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### Technical assistance and capacity-building

## Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari

### *Summary*

Since presenting his ninth report to the Human Rights Council (A/HRC/21/61) in September 2012, the Independent Expert on the situation of human rights in Somalia has been working with the Federal Government of Somalia to develop a post-transition human rights road map for the country. Towards that end, he shared a first draft of the road map with the Government in early 2013.

The Independent Expert considered it expedient to focus the visit entirely on preparing the ground for the road map. This meant that the visit was limited primarily to Mogadishu, where he met with the President and his cabinet as well as with the African Union Mission in Somalia, United Nations agencies and members of civil society. He was thus unable to visit other parts of Somalia, including Puntland and Somaliland, as he usually does. He hopes to do that during his next trip to Somalia before the twenty-fourth session of the Human Rights Council.

Following his visit, the Government announced its decision to adopt a human rights road map, which was welcomed by the Human Rights Council at its twenty-third session, during which it took the decision to hold, at its twenty-fourth session, a stand-alone high-level interactive dialogue with the aim of exploring how all stakeholders can work effectively towards the finalization and implementation of the road map and the realization of human rights in Somalia (Council decision 23/114).

The present report contains a broad outline of the human rights issues proposed for consideration in the road map, together with short descriptions of each of them. The report concludes with an update on human rights violations and other important developments since the previous report, some personal reflections and some recommendations for the Government and other stakeholders.

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## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 20/21, in which the Council, *inter alia*, renewed the mandate of the Independent Expert on the situation of human rights in Somalia for one year, and requested him to report to the Council at its twenty-fourth session. The present report covers the period from September 2012 to July 2013.

2. The Independent Expert undertook his tenth field visit to Somalia and Kenya from 18 to 22 March 2013. He visited Nairobi and Mogadishu. With the support of a military convoy provided by the African Union Mission in Somalia (AMISOM), he was able to travel through Mogadishu to meet with members of the Government.

3. The objective of the visit was to consult with Somali stakeholders on the proposal he had submitted earlier to the Government about developing a post-transition human rights road map as part of the human rights agenda of the Government. The Independent Expert proposed that the content of the road map be drawn from 18 key thematic areas which he had identified in the exercise of his mandate over the last five years.

4. In Nairobi, the Independent Expert held meetings with the Human Rights Working Group of the European Union, represented by Belgium, Denmark, Italy and Switzerland. The Working Group briefed him on the findings of its December 2012 mission to Mogadishu, Somaliland and Puntland. The Independent Expert, in turn, briefed the Working Group on his efforts in supporting the Federal Government of Somalia in the development of a road map on human rights.

5. The Independent Expert received extensive briefings from United Nations agencies, in particular from the United Nations Political Office for Somalia (UNPOS). He learned that joint efforts were being deployed to encourage implementation of the human rights due diligence policy.

6. In Mogadishu, Hassan Sheikh Mohamud, the President of the Federal Government of Somalia, invited the Independent Expert to a working breakfast at the Presidential Palace; there, the Independent Expert formally introduced the proposed human rights road map to the President and informed him about the background to the proposal of developing such a road map. The objectives and expected outcome of the road map were discussed.

7. The President welcomed the Independent Expert's proposal of a human rights road map for Somalia and underlined his commitment to improving the human rights situation in the country. He stated that, as a person who had stayed in Somalia throughout the turbulent years, he had lived through the same experiences as ordinary Somalis. He therefore understood the challenges, needs and expectations of his people. He added that the majority of his cabinet colleagues came from civil society and, as such, they too understood the plight of the people and were dedicated to their well-being. He realized that the challenges were accentuated by the fact that State institutions were weak, corruption was rampant and impunity was total. There was thus a need to build genuine federal institutions to uphold the rule of law, good governance and respect of human rights and humanitarian law.

8. The Independent Expert also held wide-ranging discussions with Prime Minister Abdi Farah Shirdon. The latter assured him that a human rights-based approach would be adopted in the implementation of the "six-pillar policy" of the Federal Government. The Prime Minister expressed his belief that the proposed human rights road map would make a significant contribution to the national human rights agenda. He announced that a human rights directorate would be created within his office, tasked with the coordination, promotion and protection of human rights.

9. The Independent Expert met the Speaker of the Federal Parliament, Mohamed Osman Jawari, who considered that the proposed road map would be of great relevance to the work of the Parliamentary Human Rights Committee. The Independent Expert also made a courtesy call on Fawziya Yusuf Haji Adan, the Foreign Minister of Somalia, who briefed him on the diplomatic efforts of the Federal Government to return Somalia to normalcy, as a dynamic and respectful actor in the concert of nations.

10. The meeting with the Minister for the Interior and National Security, Abdirahman Hussein Guled, gave the Independent Expert insight into the measures taken by the Government to improve the security sector, the achievements of the Somali security forces with support from AMISOM, and the challenges posed by recurring Al-Shabaab attacks. The Minister for Justice, Ahmed Mukhtar Mohamud, briefed the Independent Expert on the ongoing consultations for the establishment of a national human rights commission.

11. The meeting with journalists and legal aid providers was, as usual, very informative and passionate. The Independent Expert learned, regrettably, that 18 journalists had been killed in 2012 and had been killed in 2013, and that both journalists and media workers continued to be targeted and killed, with total impunity for the perpetrators.

12. In addition to information on the proposed road map, the present report also contains a review of the human rights situation in Somalia based on information obtained by the Independent Expert during his talks with the interlocutors mentioned above. He also consulted recent publications and media reports, as well as reports of United Nations agencies and international and national non-governmental organizations (NGOs). He benefited from communications received from individuals drawing his attention to human rights concerns.

## **II. Proposed human rights road map**

### **A. Contextual background**

13. The idea of adopting a post-transition human rights road map for Somalia emerged from discussions the Independent Expert had with government officials and other stakeholders, including the United Nations and civil society, during his two trips to Somalia in 2012.

14. The Independent Expert followed up on these discussions and proposed to the Prime Minister the thematic issues that could be considered for the road map. He suggested that the Government hold consultations with citizen groups on the proposed thematic areas, prioritize issues requiring urgent attention, draw up a plan of action, delineate authorities responsible for implementing activities and provide a time frame within which it hoped to see most of those activities implemented.

### **B. Thematic areas**

15. The present section contains a short description of the human rights issues identified by the Independent Expert over the years and which require particular attention.

