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TECHNICAL ASSISTANCE AND CAPACITY-BUILDING
Report of the independent expert on the situation of human rights
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* The report was submitted after the deadline in order to include the most recent developments.

Summary

There was a general expectation that the human rights situation in Somalia would improve with the relocation of the new Transitional Federal Government (TFG) to Mogadishu in early 2009. However, President Sheikh Sharif's Government was heavily challenged by hard-line Islamist opposition groups, principally Al Shabaab and Hizbul Islam, beginning with a big offensive for control of Mogadishu on 7 May 2009. Repeated, inaccurate and discriminate exchanges of mortar-fire between all parties have resulted in numerous civilian deaths and many injured, with bombs landing on civilian homes, market places and mosques, as well as provoking tens of thousands to flee the capital and other areas of the conflict. The extreme interpretations of Sharia law by armed opposition groups, mainly Al Shabaab and Hizbul Islam and local clan militias in control of Kismayo has led to severe corporal punishment like amputations and stoning that illustrates the extent to which violence still substitutes for the rule of law in many areas. Grave violations against women and children have been reported throughout the country, including the recruitment and use of children by all parties to the conflict. Reports of killing, maiming and sexual and gender-based violence as a result of the conflict are also rife.

AMISOM troops which guards Mogadishu and key government installations were themselves frequently targeted by the Islamists, the worst incident of which occurred in September 2009 when the Deputy Force Commander and at least 17 peacekeepers were killed in coordinated suicide attacks on AMISOM troops. As the latter retaliated into attacks, many of which were launched from civilian populated areas such as Baakara Market, there were reports of civilian casualties resulting and from counter-attacks of the opposition forces. There was also large displacement of population from the capital. Journalists and human rights defenders in all parts of Somalia, including in Puntland and Somaliland continue to face increasing risks, severe threats and targeted killings for their work. The most devastating of such attacks was the 3 December, 2009 suicide bombing on the graduation ceremony of medical students in which three TFG ministers, doctors, journalists, medical students and teachers were killed.

The Independent Expert welcomes the recent decision of the TFG to ratify the Convention on the Rights of the Child (CRC) but reiterates his concern about the continuing violations of human rights and humanitarian law in Somalia. He believes that the key tasks of the TFG include the establishment of the rule of law and good governance in Somalia. This will help

generate people's support to its efforts towards peace and reconciliation. He urges all the parties to the conflict to come together for the sake of peace in Somalia where the people have suffered one of the worst nightmares in history and deserve to be released from it. He stresses the negative impact of piracy, mixed migrations and related human trafficking in Somalia that could undermine the fragile stability of Puntland and Somaliland. He therefore urges the international community to deal with the ground realities of these phenomena with a holistic approach. He also highlights the urgent need to establish an appropriate mechanism to combat impunity and hold the perpetrators of the potential war crimes and massive human rights and humanitarian law violations accountable. He recommends that the UN moves the hub of its activities from Nairobi to safer areas in Somalia. He urges the international community to provide the necessary funds to the TFG and to the UN to enable them to fulfil their various responsibilities.

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INTRODUCTION

1. The present report is submitted pursuant to Human Rights Council resolution 10/26 of September 2009, in which the Human Rights Council expressed its deep concern at the human rights and humanitarian situation in Somalia and renewed the mandate of the Independent Expert (I.E) for one year, requesting him to present an update to the thirteen session of the Human Rights Council in March 2010. To this end, the I.E undertook his fourth field visit to Kenya and Somalia from 12 to 24 January 2010. He visited Hargeisa in Somaliland and Bossaso and Garowe in Puntland. In Kenya, he held meetings in Nairobi and visited the Dadaab refugee camps. He was unfortunately not able to visit Mogadishu and the South-Central regions of Somalia.

2. It may be recalled that the I.E had presented his third report to the Council in September 2009. The present report covers the period from September 2009 to February 2010. The content is based on the I.E's meetings with Somali stakeholders, members of the Transitional Federal Government and Parliament, civil society organizations, refugees and the United Nations.

3. The I.E is grateful to all interlocutors as well as to UNPOS, OHCHR, UNDSS, UNHCR, UNDP and UNICEF staff for their hospitality and logistical support during his stay in Nairobi and his trips to Hargeisa, Bossaso and Garowe.

4. The report will include political, security and humanitarian considerations in order to contextualise the human rights situation (see table of content).

CHAPTER I

Meeting People and Gathering Information

5. In this chapter, I shall provide a summary of information and perspectives I obtained, primarily on the South-Central region, from various interlocutors, including the TFG, civil society and UN entities. I shall report on my visit to Puntland and Somaliland separately in Chapters IV and V.

A. Meetings with the TFG

6. The visit of His Excellency Sheikh Sharif Ahmed, the President of Somalia, to Nairobi during my stay in the city, gave me the opportunity to meet him for the first time since he assumed office. I also had separate meetings with the TFG Minister for Gender, Women and Family Affairs, Hon. Fauzia Mohamed Sheikh, who is also the TFG Focal Point for Human Rights and the Minister for Finance and Deputy Prime Minister, Hon. Sharif Hassan Sheikh Aden. I am grateful to them all for agreeing to see me despite their tight schedule.

7. I conveyed to the President my concerns about the continuing human rights and humanitarian law violations in Somalia and underlined the importance of the role of the Government in protecting the people. Despite limited resources and capacity of the TFG, there is a need for it to demonstrate that it is nevertheless determined, committed and able to lead the country out of the conflict and bring peace, reconciliation and recovery.

8. The President shared my concerns but underlined the many challenges his Government faces. Human rights, he said, would continue to be violated for as long as war prevailed in Somalia and peace and stability had not returned. The primary need for his country, therefore, was to improve the security situation. This in turn would ensure protection of the population and improve their human rights. There was also the need to build capacity of the Government to discharge its various responsibilities. The Government needed more troops to end the insurgency. It also needed the support of the international community both financially and in terms of technical support.

9. The Minister for Gender, Women and Family Affairs and the Minister for Finance echoed the views of the President. They emphasized that the Government was awaiting fulfillment of the pledges made by the international community at the International Conference held in Brussels in April 2009 to fund Government activities.

10. In the fight against anti-government elements, particularly Al-Shabaab, the Government hoped that the tide would turn soon. It was in the process of adding more troops to its security forces and training them properly. Some troops had already been trained in neighboring countries. But Government's efforts were hampered by lack of resources. Sometimes the troops could not even be paid their salaries and provided with

sufficient food allowance. Nevertheless the Government hoped to take on the enemy in the near future.

