



# Somalia

# Actors

Country of Origin  
Information Report

July 2021





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The following departments and organisations have reviewed the report, together with EASO:

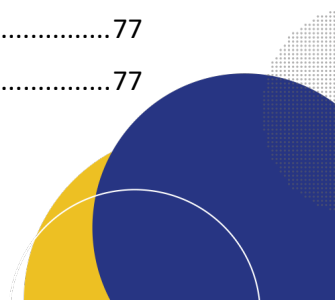
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- Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

It must be noted that the drafting and review carried out by the mentioned departments, experts or organisations contributes to the overall quality of the report, but does not necessarily imply their formal endorsement of the final report, which is the full responsibility of EASO.

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## Disclaimer

This report was written according to the EASO COI Report Methodology (2019).<sup>1</sup> The report is based on carefully selected sources of information. All sources used are referenced.

The information contained in this report has been researched, evaluated, and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person, or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular application for international protection. Terminology used should not be regarded as indicative of a particular legal position.

‘Refugee’, ‘risk’ and similar terminology are used as generic terminology and not in the legal sense as applied in the EU Asylum Acquis, the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees.

Neither EASO nor any person acting on its behalf may be held responsible for the use which may be made of the information contained in this report.

The drafting of this report was finalised on 14 May 2021; however the reference period of the report covers the period 2020 – 30 April 2021, or earlier whenever relevant. Any event taking place after this date is not included in this report. Some additional information was added during the finalisation phase in response to feedback received during the quality control process, until 18 June 2021. More information on the reference period for this report can be found in the [methodology](#) section of the Introduction.

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<sup>1</sup> The 2019 EASO COI Report Methodology can be downloaded from the EASO COI Portal, [url](#)



# Glossary and Abbreviations

4.5 power-sharing formula	A power-sharing formula under which key positions in the state and parliamentary seats are allocated on a proportional basis across the 4 major clans and 0.5 to minorities
Abbaan	Head of a caravan, who provides safe crossing of a clan's territory
ADR	Alternative Dispute Resolution Centres
AMISOM	African Union Mission in Somalia
AFRICOM	The United States Africa Command
Amniyat	Al-Shabaab's intelligence wing
AS	Al-Shabaab; militant Islamist organisation in Somalia
ASNE	Al-Shabaab North-East
ASWJ	Ahlu Sunna Wal Jama'a
BRA	Benadir Regional Administration
Casualty	A person who is killed, wounded or incapacitated by some event
CID	Criminal Investigations Department
<i>Danab</i>	'Lightning', advanced infantry battalion
<i>Darwish</i> (State level)	State level armed forces/militias/paramilitary/special police
<i>Darwish</i> (Federal Police)	Paramilitary unit of the Somali Police Force distinct from the state level unofficial darwish
<i>Diya</i>	Payment of compensation (see also <i>mag</i> or <i>jilib</i> )
<i>Emir</i>	The highest leader of Al-Shabaab
DESS	Duguf Enterprise Security Services
DPC	District Peace Committees
ENDF	Ethiopian National Defence Force
Fatality	A person who is killed by an incident or by violence
FGM/C	Female genital mutilation and cutting
FOB	Forward Operating Base
FFM	Fact-Finding Mission
FGS	Federal Government of Somalia
FMS	Federal Member States
<i>Gobol</i>	Somali administrative region
<i>Gorgor</i>	'The Eagles', Somali commando force trained by Turkish military
<i>Guurti</i>	House of Elders
<i>Hanbali</i>	One of the two main shari'ah schools ( <i>madhab</i> ) present in Somalia
<i>Hadd</i> crimes	Crimes that are 'against the rights of God' under Islamic religious law

<i>Haramcad</i>	‘Cheetah’ forces, special police unit of the SPF trained and funded by Turkey
IED	Improvised Explosive Device
<i>Ijtihad</i>	The interpretation of the shari’ah
<i>Infaaq</i>	Emergency money/funds raised by Al-Shabaab
ISIS-Somalia	Islamic State in Somalia, or ISS; a Somalia-based affiliate of the Iraq/Syria-based IS (also called the Islamic State of Iraq in the Levant/Syria (ISIS), or Daesh)
<i>Jabahaat</i>	Military wing of Al-Shabaab
<i>Jaysh</i>	Al-Shabaab ‘army’, battalion
JSP	Jubbaland State Police
JISA	Jubbaland Intelligence and Security Agency
KDF	Kenya Defence Force
<i>Macawiisleey</i>	Clan militia operating in the Lower Shabelle region
<i>Madhab</i>	Shari’ah school
<i>Mag</i>	Payment of compensation (see also <i>diya</i> )
<i>Maktab</i>	Al-Shabaab Ministry
MCP	Mogadishu Central Prison
MPCC	Mogadishu Prison and Court Complex
<i>Murtadd</i>	Apostates; those who convert away from Islam
NIS	(Somaliland) National Intelligence Service
NISA	(Somali) National Intelligence and Security Agency
PISA	Puntland Intelligence and Security Agency
PMP	Puntland Maritime Police
PMPF	Puntland Maritime Police Force
PMSC	Private Military and Security Companies
PSF	Puntland Security Force
PSP	Puntland State Police
<i>Qadi</i>	Islamic judge
<i>Qisas</i>	Retaliation under shari’ah law
<i>Sab</i>	Minority group, occupational caste
<i>Saabe</i>	Somali ancestor for the <i>Rahanweyn/Digil-Mirifle</i> clan family
<i>Samaale</i>	Somali ancestor for Somali clans ( <i>Dir, Isaaq, Darood, Hawiye</i> )
SEMG	UN Security Council Monitoring Group on Somalia and Eritrea
<i>Shafi’i (Shafi’s)</i>	One of the two main shari’ah schools (madhab) present in Somalia
SNA	Somali National Army

SNAF	Somaliland National Armed Forces
SPF	Somali Police Force
S/VBIED	Suicide/Vehicle-Borne Improvised Explosive Device
TCC	AMISOM troops-contributing countries
<i>Ugaas</i>	Clan elders
<i>Ulama</i>	Islamic scholars
UNGU	UN Guard Unit
UPDF	Ugandan People's Defence Force
<i>Wali</i>	Governor
<i>Wilayaad</i>	Al-Shabaab regional administration
<i>Xeer</i>	Customary (clan) law
<i>Zakat</i>	Religious tax under shari'ah Islamic law

# Introduction

The purpose of this report is to provide relevant context information in view of the assessment of international protection status determination, including refugee status and subsidiary protection. Among others, the report is intended to inform the development of Country Guidance on Somalia (2022).

The report provides background information and mapping of relevant state and non-state actors/conflict dynamics in Somalia, upon which subsequent reports will build. These forthcoming EASO COI reports will focus on the Somalia Security Situation, Targeted Profiles and Key Socio-Economic Indicators and are due to be published later in 2021.

This report provides an overview of the main state and non-state actors in the Somali context, including their armed forces, at federal as well as at member state level. Details on relevant dynamics, territorial control/influence, governance as well as access to justice are also provided. Finally, the report provides an overview about the human rights conduct and abuses of main armed groups/security forces.

## Methodology

This report is produced in line with the EASO COI Report Methodology (2019)<sup>2</sup> and the EASO COI Writing and Referencing Style Guide (2019).<sup>3</sup>

### Defining the terms of reference

The terms of reference of this report build on the input received from policy experts from EU+ countries<sup>4</sup> within the context of country guidance development on Somalia. Terms of reference for this report can be found in [Annex 2](#).

### Collecting information

Given the broad scope of the report, the information gathered results from extensive desk research using predominantly public, specialised paper-based, and electronic sources until 14 May 2021. In very few instances, which were duly referenced and described, restricted or non-public information has been used to cover specific details.

The sources used are referenced in the [Bibliography](#). Wherever information could not be found within the timeframes for drafting this report after carefully consulting a range of sources, this is stated in the report. The main sources consulted are included in the bibliography.

### Quality control

To ensure that the authors respected the EASO COI Report Methodology, a review was carried out by COI specialists from the countries and organisations listed as reviewers in the [Acknowledgements](#) section. All comments made by the reviewers were taken into consideration and almost all of them were implemented in the final draft of this report, which was finalised on 18 June 2021. EASO also performed the final quality review and editing of the text.

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<sup>2</sup> EASO, EASO Country of Origin Information (COI) Report Methodology, June 2019, [url](#)

<sup>3</sup> EASO, Writing and Referencing Guide for EASO Country of Origin Information (COI) Reports, June 2019, [url](#)

<sup>4</sup> EU Member States plus Norway and Switzerland

## Sources

The report relies on a wide range of sources and publications, including: local and international think-tanks analysis, IO, NGO, and local organisations reports, grey literature, books, academic journals, media reports, and security bulletins.

## Structure and use of the report

The report is divided into seven chapters. After providing a country overview in Chapter 1 (Country Background), the report goes on to describe the main country-wide state and non-state actors in Somalia and in the Somali conflict, namely: the Federal Government of Somalia, the clans, al-Shabaab, AMISOM and AFRICOM, ISIS. For each one of these respective actors, the report details: strength/presence, characteristics, justice provisions and human rights conduct/abuses.

Chapter 7 provides sub-chapters for each Federal Member State (Jubbaland, South West State, Hirshabelle, Benadir/Mogadishu, Galmudug, Puntland), as well as Somaliland, adopting the same approach detailed above. Each sub-chapter includes a brief description of the state, background on relevant dynamics, territorial control, governance, local armed forces, access to justice, as well as security forces' human rights conduct.

## Note on Transliteration

A national orthography for the Somali language was codified relatively late by adopting a Latin script (21 October 1972). Nevertheless, even today, Somali lacks a commonly applied and binding orthography.

In this text, Somali place, clan and personal names usually follow Somali orthography: 'long vowels are indicated by doubling them', as in Darood or Abbaan, 'the Latin 'c' stands for a sound close to the Arabic ع (ayn), while 'x' denotes the strongly aspirated ح (ha)'.<sup>5</sup> However, given the fact that other sources adopt different conventions, the reader will sometimes find other forms of place, clan, and personal names in the text, including where direct citations are used or in references. See also the introductory note on [Clan Maps](#).

Somalis, notably Somali men, are frequently better known by their nicknames than by their formal names. The same applies to public figures and politicians mentioned in the text, whose nickname is provided in quotation marks, such as in 'better known' or 'also known' as 'Qoor Qoor'.

