹⁹¹ 28 Too Many, *Somalia: The law and FGM*, July 2018.

¹⁹² The Independent, *Father defends use of FGM despite death of his 10-year-old daughter; Man believes girl was 'taken by Allah' and hits back at criticism of practice*, 23 July 2018; The Guardian, *10-years-old girl bleeds to death after female genital mutilation*, 20 July 2018; The Irish Times, *Somalia promises first FGM prosecution after death of girl (10)*, 25 July 2018.

¹⁹³ Trouw, *Aanklacht na fatale besnijdenis*, 27 July 2018, The Guardian, *Death of 10-year-old girl prompts first FGM prosecution in Somalia's history; Campaigners say investigation into case of girl who bled to death marks a 'defining moment' for country*, 26 July 2018.

¹⁹⁴ <https://twitter.com/GMCEndFGM/status/1022081447484633089>

¹⁹⁵ <https://twitter.com/GMCEndFGM/status/1022408275416043521>

¹⁹⁶ National Public Radio, *2 Young sisters die after undergoing female genital mutilation*, 14 September 2018; Confidential source, 20 November 2018.

¹⁹⁷ Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, October 2017, pp. 61,62

¹⁹⁸ US Department of State, *Country reports on human rights practices for 2017*, p. 23, Somalia, 2018.

¹⁹⁹ UNICEF, *The State of the World's Children 2017, Children in a Digital World*, p.177 December 2017.

Deficiencies in the rule of law in Somalia mean that children can quickly end up in a situation where they are exploited and abused. The displacement of large numbers of Somalis by chronic conflict, drought and famine has resulted in the separation of children and their families, exposing them to exploitation, violence and abuse. Children of displaced persons and minorities are particularly vulnerable. The security situation, conflicts and widespread poverty have diminished the protective mechanisms that families normally offer. Due to lack of means of subsistence, young men and boys are recruited into the armed forces; girls and women find themselves in a situation of sexual exploitation for the same reason.²⁰⁰ The *UN Security Council* refers to a study by the *Country Task Force on Monitoring and Reporting* and speaks of 1,426 serious human rights violations involving 1,239 children, including 168 girls, during the period from January 2018 to August 2018. The majority of these violations concerned the recruitment and deployment of children as soldiers (723 cases). Kidnappings and sexual violence against children were also recorded. The *Task Force* also reports eight attacks against schools and one against a hospital. Seven of these cases involved the denial of access to humanitarian aid.²⁰¹

Recruitment

Human Rights Watch (HRW) has investigated the position of boys accused of crimes relating to national security.²⁰² The report describes the situation of boys who are recruited usually by Al-Shabaab, and subsequently captured during government army actions.

The abuses and hardships that children experience while in the hands of Al-Shabaab do not end when they are in government custody, regardless of whether they have surrendered, been captured, or been arrested during fighting. The Somali authorities treat children associated with Al-Shabaab primarily as adults and criminals, rather than as victims of the conflict. The authorities hide behind the excuse of an outdated and malfunctioning legal system and very real security risks.²⁰³

The *US Department of State* reported in 2017 that various parties involved in military conflict use child soldiers: the Somali National Army (SNA) and allied militias, the Ahlu Sunna Wal Jama'a (ASWJ) militia²⁰⁴, clan militias and Al-Shabaab, the last of these groups being the most heavily implicated in the deployment of child soldiers. Officials from the UN reported that more than 2,100 children were recruited and deployed in 2017. The number of children recruited and deployed by Al-Shabaab was significantly higher than in 2016. The number of children deployed by the SNA and ASWJ decreased. The National Intelligence and Security Agency (NISA) is also said to be guilty of using children as informers. The children who were deployed by the SNA were primarily used for carrying equipment and performing errands. However, there were also unconfirmed reports that the SNA used children as front-line troops in Hirshabelle. Children who fled Al-Shabaab were also reported to be directly involved in combat by government-related forces. AMISOM is not thought to have been guilty of such practices.²⁰⁵

²⁰⁰ UNICEF Somalia, *Child Protection Strategy Note 2018-2020*, p.1, 2018.

²⁰¹ UN Security Council, *Report of the Secretary-General on Somalia*, 30 August 2018 p. 12; UNICEF Somalia, *Child Protection Strategy Note 2018-2020*, 2018.

²⁰² Human Rights Watch, *'It's like we're always in a prison' Abuses against boys accused of National security offenses in Somalia*, February 2018 p. 2

²⁰³ Ibid.