11. The Government had plans for improving the education and health system in the country. The Government hoped to open more educational institutions; including in the IDP camps. The latter would help children in the camps to avoid joining Al-Shabaab. Because of financial difficulties and the need to survive in a war-torn country, children joined Al-Shabaab primarily to feed themselves and help their families. Al-Shabaab was taking advantage of this and recruiting children from poorer families by offering them money. The government also wanted to create jobs in IDP camps so families could support their children and not send them to join opposition forces. It was seeking to bring the IDPs back home.

12. The Government believed that Al-Shabaab was fast losing trust of the people, especially after the suicide bombing at Shamo Hotel in December during which innocent people and children were killed. People saw how Al-Shabaab was destroying mosques, attacking symbols of indigenous Sufi culture and killing people in the name of Jihad. Al-Shabaab was injecting fear in the minds of the people in areas under their control. They were also getting support from Al-Qaeda and other foreign criminal elements which people did not like. The Government was also thinking of creating human rights courts that would help people follow-up with their cases against the perpetrators. The removal by the Government of the heads of security forces and police demonstrated the determination of Government to clean up the administration. The ratification of the Convention on the Rights of the Child (CRC) was under process.

B. Meetings with UN Officials and Others

13. There was a general consensus among UN representatives that the survival of the TFG for one year in a very challenging security situation was in itself a significant achievement. The TFG had undertaken a number of initiatives which showed that it had started to take up the functions of state seriously. The initiatives included: relocation of the new Government to Mogadishu; formulation of an annual budget for Somalia for the first time in a long while; collection of revenue internally; the launching of a radio station etc.

14. Additionally, the TFG had sought dialogue and reconciliation with the armed opposition groups. Partial success was achieved in this regard but not enough to transform the political

arena. This approach and the concomitant resilience of the Government to withstand and repulse the military offensives of the armed opposition could be said to have broken the back of the ideological thrust of the religious extremists that sought to overthrow the Government. The policy of the Government in terms of reconciliation and reaching out to people/opposition forces and the development of security sector institutions as well as coordination mechanism with the international community was contained in a set of documents prepared by the TFG and presented to the ICG meeting in Jeddah in December, 2009. Their preparation showed the maturity of the Government.

15. The TFG was engaged in speeding up the accommodation and integration process with Ahlu Sunnah Wa al Jamma (ASWJ); taking the reconciliation process down to the local level and engaging different sections of the community, including the Diaspora, by informing and explaining the TFG programmes and priorities. The TFG had also made known its willingness to approach and negotiate with all willing armed opposition groups. All these required time to fructify. The international community must therefore persevere in its support to the TFG and more importantly provide financial and other assistance the Government needed to succeed in this regard.

16. The lack of necessary support from the international community to the TFG was a matter of serious concern and a threat to its survival. The infighting between various groups within the TFG was another matter of concern. The declaration of support by Al Shabaab to the insurrection of Al-Huti Shiaist rebels in Yemen should be taken seriously by the international community. Regionalization and internationalization of the Somali conflict could rapidly affect all countries in the Horn of Africa.

17. It would not be possible to restore peace and security in Somalia by watching inactively the deteriorating security, humanitarian and human rights situation. A policy simply of containment of attacks against Mogadishu would not last long. The capacity of the Government to protect civilians, including women, children, IDPs and minorities, against the wave of violence and harsh imposition of Shari'a law by the Islamist forces, leading to cruel, inhuman and degrading treatments on a daily basis, must be helped to develop rapidly.

18. A new development in the fight between TFG forces and Al Shabaab was the latter's professionalization and internationalization as a result of influx of foreign jihadists coming from Afghanistan, Pakistan and the Gulf countries. The outsiders were reportedly taking over from Somali nationalist jihadists. The bomb attack of 3 December at the Shamo Hotel in Mogadishu during the graduation ceremony of medical students was said to have created a split within the movement. The attack was reportedly launched by foreign fighters against the will of Somali nationalists.

19. There were credible reports that the training camps of the jihadists were well-organized and young boys were being recruited from Madrasas and Quranic schools to be trained and enrolled as fighters. An appalling new dimension of the conflict was the involvement of young boys from Somali Diaspora, mainly from Minneapolis in the US and the Nordic Countries. It was troubling that the perpetrators of the two recent attacks were from the Diaspora and those behind these attacks did not hesitate to claim responsibility for their actions. This new strategy of Al Shabab was likely to replace local clan affiliated leaders with foreign jihadists, which might deepen the split within the extremist Islamist movement.

20. Al Shabaab was more focused on the training needs of its troops than the TFG. Its training camps for Somali youths were better organized. TFG troops were not regularly paid and some of them even slept under trees. There was a need for more troops simply to defend Mogadishu properly. To achieve even this, the proposed short term goal of the Government to have 10.000 troops readied soon would not be enough unless there was support from the major clans.

21. There was a need for more coordination among and within the UN agencies. Some felt that the commitment of the UN to the people of Somalia would be better demonstrated if UN offices serving Somalia from Nairobi were to move to Somalia itself. A positive development in this regard is the recent UNDSS assessment for possible relocation of the UN to Mogadishu and identification of an area in the Somali capital where secured UN Compound could be built close to AMISOM. The UN agencies should move away from the so-called "Nairobi syndrome", which meant that UN operations for Somalia based in Nairobi were actually working ON Somalia rather than IN Somalia.

22. On the humanitarian and human rights front, the situation of women and children had turned more precarious as they bore the plight of the Somali conflict. Somalia has one of the highest maternal mortality rates (14-17% face mortal birth risk) due to the collapse of public medical institutions. The rate of women literacy is around 12-14% and 80% of young girls got married early. Although the Somali constitution of 1991 criminalized Female Genital Mutilations (FGM), 97% of young girls still face the phenomenon.

23. There are no credible statistics on violence against women. Cases of gender based violence (GBV) recorded by women's organizations, support programmes and others show that reports of rape are increasing in some areas, though this could be due in part to more willingness to report. As Somali women are more dynamic in the market place since they have to earn a living and support the family, they are exposed to vulnerable situations. Women are often victims of rape from warlords.

24. Any peace agreement in Somalia should provide an increased voice to women. No amnesty should be allowed for violence against women that qualify as crimes against humanity in line with UNSC resolutions 1325 and 1820. In clan infighting, women are often the victims. The time has come for women to be at the centre of the peace process. The Government should announce a clear policy for the protection of women and children.

25. As for children, the main concern is their recruitment by all parties to the conflict. [Other concerns would be mentioned in the chapter on human rights.] There are, however some positive developments as well. Despite insecurity in South-Central region, child health days (CHD) organized by UNICEF reached, for the first time ever, children and women in the famous Afgoye Corridor, considered to be world's most densely populated IDP settlement, and six districts of the capital Mogadishu. About a million Somali children were vaccinated in 2009. This would not have been possible without the cooperation of all, including the opposition forces.