#### **1. Protection of civilians**

16. For more than two decades, protection of civilians in the context of continuing armed conflict has been one of the major concerns in Somalia. The lack of rule of law and the climate of insecurity and impunity created an environment in which human rights

violations were rampant. Lack of accountability mechanisms, arbitrary behaviour of authorities, and non-availability of redress, among others, compounded the problems.

17. Actions required would include, inter alia: opening/strengthening more police stations; training police on human rights standards; strengthening monitoring and investigation mechanisms; training security forces on human rights and humanitarian law; establishing a mechanism for monitoring the situation of civilians in areas of armed conflict, as well as a civilian casualty tracking mechanism; and raising the awareness of citizens regarding their rights.

## **2. Right to justice**

18. The justice sector has also been badly affected. The re-establishment of a legitimate justice system must thus be a priority for the Government. A specific and coordinated assessment of the justice and corrections sectors and the development of a nationally owned strategy for the re-establishment of a functioning judicial apparatus are essential.

19. Areas requiring attention include, inter alia, the prevalence of military courts with extensive adjudication of civilian cases by the military; poor access to justice in newly stabilized areas; formal court systems functioning with scarce resources; informal systems functioning without oversight and with no structured appeals to the formal justice systems; lack of judicial independence; vulnerability of the judiciary to political interference from the executive branch; and poor security for judges, lawyers and court personnel, with targeted assassinations of lawmakers and judges.

20. Actions required would include: training of justice personnel in the administration of justice and human rights; harmonization of the informal and customary practices (*Xeer*) with the formal State justice system and sharia; and development of a justice/legal reform strategy and action plan to harmonize the ordinary justice system with the military justice system, focusing on the primacy and independence of judiciary and clarifying the scope of jurisdiction of the civilian and military courts in accordance with international standards.

## **3. Women's rights**

21. Discrimination and inequality on the basis of sex, which are generally widespread in Somalia, have been further accentuated over the years. Violence against women has occurred on a daily basis, in the family or as a result of the conflict, for example during cordon and search operations, and in camps for internally displaced persons (IDPs). Women and young girls face double victimization because, after being violated, they often have no effective justice and support system to turn to. Female genital mutilation remains a perennial problem. There is a need for measures to deal with gender parity issues, including in the field of education and in the labour market.

## **4. Children's rights**

22. The situation of children has been more particularly affected by the armed conflict. Rape and other grave sexual violence against children have been a major protection concern. Impunity for perpetrators of crimes against children, including sexual violence, and the recruitment of children into fighting forces are, among others, matters of most serious concern.

23. Internally displaced children, children from minority groups, the very poor, orphans, children with special needs, working children, children living on the streets, child combatants and children in conflict with the law are all in special need of protection. In most of these categories, girls are especially disadvantaged.

24. As children and young people have had little opportunity for formal education, or have had their education interrupted during the course of the armed conflicts, they have been frequently exposed to violence, risk of HIV/AIDS and drug abuse. These challenges, coupled with unemployment, have heightened the overall vulnerability of young people to different forms of violence and exploitation and increased their involvement in criminal activities, including piracy and armed conflict, in their search for alternative livelihoods.

#### **5. Freedom of expression**

25. Democratic freedoms, including freedom of opinion and expression, became restricted throughout Somalia. In such a repressive environment, all parties, State or non-State, sought to control and restrict the scope of freedom of opinion and expression on grounds that ranged from protection of national interests and State security to public morality, among others. This affected the work of journalists, who were subjected to harassment, intimidation, unlawful or arbitrary arrest and detention at the hands of both Government authorities and/or militia groups. Journalists regularly received threats to life or were assassinated because of their work and the information they disseminated. Censorship was prevalent: radio stations were sometimes forcefully closed, compelled to broadcast programmes in support of militia groups or taken off the air, and sometimes their frequencies were interrupted.

#### **6. Minority rights**

26. Somalia has been ranked as one of the top countries in which minorities are most at risk. During outbreaks of fighting, it is the minorities who suffer most. They fall outside the clan structure, and therefore outside its umbrella of protection. They are also vulnerable to increased risk of rape, attack, abduction and having their property seized by criminals in an increased atmosphere of lawlessness.

27. The situation of minority women in IDP camps has been especially grave due to the heightened threat of rape and sexual violence. Victims of rape in IDP camps are generally of minority clan origin, bereft of clan protection and often forced to engage in risky coping mechanisms. Because of their distinct ethnic identity, some minorities have suffered religious persecution and systematic confiscation of their lands and properties.

#### **7. Rights of returning refugees and internally displaced persons**

28. As a result of violence related to armed conflict, as well as drought, inflation and rising food prices, many Somalis have been forced to leave their homes in search of refuge elsewhere. Some have taken shelter inside the country as IDPs and others have gone abroad as refugees. Special provisions will be needed for their return and rehabilitation.

#### **8. Rights of prisoners and detainees**

29. Like many other institutions, prisons and detention facilities have been severely affected by the conflict. Most detention facilities are dilapidated, which affects the basic human rights of the inmates. The lack of an adequate number of properly trained corrections personnel has added to the problem. The living conditions of prisoners and detainees fall well below the standards identified in international human rights law and in the laws of Somalia.

30. There is no clear separation of individuals sentenced by military courts and those sentenced by civilian courts. The same applies to those sentenced or tried on charges of national security offences and those sentenced or tried for common crimes. This poses serious concerns in terms of both internal security and rehabilitation of prisoners. In practice, there is no separation of adults and juveniles in detention, despite this being

expressly required by law. There is a clear need to bring the conditions of detainees in Somalia up to the minimum international standards.

**9. Rights of disengaged fighters and persons associated with armed conflict**

31. Many of those deserting from warring factions, surrendering to Government forces or escaping from the war voluntarily often find themselves in difficulties as a result of distrust and doubts about their past activities. They often face obstacles verging on violations of their basic human rights. Their situation needs to be dealt with properly under human rights principles.

32. The Government has developed a draft national programme for the treatment and handling of disengaged combatants and youth at risk in Somalia. However, their practical situation calls for immediate action, pending consideration and development of a State policy and legal framework. It is equally important that all parties comply with the observance of human rights and humanitarian law, and ensure that protection at the front line of disengagement is not put aside until a formal policy/legal framework has been worked out.

**10. Right to food**

33. Severe and recurring drought conditions exacerbated by conflict have resulted in severe food insecurity for Somalis. Images of skeletal children holding the hands of their helpless parents standing in the queue for food aid still haunt the world. The Government must assume leadership to ensure that this does not happen again and that all the necessary measures are in place to deal with the situation.