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<sup>5</sup> Hoehne M., Between Somaliland and Puntland, 2015, [url](#), p. 7



## Map Somalia - Approximate Territorial Control (30 April 2021)<sup>6</sup>

[see next page]

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<sup>6</sup> Political Geography Now, Somalia – Approximate Territorial Control as of 30 April 2021, n.d., non public source

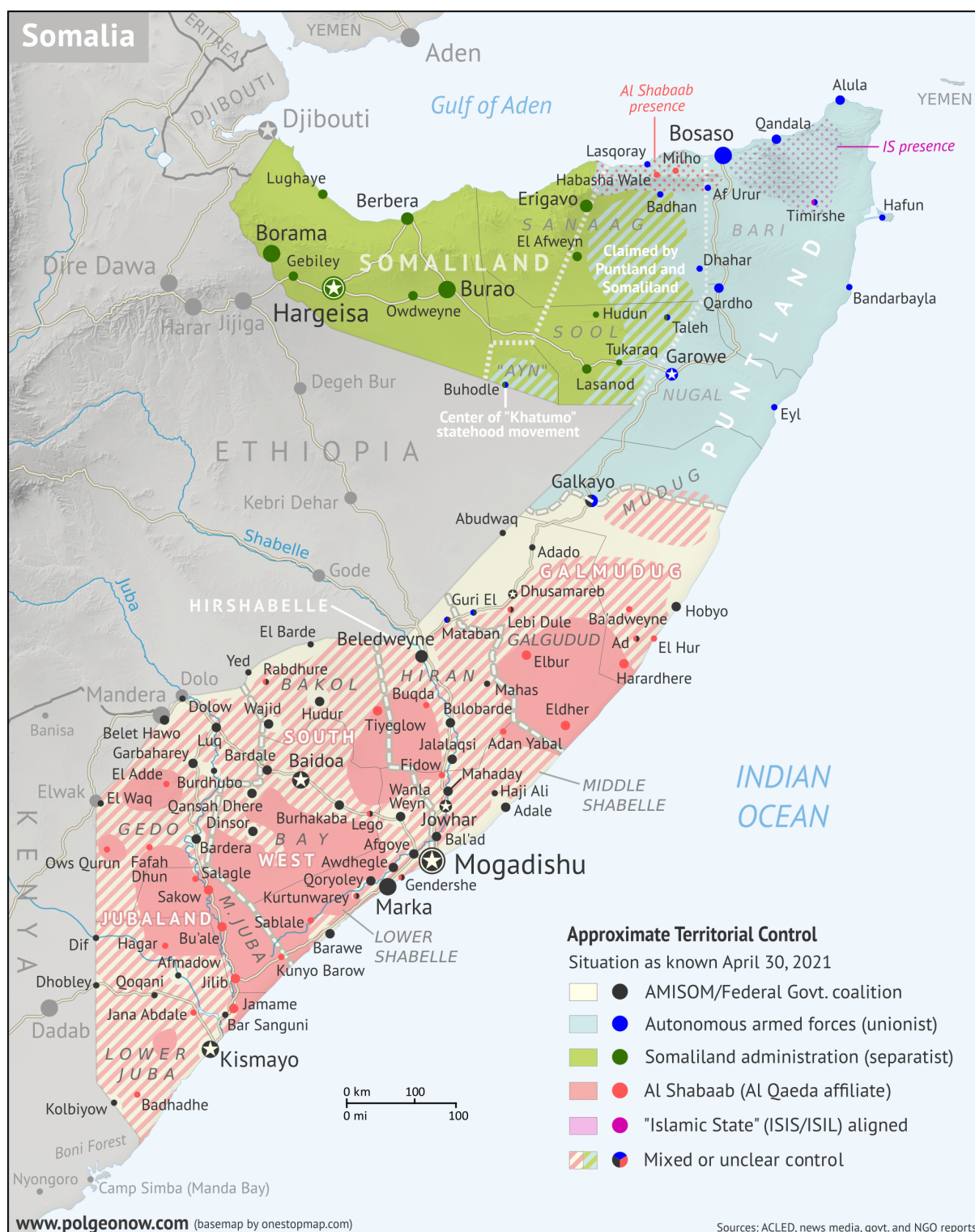


Figure 1. Political Geography Now, Somalia - Approximate Territorial Control as of 30 April 2021 ([www.polgeonow.com](http://www.polgeonow.com))

**Please note:** This map was produced by Political Geography Now. The depictions on this map do not imply any opinion whatsoever on the part of EASO concerning legal status or effective control over any country, territory, city, or area. Every effort is made to ensure this map is free of errors, but there is no guarantee that the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied.



## Clan Maps

Below are two maps showing clan distribution at a detailed level (mostly sub-clan). Originally, they are based respectively on: (1) the map by Abdulqaadir Abikar (1999);<sup>7</sup> and (2) the map by the British anthropologist and expert in Somali clans, Ioan M. Lewis, attached to his 1955 book titled *Peoples of the Horn of Africa: Somali, Afar and Saho*.<sup>8</sup> Both maps are published below in an edited version, as reworked by SEM Laenderanalyse, to make them more readable and more clearly laid-out than the original.

**Please note:** the nomadic lifestyle of many Somalis, the extensive migration movements since 1991 and the disagreements regarding clan genealogies make it virtually impossible to produce a precise map. These discrepancies are clearly visible when comparing the two maps below, for example the distribution of the Hawiye in Southern Somalia. Contrary to what the maps show, for the most part there are no exact and clearly defined borders between clan territories.

As already noted in the Note on Transliteration, it is equally important to notice that the spelling of clan names may vary. In the maps below, the spellings used by the original authors have been reproduced verbatim. The spelling variations between the two authors are reflected in the maps (e.g. *Gelimes* by Lewis 1955 vs *Gilmays* by Abikar 1999).

Although there is a long timespan between the publication of these maps (1955 and 1999 respectively), the differences between the maps should not be understood as changes in the Somali clan distribution within this timeframe.

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<sup>7</sup> Abikar, A., *Clan Distribution of the Somalis in Horn of Africa*, 1999, as in: ACCORD, *Clans in Somalia – Report on a lecture by Joakim Gundel*, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), p. 30

<sup>8</sup> Lewis, I.M., *Peoples of the Horn of Africa: Somali, Afar and Saho*, International African Institute, 1955

## Map by Abikar (1999)<sup>9</sup>

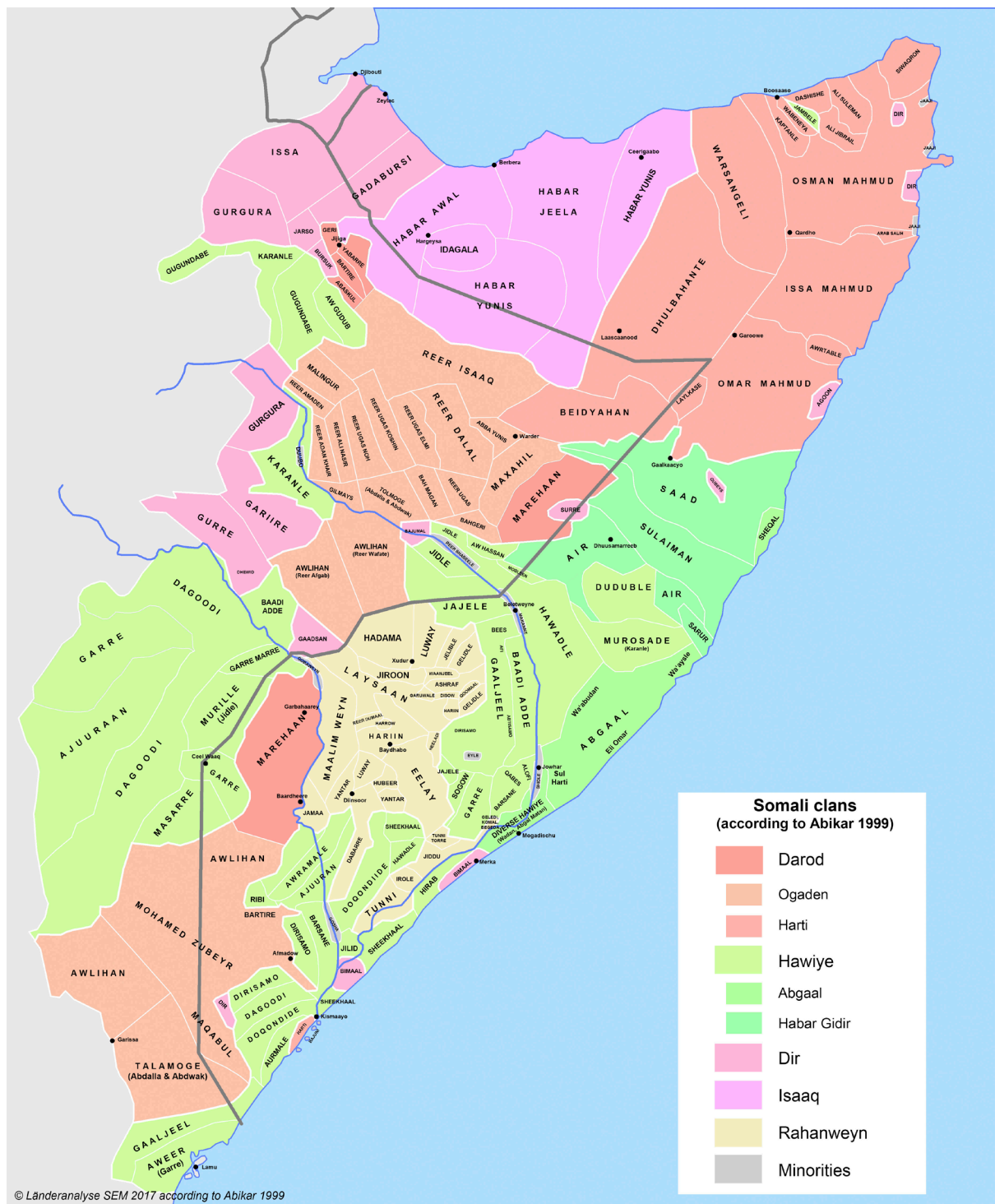


Figure 2. Clan Distribution by Abikar (1999)

<sup>9</sup> Abikar, A., Clan Distribution of the Somalis in Horn of Africa, 1999, as in: ACCORD, Clans in Somalia – Report on a lecture by Joakim Gundel, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), p. 30



# 1. Country background

At the beginning of 2021, Somalia was experiencing a renewed phase of political instability and electoral impasse, in addition to the on-going humanitarian crisis (Covid-19, drought, food security, floods) and the ongoing conflict with the militant group Al-Shabaab.<sup>11</sup>

Often labelled as a ‘mediated’ state or ‘hybrid’ political entity, Somalia presents a wide range of state, state-like non state actors, and other social, political, and military actors. With various levels of outreach, they interplay with each other at national and regional level resulting in a great variety of de facto governance arrangements in ‘ungoverned spaces’.<sup>12</sup> Although developing simultaneously and being intertwined with each other, main conflict and confrontation dynamics can be presented for analytical purposes in different layers, which can be listed as follows:

- The Federal Government of Somalia (FGS) and the Federal Member States (FMS).** The Federal Government of Somalia embodies the national state apparatus and represents Somalia’s internationally recognised interlocutor.<sup>13</sup> Based in Mogadishu and with a very limited outreach,<sup>14</sup> it depends heavily on foreign donors for its survival (UN system, EU system, US, UK, Turkey, UAE, among others).<sup>15</sup> At the regional level, the Federal States’ administrations function as the legitimate political powers, usually with stronger territorial anchoring and clearer clan affiliation.<sup>16</sup> Nevertheless, they operate with different degrees of governance performance, administrative capacity, territorial control, and security.<sup>17</sup> These Federal Member States (FMS) are, from south to north: Jubbaland, South-West, Benadir (Mogadishu), Hirshabelle, Galmudug, and Puntland.<sup>18</sup> A first fault line in the Somali context runs between the FGS and the Federal Member States, which often compete among them over political power, legitimacy, resources, territorial control, monopoly of the force.<sup>19</sup> For details see Section 2 on [The Federal Government of Somalia](#) and Section 7 on the Federal Member States and Somaliland.
- Intra-State Control and Governance Dynamics.** As mentioned above, the various Federal Member States operate with different degrees of governance performance, institution building, security and stability.<sup>20</sup> While state and local level administrations are in most cases still in the making or just entered a consolidation phase, effective governance and control of the state territory is rarely undisputed or unitary.<sup>21</sup> Besides al-Shabaab presence in South-Central Somalia (see below), a number of issues may transversally affect the consolidating state administrations.<sup>22</sup> Such issues, which encompass internal political instability, lack of political consensus across state constituencies, clan rivalries, land and resources disputes, foreign and federal (military) meddling,

<sup>11</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), para. 2-17, 54-60; HRW, World Report 2020 – Somalia, 13 January 2021, [url](#); HIPS, State of Somalia – 2020 Report, [url](#), pp. 3-4

<sup>12</sup> Menkhaus, K., Governance without Government in Somalia - Spoilers, State Building, and the Politics of Coping, 2007, [url](#), p. 78; Herring, E. et al., Somalia, fragmented hybrid governance and inclusive development, 9 October 2020, [url](#), p. 186; Stremlau, N., Governance Without Government in the Somali Territories, 9 January 2019, [url](#)

<sup>13</sup> Bryden M., Somalia Redux? Assessing the new Somali Federal Government, August 2013, [url](#), pp. 1-3

<sup>14</sup> Stremlau, N., Governance Without Government in the Somali Territories, 9 January 2019, [url](#)

<sup>15</sup> Development Initiatives, A complex and protracted state of crisis, 2020, [url](#)

<sup>16</sup> HIPS, Dysfunctional Federalism, July 2020, [url](#), pp. 8- 11, 15, see also 13-20;

<sup>17</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>18</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 9

<sup>19</sup> HIPS, Dysfunctional Federalism, July 2020, [url](#), pp. 8- 12, see also 13-20

<sup>20</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>21</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>22</sup> UNSOM, Political Affairs, 2021, [url](#)

at times result into break-away or competing local administrations.<sup>23</sup> For details see Section on [Clans](#) and ad-hoc sections for each [Federal Member States and Somaliland](#).