²⁰⁴ In around December 2017, the ASWJ and the government of Galmudug entered into a deal by which the ASWJ officially became part of the Galmudug government. In practice, the movement, including militias, still exists. Confidential source, 28 January 2019; Garowe online, *Somalia: Galmudug, ASWJ leaders sign power sharing deal*, 6 December 2017.

²⁰⁵ US Department of State, *Trafficking in Persons Report 2018 - Country Narratives - Somalia*, 2018

In 2017, Al-Shabaab continued to use children for hostile actions such as planting explosives and carrying out attacks. Al-Shabaab also uses children for support services such as carrying ammunition, water and food, moving wounded and dead fighters, gathering information and performing guard duty. Al-Shabaab is also said to have enslaved an unknown number of girls and used them for sexual services. Al-Shabaab carried out attacks on schools, madrassas²⁰⁶ and mosques with the aim of recruitment. In rural areas of Galmudug, the terrorists forced pupils, some of whom were seven years old, to participate in Al-Shabaab-run madrassas. The children are given military training and indoctrinated there.²⁰⁷

Assistance to children

Humanitarian organisations have scaled up their assistance to children affected by the armed conflict. Between January and June 2018, the *UN Office for the Coordination of Humanitarian Affairs* (OCHA) reached over 4,300 children who were on their own or separated from their parents with various types of assistance, including tracing family members and reuniting the children with them, offering material assistance and counselling and the involvement of foster families for children on their own. During the same period, 415 children (89 girls and 326 boys), following their release by or rescue from armed forces or groups, were admitted to UNICEF-funded reintegration centres in the Banadir region, Hirshabelle, South West State and Puntland. Many children are at risk of remaining separated from their families for a long time because reunification is only possible if their original home is safe.²⁰⁸

Re-education

The detention of young people in institutions such as boarding schools and rehabilitation/re-education centres, but also prisons, at the request of families who wanted to keep their children under control, remained a problem. Young people are imprisoned in these places against their will and are at risk of abuse. This practice is particularly common with diaspora children. Families pay for their children to be locked up – for example if they have problems with substance abuse – as a treatment method due to the lack of other treatment options. Under pressure from families, judges sometimes cooperate in handing out convictions for behaviours that do not actually constitute criminal acts (for example, chewing qat or attempting to emigrate to Europe).²⁰⁹

2.4.6

Businessmen

For information about the position of businessmen, see 1.1.1.

²⁰⁶ A madrassa is a school where the Koran is taught.

²⁰⁷ US Department of State, *Trafficking in Persons Report 2018 - Country Narratives - Somalia*, 2018.

²⁰⁸ OCHA, *Humanitarian Bulletin Somalia*, July 2018.

²⁰⁹ US Department of State, *Country Reports on human rights practices for 2017, Somalia*, p.5 2018; Confidential source, 19 November 2018 Confidential source, 26 January 2019; Confidential source, 28 January 2019.

3 Refugees and displaced persons

As a country, Somalia is the fifth most common source of refugees worldwide. In 2017 the number was almost one million. Most Somali refugees (more than 800,000), are accommodated in the region (Kenya, Yemen, Ethiopia and Uganda).²¹⁰

Earlier reports stated that the security situation is determined not just by violence and conflict, but also by environmental factors such as food insecurity and drought. In recent years, hundreds of thousands of Somalis have fled to camps in neighbouring countries. A proportion of these were not fleeing, or not exclusively fleeing, from violence or persecution. This also applies to the current reporting period. The drought in 2016/2017 led to even more displaced persons. A famine was only just averted.²¹¹

In April 2018 there was a record level of rainfall. The rainy season (*Gu* in Somali) in June 2018 gave hope that water reserves could be substantially replenished and that arable land and livestock could recover. Food security is expected to improve in the areas most affected by the drought. The downside of the heavy rainfalls was that in some areas there were large-scale floods that in turn forced people from their homes. According to a report from the UNHCR, in the period from 1 January 2018 to 30 June 2018 alone, 274,000 people were driven from their homes by flooding.²¹² Despite the end of the long drought period, the food supply remains precarious, and more than 5 million people are still dependent on support.²¹³

Despite the worrying situation, thousands of Somalis returned to their birthplace or that of their parents or grandparents during the reporting period.²¹⁴