**11. Right to health**

34. Years of war and institutional decline have resulted in a very poor health situation in Somalia. The population is largely destitute and almost totally dependent on remittances and international aid flows, and has limited access to the health system. The need to repair the dilapidated infrastructure, build new structures, equip them properly, and have doctors, nurses and other support staff properly trained throughout the country cannot be overemphasized.

**12. Right to education**

35. Somalia has one of the lowest enrolment ratios in primary education in the world. Persistent insecurity, economic collapse and lack of governance, especially in the southern regions, have greatly hampered the development of the education sector. Almost two generations of Somali children have been denied the benefit of formal education. Special attention is required to promote the right to education for all. New schools and institutions of higher education will have to be opened and damaged ones rebuilt.

**13. Right to work and livelihood**

36. The unemployment rate for youth in Somalia is one of the highest in the world. Women experience higher unemployment than men. The majority of unpaid family workers are young women who are mostly forced to take up traditional occupations due to entrenched traditional gender roles. A higher labour force participation rate for youth further reflects lost opportunities for many who might otherwise attend school and acquire skills and education that could raise their future productivity and potential earnings. Youth aged 14 to 29 face challenges hampering their transition from school to the labour market. The proportion of youth who neither work nor go to school increase with age. This jobless

or discouraged group is the most disadvantaged and most vulnerable to risky and criminal behaviour.

**14. Access to clean water and sanitation:**

37. Lack of access to clean water and sanitation has been a perennial problem for Somalia. Poor hygiene due to inadequate access to water and sanitation exposes people to increased risks of diseases. The Human Rights Council has recommended the development of national and/or local plans of action to address the lack of access to sanitation in a comprehensive way with the full, free and meaningful participation of local communities in the design, implementation and monitoring of such plans (see, for example, Human Rights Council resolution 18/1).

38. Water collection duties and lack of adequate or appropriate sanitation facilities keep girls out of school, and water-related diseases, such as diarrhoea, result in huge losses of school days each year. For many women and girls, inadequate sanitation implies a loss of dignity and represents a source of insecurity. Water collection responsibilities and the time spent caring for relatives afflicted by waterborne diseases diminish women's opportunities to engage in productive activities.

**15. Other issues requiring attention in the road map**

39. In addition to the above, there are of course other important human rights issues that require attention. Foremost among these is the subject of impunity for serious crimes related to human rights and humanitarian law, on which the Independent Expert has expressed his concern in most of his previous reports. The Government's vision on how it wishes to deal with this burning issue could also figure in the road map. Among ideas that have been floated in past years is the establishment of an appropriate mechanism to document and map serious international crimes committed in Somalia and recommend measures to improve accountability.

### **III. Developments in the field of human rights**

40. During the reporting period, the cessation of armed conflict in Mogadishu was accompanied by the opening of new military fronts in south-central Somalia, which transferred control over the main towns and regional capitals from Al-Shabaab to the Federal Government of Somalia. The changed scenario has resulted in the emergence of new protection concerns for civilians. Before the withdrawal of Al-Shabaab from Mogadishu in August 2011, the major concern was civilians caught in crossfire; the new environment has resulted in displacement due to military operations, increased incidents of sexual violence against women as well as sexual exploitation and abuse, conflict-related detention, targeted assassinations, unlawful killings and the use of improvised explosive devices.

**A. Protection of civilians and the right to life and physical integrity**

41. The protection of civilians in Somalia involves protecting them against harmful acts committed by all parties to the conflict, including pro-Government forces, Somali security forces and Al-Shabaab. These include targeted killings of journalists, sexual violence, use of children in armed conflict, and conflict-related detention.

## 1. Pro-Government forces and protection of civilians.

42. The Independent Expert is aware that in recent years, pro-Government forces, and AMISOM in particular, have placed increased attention on minimizing civilian casualties, in particular through updated policies, tactical directives and training of troops. AMISOM adopted an indirect fire policy in 2011. Through its rules of engagement and its standard operating procedures, AMISOM mandates that its troops exercise the highest level of professionalism in order to minimize the risk of harming civilians even under imminent danger from insurgents' mortar attacks. However, available reports indicate that civilian casualties have continued, resulting mostly from aerial attacks, as well as naval and ground engagement, by pro-Government forces, including international forces. There is no mechanism to determine the number of civilian deaths attributable to pro-Government forces.

43. Examples of civilian casualties allegedly caused by pro-Government forces include the following received from various sources. They are cited here to provide a general picture of the nature of the incidents:

(a) On 12 April, the Ethiopian National Defence Force (ENDF) allegedly shot and killed a man and injured three others in a mosque in the Kooshing neighbourhood area east of Beledweyne, in the Hiraaan region. ENDF claimed that it reacted in self-defence;

(b) On 26 March, a 17-year-old secondary-school girl was killed by a Somalia National Armed Forces (SNAF) element in the Singale village area in Hodan District, Mogadishu. According to a report, the victim was shot after she refused orders by the perpetrator to remove her veil and uncover her face. The SNAF element was immediately arrested by another SNAF officer and is currently in custody;

(c) On 1 April, two women were killed and another injured by SNAF uniformed armed elements in Hodan District. The killings took place when the SNAF elements fired at a minibus carrying khat in an attempt to rob the merchandise;

(d) On 2 April, according to media sources corroborated by the UNPOS Human Rights Unit, SNAF elements stormed a café in the local market of Belet Hawo, in the Gedo region, and captured two men who were taken to a police station where they were allegedly shot dead. The bullets also killed a student who was walking nearby;

(e) On 7 March, it was reported that at least one man was killed and three others injured in Calanlay village in Kismayo after a SNAF soldier opened fire at a khat market that he was going to rob. The perpetrator later escaped the scene;

(f) Media reports indicate that on 22 April, SNAF allegedly killed at least two civilians in Garasweyne (50 km west of Hudur), in the Bakool region. A local organization reported to the UNPOS Human Rights Unit that both victims were allegedly Al-Shabaab militants.