26. By the middle of 2009, over 11,000 children were enrolled in community schools in Mogadishu and 33,000 in Afgoye, the two most war-affected regions in Somalia. This was a 100% increase in enrolment since the end of 2008 and was possible largely due to the fact that most of the actors involved had cooperated. There is also significant community support to

UNICEF activities even in war-affected areas. Such experience shows that community-based approaches had a better chance of success in Somalia. There is a need therefore to involve the people and civil society in finding solutions to Somalia's long-standing problems.

27. Developments in relation to food security, particularly in the context of drought in some areas in the South-Central region, were matters of serious concern. The situation was compounded by restrictions imposed by Al Shabaab on WFP, resulting in the suspension of its humanitarian assistance programme for vulnerable population. The trigger of this situation was the attack by them against WFP offices in Buale and Wajid where 7 international staff was posted. After this, WFP continued working through national staff only. However, soon new developments led to their withdrawal as well.

28. Following the above incident, an 11 points demand was issued by Al Shabaab, including a number of restrictions on local population. These included banning of women from working for the UN and payment of USD 30000 every six months for the security of UN staff. UN as a whole rejected these conditions. As a result, the central *Shura* of Al Shabaab issued a directive whereby as from 1 January 2010, no food would be allowed to be brought in from abroad. Only locally procured food would be permitted. On 18 December, WFP decided to suspend their operation in South Central.

29. An important development in recent months was the emergence of new group dynamics of the Islamist forces. The conflict between clan dynamics and moderate Sufi tradition of Islam, on the one hand, and the stern Wahabi/Salafi tradition of Islam that was being imposed in urban areas by jihadists from outside, on the other, were important elements to bear in mind in understanding the evolving situation in South-Central Somalia.

30. Two new dimensions were being introduced by the Islamist forces to the conflict in Somalia. International jihad elements in Somalia were being linked with Al Huti insurrection in Yemen and the Al Qoods Brigade of Palestine. Another aspect was the use of jihad as a political tool and professionalization of the Al Shabaab operations. These were now planned far in advance and implemented with more precision and brutality. Such professionalism was not there in 2008.

31. Al Shabaab appeared to be operating beyond the traditional clan system in Somalia by accommodating minorities that lacked the protection of the major clans. They were also promoting inter-ethnic marriages. Their ally Hisbul Islam controlled access to the Afgoye Corridor. They also controlled the Port City of Kismayo and were generating income by imposing local taxes and levies on the international *khat* trade. Al Shabab's relationship with the local population varied from location to location. Although they had managed to gain support of the local population in many places, their extreme interpretation of the Shari'a law, including corporal punishment imposed through summary proceedings, if any, as well as the strictest dress code had alienated the sympathy of women in particular. They had taken over UN property and premises in many places and were doing business with its equipments. There were indications that Al Shabaab was cash starved.

32. The regionalization and internationalization of the Somali conflict with the introduction of Al Qaeda elements and the impact of piracy-related activities in Puntland could be a threat to international peace and security. Somalia for Yemen was becoming like Pakistan for Afghanistan.

C. Meetings with refugees in Dadaab, Kenya

33. My talks with newly arrived refugees from Somalia at the Dadaab refugee camps in Kenya were, as before, my main source of first hand information on the situation in Mogadishu and the South-Central region. The other such source was newly arriving IDPs in Bossaso, Puntland.

34. During my previous visits to the Dadaab camps, refugees viewed hard-line Islamists rather positively. This time around, I was struck by the anger the refugees had against them. Women were particularly vocal against their extreme interpretation of Sharia law, corporal punishments, including floggings and amputations as well as the requirement for women to cover their faces fully. This they felt were in contradiction to Somali culture and the Islam they were used to. Therefore, they did not see any alternative to the TFG today. If Al Shabab took control of Mogadishu and South-Central, nobody would return there. Many fled the region to protect their children from forceful recruitment by Islamists. They warned that such recruitment could spread to the refugee camps as well.

35. The refugees I talked to requested greater military and financial support for the TFG from the international community. They pleaded with me to seek support for the Government to create job opportunities in Somalia which would relieve the situation for the ordinary people there.

36. The refugees also pleaded for higher education opportunities for young boys and girls who had completed their secondary schooling in the camps. In this respect, I was glad to note that in line with the recommendation in my previous reports, WUS of Canada had provided 28 scholarships to Somali refugees in 2009. Similarly Egypt and Malaysia had provided the TFG with a number of scholarships for Somali students.

37. As in the past, the refugees once again emphasized the importance of being involved in the peace process. I was heartened to hear Somali refugees claiming that while their country was experiencing war and violence, they were practicing democracy and respect for human rights in the camps. This was because the representatives were elected from within communities and all the decisions were taken after free and fair discussions prior to their endorsement by UNHCR.

38. According to UNHCR reports, there were presently some 310,000 Somali refugees in Kenya (another 163,000 in Yemen, and about 100,000 in Ethiopia, Eritrea and Djibouti, Uganda etc). New arrivals in Kenya had continued unabated though the numbers were not as high compared to a year ago. In December 2009, some 3,329 refugees arrived in Kenya while the corresponding figure in January 2009 was 8,894. [The number of arrivals in Yemen in December 2009 was 2,134.] The single greatest reason given by the refugees for seeking refuge abroad was insecurity.

CHAPTER II

Developments in Political, Security, Humanitarian Fields

A. Political Developments

39. The TFG celebrated, on 29 January 2010, its first anniversary as a government of national unity in Mogadishu. On this occasion, the President highlighted the achievements of the transitional federal institutions, noting that significant advances had been made in re-establishing the Somali security forces and in relation to institution-building. He announced plans of the TFG

in 2010 to include strengthening of institutions providing essential services to the people, such as education and health. He reiterated his call to all Somalis to join the peace process.

40. On 15 December, the High Level Committee (HLC) established under the Djibouti peace process met in Nairobi under the chairmanship of UNPOS. The Somali delegation was led by the Prime Minister. Participants discussed the initiatives of the TFG in engaging groups still outside the peace process. They also discussed the Government's preparation of a six months' budget and its efforts to finance some of its programmes by means of its own resources. They underlined the critical role of security stabilization as a precondition for successful implementation of humanitarian and recovery programmes in the country. The meeting further welcomed the documents TFG had prepared for the ICG meeting which subsequently took place in Jeddah on 17 December under the auspices of the Organization of Islamic Conference (OIC) and the Kingdom of Saudi Arabia. Over 120 delegates from governments and institutions attended the meeting.