3.1 Flows of displaced persons and refugees

The total number of displaced persons in Somalia on 28 February 2018 was more than 2.6 million. In the period from January to September 2018, 760,000 people were displaced. Many of these were fleeing violence or insecurity. However, it was a combination of drought followed by flooding that proved to be a significant cause of displacement in 2018; many hundreds of thousands of Somalis left their original place of residence for these reasons. As has already been mentioned, almost 1 million Somalis were refugees outside national borders in 2017. Many Somali refugees and asylum seekers are staying in the neighbouring countries Ethiopia and Kenya (over 257,000 and 256,000 respectively). Yemen (more than 256,000) also accommodates a substantial proportion of this group. Other countries offering shelter are Uganda, Djibouti and Eritrea. The majority of refugees and asylum seekers come from the Banadir (22%), Gedo (21%), Lower Juba (18%) and Bay (14%) regions. Smaller numbers come from Middle Juba (8%), Bakool (4%) and

²¹⁰ UNHCR, *Global Trends, forced displacement in 2017*, 19 June 2018; UNHCR, *Operational update 1-30 September, 2018*; Confidential source, 22 November 2018.

²¹¹ OCHA, *Humanitarian Bulletin Somalia*, July 2018; Ministry of Foreign Affairs, *Country of Origin Information Report on South and Central Somalia*, October 2017 p. 66; Ministry of Foreign Affairs, *Country of Origin Information Report on Somalia*, 30 March 2016, p. 66; IOM, *Enabling a better understanding of migration flows (and its root causes) from Somalia towards Europe*, April 2017 p. 9; Confidential source, 22 November 2018.

²¹² UNHCR, *Factsheet, Somalia 1-30 June 2018*, 2018.

²¹³ OCHA, *Humanitarian Bulletin Somalia*, July 2018.

²¹⁴ Norwegian Refugee Council, *Nearly impossible to close down Dadaab*, 13 June 2018; UNHCR, *Yemen factsheet*, June 2018.

Lower Shabbelle (3%). The remaining 9% come from the other districts. Somali refugees and asylum seekers naturally also seek refuge in countries outside Africa. The numbers concerned are considerably lower.²¹⁵

According to a UNHCR report, there were more than 1,800 camps for displaced persons in Somalia in August 2018. Almost half (more than 800) of these camps were located in or near Mogadishu. Several hundred camps are also located in and around the cities of Baydhabba, Kismayo and Belet Weyne. Ninety-five percent of the camps are located in urban areas; the remaining five percent are in the countryside. According to a statement from the UNHCR, more than 1.6 million displaced persons could be reached in August 2018. Only 21% of the displaced persons' camps are planned; 79% of the camps arose spontaneously.²¹⁶

According to *UN Habitat*, the social, economic and spatial integration of displaced persons has proved largely impossible. There are various reasons for this. Displaced people are seen as outsiders by the communities where they are housed. In addition, they have no certainty about the use of the land they inhabit: the local authorities often offer temporary accommodation, and there is no prospect of more permanent residence. During the reporting period there were forced and unannounced evictions of displaced persons in Mogadishu. Somalia is one of the most urbanised countries in Africa, and displacement (many people flee the countryside) is an important factor in this.²¹⁷

Refugees from the region

Somalia also takes in refugees and asylum seekers from the region. According to UNHCR data, the number of registered persons on 31 August 2018 was nearly 32,000, half of whom were recognised as refugees and the other half registered as asylum seekers. This was 4,000 more people than in September 2017, when more than 27,000 people were registered. A large group of refugees (around 11,000) comes from Yemen. The majority of the asylum seekers in Somalia (more than 15,000) come from Ethiopia.²¹⁸ The rest come from Syria, Tanzania and Eritrea.

3.2 Reception in the region

Many Somalis are given refuge in the region. Below is an overview of the main countries where Somalis have sought refuge.

Kenya

According to UNHCR, there were more than 255,000 Somali refugees and asylum seekers in Kenya on 31 May 2018. The largest group of Somalis is at the Dadaab refugee camp.²¹⁹

²¹⁵ UNHCR, *Displacement of Somalis: Refugees, asylum-seekers and IDPs*, 31 May 2018, <https://data2.unhcr.org/en/documents/details/64394>; UNHCR, *Global Trends, forced displacements 2017*, p.73, 19 June 2018.

²¹⁶ It should be noted that the UNHCR overview concerns not just South and Central Somalia, but Puntland and Somaliland too. UNHCR CCCM Somalia, *Detailed Site Assessment*, July 2018, <https://data2.unhcr.org/en/documents/download/64414>

²¹⁷ UN Habitat, *Land and Conflict in Jubaland, Root Cause Analysis and recommendations*, May 2018; Amnesty International, *Somalia: Satellite imagery reveals devastation amid forced evictions of thousands who fled conflict and drought*, 19 January 2018; Confidential source, 19 November 2018.