## 2. Al-Shabaab and extrajudicial killings.

44. Al-Shabaab increased the use of victim-activated (pressure plate) improvised explosive devices. Moreover, it continued to perpetrate suicide attacks, beheadings and summary and extrajudicial killings, including the following:

(a) On 19 June 2013, nine assailants, including two suicide attackers, targeted the premises of the United Nations common compound in Mogadishu. All nine assailants died. One international staff member of the United Nations Development Programme and three United Nations contractors were also killed, as were four Somali guards. Some civilians were also killed and many others injured. The United Nations common compound

premises sustained serious damage and are considered unsuitable for continued operations in the immediate term;

(b) On 19 March, the Human Rights Unit received reports from reliable sources in Baidoa and Elbarde that Al-Shabaab killed and beheaded Sheikh Abdirahman Moalim Warsame, the spiritual leader of Hudur. The Sheikh was abducted from his house around midnight and his beheaded body was found the following day;

(c) On 8 April, Al-Shabaab reportedly executed a young woman by firing squad for allegedly spying for the United States of America and the Government of Somalia in the Bulo Burte district (200 km north of Mogadishu). Eyewitness accounts confirmed that the woman was tied to a pole and executed in the early morning in front of a large crowd after being “tried” and “sentenced” to death by an Al-Shabaab “court”;

(d) On 14 April, nine Al-Shabaab operatives launched a sustained assault on the main court complex in the Banadir district of Mogadishu. The assailants took more than 30 hostages and engaged in extended gun battle with the Somali national security forces. The number of fatalities was reported at 32 but did not include the deaths of security personnel. Figures of the United Nations Development Programme point to 56 deaths and many more injured;

(e) On 5 May 2013, local media reported that at least 8 civilians were killed and 15 injured after a suicide car bomber rammed into a convoy carrying a Qatari delegation in Mogadishu. It was not clear if the target was the delegation or the Minister for the Interior and National Security, in whose armoured vehicle the delegation was travelling. Al-Shabaab claimed responsibility for the attack and threatened more.

### **3. Personnel-borne improvised explosive devices**

45. Al-Shabaab has reportedly often used personnel-borne improvised explosive devices on non-military objects. On 13 September 2012, three suicide bombers attempted an attack against the newly elected President at the Jazeera Palace Hotel in Mogadishu. Ali Mohamud Rage, the spokesman for Al-Shabaab, claimed responsibility for the attack.

46. In addition to targeted killings, Al-Shabaab is reported to have continued its campaign of intimidation through roadblocks, and delivery of threatening letters and calls to civilians working for or viewed as supportive of the Government, international military forces and the United Nations. In some cases these threats caused individuals to leave their homes and jobs.

### **4. Killings targeting various categories of society, including government officials, Members of Parliament and journalists**

47. Targeted killings of civilians continued in Mogadishu. According to a Department of Safety and Security report, a total of 174 targeted assassinations took place between September and December 2012. Of those, 63 took place in Mogadishu, with 26 likely to be Al-Shabaab related.

48. Politicians are also targeted often. For example, on 22 September 2012, Mustafa Haji Mohamed, a Member of Parliament, was shot dead while leaving a mosque in Mogadishu. Al-Shabaab has publicly announced that members of the new Parliament are lawful targets. It has reportedly executed individuals perceived to be supportive of the Federal Government or AMISOM, often on suspicion of “spying”. Killings in such cases were carried out through public executions that followed public court hearings.

## **B. Sexual violence**

49. During the reporting period, the expansion of service provision for survivors of sexual violence to urban areas and Mogadishu in particular has permitted the UNPOS Human Rights Unit to consolidate its data collection. The data for 2012 confirm the existence of a significant pattern of sexual violence, identified already in 2011. In Mogadishu and surrounding areas, between January and November 2012, United Nations partners and service providers registered over 1,700 rape cases.

50. Almost one third of the recorded incidents were against children, including a few reported cases of sexual violence against boys. The majority of the victims of sexual violence documented by protection partners were women and girls who live in IDP camps. Most of the reported incidents took place at night while the victims slept in their huts. In some cases, it is reported that victims were subjected to multiple acts of sexual violence.

51. The perpetrators reportedly include members of organized armed groups and the Somali security forces, as well as police. However, in most cases survivors are unable to link the perpetrator to a specific armed group or security branch, or were afraid to do so for fear of retaliation. The problem of identifying perpetrators is exacerbated by the fact that military uniforms are available in the market for anyone to buy. In addition, members of the Somali security forces are reported to often operate as private security providers while off duty, because salaries are inadequate or not regularly paid. The majority of these types of attacks are carried out with automatic weapons, reaffirming the high risk for women and the urgent need for disarmament and an arms control mechanism.

52. In a well-publicized case, on 10 January 2013, in Mogadishu, the Central Investigation Department (CID) of the Somali police arrested a woman who claimed to have been raped by government forces few months earlier. They also detained two acquaintances, who had put the woman in contact with journalists. During interrogations, the head of CID allegedly compelled the woman to hand over the telephone numbers of journalists who had interviewed her. The police then called the journalist who had interviewed her and ordered him to come to their offices, which he did. The CID interrogation of the journalist apparently focused on his alleged involvement in the production of two reports on the case aired on Al-Jazeera and Universal TV. The accused however claimed that he had not reported on the case to any media nor did he interview the woman until two days after the airing of that news coverage. On 3 March, the Appeals Court in Mogadishu ordered the release of the alleged rape victim, who had previously been sentenced by the Regional Court to a one-year prison term. The charges against the journalist were also withdrawn.

53. It was reported to the UNPOS Human Rights Unit that on 9 January 2013, SNAF soldiers allegedly raped two young women in KM50 village, in the Afgoye district. According to Human Rights Unit sources, the soldiers stopped a small minibus, from which the two women, aged 19 and 21, were taken away into the forest to be raped while other soldiers robbed the remaining passengers. The Women and Child Care Organization reported that another woman, aged 40, was raped on the same day by SNAF elements in Afgoye. No perpetrators have been apprehended in relation to either incident. The Governor of the Lower Shabelle region spoke to the media, condemning the incidents and accusing SNAF.

54. Reportedly, only a small fraction of such crimes are prosecuted through the formal legal system. Between January and November 2012, the Military Court reportedly opened only 13 cases against members of the Somali security forces (two against members of the National Security Authority, one against a member of the Somalia Police Force, three against militia members and the remaining against members of SNAF). According to the most recent Human Rights Monitoring Reports, three cases had resulted in the acquittal of

the defendant and one in the imposition of the death penalty; nine cases were pending. Prosecution through the ordinary criminal justice system is also limited. While official police and court data are not available, data informally acquired by the Human Rights Unit from the Somali police indicate that about 100 rape cases were opened in Mogadishu between January and November 2012.

55. Reports of sexual exploitation and abuse of Somali women by AMISOM troops were also received during this period. The Independent Expert learned that the United Nations in Somalia was in the process of publishing a report on violence against women in Somalia that includes testimonies of women who are familiar with the pattern of sexual exploitation by AMISOM troops, in which sex is exchanged for food or money.