41. As a follow-up to the Jeddah meeting, the SRSG, accompanied by the AU Commissioner for Peace and Security visited Mogadishu on 25 January. Among other things, they discussed with the TFG a wide range of issues, including support of the international community to Somalia, human rights, fight against impunity and humanitarian assistance.

B. Security Situation

42. The renewed fighting in Mogadishu had once again exposed the vulnerability of the civilian population – especially women and children – to violence and inhuman suffering. As in the past, there were allegations of the use of IEDs and indiscriminate firing of mortars into areas populated or frequented by civilians, by all parties to the conflict, without respect for provisions of international humanitarian law. As a result, civilian deaths and casualties, including of women and young children, were significant. Massive displacements of population continued with restricted access of the affected population to humanitarian assistance.

43. On 3 December 2009, hard-line Islamists launched one of their most brutal attacks that targeted prominent Somalis, including government ministers, students and journalists. The attack took place in the meeting hall of Shamo Hotel in Mogadishu, where hundreds of people were

attending a graduation ceremony, only the second in twenty years. In a public statement, I strongly condemned the attack.

44. At least 30 people were killed and 80 injured in Somalia following violent confrontation between various factions during the week of 29 December 2009 to 5 January 2010. Six people were reported to have died while 50 more injured when Al Shabaab allegedly fired mortars at the presidential palace in the capital Mogadishu on 1 February. On Friday 30 January, at least 19 people, among them women and children, were reportedly killed when Al Shabaab attacked government and African Union bases in Mogadishu.

C. Humanitarian Situation

45. The humanitarian situation in Somalia continued to be severely affected by the ongoing fighting, particularly in South-Central region. Factors which continued to drive Somalia's protracted and complex humanitarian emergency included the following:

- Armed Conflict in South-Central which created generalized insecurity and conditions that increased criminality and protection concerns, all of which lead to a reduction in access for humanitarian actors. Eight humanitarian aid workers were killed from January to October 2009 and ten are still held captive inside Somalia.
- Significant internal population displacement, particularly in and around Mogadishu, and along the Afgoye Corridor due to conflict, with increasing displacement due to drought and loss of livelihood in other parts of Somalia. As a result of the big attack launched in May 2009 by the hardliner armed groups, the Afgoye Corridor was home to an estimated 360,000 IDPs. Over 150,000 of these IDPs reportedly arrived in the corridor since May 2009, mainly fleeing Mogadishu-based violence.
- An economic crisis prompted by a devalued currency, continuing high food prices and a sharp decrease in remittances from the Diaspora;
- A severe drought in parts of South-Central region that had expanded northward into Somaliland and Puntland affecting a large number of pastoral and agro-pastoral communities;

46. On 2 February, 2010 UNHCR reported that a sharp rise in violence in Somalia in January which regrettably left nearly 260 civilians dead, in addition to uprooting over 80,000 and causing widespread destruction. According to UNHCR, many IDPs were reported to be sleeping in the open with dwindling shelter and little water. There were growing concerns about health conditions of particularly vulnerable groups such as children, women and the elderly.

CHAPTER III

Human Rights Situation in South-Central

47. The new TFG was greeted initially with some optimism by the local population in Mogadishu in January 2009. There was general expectation that the human rights situation would improve. However, President Sheikh Sharif's Government was heavily challenged by hard-line Islamist opposition groups, principally Al Shabaab and Hisbul Islam, beginning with a big offensive for control of Mogadishu on 7 May 2009. Outside of Mogadishu, which was itself only partly controlled by TFG forces, alliances between and within armed groups changed constantly, resulting in a continuing volatile situation in South-Central Somalia. In some areas not controlled by either Al Shabaab or Hisbul Islam or the TFG, local administrations had been set-up by local communities where the situation was slightly better.

48. As the fighting between the TFG and the armed Islamists and in some places within the armed groups, had been primarily concentrated in the South-Central region, it is there that most of the human rights violations were concentrated. The spill-over effect was also felt in the North.

49. In the absence of an effective central government and in the context of ongoing armed conflicts, the civilians, especially women and children, continued to suffer from indiscriminate attacks as well as retaliatory acts from both sides. The continuous flow of arms to all parties to the conflict and the lack of accountability for serious violations of human rights and humanitarian law exacerbated the culture of impunity. Given below is a summary of human rights violations experienced by the population in the South-Central region grouped under four broad categories.

A. The right to life and physical integrity

50. The horrific attacks by hard-line Islamists during the period under review had left a large number of persons dead and wounded. The most devastating of such attacks was the 3 December, 2009 suicide bombing on the graduation ceremony of medical students, mentioned earlier. Protection of civilians in the conflict thus remained one of the most serious concerns in relation to the right to life and physical integrity. Conducting hostilities in an urban area, with Al Shabaab taking up positions and firing from civilian areas and retaliatory fire from TFG forces supported by AMISOM inevitably increased the risks to the civilians. There were allegations that the principles of proportionality and of only attacking clearly identified military targets had not been respected. The introduction of suicide-bombing by the insurgents was a new dimension to the conflict.

51. AMISOM troops which guarded Mogadishu and key government installations were themselves frequently targeted by the Islamists. The worst incident of this kind occurred in September 2009 when the Deputy Force Commander and at least 17 peacekeepers were killed in coordinated suicide attacks on AMISOM troops. Retaliatory attacks by the latter reportedly also caused civilian casualties.

52. To topple the TFG at any cost, the Islamist forces were reported not to spare even hospitals and the remaining medical institutions in Mogadishu. According to a report, on 25 January 2010 they carried out a severe attack on a hospital behind Mogadishu's Airport run by the AMISOM in Somalia, killing innocent Somali patients. This was reported to be the second attack on this health center which treated Somali civilians.

B. Freedom of opinion and expression

53. As in most conflict situations, freedom of opinion and expression became a particular victim in the South-Central region. To muzzle the media, targeted attacks against the media by the Islamist opposition claimed the lives of media executives, reporters, photojournalists and cameramen working with electronic media. Large numbers of journalists were also wounded and arrested.

54. According to the National Union of Somali Journalists (NUSOJ), in 2009 nine journalists were killed either in the line of duty or in targeted brutal attacks in Mogadishu, Afgoye and Beledweyne, making Somalia the most dangerous place for journalists in Africa. Seven out of

the nine journalists were killed in Mogadishu. One was killed in Afgoye and another in Beledweyne. A total of 12 journalists were wounded and 15 others arrested in Somalia in 2009. Another 100 journalists reportedly received death threats, causing many of them to leave their respective areas or to exercise self-censorship.