²¹⁸ UNHCR, *Refugees and asylum-seekers statistical report with UNHCR*, 31 August 2018.

²¹⁹ UNHCR, *Registered Refugees and Asylum seekers Kenya*, 31 May 2018

The plans for Dadaab are unclear. An earlier attempt by the Kenyan authorities to close the camp was thwarted by a ruling by the Kenyan Supreme Court in February 2017, which overturned the Kenyan government's closure decision. The government's decision was found to be in violation of the constitution.²²⁰

In June 2017, the Kenyan parliament approved a new law for refugees making a more favourable environment possible for work and travel for refugees. However, the president did not approve the law and the proposal was returned to parliament. In the meantime, Kenya is part of the *Comprehensive Refugee Response Framework* (CRRF), the purpose of which is to find sustainable solutions for displacement, such as resettlement, integration or return. A CRRF pilot scheme was started at the end of 2017. Again, the Kenyan government does not seem to be at the forefront of actual implementation.²²¹

Ethiopia

More than 256,000 Somali refugees are in Ethiopia (as of July 2018). In 2017, almost 6,700 new refugees from Somalia arrived in Ethiopia. This was an increase compared to 2015 and 2016, when 5,665 and 3,093 Somalis were registered respectively. The number of refugees fell in the first part of 2018. The largest group of Somalis is in refugee camps. A small proportion lives in Addis Ababa (the so-called urban refugees).²²²

Yemen

There were more than 256,000 Somali refugees in Yemen on 31 May 2018, most of them in the southern part of the country. Partly due to the violence of the war, 2,000 Somalis have returned to their own country since the beginning of 2017. The UNHCR does not encourage refugees to return because there is no sustainable solution for them in Somalia, but they do support Somalis who want to return.²²³

3.3 Activities of international organisations

UN and NGO activities in Somalia

Several international organisations and NGOs were active in Somalia during the reporting period. These included UN organisations such as UNHCR, UNICEF, the *World Health Organisation* (WHO), the *Food and Agriculture Organization of the United Nations* (FAO), the *World Food Programme* (WFP), OCHA and UNODC, and international aid organisations such as the *Danish Refugee Council* (DRC), the International Committee of the Red Cross (ICRC)²²⁴/the Red Crescent, the International Organisation for Migration (IOM), Oxfam, *Save the Children*, the *International Rescue Committee* (IRC), CARE International, *Action contre La Faim* (ACF), *Islamic Relief Worldwide* (IRW), the *Norwegian Refugee Council* (NRC), the *International NGO Safety Organisation* (INSO) Somalia, *Mercy Corps* and the *Nordic International*

²²⁰ Norwegian Refugee Council, *Nearly impossible to close Dadaab*, 13 June 2018

²²¹ Norwegian Refugee Council, *Nearly impossible to close Dadaab*, 13 June 2018; Confidential source, 22 November 2018.

²²² UNHCR, *Briefing Note Ethiopia*, July 2018.

²²³ Voice of America, *UN Agencies Help More Somali Refugees Return From Yemen*, 7 August 2018; UNHCR, *Displacement of Somalis: Refugees, asylum-seekers and IDPs*, 31 May 2018.

²²⁴ The International Red Cross has restricted its activities in Somalia after doubts were raised about the safety and acceptance of the organisation on the ground. In March 2018, the ICRC lost a staff member as a result of a bombing incident near its office in Mogadishu, and in May 2018 a nurse working for the Red Cross was abducted. ICRC Blog Somalia, *Somalia: Back-to-back staff security incidents see ICRC scale back operations*, 26 July 2018.

Support Foundation(NIS). These organisations focus on providing humanitarian aid and stimulating and supporting capacity building and peace building.