### **C. Grave violations committed against children in armed conflict**

56. As previously reported by the Independent Expert, all parties to the conflict in Somalia systematically recruit and use children for military and other purposes, through different strategies. In 2012, the Transitional Federal Government signed a plan of action with the United Nations, committing to end the recruitment and use of children, in response to the conclusions made by the Working Group of the Security Council on Children and Armed Conflict. The ongoing recruitment signals the urgent need to prioritize the implementation of the plan of action by the Government. The Government-allied militia, Ahlu Sunnah Wal Jama'a (ASWJ), was reportedly responsible for 51 cases of recruitment and use of children

57. Documented reports on abductions by parties to the conflict in Somalia indicate a 12-fold increase. The majority of these cases were allegedly perpetrated by Al-Shabaab (780) and the SNAF and allied militia (720). The reports received indicated that Al-Shabaab abducted children mainly from schools, playing fields and public halls where football matches are screened, for the purposes of recruitment and sexual violence, while SNAF abductions came after security operations meant to "flush out" anti-Government elements.

58. The Independent Expert has learned that in 2012 the United Nations verified 748 cases of killings and maiming of children. The majority of the killings were allegedly perpetrated by unknown armed groups (111), followed by Al-Shabaab (94) and the Government security forces (70).

59. During the same period, a total of 213 cases of sexual violence were documented, mainly in central and southern Somalia (3 boys and 210 girls). The majority of these violations were allegedly committed by the SNAF (119), followed by Al-Shabaab and unknown armed groups (43 each).

60. Although security challenges and lack of access to large areas of Somalia make it impossible to determine the exact number of schools and hospitals attacked by parties to the conflict, reports received by the United Nations indicate that there have been a total of 84 incidents (72 attacks on schools and 12 attacks on hospitals). Most of the cases were allegedly perpetrated by Al-Shabaab (51), followed by the SNAF (14) and the Ethiopian Armed Forces (6). According to the report, Al-Shabaab was responsible for 11 of the 12 attacks on hospitals that were reported and verified in 2012.

### **D. Conflict-related detention**

61. In 2012 and 2013 a significant increase in the number of Al-Shabaab fighters captured in combat, as well as fighters who voluntarily surrendered to Transitional Federal

Government/AMISOM forces, was reported. While the number of fighters directly managed by the National Security Agency is unknown, reliable sources informally reported to the United Nations that approximately 2,000 fighters had been captured or had surrendered. After reception, AMISOM transfers such fighters to the National Security Agency for further proceedings.

62. In September 2012, over 280 ex-combatants were held in Masla, under National Security Agency/AMISOM custody. The legal status of such subjects was unclear, despite requests for clarification sent by UNPOS to AMISOM and to the Somali security forces. However, there are grounds to believe that this may amount to administrative detention. As all forms of detention, internment must be based on grounds established by the law and on procedures established by law; this does not currently seem to be the case.

## **IV. Other developments during the reporting period**

### **A. Developments in the security and humanitarian sectors**

63. The end of the Transitional Federal Government and its replacement in late 2012 by a Government that, although not chosen through a fully democratic process, is much more representative and popular than all previous governments; the establishment of a Parliament more representative and popular than before; the expansion of AMISOM/Somali security forces control over Mogadishu and most of the south-central region; and the dissolution of UNPOS and its replacement by the United Nations Assistance Mission in Somalia (UNSOM) under Security Council resolution 2012 (2013) of 2 May 2013 with a revamped protection mandate were among the most important developments during the reporting period.

64. On the military/security side, since the withdrawal of Al-Shabaab from Mogadishu in August 2011, the SNAF, with support of AMISOM and Kenyan and Ethiopian forces, has considerably changed the military context. The main cities in south-central Somalia, such as the strategic port city of Kismayo, Baidoa, Afgoye, Marka, Beledweyne, Jowhar and Hudur, among others, were recaptured. However, the recent Al-Shabaab takeover of Hudur and the devastating attacks against the regional court of Mogadishu, on 14 April, and on the United Nations common compound, on 19 June 2013, are reminders that the improvements will have to be consolidated and that insurgent groups are still capable of grave harm.

65. On 17 March, the AMISOM Force Commander confirmed the reoccupation of the key southern town of Hudur by Al-Shabaab fighters, following the announced withdrawal of the Ethiopian National Defence Force on 16 March. The sudden withdrawal of the Ethiopian National Defence Force from an area that it had been in control of since 2011 exposed the civilian population to Al-Shabaab. The latter's recapture of Hudur led to the displacement of some 2,500 people, raising the overall level of those in urgent humanitarian need in that location to almost 6,000.

66. A more recent and critical development is the arrest and detention in Mogadishu of Sheikh Hassan Aweys, a prominent leader of Al-Shabaab, in early July 2013. It has the potential to influence other important developments in the political sphere.

67. In Kismayo, new clashes took place between two clans in June 2013. According to reports, the number of the victims of the fighting in Kismayo increased in early June to more than 70 dead and 200 wounded, with many victims among the civilian population. The controversy surrounding the role of AMISOM and the Kenya Defence Forces in the last round of fighting is ongoing. The deployment of African Union/United Nations

observers is being planned to monitor the situation and protect the civilians. Many voices in the Government of Somalia are calling for the withdrawal of the Kenya Defence Forces.

68. On the humanitarian side, the first multi-year Consolidated Appeal for Somalia (2013-2014) was launched. The Independent Expert is concerned that, as at 22 April 2013, out of a total appeal of US\$1.3 billion only about \$184 million (14 per cent of requirements) had been received. The multi-year Consolidated Appeal is aimed at enhancing the resilience of vulnerable people to withstand future shocks, and resource mobilization is particularly critical this year (2013) to allow for the necessary programming. The recent gains remain fragile and reversible.

69. In early 2013, the Government announced its plans to relocate all IDPs in Mogadishu to three new sites in the outskirts of the city. It has recently confirmed that IDPs would be permitted to stay there for two to three years. The Mogadishu relocation task force is reported to have finalized plans for mine clearing, surveying and preparation of the envisaged sites.

70. The Federal Minister for Human Development and Public Services, Mariam Qasim, and the United Nations Children's Fund (UNICEF) have launched the Go-2-School Initiative (2013-2016): Educating for Resilience. One million children and youth who are currently out of school are to be enrolled between 2013 and 2014. A number of key donors have already underwritten the initiative, but additional donor support and funding from the new Global Partnership for Education (GPE) are crucial.