C. Violence against Women

55. Domestic violence victimizing women continued to be a major problem in all parts of Somalia. Women, victims of SGBV, had no functioning judicial system to turn to. Rape and other forms of SGBV were dealt with by clans as a civil dispute, not involving the victim, and were often solved by either the payment of blood-money or a forced marriage between the victim and the perpetrator.

56. Women reportedly continued to face cruel, inhuman and degrading treatment on a daily basis, particularly in Al Shabaab controlled areas. On November 18, 2009, according to reports from a village near the town of Wajid, a 20-year-old divorcee woman accused of committing adultery was reportedly taken to an open area where she was buried up to her waist and then stoned to death in front of a large crowd.

57. It may be mentioned in this connection that men too are subjected to inhuman and cruel treatment for their illicit relationship with women. In November 2009, a man was stoned to death for rape in the port town of Merka. Under the Al Shabaab's interpretation of Sharia law, anyone who was ever married – even a divorcee – who had an affair, was liable to be found guilty of adultery and punished by stoning to death. Following this incident, I issued a public statement and strongly condemned executions by stoning in Al-Shabab-controlled areas and urged all Islamist groups and religious leaders to abide by human rights and international humanitarian law obligations.

D. Children's rights

58. The most important violation of human rights of children was the recruitment of child soldiers by all parties to the conflict in Somalia. The Islamists normally recruited them from Madrasas and Quranic schools. A survey commissioned by UNICEF revealed the alarming scale and nature of child recruitment. Children were being recruited even for use on the frontline. They

were also victims of rape and other forms of sexual violence. Children's education continued to suffer as more and more schools closed as a result of the conflict, especially in Mogadishu.

59. Despite this grim picture, the good news was that efforts by UNICEF benefited some 1.8 million people in 2009, mostly children, with basic health and nutrition services through, among other things, a network of maternal and child health centers. Child Health Days (CHD) with an essential life-saving health and nutrition package benefited over 1 million children under five and 800,000 women of child-bearing age. These interventions were able to reach even most difficult areas like Afgoye and parts of Mogadishu, in South Somalia. UNICEF also supported access to quality education for more than 157,000 emergency-affected children by providing school supplies and text books.

CHAPTER IV

Human Rights Situation in Puntland

A. Meeting with Puntland Government

60. In the absence of the President of Puntland, I met with the Vice President, H.E. Abdi Samed and the entire cabinet on 20 January 2010. That they agreed to see me collectively was, perhaps, an evidence of their commitment to my mandate. My discussions with them were focused primarily on the human rights situation of IDPS, the policy response of the Government to piracy and human trafficking.

61. Out of 1.5 million IDPS in Somalia, Puntland hosted 104,000 of them. The Vice President reiterated the commitment of the authorities to continue to welcome them. However, with limited resources, Puntland felt over-burdened with them and with refugees and asylum seekers from Ethiopia and Eritrea. The Government saw the new arrivals as a major security threat, in the context of infiltration of hard-line Islamists from the South. It claimed that some IDPS had committed politically motivated assassinations. This had led the Government at one point to ask the IDPs to return to places in the South where circumstances were peaceful. I urged the Government to continue to protect the rights and freedoms of IDPS and drew their attention to the report of my Special Procedure colleague, Mr. Walter Kalin, Representative of the Secretary-

General on the Human Rights of Internally Displaced Persons, who visited Somalia from 14 to 21 October 2009.

62. On piracy off the Somali coasts and the huge money it generated through ransom payment, Puntland considered that it posed a threat not only for Somalia but for the region as a whole. Ransom in terms of millions of US dollars was paid to organized pirates who saw this as a lucrative industry compared to many weeks spent at sea in search of fish. In the context of weak or no Government patrolling, Somali coast was today home to heavily armed pirates who captured maritime fleets or fishing boats for ransom.

63. The effect of piracy and the income it generated on a pastoralist society such as Somalia could be well imagined. In a society where the weight of the traditions was used to regulate social life, piracy was contributing to the destruction of social structures. Pirates who earned a lot of money were playing an increased role in the society that led, among other things, to trafficking in persons, in particular of women and young girls. The connections of the pirates with the clan system undermined the efforts of the local authorities to hold them accountable. Advocacy activities engaging community leaders, traditional elders and Islamic scholars to prevent new recruits and convince pirates to engage in a normal social reintegration had been undertaken by the Government. More than 200 pirates were arrested and 21 boats, 8 vehicles and large quantity of arms and ammunitions were impounded from pirates. The Puntland Authorities managed to free hostages and to repossess fishing boats belonging to neighbouring Yemeni and Omani fishermen captured by the pirates. Political will of Puntland was not enough to fight against the phenomenon unless the international community was committed to deal with the ground realities, including the protection of the right to Somalis to fish freely in their water and to develop accountability mechanisms against foreign vessels that were dumping toxic and nuclear wastes off Somali waters.

64. With regard to human trafficking, thousands of Somali teenagers were fleeing war and chaos in South-Central Somalia and sailing to Yemen, where officials who had long welcomed Somali refugees were now concerned that extremist elements could find growing Somali refugee camps in Yemen a fertile ground for recruiting and human trafficking. Human smuggling was thus a major concern for the Puntland Authorities. It was attracting vulnerable IDPs and illegal migrants from Ethiopia and Eritrea to choose this path.

65. I was pleased to learn from my meeting with H.E Abdi Yasin, the Deputy Minister of Interior of Puntland, whom I met separately in Bossaso, that he had not only read my last report to the Human Rights Council but also taken action to deal with the concern I had expressed therein about the terrible detention conditions of the Central prison in Garowe, in particular keeping prisoners in shackles. On IDPS, he told me that young pastoralists who once used to walk long distances behind their camels in the vast pastures of Somalia were now playing with millions of US dollars generated by piracy. The consequence of this on Somali society was a matter for serious reflection by all concerned.

B. General comments on the human rights situation in Puntland

66. It appeared to me that the Government of Puntland had made some significant achievements in reorganizing police and security forces and had shown its commitment to rule of law and democracy. However, a continuous influx of new arrivals of IDPs from South-Central, in addition to piracy and human trafficking remained challenging for the stability of Puntland. Whatever the reason, the high-handedness of Government's response to what it considered to be threats emanating from Islamist infiltrators coming from the South remained a matter of concern. There were reports of arrest/harassment of IDPs, refugees, asylum seekers, journalists and media people.