- The Intra- and Inter-Clan Rivalries.** Another major fault line that runs through the Somali context is constituted by clan rivalries and conflicts. Somalia's political and cultural landscape is deeply rooted in the clan system as well as in racial discriminations.<sup>24</sup> The Somali society is divided into four or five main clan families - (Dir/Isaaq, Darood, Hawiye, Rahanweyn or Digil-Mirifle), each one of them comprising several clans, sub-clans, and sub-sub clans – as well as some minority clans and clan families, and ethnic minorities.<sup>25</sup> Somali clans are distributed across the Somali national territory – as well as beyond it - and represent, especially ever since the outbreak of the civil war in 1991, 'political-territorial-military' and 'identity' units (although to some extent unstable and transient).<sup>26</sup> Clans often compete with each other, as well as against other actors, such the FGS or the FMS, for political, resource and territorial control, while resorting to a system of variable geometry and instrumental alliances.<sup>27</sup> For details see Section on [Clans](#) and ad-hoc sections for each [Federal Member States and Somaliland](#).
- The Al-Shabaab – anti-Al-Shabaab Conflict.** Somalia is a party to a non-international armed conflict with Al Shabaab,<sup>28</sup> according to the Rule of Law in Armed Conflicts project (RULAC).<sup>29</sup> Al Shabaab is designated as a terrorist group by the UK<sup>30</sup> and the US.<sup>31</sup> The FGS, the FMS, some clans and Darwish militias, as well as other international actors, such as AMISOM (the African Union Mission in Somalia) and AFRICOM (the US African Command), are all engaged, although in various degrees and forms, in the long-standing war against al-Shabaab. Al-Shabaab is Somalia's 'armed Islamist extremist and self-declared al-Qaeda affiliate organisation'<sup>32</sup> that controls 'tracts of rural central, southern, and western Somalia',<sup>33</sup> while permeating the Somali society beyond it.<sup>34</sup> For details see Section 4 on [Al-Shabaab](#) and Section 5 on [AMISOM and AFRICOM](#).
- The Anti-ISIS Conflict.** The Islamic State in Somalia (ISS or ISIS-Somalia) is a jihadist Islamist group with affiliation to the Islamic State in Iraq and Syria/Levant (ISIS/ISIL/Daesh).<sup>35</sup> Various armed forces, including AFRICOM, the Federal State Security Forces, and the Puntland armed forces are engaged in various degrees in a warfare against the Islamic State in Somalia, which is described as 'largely a Puntland group,' though it has claimed attacks in Mogadishu.<sup>36</sup> Al-Shabaab and ISS also

<sup>23</sup> ACLED, A turbulent run-up to elections in Somalia, 7 April 2021, [url](#)

<sup>24</sup> Eno M.A and Kusow A. M., Racial and Cast Prejudice in Somalia, 2014, [url](#), pp. 91-93

<sup>25</sup> ACCORD, Clans in Somalia – Report on a lecture by Joakim Gundel, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), pp. 11-20

<sup>26</sup> de Waal A., The Prairie Fire that Burned Mogadishu: The Logic of Clan Formation in Somalia, December 2018, [url](#), pp. 1-2, see also pp. 3, 5, 6, 15, 18, 25; See also: ACCORD, Clans in Somalia – Report on a lecture by Joakim Gundel, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), p. 8

<sup>27</sup> de Waal A., The Prairie Fire that Burned Mogadishu: The Logic of Clan Formation in Somalia, December 2018, [url](#), pp. 6, 10, 13-19, 30

<sup>28</sup> RULAC, Non-international armed conflict in Somalia, 30 April 2021, [url](#)

<sup>29</sup> RULAC is a project of the Geneva Academy of International Humanitarian Law and Human Rights that identifies and classifies situations of armed conflict, providing an independent and impartial analysis of conflicts and applicable international law. RULAC, About RULAC, n.d., [url](#)

<sup>30</sup> UK, Home Office, Proscribed terrorist groups or organisations, [Updated] 23 April 2021, [url](#)

<sup>31</sup> USDOS, Designated Foreign Terrorist Organizations, n.d., [url](#)

<sup>32</sup> International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), p. 1

<sup>33</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 120; see also International Crisis Group, Somalia's Current Security and Stability Status, Testimony by Dr. EJ Hogendoorn, 14 March, 2018, [url](#)

<sup>34</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), p. 3; International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), pp. 1, 12-14

<sup>35</sup> Weiss, C., Reigniting the Rivalry: The Islamic State in Somalia vs. al-Shabaab, CTC Sentinel, April 2019, [url](#), pp. 29, 32

<sup>36</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), pp. 14-17; see also: Weiss, C., Reigniting the Rivalry: The Islamic State in Somalia vs. al-Shabaab, CTC Sentinel, April 2019, [url](#), pp. 30-31



fight with one another, causing rival clashes and assassinations between the groups.<sup>37</sup> For details see Section 6 on [ISIS](#).

- Puntland versus Somaliland.** Somaliland is an area of Somalia that declared independence from the rest of Somalia in 1991. Among other territorial disputes across Somalia, Puntland and dispute control of the Sool and Sanaag regions that border the two state administrations as well as the area of Ayn, part of Togdheer region. Sool and Sanaag fall within Somaliland's boundaries, as per the old Anglo-Italian border and protocol (1894), and as put forward by the Somaliland government. The two dominant clans in the area (*Warsangeli* and *Dhulbahante*) belong to the same *Darood/Harti* clan family for which Puntland constitutes the core and institutional 'home'.<sup>38</sup> In other words, as Somali expert Hoehne puts it 'Somaliland, therefore, is based on a territorial logic and Puntland on a genealogical logic'.<sup>39</sup> For details see relevant sub-sections within the Sections [7.6 Puntland](#) and [7.7 Somaliland](#).
- The FGS versus Somaliland.** The core issue of contention between the two political entities remains Somaliland's political status, in light of its 1991 declaration of independence from the rest of Somalia. The FGS rejects this declaration. At the same time the international community is more and more willing to engage with the government of Somaliland (including at business and diplomatic level), without bestowing for this reason international recognition to the break-away administration.<sup>40</sup> Since 2015 Somalia and Somaliland have not seriously re-engaged in reconciliation talks, failing to do so also at the beginning of 2020.<sup>41</sup> For details see Section [7.7 Somaliland](#).
- Foreign influence on the FGS and the FMS.** Reportedly, Gulf monarchies compete for power and resources across the Horn of Africa and in Somalia.<sup>42</sup> The United Arab Emirates (UAE) and Qatar each provide weapons or military training to sided factions on the ground, exert political influence, and compete for 'contracts to manage ports or exploit natural resources'.<sup>43</sup> More in general, Saudi Arabia and the UAE consider the Somali coastline as their 'western security flank', while Qatar and Turkey, among others, invest in development and business projects especially in Mogadishu.<sup>44</sup> Within this context, the SFG is aligned with Turkey and Qatar,<sup>45</sup> while Puntland and Somaliland are supported by the UAE.<sup>46</sup> Other key regional players and influencers are bordering Kenya and Ethiopia, as well as Eritrea.<sup>47</sup> Kenya's 'alleged interference in Somalia's internal affairs' extends to Jubbaland, a crucial security partner,<sup>48</sup> while Ethiopia's interference to, among others, South-

<sup>37</sup> Weiss, C., Reigniting the Rivalry: The Islamic State in Somalia vs. al-Shabaab, CTC Sentinel, April 2019, [url](#), pp. 29, 32

<sup>38</sup> ISS, Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 3-5; Hoehne M., Between Somaliland and Puntland, 2015, [url](#), pp. 19-21, 36

<sup>39</sup> Hoehne M., Between Somaliland and Puntland, 2015, [url](#), p. 21

<sup>40</sup> International Crisis Group, Somalia-Somaliland: The Perils of Delaying New Talks, 12 July 2019, [url](#)

<sup>41</sup> Garowe Online, Somalia: EU tries to revive stalled talks between FGS and Somaliland, 13 May 2020, [url](#)

<sup>42</sup> Global South, The Middle East powerhouses & geopolitics of Somalia's fault lines, 23 September 2020, [url](#)

<sup>43</sup> New York Times (The), With Guns, Cash and Terrorism, Gulf States Vie for Power in Somalia, 22 July 2019, [url](#)

<sup>44</sup> Reuters, Harboring ambitions: Gulf states scramble for Somalia, 1 May 2018, [url](#)

<sup>45</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 28

<sup>46</sup> New York Times (The), With Guns, Cash and Terrorism, Gulf States Vie for Power in Somalia, 22 July 2019, [url](#)

<sup>47</sup> Africa Report (The), Horn of Africa Cooperation: Mixed responses to new regional bloc, 9 September 2020, [url](#)

<sup>48</sup> ISS, Kenya-Somalia dispute threatens an embattled Horn of Africa, 16 March 2021, [url](#); Majid N. and Abdirahman K., The Jubbaland Project and the Transborder Ogadeen, 23 February 2021, [url](#), pp. 6-7

West State,<sup>49</sup> the Gedo region,<sup>50</sup> and the central government.<sup>51</sup> In the course of 2020, beginning of 2021, the FGS has also continued to ‘strengthen its relationship’ with Eritrea.<sup>52</sup>

## 2. Federal Government of Somalia

As of April 2021, the Federal Government of Somalia is still under the de facto presidency of Mohamed Abdullahi Mohamed, also known as ‘Farmaajo’. His political mandate expired on 8 February 2021, while parliamentary and (then) presidential elections were actually due before that, ideally based on the ‘one-person, one-vote’ principle.<sup>53</sup> Farmaajo’s government failed to deliver on this principle, as well as on timely indirect elections.<sup>54</sup> Ever since the country has been experiencing a strongly polarised electoral and political impasse, mirrored in inconclusive as much as tense rounds of consultation with the various stakeholders,<sup>55</sup> as well as occasional armed confrontations (downtown Mogadishu) with opposition forces (February and April 2021).<sup>56</sup> As of April 2021, a proper electoral agreement between the FGS and the FMS, notably Puntland and Jubbaland, as well as the Council of the Presidential Candidates, which comprises all opposing presidential candidates, is still in the making. In Dhusamareb first (August 2020), and then in Mogadishu on 17 September 2020, the parties reached a first compromise.<sup>57</sup> Based on this new electoral model, which is still an indirect system, ‘electoral colleges will be used to select representatives for the House of the People, while seats in the Upper House will be voted on by state assemblies. The election will be managed by federal and state level committees and, under the proposed timetable would be completed by early February 2021.’<sup>58</sup> Each electoral college, which will vote for a seat in parliament, will consist of 101 delegates (selected on the basis of local clan distribution).<sup>59</sup>

However, according to sources from April-May 2021, the actual implementation of the Dhusamareb agreement, including the supervision of the entire electoral process, which requires high level of political dialogue, remains a major source of contention among the parties. Opposition lawmakers, together with Upper House Speaker, leaders of Puntland and Jubbaland, and Presidential aspirants (Council of Presidential Candidates), formed the National Salvation Forum (or Council) to advocate at