71. On 11 July 2013, the Somali Cabinet passed a draft media law for consideration by the Parliament. While this is a welcome development, the immediate reaction of the National Union of Somali Journalists and others is that the draft law contains a number of articles that would restrict freedom of opinion and expression and hamper the independence of the media. The Independent Expert, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, has expressed grave concern about the proposed legislation in a joint letter to the Federal Government, fearing that it might lead to extreme repression of the right to freedom of expression and media rights.

72. Numerous attempted and actual assassinations of journalists continued to be carried out in Somalia during the reporting period. To date in 2013, 5 journalists had been killed; in 2012, 18 journalists/media workers were assassinated, although none of these cases resulted in the prosecution of suspects.

## **B. Developments in Puntland and Somaliland**

73. Compared to the south-central region and despite the tense situation in the regions of Sool and Sanaag, there are clear signs in Somaliland and Puntland of social and economic progress, with expectations of a brighter future emerging from ongoing oil explorations. However, political conflict, security concerns and the fight against terrorism are having a negative impact on some basic human rights, including the rights to justice and to freedom of expression and of the media.

74. In Puntland, the endorsement by the Parliament of the request for a one-year extension of the Government made by President Abdirahman Farole, which took effect on 8 January 2013, caused further tension between the ruling party and the opposition. The opposition continues to simmer and the 61-member Puntland Salvation Council established by the opposition has made the situation in Puntland fragile and unpredictable.

75. In May 2013, more than 600 soldiers of the Darawish forces employed by the government of Puntland abandoned their positions in the Golis mountain range (where they

were battling Al-Shabaab), due to non-payment of wages. An agreement was reached after the government promised to pay outstanding salaries, but the forces insisted that work would resume only after payment of wages. The protest by the custodial corps, which took control of Bossaso Central Prison because they had not received wages for four months, was another manifestation of difficulties encountered by the authorities.

76. On 6 May 2013, the Independent Expert wrote a letter to President Farole condemning the execution of 13 civilians by the government of Puntland and enquiring whether the military courts genuinely afforded the suspects full fair trial guarantees as stipulated in article 14 of the International Covenant on Civil and Political Rights. The President responded by saying that due process had been respected. On 22 May, a military court in Puntland sentenced to death a further seven persons who had been accused of murder or of being Al-Shabaab members. Five of the accused were sentenced in absentia.

77. On 17 July, six persons charged with the murder of Sheikh Abdikadir Nur Farah and other officials who were killed in Garowe at different times were found guilty and sentenced to death by a military court; the sentence was later confirmed by the court of appeal of Puntland. On 23 July, two of those convicted, namely, Abdirahman Jama Bile and Abdillahi Osman Ahmed, were executed. The UNPOS Human Rights Unit was not able to monitor the trial due to lack of access to the military court.

78. On 13 July 2013, shortly after leaving the Al Towba mosque in the village of Israac, in Gaalkacyo, Abdi Farah Dheere, deputy chair of the NGO Peace and Human Rights Network (PHRN/INXA) in Puntland was shot dead by two unidentified men. It is reported that the two assailants were waiting for Mr. Dheere outside the mosque and fled the scene after the killing. Reportedly, no suspects have been arrested.

79. In Somaliland, an important development was the signing by the government of Somaliland of an agreement with the Federal Government of Somalia in April 2013, following talks held at the presidential level in Ankara. The talks, which were mediated by the Government of Turkey, resulted in a joint communiqué that, among other things, enjoined the parties to continue with further talks and meet again in Turkey within three months. On the political front, the Somaliland Parliament passed a bill extending its tenure for two more years until 2015, making it the second time such an extension was made, the first being in 2010.

80. In April, there was increased tension and a deterioration of the human rights situation in Ainabo (100 km from Burao), resulting from fighting between the Habar Jeelo (major) clan and subclans following oil exploration activities in the area. It followed allegations that oil companies had awarded contracts to pro-Government groups instead of to the people whose land was being exploited. The affected clans mobilized, resulting in fighting. In the ensuing conflict, a group is reported to have broken into the prison and released two suspects who had been arrested and detained earlier; the group is also reported to have killed the regional intelligence officer, a member of the custodial corps and two policemen. The Government is reported to have sent to the area a high-powered delegation, comprising ministers, Members of Parliament and key personalities, for talks in order to calm the situation.

81. On 1 April, the Somaliland Military Court of Appeal ruled on the appeal case brought before it by 22 civilians who had been sentenced to death and life imprisonment by the Military Court of Hargeisa. The Court used article 221 of the Somali Penal Code to qualify the incident as an “armed insurrection against the power of the State” and to assert its jurisdiction over civilians during peacetime. The Court however reduced the sentences handed out in the first instance: death sentences were reduced to 20-year prison terms, and life sentences were reduced to 15-year prison terms. This ruling came after criticisms were raised about the trial of civilians by a military court.

82. On 20 March, after five weeks of pretrial detention, the regional court in Hargeisa found Rabi Youssuf Abdillahi, a prominent Somaliland traditional leader, guilty of high treason under article 212 of the Somali Penal Code and sentenced him to a two-year prison term. The Court retained the charge of high treason against Mr. Abdillahi due to his alleged participation in a number of conferences, meetings and political rallies with Somali authorities (including the Transitional Federal Government) in Mogadishu that the Court considered to be “illegal conferences against Somaliland’s sovereignty”.

83. Between November 2012 and July 2013, the Human Rights Unit has monitored several arrests of politicians, businessmen and community leaders who returned to Somaliland from Mogadishu. In most cases they were arrested and detained for a few days before being released without charges. Mr. Abdillahi was the first to be convicted for high treason. It raised serious concerns among members of civil society, who see these arrests as unlawful limitations on the rights to movement, to freedom of expression and to political participation.

84. The Government’s position on the arrests and detention of journalists, as explained to the United Nations, is that they are not made to muzzle the press but to apply the law against journalists who are mostly young and untrained and who regularly produce false and unethical reports. The Government has reiterated its decision to adopt a new media law, which is being developed by the Parliament. The arrest in April of another journalist, Yasiin Jama – upon the orders of the Governor – for allegedly reporting about irregularities in the exploration of oil and other natural resources in Somaliland is another example of the nervousness of the authorities on journalists and the media.