67. From my meeting with representatives of the Puntland civil society, I learnt about the gaps that existed with regard to human rights, rule of law and access to justice. I was pleased to learn that with UNDP funds provided under a project, a team of 15 lawyers and 16 paralegals were employed to improve access to justice for vulnerable groups, particularly through monitoring human rights violations committed against minorities, IDPs, economic migrants and refugees. One representative raised concern about the limited capacity of the judiciary when the region was witnessing increased criminality generated by the influx of mixed migrants and related human trafficking.

68. The number of judges trained to apply the criminal law inherited from Italy was limited. Murder cases were more often than not dealt with under Sharia law. The same judge could decide to apply both the Italian criminal law and the Sharia law in a case. While the majority of the population appeared to be in favour of the application of the Sharia law, the issue of

harmonization of the various Somali laws appeared not to be a priority. Minorities who lacked the protection of the major clans were likely to be victims of the discrepancies between customary, criminal and Sharia law.

69. From my visit to an IDP camp in Bossaso I learnt that while the living conditions in the camp, like those of the local population in the vicinity, remained harsh, the relative stability of Puntland provided the IDPs with opportunities to improve their social and economic conditions. Among human rights violations for the majority of the residents of the camp, who were women and children, the lack of physical security, rape and other instances of sexual and gender-based violence in and around the settlements as well as domestic violence were reported to be common. Access to primary education for IDP children and the health care at the General Hospital of Bossasso remained limited. Despite this, however, many IDPs said they preferred the durable solution of local reintegration to risk travelling to Yemen or returning to the South.

CHAPTER V

Human Rights Situation in Somaliland

70. During my visit to Somaliland, I had the opportunity to meet with the Minister of Justice, the Minister of Interior, the Speaker of the House of Elders, members of civil society organizations and the President of the Somaliland Human Rights Commission. I also visited the Mandhera prison outside Hargeisa and interacted with students of Hargeisa University. These exchanges, in addition to briefing from UN agencies, provided me with a good insight into the human rights situation in Somaliland.

A. Access to Justice and Rule of Law

71. I am grateful to the Minister of Justice, whom I had met twice before, for his frankness in discussing human rights of IDPs, refugees and asylum seekers as well as some discrepancies relating to rule of law and access to justice. The Minister sought to underline efforts of the Government to improve access to justice. According to him, there were now roughly 100 judges employed across Somaliland. They resort to a combination of civil, customary and Shari'a law, but only a small number of judges had appropriate legal qualifications in these fields.

72. I raised with the Minister concerns shared with me by many that the courts at all levels in Somaliland failed to challenge arbitrary and illegal detention of journalists, human rights defenders and “undisciplined” juveniles. Somaliland’s constitution required that individuals taken into custody be brought before a judge within 48 hours of arrest. Police officials regularly flouted this requirement and judges normally did not challenge them. Journalists were often targets of intimidation and abuse by Government officials. While these detentions sometimes lasted only a few hours, the fact remained that Government officials at all levels, as well as the police had, for example, ordered on occasions arrests of journalists in response simply to critical reporting, or to pre-empt such reporting.

73. According to the Minister of Justice, many journalists lacked professionalism and had never studied or got a degree on journalism. It was important that they abide by the rules and regulations governing media ethics. He, however, readily recognized concerns relating to abuses committed by the Regional Security Committees (RSCs), to which I shall turn now.

B. Human Rights violations committed by the RSCs

74. The main problem with the Regional Security Committees (RSCs) was the fact that their acts were, according to a scholar, “based on Siad Barre’s draconian decrees and not the 1963 law.” The 1963 Public Order law did not grant broad powers of detention and other extraordinary powers to the authorities, except in a state of emergency. The current Somaliland administration, however, claimed that the law made the Security Committees legal and gave them the power to detain anyone “seen as a menace to public order.” However, the committees were primarily used not for alleged national security offences but to deal with ordinary criminal and juvenile cases in order to save the government the trouble of proving charges in court.

75. It appeared to me that the RSCs were used in some regions of Somaliland as much as or even more frequently than the courts to incarcerate people, including juveniles. During my visit to the Mandhera prison, I was shocked to see that a large number of juveniles were in jail at the request of parents who alleged that their children were disobedient, involved with gangs, drank alcohol or were violent. Many were not accused of anything amounting to a criminal offence under the law but were simply sent there by the RSCs who took decisions based on traditional Somali law, or Xeer. I was, in particular, saddened to see a teacher being held in jail in order to

be protected against clan revenge for a murder committed by his cousin who ran away to Kenya and was believed to be dead now. Although, I respect the local culture and tradition, a way must be found to deal with individual and collective fundamental freedoms in compliance with international standards.

C. Need for capacity building

76. The above underlined the importance of capacity building in Somaliland to improve compliance of law enforcement officials with human rights standards. Among others, the training of the Police and Security Forces was particularly called for and I believe UNPOS Human Rights Unit could play an important role in this regard in collaboration with UNDP. The Minister of Interior stressed his Government's disappointment at the suspension of the police training programme by UNDP. On the question of human rights violations committed by the RSCs, the Minister believed that this could be resolved in the context of a broader reform of justice undertaken by the UNDP Rule of Law programmes. There was an opportunity here for the UN to be helpful.

CHAPTER VI

Reflections on the Situation in Somalia

77. The situation in Somalia has continued to be one of the most difficult humanitarian crises in the world for quite sometime. It is also among the most dangerous for all concerned - the people, the warring factions and the international community as a whole. The security situation has worsened with more lethal fighting. As a result the humanitarian and human rights situation has continued to be deplorable. Too many people are being killed, maimed, gagged, silenced, humiliated, made homeless and displaced within and outside the country on a relentless basis. It is a free-for-all situation, with total impunity. What is happening to the people of Somalia is a scandal and a blot on human conscience.

78. This unconscionable state of affairs has been going on endlessly. Two decades of suffering of a people is too long. There are, of course, other such crises in the world - in Afghanistan, Iraq, Sudan, Palestine etc. But in all these, international efforts have been engaged, more or less, to find solutions. In Somalia there has been no sustained international effort. What the UN and

others are doing can only be described as first aid. As a result the situation has gone from bad to worse. If it is allowed to fester, it can only get worse.

79. From all indications, Somalia is turning into a hot spot for international terrorism which, left unattended is bound to spill over to neighbouring countries. Equally importantly, the growing menace of piracy in and around Somalia waters is fast assuming alarming proportions through exploitation by professional criminal syndicates. It is no longer the work of some unemployed youths looking for a livelihood and easy money. The criminals are taking advantage of the lack of an effective central Government. The international community must act fast and in a united manner to arrest the situation from deteriorating further.