UN OCHA maintains an overview of UN agencies and NGOs operating in Somalia. In September 2018, 328 such agencies and NGOs were active in Somalia. Many of them are represented in the Galkayo, Belet Weyne, Mogadishu/Benadir, Lower Shabelle and Kismayo regions.²²⁵

3.4 Repatriation

The profile of the returnee is a relevant consideration with regard to repatriation. This includes clan origin, social position, network and financial resources and the type of skills possessed.²²⁶

Little is known about the fate of those returning from the Gulf States. One source noted that their situation in a general sense is probably better than Somalis returning from war zones such as Yemen. Somalis returning from the Gulf States have earned money there and may be able to save up in order to facilitate their return.²²⁷

It is not known whether the authorities mistreated returnees during the reporting period.²²⁸ One source reports that returnees may be questioned at the airport by the authorities.²²⁹

UNHCR position on repatriation

An updated and unchanged UNHCR position on returning to South and Central Somalia was published in May 2016. This document followed the previously published position with regard to returning to South and Central Somalia from June 2014.²³⁰

UNHCR calls on countries to refrain from forcible repatriations to regions in South and Central Somalia which are either affected by military actions and/or the resulting displacements, or vulnerable and insecure following recent military actions, or under the complete or partial control of armed non-governmental groups.²³¹

With regard to voluntary and organised repatriation, UNHCR states that Somalis should be informed in as much detail as possible about the situation in their place of origin, with regard to security, governance and means of subsistence, so that they can make a well-considered decision on whether to return. Somalis who are considering returning to Somalia, but are unable to return to their place of origin due to

²²⁵ Many organisations are involved in food security (153), drinking water (106), food (87) and health (79). The overview states that the information will be updated regularly. See: OCHA, Somalia: *Operational Presence (3W) September 2018*, https://reliefweb.int/sites/reliefweb.int/files/resources/181020_3W_Operational_Presence_Somalia%20August.pdf, consulted on 14 November 2018.

²²⁶ Confidential source, 19 November 2018; Confidential source, 23 November 2018.

²²⁷ Confidential source, 19 November 2018; Confidential source, 21 November 2018.

²²⁸ Confidential source, 23 November 2018

²²⁹ Confidential source, 23 November 2018.

²³⁰ UNHCR, *UNHCR position on returns to Southern and Central Somalia*, p. 3-5, 17 June 2014 and update I, pp. 12, 13, 30 May 2016; Confidential source, 20 November 2018.

²³¹ UNHCR: *UNHCR position on returns to Southern and Central Somalia, Update I*, pp. 12-13, 30 May 2016.

lack of security or other negative developments should be provided with detailed information about the current situation in the location where they intend to settle. Those considering going to Mogadishu should be informed about the situation of displaced persons there, in terms of security, housing and livelihoods, as those returning to Mogadishu are likely to experience similar problems to those experienced by displaced persons already there. The same applies to Somalis wishing to return to cities in South and Central Somalia other than their original place of residence.²³²

In the above position statement, UNHCR argues that the tripartite agreement (between the Kenyan and Somali governments and UNHCR) on voluntary repatriation from Kenya to Somalia should not affect the assessment of whether asylum seekers from Somalia need international protection. UNHCR is an advocate of voluntary repatriation to Somalia from neighbouring countries or countries in the region, provided that those involved make a well-informed and voluntary decision. The organisation emphasises that the role it plays in supporting voluntary repatriation to Somalia and its involvement in taking measures for the sustainable reintegration of returnees and displaced persons in Somalia do not imply any assessment by UNHCR of the security situation and other conditions in Somalia for individuals who have applied for international protection.²³³

With regard to the categories of Somalis who are potentially eligible for refugee status and the presence of a domestic flight and settlement alternative in Somalia, the UNHCR document of May 2016 refers to a UNHCR document of 17 January 2014 (International Protection Considerations with Regard to People Fleeing South and Central Somalia). In this regard, the UNHCR position has been unchanged since January 2014. For the UNHCR position on potential risk categories, reference is therefore made to the Country of Origin Information report of December 2014. UNHCR took the position at that time that there was no real domestic flight or settlement alternative for returning asylum seekers from South and Central Somalia and forcible return to Mogadishu was also considered too dangerous. This position is unchanged. Similarly, for Somali asylum seekers who base their asylum application on fear of persecution or violence on the part of Al-Shabaab, protection by the government in Mogadishu is generally not available, although the city is under the control of government troops together with AMISOM troops. This applies in particular to Somalis who can be assumed to be on Al-Shabaab's list of wanted persons.²³⁴ Recent information confirms that in areas under government and/or AMISOM control, Al-Shabaab may still have considerable influence (see also 1.1.1).²³⁵

Practical barriers to repatriation

Several sources indicate that the repatriation process lacks a clearly defined and established procedure. There is uncertainty about which Somali government organisation is responsible for repatriation. On one occasion it may be the

²³² UNHCR: *UNHCR position on returns to Southern and Central Somalia, Update I*, pp. 12-13, 30 May 2016

²³³ UNHCR: *UNHCR position on returns to Southern and Central Somalia, Update I*, pp. 12-13, 30 May 2016