<sup>49</sup> Majid N. and Abdurahman K., The Jubbaland Project and the Transborder Ogadeen, 23 February 2021, [url](#), pp. 5-7

<sup>50</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), pp. 3-6

<sup>51</sup> HIPS, The State of Somalia Report, February 2021, [url](#), pp. 27-28; International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), pp. 3-6

<sup>52</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 27

<sup>53</sup> Al Jazeera, Somali opposition leaders ‘no longer recognise president’, 8 February 2021, [url](#); Guardian (The), Inside Somalia’s impasse: election talks collapse amid mistrust and blame, 8 April 2021, [url](#)

<sup>54</sup> Africa Report (The), Somalia’s delayed presidential elections: Top 7 issues to follow, 4 February 2021, [url](#); VOA, Somali Opposition Refuses to Recognize President Farmajo as Term Expires, 8 February 2021, [url](#)

<sup>55</sup> Daily Sabah, What is behind Somalia’s 2021 electoral impasse?, 15 April 2021, [url](#); Guardian (The), Inside Somalia’s impasse: election talks collapse amid mistrust and blame, 8 April 2021, [url](#)

<sup>56</sup> New York Times (The), Gunfire Erupts in Mogadishu as Somalia’s Political Feud Turns Violent, 30 April 2021, [url](#); Reuters, Forces opposed to Somali president control parts of Mogadishu, 27 April 2021, [url](#); Reuters, Somali ex-leader says soldiers attacked his home, blames president, 26 April 2021, [url](#); Al Jazeera, Rival groups clash in Somali capital over president’s mandate, 25 April 2021, [url](#); BBC News, Somali capital gunfire amid election protests, 19 February 2021, [url](#); Washington Post (The), Clashes in Mogadishu throw Somalia’s political crisis into dangerous new phase, 19 February 2021, [url](#)

<sup>57</sup> Hiiraan Online, Farmaajo, FMS leaders strike electoral deal in week-long talks, 17 September 2020, [url](#); Garowe Online, Hope for Somalia as leaders near striking inclusive election deal in Mogadishu, 17 September 2020, [url](#); Africa Report (The), Somalia’s delayed presidential elections: Top 7 issues to follow, 4 February 2021, [url](#); Guardian (The), Inside Somalia’s impasse: election talks collapse amid mistrust and blame, 8 April 2021, [url](#)

<sup>58</sup> Somali Dialogue Platform and Somali Public Agenda, Protecting stability and inclusivity in Somalia’s indirect election process, December 2020, [url](#), p. 2

<sup>59</sup> Somali Dialogue Platform and Somali Public Agenda, Protecting stability and inclusivity in Somalia’s indirect election process, December 2020, [url](#), p. 2



national and international level for a democratic transition.<sup>60</sup> The incumbent president Farmaajo term's extension, which the House of the People (the lower chamber of the Parliament) voted on 12 April 2021,<sup>61</sup> was met with political unrest, international criticism, and street protests, which also broke out in armed fighting downtown Mogadishu.<sup>62</sup> The two-years term extension was then repealed,<sup>63</sup> while the current prime minister, Mohamed Hussein Roble, seems to have assumed a central role in bridging the country from a state of political turmoil towards elections.<sup>64</sup>

## 2.1 State Structure and Governance

As per Article 1 of the Provisional Constitution, Somalia is a Federal State. Article 3 (3) underlines that 'the Federal Republic of Somalia is founded upon the fundamental principles of power sharing in a federal system.' To this regard Article 51 (2) emphasises that 'every government shall respect and protect the limits of its powers and the powers of other governments.'<sup>65</sup> Article 48 stipulates that the state is composed of two levels of government: the federal government and the federal member states, which include both state and local governments. Article 54 assigns foreign affairs, national defence, citizenship and immigration and monetary policy to the exclusive jurisdictions of the federal government,<sup>66</sup> while for all other issues affecting the FGS and the FMS' territories article 52 foresees that:

'the Federal Government and Federal Member State governments shall ensure that meetings between the Presidents of the Federal Member States and high ranking officials be held regularly to discuss issues that affect their territories, including: water resources, agriculture, animal husbandry, pasture and forestry, the prevention of erosion and the protection of the environment, health, education, relations and dialogue amongst traditional leaders, and the protection and development of traditional law, relations amongst religious scholars and youth.'<sup>67</sup>

The FGS of Somalia comprises the following institutional bodies:

- **The Federal Parliament.** The legislative branch consists of a House of the People and the Upper House.<sup>68</sup> Article 64 of the Provisional Constitution states that the House of the People comprises 275 ordinary members. De jure they shall be directly elected by the citizens of Somalia, but de facto they are (still) indirectly selected through a clan-based power-sharing formula (the 4.5 formula, see below for details).<sup>69</sup> Article 72 states that the Upper House 'shall be elected through a direct, secret and free ballot by the people of the Federal Member States'. In practice the members of the Upper House are elected by the Federal

<sup>60</sup> Wardheer News, Somalia's Newly Established National Salvation Forum Sends an Open Letter to ICs on the Current Political Deadlock, 21 March 2021, [url](#); Somali Dispatch, National Salvation Forum opens a Critical Conference in Mogadishu, 23 March 2021, [url](#); Radio Dalsan, Somalia's National Salvation Forum contacts African Union ahead of mediation talks, 23 April 2021, [url](#); New Humanitarian (The), Back from the brink? Somalia's political crisis explained, 20 May 2021, [url](#)

<sup>61</sup> VOA, Somali Lower House of Parliament Extends President's Term for Two Years, 12 April 2021, [url](#)

<sup>62</sup> BBC News, Somalia violence: Rival units fight amid row over president's term, 25 April 2021, [url](#); Guardian (The), Somalia's rival factions spread across Mogadishu as they jockey for power, 21 April 2021, [url](#); Africa Report (The), Somalia: Chaos over term extension as Farmaajo blames opponents, foreign interest, 30 April 2021, [url](#)

<sup>63</sup> Reuters, Somalia's parliament votes to cancel presidential term extension, 2 May 2021, [url](#)

<sup>64</sup> East African (The), Somalia's Farmaajo backs down from controversial term extension, 28 April 2021, [url](#)

<sup>65</sup> Somalia, Provisional Constitution, 1 August 2012, [url](#)

<sup>66</sup> Somalia, Provisional Constitution, 1 August 2012, [url](#)

<sup>67</sup> Somalia, Provisional Constitution, 1 August 2012, [url](#)

<sup>68</sup> USDOS, Country Reports on Human Rights Practices for 2019 – Somalia, 24 June 2020, [url](#), p. 1

<sup>69</sup> USDOS, Country Reports on Human Rights Practices for 2019 – Somalia, 24 June 2020, [url](#), p. 1

Member States assemblies,<sup>70</sup> and under Article 72, 'their number shall be no more than fifty-four (54) members based on the eighteen (18) regions that existed in Somalia before 1991'.<sup>71</sup> On 27 June 2020 the House of the People approved the Benadir Region Representation Bill, which gives the region 13 seats in the Upper House and raises to 67 the total number of senators;<sup>72</sup>

- **The President.** Article 87 (1) states that the President is the Head of the State, the symbol of national unity, and the guardian of the Constitution. Article 89 (1) states that 'The Houses of the Federal Parliament shall elect the President'. Under Article 90, presidential responsibilities are provided for, such as: '(b) [serving as] the Commander in Chief of the Armed Forces' (...), (c) appoint the Prime Minister (...), (f) signs draft laws passed by the Federal Parliament' and (j) appoint the Chairman of the Constitutional Court, the High Court, and other judges at the Federal Government Level';<sup>73</sup>
- **The Executive Branch.** The Council of Ministers is the highest executive authority of the Federal Government. Currently Somalia's Prime Minister is Mohamed Hussein Roble, whose new cabinet, comprising 71 ministers (including state and deputy ministers), was endorsed by the House of People on 23 October 2020. Roble replaced Hassan Ali Kheyre, who was prime minister between 23 February 2017, and 25 July 2020, when he lost the vote of parliamentary confidence;<sup>74</sup>
- **The Judiciary.** As per art. 108 of the Provisional Constitution, the judiciary power which shall be independent of the legislative and executive branches, shall reflect a national court structure organised in three levels, which are: (a) The Constitutional Court; (b) The Federal Government level courts, whose highest court is the Federal High Court; (c) The Federal Member State level courts, whose highest court is the Federal Member State High Court.<sup>75</sup> For more details about the actual implementation of these law provisions and effectiveness of the judiciary see section below on [Access to Justice](#);
- **The Security Forces.** For the purposes of this report, they are addressed separately in the section below on [Security Forces](#).
- **Governance.** As per Articles 49(4) and (5) of the Somali Provisional Constitution, 'the number and the boundaries of the districts in a Federal Member State shall be determined by a law enacted by the parliament of the Federal Member State.' Under 49(5), while 'Federal Member State boundaries shall be based on the boundaries of the [eighteen (18)] administrative regions as they existed before 1991'.<sup>76</sup>

Apart from the constitutional provisions, Somalia is de-facto ruled by a gentlemen agreement among the major clan-families that dominate the Somali arena who have a shared understanding that 'elites across clan and factional lines will enjoy at least some access to resources flowing from the federal state' and that where their clan family is dominant, clan elites enjoy a 'monopoly on resources'. This agreement, which was fully codified at the end of the Mbagathi peace process in 2004, remains a set of informal understanding about the 'rules of the game', which were meant to be temporary but still permeate the Somali politics (the 'stickiness of the Somali elite bargain').<sup>77</sup> Based on this agreement, also known as the 4.5 power-sharing formula, key positions in the State apparatus, including parliamentary seats, are (more or less) proportionally distributed among the 4 main clan families

<sup>70</sup> USDOS, Country Reports on Human Rights Practices for 2019 – Somalia, 24 June 2020, [url](#), p. 1

<sup>71</sup> Somalia, Provisional Constitution, 1 August 2012, [url](#), artt. 55, 64, 71-72

<sup>72</sup> Halbeeg, The Politics of Representation: 'Mogadishu Status Conundrum', Policy Brief no. 2, July 2020, [url](#), p. 7

<sup>73</sup> Somalia, Provisional Constitution, 1 August 2012, [url](#)

<sup>74</sup> Daily Nation, Somalia: Parliament Endorses New Prime Minister Roble's Cabinet, 25 October 2020, [url](#)

<sup>75</sup> Somalia, Provisional Constitution, 1 August 2012, [url](#), art. 108

<sup>76</sup> Somalia, Provisional Constitution, 1 August 2012, [url](#), art. 49, 72

<sup>77</sup> Menkhaus K., Elite Bargains and Political Deals Project: Somalia Case Study, UK Stabilisation Unit, February 2018, [url](#), pp. 3, see also pp. 4, 17-19

(Darood, Hawiye, Rahanweyn and Dir),<sup>78</sup> as well as the 0.5 quota representing (non-Somali) minorities (for more details see section on Clans).<sup>79</sup> This gave the dominant clans ‘artificial equilibrium in the government’, with the presidency and premiership alternating between Hawiye and Darood, the speakership of the parliament assigned to the Rahanweyn, and the supreme court to the Dir.<sup>80</sup>

As of April 2021, this is the situation at FMS level:

- Jubbaland, South-West, Hirshabelle, Galmudug, and Puntland, although in different degrees, have substantially taken shape. Each one of these FMS has its own president, parliamentary assembly, (special) police, and armed forces.<sup>81</sup> However, at local and regional level, the boundaries between official and unofficial security forces, including darwish forces, paramilitary and clan militias, are particularly blurred.<sup>82</sup>
- Benadir Regional Administration (BRA) comprises the federal capital Mogadishu, and hence the site of the FGS. Its status is still unsettled, and it is undergoing a disputed institutional-building process whose end-result is still uncertain.<sup>83</sup> Currently the Major of Mogadishu serves as the head of the BRA, and is appointed by the president of the FGS.<sup>84</sup>
- Somaliland, which comprises 5 of the ‘national’ 18 administrative regions to which the provisional constitution refers (art. 72), is a break-away state that declared its independence from Somalia already in 1991. See for more details the [Country background](#), Territorial control and areas of influence (below), and the subchapter on [Somaliland](#).