#### **The situation in Sool, Sanaag and Cayn**

85. Simmering hostilities between Somaliland forces and “Khatumo” militia, reported last year, have continued. Local NGOs reported to the Human Rights Unit in Hargeisa that Somaliland military forces had arrested and detained at least six Khatumo militiamen on 22 January. According to first-hand witnesses, several injured militiamen were sent to Bohodle for medical treatment, including one who reportedly died as a result of his injuries. There were reportedly no civilian casualties. In the same month, judicial and custodial officers in Las Anod (Sool region) confirmed to the Human Rights Unit that a regional court had tried several prisoners held in the central prison of Las Anod who were accused of terrorism and killings that had taken place in Las Anod in 2012. The court found two of the accused guilty and convicted them to death, despite pleas from the United Nations not to impose the death penalty. Four others were sentenced to prison terms ranging from one to two years and one person accused of terrorism was sentenced to 10 years in prison. The court also ordered the release of 15 detainees.

86. The Independent Expert is seriously concerned about the continuing hostilities in this region and would urge that the United Nations and the international community keep the matter under constant watch and that efforts be made to come to a negotiated settlement.

### **C. Establishment of the United Nations Assistance Mission in Somalia**

87. Another important development during the reporting period was the closure of UNPOS and its replacement by UNSOM. The decision of the Security Council to establish UNSOM in Somalia is a welcome development. Equally important is the fact that the mandate of UNSOM will include supporting the Federal Government of Somalia and AMISOM as appropriate, by providing them with strategic policy advice on peacebuilding and state-building, including in the areas of security sector reform, rule of law (including police, justice and corrections), disengagement of combatants, disarmament, demobilization

and reintegration, maritime security and mine action. It may be recalled that the Independent Expert has over the past five years underlined the need to address the impunity of those involved in committing gross human rights violations in Somalia for the past two decades. The Independent Expert is heartened by the fact that the Security Council stresses in its resolution 2102 (2013) the need for the Federal Government to ensure that all perpetrators of serious violations and abuses of human rights and serious violations of humanitarian law are held accountable, and emphasizes the importance of UNSOM in supporting the Federal Government in developing and implementing a national strategy for preventing and responding to sexual and gender-based violence.

#### **D. Human Rights Council decision to hold a stand-alone dialogue on Somalia**

88. As a mark of its continuing interest in the promotion and protection of human rights in Somalia, the Human Rights Council, at its twenty-third session, took a decision to hold, at its twenty-fourth session, a stand-alone high-level interactive dialogue with the aim of exploring how all stakeholders can work effectively towards the finalization and implementation of the road map and the realization of human rights in Somalia (decision 23/114 of 14 June 2013). It may therefore be expected that the Federal Government of Somalia will announce its road map before that date.

#### **V. Measures already initiated by the Government**

89. Since assuming office, the new Government has taken a number of steps on some of the issues to be considered in the proposed road map. For the establishment of commissions foreseen in the Provisional Constitution, a number of important bills have been introduced in the Federal Parliament. Bills that have important bearings on human rights include the draft bills on a national human rights commission, the Office of the Ombudsman and the Judicial Service Commission, as well as the draft Constitutional Court Act.

90. The Independent Expert welcomes the introduction in February 2013 of the draft bill in the Parliament for the establishment of a national human rights commission. While there are concerns about some of the provisions of the draft, it is hoped that those will be ironed out and that the Parliament will take into account the comments provided by the Office of the United Nations High Commissioner for Human Rights and others.

91. The Independent Expert has learned about the important work done by the Ministry of Justice in drafting the plan of action for the justice sector. The key objectives of the plan include strengthening accountability and democratic oversight of justice institutions and ensuring that citizens have their human rights guaranteed, including the right to fair trial and due process. The draft also contains a strong focus on access to justice by vulnerable groups, including internally displaced persons, women and children.

92. Equally important is the work done by the Ministry of the Interior and National Security in drafting the strategic development plan for the Somalia Police Force which, among other things, states that the main objectives of the Somalia Police Force are to increase the safety and security of the people of Somalia; provide professional, ethical, accountable and service-oriented policing; and to ensure democratic governance and civilian oversight. These are lofty objectives, and the Independent Expert hopes that the government commitments in this regard will be duly matched by assistance from the international community.

## VI. Some reflections on the situation in Somalia

93. After more than 20 tortuous years of armed hostilities, which still continue in some areas, Somalia has reached a turning point. While there is still a long way to go to return to normalcy, there are visible signs of change all around. The palpable improvements in the security situation in Mogadishu and in an increasing number of areas in the country is reflected in the return of an impressive number of people from the diaspora, including businessmen lured by the promises that have been made. Both international and United Nations flights to and from Mogadishu are full. Business activities and construction of buildings are on the rise. Though serious concerns remain about the security situation as a result, for example, of clan infighting in Kismayo and Jubaland, there are clear signs of hope in the air.

94. The new Government has won unprecedented public support and allegiance. The whole nation is agog with expectation. But many questions still engage the minds of the people. Will the trust they have placed in the new Government result in better governance? Will there be significant improvements in their lives? Will there be rule of law in Somalia, long forgotten by the people? Will there be mechanisms put in place to ensure protection of basic human rights and freedoms of the people? Will they have clearly identified authorities to turn to when in need? Will the Government be able to ensure basic security for the people and protect them from arbitrary behaviour of security forces, which have behaved at will in the past, with no accountability? Can the basic institutions and infrastructure, ravaged by the war, be rebuilt in a timely and prioritized manner? These and other questions now occupy the minds of the people as much as the fear of the continuing armed conflicts. But it is clear that fear has been overwhelmed by hope. The ball is clearly in the court of the Government. It must now play with it and play it well.

## VII. Recommendations

### 1. For the Federal Government and federal institutions

95. The people of Somalia are counting on their new Government to make good on the hopes it inspired when it took office in October 2012. While understandably there will be many impediments on the way, there should be no shortcomings in the commitment and determination of the Government. After so many years of chaos and lawlessness, people would like to see palpable progress towards good governance under the rule of law. If this happens, it will also enhance the credibility of the Government in the eyes of the international community, whose support will be crucial for reconstruction and development. The latter has been disillusioned in the past by the rampant greed and utter callousness of self-seeking leaders who plundered the nation and prospered at the expense of the people. The Government must deliver this time.

96. To benefit from public support, the Government should make its commitment to the protection and promotion of human rights and fundamental freedoms abundantly clear to the people. The adoption of a well-defined road map for human rights will help a great deal. The Independent Expert on the situation of human rights in Somalia reiterates the recommendations already submitted to the Government in this regard. He urges the Government to seek the views and expertise of relevant thematic mandate holders under the special procedures of the Human Rights Council.