²³⁴ UNHCR: *International Protection Considerations with Regard to People Fleeing Southern and Central Somalia*, 17 January 2014; Ministry of Foreign Affairs, *Country of Origin Information Report on Somalia*, 2014, p. 71

²³⁵ Confidential source, 10 September 2018; Confidential source, 19 November 2018; Confidential Source, 23 November 2018.

immigration authorities, on another the Ministry of Interior Affairs and on still another the police. The absence of a *Memorandum of Understanding* does not help either. Repatriation tends to be a difficult process for this reason.²³⁶

Repatriation from neighbouring countries

Many Somalis returning from Kenya come from the Dadaab refugee camp; they often travel back over land, mainly to Kismayo. Since 2014 there has been a sharp rise in Somalis voluntarily returning from Kenya. In 2014 the figure was just 485, whereas by 2017 it was more than 35,000. A total of more than 80,000 Somalis returned from Kenya in the period from 2010 to September 2018. The basis for their repatriation is a tripartite agreement concluded in November 2013 between Somalia, Kenya and the UNHCR. The numbers appeared to have decreased in the first few months of 2018. In an interview, the director of the *Norwegian Refugee Council* (NRC) in Kenya and Tanzania notes that 'some residents of Dadaab were born in the camp and have never taken a step in the country from which their parents or grandparents fled'. He suggests that the reason that fewer Somalis are returning now is that most of those who wanted to return have already done so. Returning is a bigger step for the group of Somalis who arrived 30 years ago than for the group that arrived after the 2011 drought, according to the director of the NRC.²³⁷ Organised return transport is provided from Dadaab to the Somali border. After crossing the border, returning Somalis must arrange their own transport. When a convoy sets out, AMISOM is told that it is coming and informed of the numbers and the destination. The returnees are given a phone so that they can stay in touch. According to one source, security incidents rarely occur during the journey from the Somali border. An international observer has commented that Al-Shabaab does not attack buses if it knows that there are refugees on them.²³⁸ According to the *Danish Demining Group*, Al-Shabaab's terrorist attacks have so far not been aimed specifically at displaced persons' camps or other areas where returnees are likely to assemble, and it is unlikely that this will happen in the future, according to this source.²³⁹

UNHCR offers financial support to returning Somalis, among other things. Returnees receive a one-off payment of USD 200 shortly after arrival. In addition, they receive a monthly contribution of USD 200 per household for a period of six months. The WFP also provides a monthly contribution for the cost of food for six months. For education, a contribution to costs of USD 25 per month can be obtained during one school year. The sum of USD 1,000 is made available for accommodation under certain conditions.²⁴⁰

Many Somalis who return from the Dadaab refugee camp in Kenya to their home country end up in the city of Kismayo. In the long term, this may change the city's demographic composition, and thus influence the power position of the clans there. Few of the returnees were originally inhabitants of Kismayo. Most come from the Juba Valley, Dinsor (Bay region), or Gedo region. The mainly Digil-Mirifle and Bantu returnees join an existing population of Digil-Mirifle and Bantu in Kismayo. They now form a large IDP population living in more than 40 IDP camps, all of which are overcrowded slums with inadequate temporary dwellings. Most are expected to remain permanently in Kismayo instead of returning to the rural areas where they originally lived. According to a UN report, the existence of a large population of

²³⁶ Confidential source, 22 November 2018; Confidential source, 23 November 2018.

²³⁷ UNHCR, *Statistical summary*, as of 31 July 2018 <http://www.unhcr.org/ke/figures-at-a-glance>; Norwegian Refugee Council, *Nearly impossible to close down Dadaab*, 13 June 2018; Rawlence Ben, *City of Thorns*, 2016.

²³⁸ Confidential source, 20 November 2018; Confidential source, 23 November 2018.

²³⁹ Danish Demining Group, *Dadaab Returnee Conflict Assessment*, p.15, August 2017

²⁴⁰ UNHCR, *Operational update 1-30 September*, 2018.

Digil-Mirifle and Bantu who are packed together in IDP camps and treated as second-class citizens will be a dangerous underlying source of conflict in the long term. Dissatisfied youth are an easy target group for Al-Shabaab to recruit new supporters, according to *UN Habitat*.²⁴¹

Repatriation from the Netherlands

Repatriation from the Netherlands to Somalia takes place on both a voluntary and a forcible basis. In 2017, 11 people voluntarily returned to Somalia with the support of the IOM. In 2018 (up to the end of November), six people returned voluntarily.²⁴²

²⁴¹ UN Habitat, *Land and Conflict in Jubaland, Root Cause Analysis and recommendations*, p.42, May 2018; Danish Demining Group, *Dadaab, Returnee Conflict Assessment*, p. 27, August 2017

²⁴² IOM, Voluntary repatriation figures 2016-2018, <https://www.iom-nederland.nl/nl/vrijwillig-vertrek/cijfers-vrijwillige-terugkeer>, consulted on 12 December 2018.