For more information about FMS, see Section 7 on [Federal Member States and Somaliland](#).

## 2.2 Territorial control and areas of influence

In terms of territorial control, the federal government of Somalia has made massive progress since 2010, when it controlled only a small district in Mogadishu. Since then, it has, with the essential support of the African Union Mission in Somalia (AMISOM), pushed al-Shabaab out of many urban centres in South-Central Somalia. However, these gains are described as being dependent on international military support and ‘fragile’,<sup>85</sup> while al-Shabaab’s territorial control is described as ‘fluid’ and yet still capable of carrying out ‘massive attacks’: ‘the group typically leaves an area ahead of an AMISOM offensive, but experts say that UN-backed forces do not have the capacity to hold recaptured territory and that militants usually return’.<sup>86</sup> In other words, al-Shabaab has been described as very resilient and representing a serious and tangible threat in many parts of southern, central, and western Somalia, especially in the rural areas, and along supply routes between towns.<sup>87</sup> Moreover, as security expert Dr. Vanda Felbab-Brown<sup>88</sup> puts it ‘forward operating bases [FOB, secured

<sup>78</sup> Ahmed M.N., Somalia's Struggle to Integrate Traditional and Modern Governance Systems: The 4.5 Formula and the 2012 Provisional Constitution, in Journal of Somali Studies, Vol. 6 Nr. 1, June 2019, [url](#), pp. 44-45

<sup>79</sup> Eno, M. A. and Eno, O. A., Intellectualism amid Ethnocentrism: Mukhtar and the 4.5 Factor, 2011, [url](#), pp. 137-145

<sup>80</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 9

<sup>81</sup> HIPS, The State of Somalia Report, February 2021, [url](#), pp. 9-18; HIPS, Dysfunctional federalism, July 2020, [url](#), pp. 7-14

<sup>82</sup> Felbab-Brown V., The Problem with Militias in Somalia, 2020, [url](#), pp. 113-151

<sup>83</sup> Halbeeg, The Politics of Representation: ‘Mogadishu Status Conundrum’, Policy Brief no. 2, July 2020, [url](#)

<sup>84</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 18

<sup>85</sup> International Crisis Group, Somalia's Current Security and Stability Status, Testimony by Dr. EJ Hogendoorn, 14 March, 2018, [url](#)

<sup>86</sup> CFR, Al-Shabaab – Backgrounder, 19 May 2021, [url](#)

<sup>87</sup> International Crisis Group, Somalia's Current Security and Stability Status, Testimony by Dr. EJ Hogendoorn, 14 March, 2018, [url](#); Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 120-121

<sup>88</sup> Dr. Vanda Felbab-Brown is a senior fellow at the Brookings Institute where she focuses on international and internal conflict, non-traditional security threats, and insurgency, among others. She has conducted fieldwork on a range of countries, including Somalia. Brookings, Vanda Felbab-Brown, n.d., [url](#)

forward operational level military position] are regularly overrun and destroyed by al-Shabaab'.<sup>89</sup> As a result the Somali national forces struggle 'to hold [newly] cleared territories, even losing some key areas in recent years',<sup>90</sup> while AMISOM remains 'mostly hunkered in "garrison mode"'.<sup>91</sup> Finally, the FGS and its federal security forces compete at regional level with the FMS and other regional actors relevant at that level (state level darwish militias, clan militias, paramilitary groups, special police forces). The state security architecture remains deeply fractured, with impacts in all other domains. As a consequence, the FMS' security, political, and administrative powers are often still weak and overlap or outrightly replace that of the federal government, which is often unable to enforce its presence and central power.<sup>92</sup>

The US Lead Inspector General, in a report from November 2020, states that:

'Al-Shabaab controls or exerts influence in large portions of southern Somalia and, to a lesser extent, central Somalia. The group's largest concentration of fighters is in the Lower Shabelle and Lower Juba regions. At a September policy organization event, Major General Anderson said that al-Shabaab had created a "de facto safe haven" in southern Somalia that, with difficult terrain and unsympathetic clan networks, was very difficult for Somali and international forces to penetrate and influence. USAFRICOM reported that there was little change in al-Shabaab's areas of influence or control during the quarter.'<sup>93</sup>

For an overview of areas of influence/control territory in Somalia, please see the [Map Somalia – Approximate Territorial Control \(Figure 1\)](#).

## 2.3 Access to justice through formal and informal systems

Article 105 (2) of the Somali Provisional Constitution (2012) stipulates that the 'judicial structure shall be regulated by a law enacted by the Federal Parliament.'<sup>94</sup> The Somali Parliament has yet to adopt the laws clarifying the structure of the judicial branch. However, in line with the constitutional provisions (Article 108), most of the FMS, including the BRA, organised their own justice system around a three-tiered approach developed during the Siad Barre era:<sup>95</sup>

- Court of First Instance: located at District level, it deals with routine civil and minor criminal cases;
- Appeals Court: located at the capital of the region (regions are called *gobol* in Somali), and dealing with cases escalated by the Court of First Instance;
- State Supreme Court: located at the capital of the FMS, it adjudicates serious crimes (such as capital and rape cases) and works as constitutional court at state level.

The structure of the courts outlined here above is integrated and complemented by the following bodies of the judicial branch:<sup>96</sup>

<sup>89</sup> Felbab-Brown V., The Problem with Militias in Somalia, 2020, [url](#), p. 118

<sup>90</sup> Felbab-Brown V., The Problem with Militias in Somalia, 2020, [url](#), p. 118

<sup>91</sup> Felbab-Brown V., The Problem with Militias in Somalia, 2020, [url](#), p. 119

<sup>92</sup> Felbab-Brown V., The Problem with Militias in Somalia, 2020, [url](#), p. 121, see also pp. 121-123

<sup>93</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), p. 15

<sup>94</sup> Somalia, Provisional Constitution, 1 August 2012, art. 105, [url](#)

<sup>95</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), pp. 15-18

<sup>96</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), pp. 16-17

(a) Federal and States Ministries of Justice;

(b) Offices of the Attorney General at Federal and States level. In 2019 president Farmaajo appointed Suleiman Mohamed Mohamud as the new federal attorney general. Under his mandate he introduced a set of reforms aimed at expanding access to justice and fighting corruption, including tackling human trafficking, money laundering, illegal fishing off the coast of Somalia, gender-based violence and crimes against journalists (for which he appointed special prosecutors);<sup>97</sup> no information on state level attorneys general could be found within the given time limits and among the consulted sources;

(c) Federal Supreme High Court, with Mr Bashe Yusuf Ahmed as chief justice as of May 2018;<sup>98</sup>

(d) Judicial Services Commission: which is tasked with advising the Federal Government on the administration of justice including recruitment, dismissal, and any legal action taken against judges;<sup>99</sup>

(e) Constitutional Court of Somalia: which is still to be established;<sup>100</sup>

(f) Human Rights Commission: which is still to be established;<sup>101</sup>

(g) Military Courts. The Somali justice system relies on military courts for prosecutions<sup>102</sup> of a broad range of cases, including terrorism-related offences in 'proceedings that violate fair trial standards', according to Human Rights Watch.<sup>103</sup> Also known as court-martials, Garowe Online states they are used for trying and then sentencing 'hard-core criminals,' mostly those associated with al-Shabaab activities.<sup>104</sup>

On a more political note, and as a consequence of the power sharing agreement among major clan families that de facto rule over Somalia – the so called 4.5 formula (see for details section on [State Structure and Governance](#)) – the Dir clan family reportedly dominates the judicial branch (attorney general and chief justice are usually from the Dir clan family).<sup>105</sup> Within this context, in 2018, the FMS and the FGS reached an important agreement in Jowhar, the so-called Jowhar agreement, which laid down the foundation of an integrated judicial system between Federal and State administrations. Basically, the three-tiered FMS courts were given the authority to litigate local and federal cases at first instance (district), appeal, and state supreme court levels. At the same time, the federal supreme high court was given the exclusive authority to make a final, unappealable adjudication of all cases.<sup>106</sup>

However, the formal justice system outlined above is only a portion of the composite justice system that operates in Somalia today. Mediation or arbitration through customary law elders, as well as adjudication through Shari'ah courts coexist, complement or replace official justice venues.<sup>107</sup> Very broadly, their subject specialisation can be described as follows:

<sup>97</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 26

<sup>98</sup> Face2Face Africa, All you need to know about the newly appointed 36-year-old chief justice of Somalia, 28 May 2018, [url](#); East African (The), Somali chief justice tells off president over sacking, 28 May 2018, [url](#)

<sup>99</sup> Somalia, Ministry of Justice, n.d., [url](#)

<sup>100</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), pp. 16-17

<sup>101</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 15

<sup>102</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 10; UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9; UNSG, Situation in Somalia, 13 May 2020, [url](#), p. 8; HRW, Submission to the Universal Periodic Review of Somalia, October 2020, [url](#), p. 9, see also pp. 8-9

<sup>103</sup> HRW, Submission to the Universal Periodic Review of Somalia, October 2020, [url](#), p. 9, see also pp. 8-9

<sup>104</sup> Garowe Online, Puntland Military Court sentences militants to death and jail terms, 28 September 2020, [url](#)

<sup>105</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 9

<sup>106</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), pp. 21-22

<sup>107</sup> Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, [url](#), pp. 1-2; HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), pp. 26-27



- **Official justice system:** in principle all cases, civil and criminal, which, based on gravity, can be escalated from the district court to the court of first instance or the state supreme court;<sup>108</sup>
- **Traditional (xeer) justice:** main source of justice for the settlement of clan disputes, conflict resolutions, land disputes and (group) collective responsibilities;<sup>109</sup> within this context, and from a customary point of view, practices such as female genital mutilation and cutting (FGM/C), as well as restrictions to women's inheritance rights are tolerated in many areas, even though both contradict shari'ah principles (which are still unequal between men and women).<sup>110</sup> In general, *xeer* serves as a form of 'collective security and social insurance'.<sup>111</sup>
- **Shari'ah courts:** rights-based justice applied primarily for family matters, including domestic civil cases, marriage, divorce, personal status, inheritance, minor civil matters; within this context practices such as domestic violence and forced marriage are often presented (although not exclusively) as condoned or required under Islam.<sup>112</sup> Another area of prominent application is business and commercial disputes.<sup>113</sup>

Al-Shabaab courts in the territory controlled by the militant group, as well as beyond it, complement this picture. For all details see sections below on [Customary Justice](#) and on [Shari'ah Law](#), as well as on [Access to Justice under Al-Shabaab](#).