97. An important priority of the Government should be the establishment of a cohesive security architecture (army, police, marine force) to consolidate the fragile security in Mogadishu, the coastal areas and the south-central region. The success of

the national security forces will be judged by their increased capacity to protect the civilian population under all circumstances. In this regard, human rights training, vetting processes, changes in behaviour relating to command structures, internal disciplinary mechanisms and independent oversight mechanisms should be given special attention. This will be effective only if the justice sector is rebuilt, revamped and equipped with appropriate human and technical resources to be able to hold accountable the perpetrators of human rights and international humanitarian law violations. The Independent Expert recommends that Somalia ensure the early completion and proper implementation of the plan of action for the Somali justice sector and the strategic development plan for the Somalia Police Force, drafted by the Ministry of Justice and the Ministry of the Interior and National Security, respectively.

98. As sexual violence in Somalia is a subject of much national and international concern, the Government should consider adopting, in cooperation with the United Nations, a preventive and responsive strategy on the matter. This should include the issuance of clear orders through chains of military command; the explicit prohibition of sexual violence in codes of conduct and military field manuals; well-targeted pre-deployment training; and a clear commitment for timely investigation of alleged abuses in order to hold perpetrators accountable.

99. The adoption of the proposed law on the establishment of a national human rights commission should benefit from wide-ranging consultations with civil society organizations, including associations of victims and minority groups, and their views on issues pertaining to the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) should be fully taken into account.

100. The enactment of the proposed media law must take into account the concerns expressed by journalist groups and other national and international observers, including the Office of the United Nations High Commissioner for Human Rights, on some of the draft provisions of the law. The Government must also initiate effective and impartial investigations into killings of journalists and media people and prosecute those found responsible.

101. While the return of peace and security must remain a key focus of the Federal Government, establishing mechanisms to address past atrocities as provided for by the Provisional Constitution must also be a clear objective. There is a need to address impunity and bring to justice those responsible for the crimes committed over the years. The Independent Expert recommends that a task force be set up with support from the international community to prepare for a truth, justice and reconciliation conference that will take a more in-depth look into the possibility of establishing a commission of inquiry, a special tribunal or any other appropriate mechanism to send a strong signal to the perpetrators from all sides that the past and ongoing targeted killings will not go unpunished. Necessary steps for the establishment of a commission of justice and reconciliation, foreseen in the Provisional Constitution, should include the holding of such a conference, which should be fully Somali-owned and involve wide and inclusive participation of all categories of Somali society.

102. The Government should fulfil the commitments it has made to the international community under the recently held universal period review process of the Human Rights Council (see A/HRC/18/6/Add.1).

103. The Independent Expert urges the Government to take into serious consideration the most useful recommendations made by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of

the right of peoples to self-determination with respect to the activities of private military and security companies in Somalia (see A/HRC/24/45/Add.2). He commends the efforts of the Government to set rules governing the registration and regulation of such companies in Somalia and urges the Government to remain vigilant on the dangers of outsourcing security functions to private actors.

**2. For Puntland**

104. The recent executions of 13 people, including 1 woman, and the sentencing to death of another 6 persons by a military court in Puntland is contrary to the international commitment made by Somalia and the growing international acknowledgement of the inhumane nature of the death penalty. The Independent Expert urges the authorities to reconsider their position on the application of the death penalty and reminds them that, under international law, the death penalty should be applied only after a most rigorous judicial process.

105. The Independent Expert urges the Puntland authorities to treat all alleged perpetrators of terrorist acts in accordance with international human rights standards relating to due process and fair trial.

**3. For Somaliland**

106. The Independent Expert is concerned about the arrests for treason of politicians, businessmen and community leaders who recently visited Mogadishu and would urge the authorities to refrain from imposing such limitations on citizens' rights to free movement, to freedom of expression and to political participation. He also urges the authorities to abide by national and international law and avoid frequent crackdowns on journalists and media, restrictions on the freedom of peaceful assembly and of association, and the forced repatriation of Somalis from the south-central region, African refugees and asylum seekers.

107. The Independent Expert urges the authorities of Somaliland and the self-proclaimed Khatumo state to refrain from any escalation of violence and to settle their disputes through peaceful means, including dialogue, mediation and arbitration. He urges the Somaliland security forces and the Khatumo militia to comply with international standards prescribed in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

**4. For the African Union Mission in Somalia**

108. In addition to many positive measures it has already taken, AMISOM should initiate further practical measures to prevent sexual violence and exploitation of civilians, which reportedly continue to occur. It should review and adapt to the Somalia context the Security-General's bulletin on the special measures for protection from sexual exploitation and abuse (ST/SGB/2003/13), which codifies good practices and lessons learned by United Nations peacekeeping operations.

**5. For the United Nations**

109. As no concrete progress appears to have taken place since the adoption of Security Council resolution 2036 (2012), in which the Council called for the establishment of a civilian casualty tracking, analysis and response cell, the Security Council may wish to reaffirm its call. Since AMISOM and Somali forces conduct joint operations, such a cell (or a parallel system) should also cover or be established for casualties attributable to Somali forces.

110. The Security Council should reaffirm the need to promptly develop and implement a strategy for the protection of civilians across United Nations and United Nations-mandated presence in Somalia. It is important that such strategy is not understood as only a military process but reflects political, capacity-building and institution-building as well as humanitarian dimensions.

111. Despite efforts made by the Federal Government of Somalia, there are still reports of widespread sexual violence in Mogadishu and in other parts of Somalia. Monitoring of and reporting on the phenomenon remains extremely difficult and dangerous for victims, witnesses and all other stakeholders. The United Nations should consider establishing, in consultation with the Government, a Monitoring, Analysis and Reporting Arrangement in Somalia, in order to advise on appropriate responses by all concerned actors.

112. In the context of the creation of the United Nations Assistance Mission in Somalia (UNSOM) with a revamped human rights mandate, the UNSOM Human Rights Section should undertake a proactive role in helping the efforts made by the Federal Government to build the right infrastructures in the country for the promotion and protection of human rights. With respect to the area of rule of law and security institutions, the new Mission should support the Government's priority objectives of transforming and building the security and justice institutions of Somalia.

6. For the international community

113. Since there is a more committed and popular Government in Mogadishu now, it would be prudent for the international community to provide it with the support it genuinely needs to re-establish Somalia as a normal, cohesive and stable State. The opportunity to break the back of the insurgents is clearly in sight. This can best be achieved if popular backing for the Government and its efforts is enhanced through, among other things, specific support to the Government's human rights road map. States and other donors may wish to select specific areas likely to be articulated in the road map for priority support and implementation. Somalia should not be allowed to slip back to lawlessness and chaos.