4 Appendixes

4.1 Abbreviations used

AMISOM	African Union Mission in Somalia
ASWJ	Ahlu Sunna Wal Jama'a
BFA	Das Bundesamt für Fremdenwesen und Asyl
CID	Central Investigation Department
CISC	Council of Inter State Cooperation
CRRF	Comprehensive Refugee Response Framework
DRC	Danish Refugee Council
EASO	European Asylum and Support Office
FAO	Food and Agriculture Organization of the United Nations
GCC	Gulf Cooperation Council
GIA	Galmudug Interim Administration
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IED	Improvised explosive devices
ILO	International Labour Organisation
IND	Immigration and Naturalization Directorate
INSO	International NGO Safety Organisation
ISWA	Interim South-West Administration
NGO	non-governmental organisation
NIEC	National Independent Electoral Commission
NISA	National Intelligence and Security Agency
NRC	Norwegian Refugee Council
NUSOJ	Somalia's National Journalist Union
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
SEM	Das Staatssekretariat für Migration
SNA	Somalia National Army
SVB	Suicide Vehicle-borne
ToR	Terms of Reference
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime
UNSOM	United Nations Assistance Mission in Somalia
UAE	United Arab Emirates
UN	United Nations
WFP	World Food Programme
WHO	World Health Organisation

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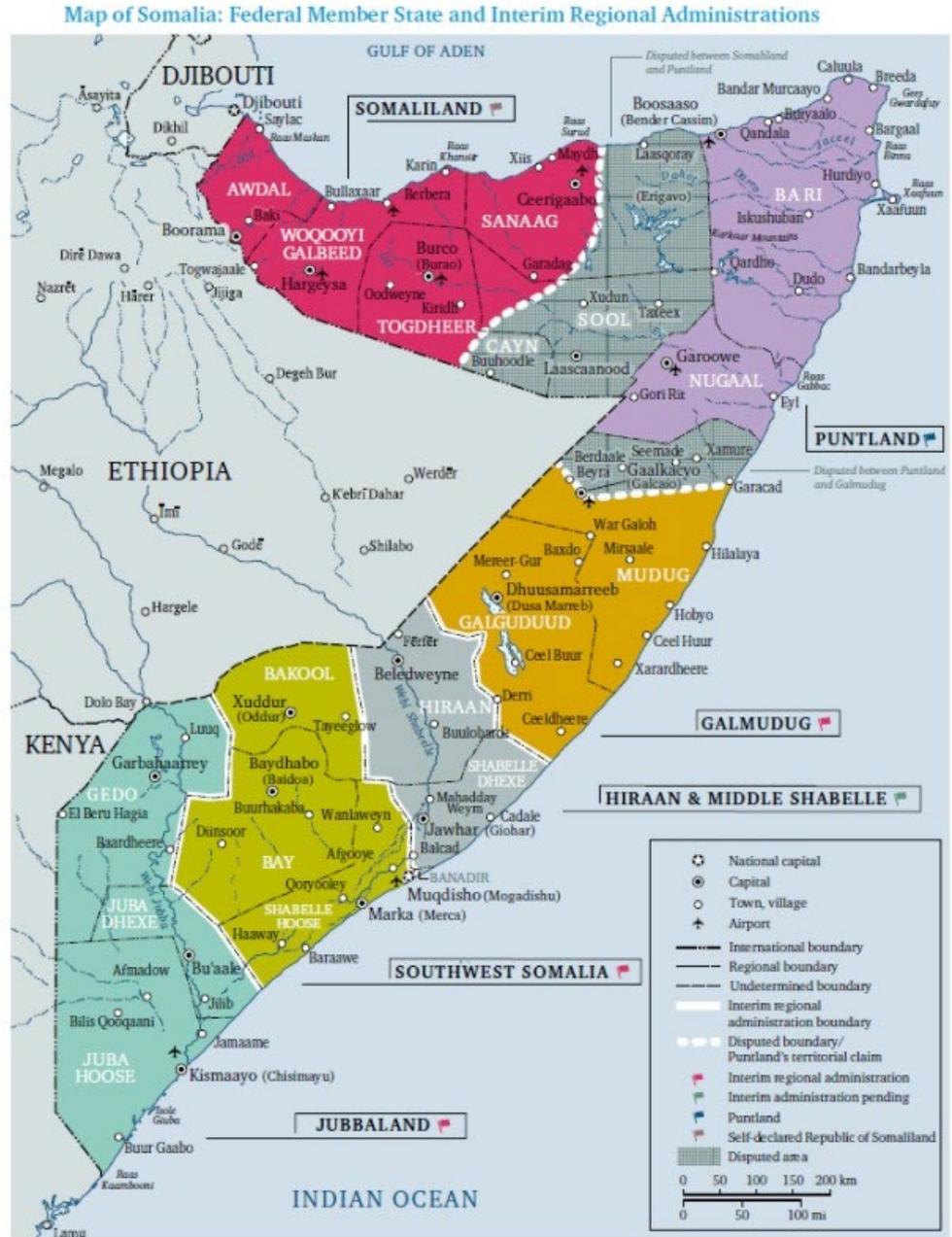
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The East African
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The Guardian
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The New York Times
Trouw
Twitter
UNSOM
Voice of America