### 2.3.1 Nature and limits of the formal justice system (statutory law)

Somalia has legal pluralism where statutory, customary, and religious legal frameworks are intertwined. Shariah is the state religion and the basis of both statutory and customary law; as such it holds wide legitimacy in the population.<sup>114</sup> In terms of legal traditions, while 'some [federal] states are far ahead of others in terms of clarifying local laws', most of the FMS 'apply a mishmash of British Common Law, Italian Continental Law, Shariah and customary *xeer* in their statutory courts'.<sup>115</sup> However, if Somalia's legal framework remains nominally varied and plural, it is inherently and predominantly based on Shari'ah law.<sup>116</sup> Shari'ah enjoys in fact high legitimacy and is ingrained with social norms that do not contravene Islam's basic tenets.<sup>117</sup> From a constitutional point of view, art. 2 of the Somali Provisional Constitution stipulates that (1) 'Islam is the religion of the State', that (2) 'No religion other than Islam can be propagated in the country', and that (3) 'No law which is not compliant with the general principles and objectives of Shari'ah can be enacted'.<sup>118</sup>

Within this context, sources report on several issues affecting the statutory administration of justice in Somalia:

<sup>108</sup> Le Sage A., *Stateless Justice in Somalia - Formal and Informal Rule of Law Initiatives*, July 2005, [url](#), pp. 18, 32, 38

<sup>109</sup> Expanding Access to Justice Program, *Alternative Dispute Resolution Initiatives in Somalia*, June 2020, [url](#), p. 2

<sup>110</sup> Expanding Access to Justice Program, *The Shari'ah in Somalia*, March 2020, [url](#), p. 22

<sup>111</sup> IDLO, *Enhancing legal empowerment - Working with Customary Justice Systems: Post-Conflict and Fragile States*, Paper no. 2, 2011, [url](#), p. 8

<sup>112</sup> Expanding Access to Justice Program, *The Shari'ah in Somalia*, March 2020, [url](#), pp. 20-22

<sup>113</sup> Le Sage A., *Stateless Justice in Somalia - Formal and Informal Rule of Law Initiatives*, July 2005, [url](#), p. 39; Expanding Access to Justice Program, *The Shari'ah in Somalia*, March 2020, [url](#), p. 29

<sup>114</sup> Expanding Access to Justice Program, *Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief*, November 2020, [url](#), p. 1

<sup>115</sup> HIPS, *Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures*, January 2021, [url](#), p. 17

<sup>116</sup> Expanding Access to Justice Program, *Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief*, November 2020, [url](#), pp. 1-2

<sup>117</sup> HIPS, *Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures*, January 2021, [url](#), pp. 17, 27

<sup>118</sup> Somalia, *Provisional Constitution*, 1 August 2012, art. 2, [url](#)

- (1) limited resource persons: in 2017 only about 200 judges, 70 prosecutors, 16 lawyers, and 439 support staff were active in the country; this would give a ratio of 2 judges and 0,7 prosecutors every 100 000 inhabitants, one of the lowest in the world;<sup>119</sup>
- (2) limited preparation and training: most court officials have not been trained in Somali law and follow customary procedure in practice;<sup>120</sup>
- (3) limited budget and resources (including equipment, offices) at disposal: for instance, of the overall 2020 federal budget, 'only \$13,4 million', or 6,4% of the total \$476 million budget, are allocated to the entire (federal) justice system;<sup>121</sup>
- (4) limited independence of the judiciary: reportedly judicial officials are often at the mercy of politicians, who can either appoint and dismiss them, or use their 'power of the purse';<sup>122</sup>
- (5) inadequate compensation: judicial personnel are not adequately compensated to pay for their work and their own security (guards);
- (6) lack of protection: judicial officials are constantly exposed to security risks, including for their own life;
- (7) lack of enforcement of both civil and criminal decisions (lack of policing capacity, social tendency to shop for better outcomes by other non-statutory courts, little consequences for ignoring court decisions, which is often socially accepted, if not praised);
- (8) widespread corruption and systemic mismanagement, which in turn deeply affect the level of trust of the ordinary people in the statutory judicial system.<sup>123</sup>

The cases settled through statutory courts are just a small portion of all cases adjudicated in Somalia: according to some estimates, 'between 80-90% of all legal cases in Somalia are settled through the informal justice system, of which *xeer* is the most prominent'.<sup>124</sup> Reportedly, in the course of 2020, the Somali Judiciary (Somaliland excluded) received 19 668 cases, filed 11 099 of them, and heard a total of 8 569 cases.<sup>125</sup> Reportedly, in the course of 2019 instead, federal and FMS courts filed a total of 15 576 cases, with the overwhelming majority being civil cases, 11 098 in total, and 4 478 criminal cases. Reportedly, the breakdown per year per court administration is the following: Federal Supreme Court, 203 cases filed in 2020, 91 in 2019; Benadir (16 courts as of 2019), 1 963 cases filed in 2020, 2 423 in 2019; Puntland (34 courts as of 2019), 6 408 cases filed in 2020, 7 135 in 2019; Jubbaland (5 courts as of 2019), 597 cases filed in 2020, 1 136 in 2019; South-West (14 courts as of 2019), 1 097 cases filed in 2020, 674 in 2019; Galmudug (4 courts as of 2019), 66 cases filed in 2020, 2 179 in 2019; Hirshabelle (12 courts as of 2019), 765 cases filed in 2020, 1 938 in 2019.<sup>126</sup>

**Access to statutory justice.** Access to statutory justice is also hindered by costs, which is a variable that 'interacts with clannism, as local minority clans tend to be poorer and less well connected'.<sup>127</sup>

<sup>119</sup> World Bank, Somalia Security and Justice Public Expenditure Review, 31 January 2017, [url](#), pp. 48-49

<sup>120</sup> Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, November 2020, [url](#), pp. 1-2

<sup>121</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 22

<sup>122</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 22

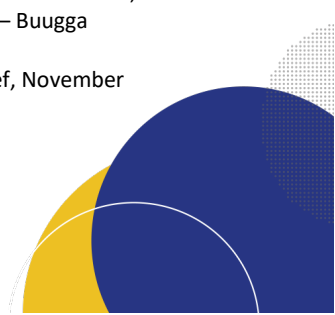
<sup>123</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), pp. 22-25; Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, [url](#), pp. 1-2; Le Sage A., Stateless Justice in Somalia - Formal and Informal Rule of Law Initiatives, July 2005, [url](#), pp. 31- 32

<sup>124</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 28

<sup>125</sup> Somalia, Supreme Court of Somalia, Awoodda Garsoorka – Buugga Sanadka Garsoorka 2020 [Judiciary Branch – Justice Report 2020], 2021, n.d., p. 5

<sup>126</sup> Data for 2019 drawn from HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 19; Data for 2020 drawn from Somalia, Supreme Court of Somalia, Awoodda Garsoorka – Buugga Sanadka Garsoorka 2020 [Judiciary Branch – Justice Report 2020], 2021, n.d., pp. 5-11

<sup>127</sup> Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, November 2020, [url](#), p. 2





HIPS notes that among civil cases land disputes are the most frequent cases, and ‘court fees are proportional to the value of the property in dispute’.<sup>128</sup> At the same time ‘most justice seekers can neither afford nor otherwise access qualified advice or representation’,<sup>129</sup> which is higher for land disputes.<sup>130</sup> Conversely, elders, *ulama* (Islamic scholars, men of knowledge),<sup>131</sup> and al-Shabaab courts work free of charge: elders require refreshments, remote al-Shabaab courts transportation.<sup>132</sup> ‘Lawyers or civil society are mostly available to main urban areas, especially Mogadishu, but quality is unreliable. Most other communities rely on elders’.<sup>133</sup>

Against this backdrop, statutory justice is not the preferred means to seek and access justice among the Somalis.<sup>134</sup> As stated by IDLO (International Development Law Organisation) ‘rebuilding Somalia’s formal justice system is a highly challenging, complex, and long-term undertaking’, while ‘there have not been any effective formal justice institutions in the country for over two decades.’<sup>135</sup> The legal plurality that prevails in the country ‘leads citizens to shop for the best justice system where they can obtain most favourable outcome’: either by elders, *ulama*, or al-Shabaab courts.<sup>136</sup>

Many people in Somalia who live in government or state-controlled territory seek justice by going to shari’ah law courts run by the militant group al-Shabaab. Notably, they resort to al-Shabaab courts not necessarily as their first stop, but rather as appeals courts. They seek better outcomes or just for a ‘fast and efficient’ system, while they blame the statutory courts as slow and corrupt.<sup>137</sup> For more details see the sections below on [2.3.2 Customary Justice](#) and [2.3.3 Shari’ah Law](#) and [4.3 Access to Justice under Al-Shabaab](#).

However, as per the UN Somalia Country Results Report, in the course of 2020, legal aid services (8 880 beneficiaries), alternative dispute resolution centres (3 622 beneficiaries, [see below](#) for further details), and mobile courts (425 beneficiaries) have expanded access to justice, reaching a total of 12 958 beneficiaries, including 7 658 women.<sup>138</sup>

### 2.3.2 Customary justice - Xeer and Alternative Dispute Resolution (ADR)

Reportedly, according to some estimates, more than 80% of all civil and criminal cases in Somalia are settled through a traditional *xeer* system, which is perceived by many Somali citizens as effective, fast and compliant with Shariah law but most importantly provides ‘enforceable judgments’.<sup>139</sup> As the Expanding Access to Justice Program<sup>140</sup> puts it, since ‘Somalia’s statutory system remains in its early recuperation from state collapse, customary justice institutions figure as the first ports of call for the

<sup>128</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 24

<sup>129</sup> Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, November 2020, [url](#), p. 1

<sup>130</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 24

<sup>131</sup> Expanding Access to Justice Program, The Shari’ah in Somalia, March 2020, [url](#), p. 45

<sup>132</sup> Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, November 2020, [url](#), p. 2

<sup>133</sup> Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, November 2020, [url](#), p. 2

<sup>134</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 17

<sup>135</sup> IDLO, Reforming and modernizing the Alternative Dispute Resolution (ADR) system in Somalia, 5 September 2017, [url](#)

<sup>136</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 17

<sup>137</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), pp. 26-27

<sup>138</sup> UN, Country Results Report Somalia 2020, March 2021, [url](#), pp. 22, 61

<sup>139</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 4

<sup>140</sup> Expanding Access to Justice Program is a 5-year program funded by USAID to support the expansion and protection of human rights in Somalia. EAJ, EAJ’s Approach, n.d., [url](#)

majority of communities’,<sup>141</sup> while overall ‘[m]ale elders are the principal justice providers’.<sup>142</sup> The Somali customary mediation and justice system, which is known as *xeer*, predates any rights-based justice institutions in Somalia. *Xeer* has never been fully codified: it is an oral law passed down through generations and comprising a penal section (murder, aggression, thievery) and a civil section (family, private property, territory, and hospitality).<sup>143</sup>

Basic principles of *xeer* include following:

- (1) ‘collective payment of *diya* (blood compensation, usually paid with camels and other livestock) for death, physical harm, theft, rape and defamation, as well as the provision of assistance to relatives’; in such cases, based on *xeer*, the responsibility is collectively borne by the clan;
- (2) ‘maintenance of inter-clan harmony by sparing the lives of “socially respected groups” (including the elderly, the religious, women, children, poets and guests), entering into negotiations with “peace emissaries” in good faith, and treating women fairly without abuse’;
- (3) ‘family obligations including payment of dowry, the inheritance of a widow by a dead husband’s brother (*dumal*), a widower’s rights to marry a deceased wife’s sister (*higsian*), and the penalties for eloping’;
- (4) ‘resource-utilisation rules regarding the use of water, pasture and other natural resources; provision of financial support to newlyweds and married female relatives; and the temporary or permanent donation of livestock and other assets to the poor’.<sup>144</sup>

It is worth noting that matters of family relations and of private property are the areas of *xeer* where ‘shari’ah has been absorbed most completely’.<sup>145</sup> At the same time in matters of collective responsibility, family issues, and nature of punishments, shari’ah precepts have been often subordinated to clan tradition.<sup>146</sup> Main areas of conflict with shari’ah law revolve around collective responsibility and the specific treatment of women by *xeer*. As to the latter the *xeer* practices of *dumal* (forced marriage of a widow to a male relative of her deceased husband), *higsian* (the forced marriage of the sister of a deceased wife to the widower), and *godobtir* (the forced marriage of a girl into an aggrieved clan as part of a *diya* payment) openly contradict shari’ah precepts. Additionally, women are also traditionally denied the right to inherit capital assets ‘such as camels, horses, buildings, seagoing vessels and frankincense plantations’, while ‘domestic abuse by a husband against his wife is generally tolerated’.<sup>147</sup>

More in general, children and women can only have access to traditional justice through a male tutelar personality, husband, brother, father or uncle,<sup>148</sup> since they are not considered by the society as responsible.<sup>149</sup> Stigma is associated to women directly seeking justice and presenting their case to a male dominated justice system and in the context of a patriarchal society.<sup>150</sup>