80. I believe the time has come for the international community to take a fresh look at the situation in Somalia and consider what has been done or not done to find a solution to the Somali crisis. The first thing would be to take stock of the peace process initiated by the 2008 Djibouti Accord. Is it working as envisioned? If not, what factors are impeding the process? What would help to move it forward? Is there a need to amend the process?

81. I must confess that a year ago I was more upbeat and optimistic about Somalia. But that has changed in the last six months. I had expected that the new TFG would move fast to consolidate the goodwill it began with a year ago. I thought that the opposition forces would suffer from dwindling peoples' support. I felt that the withdrawal of Ethiopian troops from Somalia; war fatigue of the population and imposition of a harsh alien version of Shari'a law on the people would weaken the position of the hard-line Islamists. But there is no clear indication to that effect, nor is there any indication that the TFG is gaining an upper hand.

82. It can, of course, be said that more time is needed for the efforts of TFG to bear fruit. While that is true, it is also true that in the mean time Al Shabab too appears to be gaining ground. Either they should be halted or weakened or won over. I think weakening them or winning them over has the best chance to succeed. I see little chance of winning through military means alone.

83. From my talks with newly arriving refugees in Dadaab camps and the IDPs in Bossaso, as well as some others, it appears to me that the TFG is still the better bet in the minds of the people, though they are not sure yet about its ability. But the Government will have to work hard

and imaginatively to consolidate people's support. If it succeeds, I foresee defections from opposition ranks, particularly from the nationalist elements among the hard-liners. To facilitate the process, the Government must have a clear strategy to provide necessary concessions and offers to those who wished to come over and welcome them into the fold.

84. For the Government's strategy to succeed, I believe there is a need to take the people of Somalia into greater confidence. From what I have noticed so far, the people have not been involved in the peace/reconciliation process to any significant extent. What the refugees in Kenya and Yemen have told me time and again still rings in my ears. They pleaded not only for their own involvement in the peace process but also for all else, including clans, their leaders, the business people, the Diaspora and so on. The Government's policy paper referred to earlier has included their involvement. Is it not possible to start a process sooner than later where all these groups may be consulted, either together or separately? Whatever the outcome, the process itself will send a message to all concerned that without peoples' support neither the TFG nor the opposition has a chance to win.

85. The consultations should take place, in Somalia itself, wherever it is feasible. An effort must be made to move away from what I have referred to earlier as "Nairobi syndrome". The TFG should be seen consulting with the people, as much as it is seen consulting with other Governments and the UN. It is an important aspect of the human rights of the people. I think the refugees in Dadaab had a point when they told me that they wanted to see members of the TFG and Somali Parliament visit them in the refugee camps regularly and observe how they lived. There is a need for the Government to commiserate with the people.

86. I continue to be bothered by the fact that the hub of UN activities for Somalia is still Nairobi, Kenya and not somewhere in Somalia already. I know that there is many local staff and some international staff posted in Somalia. But why is it not possible to move some or most of the UN country offices for Somalia to Somalia itself, at least where there is relative peace, say in Somaliland and Puntland? Perhaps it is not possible to move fully yet, but a beginning could be made sooner than later. I have been told that a site for common UN compound in Mogadishu has already been identified. I have heard that it is not impossible to make arrangements for additional secure premises for the UN and accommodation for UN staff in Somaliland and Puntland. It will require the political will of the UN and some investment to construct them.

87. There would, of course, be serious worries in the beginning as the opposition forces would not like to see the UN move to Somalia fully. But the effects of the move on the minds of the people of Somali and the confidence it would generate is likely to pay rich dividends soon, neutralizing the scare tactics of the opposition. I was happy to learn that the SRSG is personally inclined to set up the base of his operations in Somalia, in fact in Mogadishu itself. His office could become role model for others to follow.

88. Another thought crept into my mind during my talks with Somali refugees in Dadaab. It appeared to me that it would be a tremendous psychological boost for the refugees and the people of Somalia if the TFG could announce that it would welcome qualified refugees now living in camps abroad to return home and help the Government to run the various affairs of the state. I know that the Somali Diaspora is already helping the Government in many ways. Why couldn't the refugees do that too?

CHAPTER VII

Recommendations

A. For the TFG

89. The TFG has the primary responsibility to provide protection to its population despite its limited capacity. The Government must, therefore, ensure relevant training for all concerned on basic standards of international humanitarian and human rights laws.

90. The recent decision of the TFG to ratify the Convention on the Rights of the Child (CRC) should be turned into law sooner than later so that the political will of the Government to follow international standards in this and other fields is clearly demonstrated.

91. The TFG has the key role to play for the success of the Somalia peace process. It has been entrusted by the people of Somalia, through a unique representational process, to bring the long-standing conflict in Somalia to an end by all possible means, including thorough negotiations and reconciliation. It is for the Government, therefore, to take the initiatives to make the peace and reconciliation process work. In this respect, I welcome the recent initialing of an agreement, ahead of the signing of the Framework for Cooperation, between the TFG and Ahlu Sunna Wal

Jama'a (ASWJ). I consider this to be an important step to expand and broaden the scope of dialogue and reconciliation in Somalia.

92. When it assumed office, the Government inherited a rich reservoir of knowledge and experience and a large number of lessons learned from all past experiences of peace making in Somalia. These lessons should be identified, made public and used as a guide for the Government.

93. While most, if not all Somalis, are fiercely attached to their clan identity and wished to ensure proper clan representation in any future government set-up, they are also keen to maintain territorial integrity of their country and live together in an arrangement that recognizes local/regional differences and provides for rule of law and good governance. The TFG should, therefore, focus upon creating peoples' confidence in its efforts in this regard. And there can be no better recipe for this than strengthening the institutions of rule of law and good governance.

94. To ensure rule of law and good governance, the Government should begin by getting rid of corrupt, inefficient or uncommitted government servants and replace them with dedicated, properly trained and people-friendly officials. The recent change of ill-reputed Security and Police chiefs were received well by the people. The Government should set up clear-cut standards for good governance with proper norms and principles. The setting up of a National Human Rights Commission through the Constitution drafting process and Human Rights Courts that the Minister of Gender told me about would also send the right signals to the people. A firm announcement by the Government that it seeks to banish the culture of impunity altogether from Somalia is of paramount importance.

95. The Government should consider arranging for consultation meetings with people from all walks of life to seek their views on affairs of the state and, in particular, the future Constitution of Somalia. I know this will not be easy in the given circumstances of the country but some imaginative arrangements must be possible. The idea basically would be to let the people know that their opinions matter. The consultations could be staggered geographically, group-wise, gender-wise, as appropriate. They should, however, take place within Somalia, to the extent possible.