4.3 Map of Somalia

Figure 5 Map of Somalia



4.4 ACLED methodology

ACLED provides information about the nature of violent incidents, the actors, the location, the course of events and the number of deaths. It relies on local media sources such as Shabelle Media Network, Garowe Online, Radio Al-Furqaan, Goobjoog, Alldhacdo and Radio Kulmiye, and on Al-Shabaab media such as Radio Andalus and Somalimemo. It should be noted that the data presented is not always accurate. In Al-Shabaab or front-line areas that are inaccessible for regular media reporting, there may be under-reporting, while in areas with an extensive media presence, over-reporting may occur.

The Norwegian organisation *LandInfo* also has some reservations about the use of ACLED data:

'A record in ACLED is not necessarily based on more than one source, and ACLED does not check information (ACLED, email 2015). This is problematic because Somali media and organisations sometimes provide conflicting information. Given the challenges of obtaining information and the fact that there is no adequate overview of violence in Somalia, *LandInfo* believes that the information from ACLED gives an *indication* of the number of fatalities in Mogadishu, of those responsible for violence and their victims. Although ACLED gives exact figures [...] the figures should be seen as estimates.' *LandInfo, Somalia: Violence, fatalities, perpetrators and victims in Mogadishu*, p. 6, 27 February 2017

In this report, following the above assessment by *LandInfo*, the ACLED data set is regarded as an estimate. Where possible, the information in the overview below is supplemented with other sources.

The general category 'all incidents' and the specific category 'violence against civilians' have been used in the report. However, this does not mean that all the casualties are necessarily civilians. In certain cases, soldiers or, for example, police officers or security personnel may also be victims of violence against civilians, just as civilians can be victims of attacks against military targets or other violent incidents. The following incident illustrates this. On 11 May 2018, in a village in Lower Shabelle, a probable total of five people were killed in a joint action by Somali and American troops. According to the Somali security service, the fatalities were three Al-Shabaab fighters. However, villagers including the family said that five people were killed, and that they were farmers, not fighters. The US Army is investigating the matter.²⁴³

For this overview, a selection has been made over two periods: the first from 1 January 2017 to 31 December 2017 and the second from 1 January 2018 to 31 December 2018. For both categories, 'all incidents' and 'violence against civilians', the number of incidents and the number of fatalities are stated. ACLED uses the incident or 'event' as its starting point. In addition, it distinguishes nine different types of incident. This report offers an overview of the whole of South and Central Somalia as well as details per member state. All nine types of incident mentioned above are included in the data set used. For the individual member states and Mogadishu/Banadir, the three incidents have been identified in which, according to the ACLED data sets, the number of fatalities was highest. The ACLED Codebook

²⁴³ Associated Press, *US military notes reports of civilians killed in Somali raid*, 11 May 2018; Somalia Newsroom, *Disputed reports of civilian casualties after joint U.S.-Somali raid*, 11 May 2018.

contains a detailed explanation of the methodology used by ACLED (including a summary of the nine types of incident).²⁴⁴

²⁴⁴ ACLED, *Armed Conflict Location & Event Data Project (ACLED) Codebook*, Version 8 (2017), https://www.acleddata.com/wp-content/uploads/2017/12/ACLED_Codebook_2017FINAL.pdf, consulted on 17 December 2018.