Under the *xeer* system, clan elders act as mediators or arbiters, and play a central role ‘in the resolution of local and intra-clan disputes’.<sup>151</sup> In practice, ‘[t]hey listen to both sides of a dispute and

<sup>141</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 1

<sup>142</sup> Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, November 2020, [url](#), pp. 1-2

<sup>143</sup> Le Sage A., Stateless Justice in Somalia - Formal and Informal Rule of Law Initiatives, July 2005, [url](#), pp. 32-33

<sup>144</sup> Le Sage A., Stateless Justice in Somalia - Formal and Informal Rule of Law Initiatives, July 2005, [url](#), pp. 32-33

<sup>145</sup> Le Sage A., Stateless Justice in Somalia - Formal and Informal Rule of Law Initiatives, July 2005, [url](#), p. 33

<sup>146</sup> Le Sage A., Stateless Justice in Somalia - Formal and Informal Rule of Law Initiatives, July 2005, [url](#), p. 16

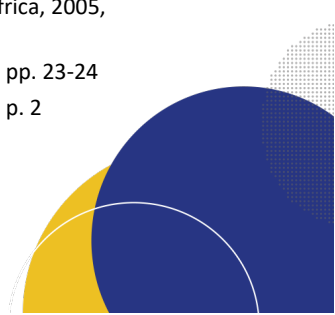
<sup>147</sup> Le Sage A., Stateless Justice in Somalia - Formal and Informal Rule of Law Initiatives, July 2005, [url](#), pp. 37-38

<sup>148</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 23

<sup>149</sup> van Notten, M., The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa, 2005, pp. 104-105

<sup>150</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), pp. 23-24

<sup>151</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 2



propose an often compensation-based solution, which both sides will have vowed to accept prior to the process.<sup>152</sup> *Xeer* plays a central role for the regulation of access to resources (such as grazing areas and water), local dispute settlement, and the maintenance of security.<sup>153</sup> Reportedly, *xeer* is inherently dynamic, 'with an important caveat encapsulated in the Somali saying': 'only during peacetime can the *xeer* be changed.'<sup>154</sup>

This all notwithstanding, in some parts of Somalia, especially in the southern regions, the legitimacy of the clan elders has been partially undermined. With the elders' co-optation into political agendas, and the onset of a Salafi-inspired militancy (then al-Shabaab), many (politically appointed or self-inaugurated) clan elders have lost their prominent role in resolving large-scale conflict. As a result, '[i]n Southern Somalia, *xeer* was therefore accompanied or even replaced in some locations by various forms of emerging shari'ah courts.'<sup>155</sup> For more details see section below [2.3.3 Sharia'ah Law](#).

However, since 2014, given the overall prominence of the customary justice system in Somalia, *xeer* has been adopted as a supplementary approach to justice by the Ministry of Justice (MoJ) of the FGS. Officially renamed Alternative Dispute Resolution (ADR), which is used as a synonym for *xeer*, this initiative has taken the form of 'ADR centres' operating in several urban centres and under the administration of the MoJ (with the support of IDLO and UNDP).<sup>156</sup> In 2019, various ADR centres had been setup in the following locations:

- Benadir Region (Mogadishu): Hamar JabJab, Hodan, Karaan;
- South West State: Dinsoor, Baidoa;
- Puntland: Bosasso, Garowe, Galkacyo, Badhan, Buhodle, Dahar, Burtinle;
- Galmudug: Dhusamareb;
- Hirshabelle: Jowhar;
- Jubbaland: Kismayo, Garbahaarey.<sup>157</sup>

According to MoJ ADRU (Ministry of Justice, Alternative Dispute Resolution Unit) since August 2018, ADR centres have resolved about 400 cases, mostly family and land cases.<sup>158</sup> Other case types, in order of importance, are work relations, rent issues, and commercial disputes. 'In Baidoa and Kismayo, however, practitioners noted that they handle criminal cases as well, albeit to varying degrees, which would contravene the MoJ's ADR SOPs'.<sup>159</sup> In 2016 the Somali government issued a *xeer* policy based on which the informal justice system cannot manage complex crimes. In these cases, including when adjudicators fail to reach a mutual agreement between the parties, they should refer the issue to the formal system. This way the formal and the informal systems should be complementary in Somalia.<sup>160</sup>

For more details about FMS and regional justice systems (including local ADR centres) see FMS level chapters.

<sup>152</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 2

<sup>153</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 2

<sup>154</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 4; see also Expanding Access to Justice Program, Pathways and Institutions for Resolving Land Disputes in Mogadishu, January 2020, [url](#), p. 11

<sup>155</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 3

<sup>156</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), pp. 1-2

<sup>157</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 8

<sup>158</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 17

<sup>159</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 17

<sup>160</sup> IDLO, Justice for the Vulnerable: Alternative Dispute Resolution in Somalia, 20 March 2020, [url](#); Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 27

### 2.3.3 Shari'ah law

As summarised in the Expanding Access to Justice Program report on 'The Shari'ah in Somalia' (2020), Shari'ah is the source of law for the Somali (pluralist) legal framework in force:

'Justice provision in Somalia is a combination of statutory, shari'ah and customary *xeer* norms. Traditionally, *xeer* is agreed upon and applied by clan elders, while shari'ah rests in the hands of *ulama* [Islamic scholars], but only *prima facie*. The *xeer* itself and elders draw strongly on their knowledge of shari'ah, which in turn leaves space for local customs and customary law in particular to influence its specific application. In turn, both influence the practice of statutory law, which is constitutionally required to conform with shari'ah across all Somali state entities.'<sup>161</sup>

However, the role shari'ah plays remains largely informal. No formal legal code is written down, while the system lacks a proper institutional infrastructure<sup>162</sup>:

'Although shari'ah is recognized as the basis of all law in all three major constitutions [Somalia, Somaliland and Puntland] and is thus highly formalized in law, in juridical practice it largely plays an informal role. There are no formal shari'ah institutions in Somalia. Shari'ah runs in parallel with customary *xeer* and statutory judiciary. Similarly, to *xeer*, shari'ah mostly acts as a dispute resolution mechanism, in which parties voluntarily agree to abide by shari'ah rulings. Neither *xeer* nor shari'ah comprise direct means of enforcement other than both parties' assent to their rulings.'<sup>163</sup>

One of the greatest issues affecting shari'ah application to justice in Somalia is the 'complete lack of regulatory supervision' over shari'ah education or training curricula for aspiring scholars and judges.<sup>164</sup> Decisions are made according to the legal reasoning of the court judges, as informed by their own educated understanding of the Qu'ran – in most cases inspired by the *Shafi'i madhab* (see below), at least outside al-Shabaab-controlled areas. In practice 'most shari'ah judges were educated solely through informal religious studies in Somalia', while a small number received formal training from Sudan, Egypt and Saudi Arabia.<sup>165</sup>

**Shari'ah schools.** Two Shari'ah schools contend each other in Somalia today: on the one hand the *Shafi'i madhab* (school), which is the traditional way, the used-to-be prevalent approach to religion of the Shafi'i Sufi Somalia. On the other hand, the *Hanbali madhab*, which is the approach adopted among others by al-Shabaab, and whose influence is growing by the day in Somalia, making the *Shafi'i madhab* progressively receding. This is also reflected in *ulama's* orientation throughout Somalia, who now prevalently accord their preference to the *Hanbali* school: 'many respondents noted that madrasas, Islamic schools, and Islamic colleges in their respective cities are increasingly teaching Salafism and the *Hanbali madhab*'.<sup>166</sup> Reportedly, Salafism constitutes 40 % of teachings in South-West state, 50% in Mogadishu, and 60% in Puntland, whereas the used-to-be prevalent Sufism has a declining presence across Somalia, around 20-30% of teachings.<sup>167</sup>

There is not a clear-cut partition of Somalia among the two schools, but the urban/rural divide represent the predominant conflict fault-line between them: most people in rural South-Central Somalia follow the *Hanbali madhab*, 'whether by choice or by necessity, conforming with al-Shabaab's

<sup>161</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 2

<sup>162</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 20

<sup>163</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 20

<sup>164</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 23

<sup>165</sup> Le Sage A., Stateless Justice in Somalia - Formal and Informal Rule of Law Initiatives, July 2005, [url](#), p. 39

<sup>166</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 14, see also pp. 6-9, 14-15

<sup>167</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), footnote no. 44 p. 14, see also pp. 4-5, 9, 14-15

doctrines'.<sup>168</sup> In general, Salafism is strongest in rural areas, and rural populations do not have any other option than to accept the mode of adjudication available to them. In urban contexts instead '[w]here the Federal Government of Somalia, the Government of Puntland State of Somalia, and Ahl-Sunna Wa Jama' exert direct control [Galmudug], space for the teachings of Ibn Abd al-Wahhab and *Hanbali* jurisprudence is curtailed, or simply grows more slowly'.<sup>169</sup> In urban areas, Sufi communities are more common, and direct Sufi influence is strongest in Galmudug (see for more details section [7.5 Galmudug](#)).

In Islam, *ijtihad* 'is the interpretation of the shari'ah using independent reasoning based on judgement or analogy, drawing on Qur'an and Sunnah as primary sources, and on secondary scholarly opinion'.<sup>170</sup> Essentially the main difference between the *Shafi'i* school and the *Hanbali* (*Wahabi*) school, among others,<sup>171</sup> is that the *Shafi'i* 'provides a framework for deducting Islamic laws based on independent assessments and local conditions', while in the Hanbali school 'Islamic texts (Qur'an and Sunnah) should be read literally and do not require further enunciation'.<sup>172</sup>

**Hadd crimes.** This is full of implications also with regards to Shari'ah criminal law and (corporal) punishments. The so-called *hadd* crimes (*hudūd* plural) are punishments that are mandated by Shari'ah in relation to crimes that are 'against the rights of God': illicit sexual relations (*zina*), theft, making unproven accusations of *zina*, drinking intoxication, apostasy and highway robbery.<sup>173</sup> In these instances, the actual punishments are death (including by stoning), lashes and amputation of the hand. However, traditionally the application of *hudūd* has been severely limited by the strict requirements for evidence.<sup>174</sup> In al-Shabaab dominated or jurisdiction areas though, the jurisdiction of *hadd* crimes belongs to the *qadi* (judge) court, which 'apply the fixed punishment quite frequently and seem not to be restricted by secular regulations'.<sup>175</sup> For more details see section on [Access to Justice under Al-Shabaab](#).