96. The Government should make arrangements for visits by Government Ministers and senior officials to refugee camps in Kenya and Yemen and seek the refugees' views whether they would be interested to return home under proper arrangements and work for the Government. It would be good if Government Ministers and senior officials were to simply visit the camps regularly to boost the morale of the refugees. Similar arrangements should also be made for visits by members of the Parliament and other transitional federal institutions.

97. The Government should also focus upon three other key issues which emerged from my talks particularly with the refugees. These are: creation of livelihood opportunities, reopening of schools and support to education institutions, and strengthening medical services. This should go on in parallel with Governments efforts to end insurgency. There is no alternative to Government's efforts to help the youth, for example, to withstand financial inducement offered by the insurgents to join them.

B. For the Somaliland Authorities

98. While I acknowledge the efforts of the Somaliland authorities to improve the rule of law and democracy, I would urge them to put an end to the practice of the Regional and District Security Committees to order arrest and detention and impose prison sentences or other penalties by bypassing the courts of law. It would be important to take appropriate measures to release all persons currently imprisoned by the Security Committees or charge them for cognizable criminal offenses before regular criminal courts.

C. For the Puntland Authorities

99. While appreciating the efforts of the Puntland authorities to host the IDPs despite legitimate security concerns, I would urge them to refrain from threatening to expel the IDPs to the South or any other area. Women and young girls should be protected against rape, domestic violence and SGBVs and provided with health care, psycho-social and rehabilitation and redress support.

D. For the Opposition Groups

100. I would urge all the opposition forces, in particular Al Shabaab and Hizbul Islam, to seriously engage with the TFG in negotiating a peaceful settlement to the conflict in Somalia. I

understand that some of them are already involved in the process and urge others to do so soon for the sake of the people of Somalia who have long suffered some of the worst violations of human rights and humanitarian law in the world. I should also remind them that as long as they are still fighting, their troops should respect the basic principles of human rights and humanitarian law. I shall be happy to receive communications from them in this or any other regard.

E. For the UN

101. Despite the fact that UN's consolidated appeal for Somalia is under-funded, there are some key activities that the UN must nevertheless continue. These include humanitarian assistance by WFP, UNICEF's activities in relation to women and children, the role of UNESCO in the field of education, UNDPs role in constitution building and implementation of ROLS programme, UNHCR's role for refugees and IDPs and UNPOS/HRU role on standard setting in the field of human rights and humanitarian laws. Many of these activities relate to capacity building and setting up of standards. These are important for the Government's efforts in relation to rule of law and good governance.

102. The key UN agencies should consider moving their country offices to Somalia as soon as possible. This should be possible with the construction of more secure office spaces and staff accommodation in safer areas of Somalia. What is needed is the political will. There are many difficult places in the world where security situation is perhaps more precarious but where full-fledged UN offices nevertheless exist.

103. I am happy to learn that the SRSG himself is in favour of moving his office to Somalia and has initiated measures in this regard. I would also suggest that the Human Rights Unit also moves with him. In any case, HRU staff should move to safer areas of Somalia sooner than later. And more staff should be added to HRU. In the last one year, despite many promises, there has been no increase in its staff of two. This is too small to cover a country like Somalia. OHCHR itself should consider a full-fledged presence in Somalia. There is a lot it could do to promote human rights in that country, including monitoring and reporting on human rights violations, training and building capacity of institutions that are capable of providing human rights protection.

104. I welcome the deployment of an International Consultant by OHCHR/UNPOS last October-November 2009 in Nairobi to assess the feasibility of a preliminary documentation assessment on the past and current human rights and international humanitarian law abuses as a way of moving forward on impunity and accountability. I hope the recommendations would be actively followed up. I would like to reiterate the need to establish an appropriate mechanism to combat impunity and hold the perpetrators of these potential war crimes and massive human rights and humanitarian law violations accountable.

105. I am concerned about the suspension of the humanitarian assistance, in particular the discontinuation of the food distribution following the restrictions of humanitarian access imposed by extremist armed groups on WFP. However, the UN should continue its efforts to keep the long-standing humanitarian crisis in Somalia under international focus. I reiterate my call to the Human Rights Council to reconsider holding a special session on Somalia. I should also like to call upon my thematic Special Procedure colleagues to consider focusing upon aspects of the situation in Somalia that pertain to their respective mandates.

106. Given the special circumstances of Somalia, I would urge UNHCR to consider extending education facilities for Somali refugees beyond the high school level. Somalia would need trained people to fill Government jobs which will open up when circumstances change. UNHCR should also seek more scholarships for higher studies of Somali refugees.

F. For the International Community

107. The international community should substantially increase its financial and technical support to the TFG to fulfil its many responsibilities beyond the security sector. The Government needs support to undertake key reforms to establish rule of law and good governance. Its success in this regard is fundamental to its success in cementing peoples' support in its favour. The latter would in turn help fight insurgency.

108. I urge all donor governments to respond generously to the consolidated appeal of the UN agencies for funds to implement its activities in Somalia. I am saddened to learn that last year it remained largely under-funded. Despite its many shortcomings, the UN is doing a formidable job in Somalia under tremendous odds. It is the main life line for many and deserves to be assisted

adequately. I would also like to repeat my call to all Governments to provide scholarships for Somali refugee students. Somalia would need them when peace returns.

109. Piracy, mixed migrations and related human trafficking and terrorism remain major concerns in Puntland and Somaliland. As warned by UN Office of Drug, the continued instability in Somalia is transforming East Africa into “a free economic zone for all sorts of trafficking – drugs, migrants and guns.” I would, therefore, urge that the international community deals with the ground realities of these phenomena with the seriousness it deserves. There are thousands of young men and girls in Somalia who are unemployed, uneducated, and desperate. In this context, the combined efforts of the maritime powers to fight the menace militarily are unlikely to stop piracy. Time has come to explore and implement a comprehensive approach that incorporates a genuine political and economic solution for Somalia.

G. For the African Union/AMISOM

110. I recognize the commendable efforts of AMISOM Forces in protecting key installations in and around Mogadishu under most challenging security conditions. As long as the TFG remains the best bet for the international community to deal with the situation in Somalia, there is no alternative to this. I would, therefore, urge all AU and OIC countries to strengthen AMISOM. In particular, I call upon all AU Member States that have pledged troops to AMISOM to redeem their pledges to enable AMISOM to reach its authorized strength.

111. In view of continuing allegations of human rights and humanitarian law violations by AMISOM troops, I would recommend that efforts are undertaken to increase their compliance with the basic standards in those fields. They should in particular make sure that populated areas are under no circumstances targeted by indiscriminate shelling.