Still based on Shari'ah (*Hanbali* and *Shafi'i* schools agree on this), in cases of murder or bodily harm, retaliation (*qisas*) may only be demanded if the offence was proved to be intentional. But even in these cases general rules of evidence are stricter than otherwise.<sup>176</sup> If the *qadi* assesses the case as accidental or semi-accidental, or if evidence is lacking, the perpetrator must pay *diya* and the responsibility is then shifted onto the group.<sup>177</sup> Moreover, after the *qadi*'s assessment, victims are given the opportunity to choose between retaliation (*qisas*) and compensation (*diya*). Reportedly, irrespective of al-Shabaab control or presence, Somalis seem to prefer compensation over retaliation in cases of bodily harm, and retaliation instead in cases of intentional homicide.<sup>178</sup>

For more information on Shari'ah, see the section on [Access to Justice, Formal and Informal Systems](#). As previously mentioned, Shari'ah passes decisions mainly on family matters (marriage, divorce, inheritance), but also land, business and commercial disputes. Shari'ah law provisions for inheritance

<sup>168</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 15

<sup>169</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 15, see also pp. 6-9, 14-15

<sup>170</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 6

<sup>171</sup> Skjelderup M., Punishment on Stage: Application of Islamic Criminal Law by Harakat al-Shabaab al-Mujahideen, Master Thesis, Autumn 2011, [url](#), pp. 34, 43-45, 94-97

<sup>172</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), pp. 6-7

<sup>173</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 46

<sup>174</sup> Skjelderup M., Punishment on Stage: Application of Islamic Criminal Law by Harakat al-Shabaab al-Mujahideen, Master Thesis, Autumn 2011, [url](#), pp. 59-60; Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 46

<sup>175</sup> Skjelderup M., Punishment on Stage: Application of Islamic Criminal Law by Harakat al-Shabaab al-Mujahideen, Master Thesis, Autumn 2011, [url](#), p. 60, see also pp. 55-57

<sup>176</sup> Skjelderup M., Punishment on Stage: Application of Islamic Criminal Law by Harakat al-Shabaab al-Mujahideen, Master Thesis, Autumn 2011, [url](#), pp. 54, 57

<sup>177</sup> Skjelderup

M., Punishment on Stage: Application of Islamic Criminal Law by Harakat al-Shabaab al-Mujahideen, Master Thesis, Autumn 2011, [url](#), p. 54

<sup>178</sup> Skjelderup M., Punishment on Stage: Application of Islamic Criminal Law by Harakat al-Shabaab al-Mujahideen, Master Thesis, Autumn 2011, [url](#), pp. 56-57



are less discriminatory towards women than customary provisions (for instance if inheriting from the mother, male and female heirs inherit the same amount, while if inheriting from the father, male heirs receive more, including all financial responsibilities).<sup>179</sup>

Given this informal character, shari'ah justice takes place within very limited infrastructures and competing justice norms. The relevant justice providers (statutory judges, elders, *ulama*) often collaborate with each other, and can resort to reciprocal referrals, along basic patterns. These forms of de facto collaboration are not systematised and depend on interpersonal relationships.<sup>180</sup> Usually parties involved in a dispute approach first a family mediator or a clan elder; then escalate the issue, if not resolved, to clan elders and *ulama*, who often work together (or share the same office). *Ulama* may also be called upon to advice in their respective field of specialisation by clan elders. Statutory courts work in parallel, but there is significant interaction between *ulama* and statutory judges (advisory assistance, documentation provision, etc.). Finally, *ulama* are the final instance for cases that cannot be settled by elders or statutory judges.<sup>181</sup>

For more details on how shari'ah is applied by Al Shabaab and in the areas it controls, see Section [4.3 Access to Justice under Al-Shabaab](#).

### 2.3.4 Death penalty, trials, and human rights standards in the judiciary

As reported by the independent Expert on the situation of human rights in Somalia (August 2020), the FGS 'has not yet abolished the death penalty, nor has it declared a moratorium on executions'.<sup>182</sup> More in detail, 'death penalty law in Somalia is not compliant with international human rights standards in that death sentences are pronounced for crimes that do not qualify for the imposition of the death penalty'.<sup>183</sup> Additionally, 'it has been reported but not confirmed that executions are also carried out by the Somali National Army'.<sup>184</sup>

The Advocates for Human Rights, along with The World Coalition Against the Death Penalty, in their submission to the 38th Session of the Working Group on the Universal Periodic Review about Somalia (October 2020), indicate that the government of Somalia, and other actors within the jurisdiction of Somalia, 'continue to impose and carry out death sentences for crimes other than the intentional killing of a person', including crimes committed while under the age of 18. 'These death-eligible crimes include political crimes, such treason and espionage, and crimes that endanger public safety, even if they do not result in death'.<sup>185</sup> Within this context, military courts often pronounce death sentences to civilians and carry out executions at a higher rate than civilian courts, reportedly without giving defendants any option to appeal the decision.<sup>186</sup>

- **Trials.** While independence and impartiality of the judiciary is not always respected by the government, local courts often depend on local clans and are affected by clan politics. On the one hand, judges' lack of accountability leads to abuse of power. On the other hand, their lack of security severely affects their ability 'to perform their jobs without fear'.<sup>187</sup> The right to a fair and public trial is often not enforced at all, the authorities not respecting most rights relating to trial procedures. Among others, '[t]he law does not address confronting witnesses,

<sup>179</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 38

<sup>180</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 20

<sup>181</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), pp. 21-22

<sup>182</sup> UN Human Rights Council, Situation of Human Rights in Somalia, 24 August 2020, [url](#), para. 35

<sup>183</sup> UN Human Rights Council, Situation of Human Rights in Somalia, 24 August 2020, [url](#), para. 36

<sup>184</sup> UN Human Rights Council, Situation of Human Rights in Somalia, 24 August 2020, [url](#), para. 36

<sup>185</sup> Advocates for Human Rights (The), Somalia-Universal Periodic Review-Death Penalty-October 2020, October 2020, [url](#)

<sup>186</sup> Advocates for Human Rights (The), Somalia-Universal Periodic Review-Death Penalty-October 2020, October 2020, [url](#)

<sup>187</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 10

the right to appeal a court's ruling, the provision of sufficient time and facilities to prepare a defence, or the right to present one's own evidence and witnesses'.<sup>188</sup>

- Military and Civil Courts.** In the period 5 November 2019 – 9 February 2021, the UNSG, in his various reports on the situation in Somalia, attributed to Somali authorities following death sentences/executions (sub-period): (a) 12 executions (6 in Somaliland, 3 in Mogadishu, 2 in Jubbaland and 1 in Puntland), while courts, mostly military ones, issued several death sentences - 23 in Mogadishu, 24 in Puntland, 2 in South-West State and 1 in Jubbaland – (5 November 2020 – 9 February 2021);<sup>189</sup> (b) eight death sentences were issued by the Somali military courts in Jubbaland, Puntland and Mogadishu to four al-Shabaab suspects and four members of the Somali security forces (5 May – 4 August 2020);<sup>190</sup> (c) one suspected pro-ISIL affiliate sentenced to death by the Mogadishu military court after being found guilty of killing a police officer; two civilian men executed in Bosasso, (Puntland), after being sentenced to death for raping and killing a 12-year-old girl in Galkacyo; five members of the Somali security forces (police and military) sentenced to death by military courts in Mogadishu, South-West State, Jubbaland and Somaliland (5 February 2020 – 4 May 2020);<sup>191</sup> (d) 14 death sentences pronounced, and 7 executions were carried out (5 November 2019 – 4 February 2020).<sup>192</sup> According to the Human Rights Council report on the situation of human rights in Somalia (August 2020), at least a dozen executions were reportedly carried out in 2019, while from 5 August 2019 to 4 February 2020, a total of 22 death sentences were pronounced and 11 executions were carried out.<sup>193</sup>
- Military Courts.** In its 2021 report, the USDOS notes that military courts tried civilians, and that defendants rarely had legal representation or the right to appeal.<sup>194</sup> Based on the same report, 'government officials continued to claim that a 2011 state of emergency decree gave military courts jurisdiction over crimes, including those committed by civilians, in areas from which al-Shabaab had retreated'.<sup>195</sup> Human Rights Watch notes that 'military courts have tried a broad range of offenses and defendants, including children, in trials that violate basic fair trial standards'.<sup>196</sup> In 2019, the federal government established a court and prison facility in Mogadishu (see [Prison Forces](#) for further details) to facilitate the transfer of Al-Shabab related cases from military to civilian courts. Reportedly, 'the handover has yet to happen'.<sup>197</sup>
- Shari'ah Courts.** Among others, for details about corporal and capital punishments see section on [Shari'ah Law](#).
- Al-Shabaab Courts.** For corporal and capital punishments as well as other convictions under al-Shabaab justice system please see relevant section on [Access to Justice under Al-Shabaab](#).
- Customary Justice.** No information on this point could be found within the given time limits and among the consulted sources.

<sup>188</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 11

<sup>189</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 9

<sup>190</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9

<sup>191</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), p. 8

<sup>192</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), p. 8

<sup>193</sup> UN Human Rights Council, Situation of Human Rights in Somalia, 24 August 2020, [url](#), p. 9

<sup>194</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 11

<sup>195</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 11

<sup>196</sup> HRW, Submission to the Universal Periodic Review of Somalia, October 2020, [url](#), pp. 2, see also pp. 8-9; HRW, The Courts of "Absolute Power", Fair Trial Violations by Somalia's Military Court, 14 May 2014, [url](#)

<sup>197</sup> HRW, Submission to the Universal Periodic Review of Somalia, October 2020, [url](#), p. 9, see also pp. 8-9



## 2.4 Security forces

As per Article 126 of the Provisional Constitution, the FGS ‘shall guarantee the peace, sovereignty and national security of the Federal Republic of Somalia and the safety of its people through its security services, including: (a) The armed forces; (b) The intelligence services; (c) The police force; (d) The prison forces.’<sup>198</sup>

### 2.4.1 SNA

The Somali National Army’s official strength is difficult to ascertain precisely, although various sources, place it above and around 20 000 soldiers in the last few years. In February 2020, the UN Panel of Experts on Somalia, reported that 21 209 ‘soldiers were registered in the human resources management system of the Ministry of Defence of the Federal Government of Somalia’;<sup>199</sup> quoting international military advisors and military trainers interviewed in January 2020, Felbab-Brown, a leading security expert on Somalia, reports that ‘[o]fficially numbering 27,000 soldiers’ the SNA is ‘more likely composed of around 23,000’;<sup>200</sup> Paul D. Williams, a scholar specialised on AMISOM, reports that, at the time of the London Conference on Somalia (May 2017), the SNA ‘was estimated at 2100 officers, 18,700 soldiers and NCOs, as well as nearly 3900 orphans, disabled and retirees’.<sup>201</sup>

Official numbers differ however from de facto military capacity: an Operational Readiness Assessment of the Somali Defence Ministry, from late 2017, ‘revealed that most SNA battalions were operating at only about two-thirds of their official strength’;<sup>202</sup> reportedly the assessment ‘found only 16,000 [troops], of which around 9,000 had fighting capability’<sup>203</sup>. A media report from the same period indicates that ‘[r]eliable military sources told VOA that the actual number of soldiers on duty is far lower, possibly fewer than 10,000.’<sup>204</sup>

Sources report on the type and nature of issues affecting the SNA:

- presence of ghost, old, and sick soldiers;<sup>205</sup>
- presence of untrained and unqualified units. UN, EU, Ethiopian, Turkish, UAE, British, and American military assistance (among others) falls short of covering in full the prevalent and still unmatched training needs;<sup>206</sup>

<sup>198</sup> Somalia, Provisional Constitution, 1 August 2012, art. 126, [url](#)

<sup>199</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), p. 23

<sup>200</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 118

<sup>201</sup> Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, 27 February 2019, [url](#), p. 373

<sup>202</sup> Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, Journal of Strategic Studies, 27 February 2019, [url](#), pp. 366, 373

<sup>203</sup> IPI, Transitioning to National Forces in Somalia: More Than an Exit for AMISOM, April 2019, [url](#), p. 8

<sup>204</sup> VOA, Somalia: Up to 30 Percent of Soldiers Unarmed, 19 December 2017, [url](#)

<sup>205</sup> Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, Journal of Strategic Studies, 27 February 2019, [url](#), p. 388; Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 118

<sup>206</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 118; Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, Journal of Strategic Studies, 27 February 2019, [url](#), pp. 367–368, 378–380, 387;

- lack of equipment, heavy weapons, and operational capacity (mobility, communication equipment, field defences): <sup>207</sup> reportedly, between 60 % <sup>208</sup> and 70 % <sup>209</sup> of the army's personnel lacks any real military capacity;<sup>210</sup>
- lack of unity: the army is more a conglomeration of militias than a coherent fighting force, being reconstituted via a clan-based recruitment drive;<sup>211</sup>
- lack of loyalty: issue of soldiers' loyalty to the SNA versus the clan of belonging;<sup>212</sup>
- unpaid or low salaries and widespread corruption.<sup>213</sup>

Such capacity issues have a considerable impact on the effective capacity of the SNA to engage in military operations with al-Shabaab.<sup>214</sup> A 2018 Security Council Letter from the Secretary General, states that, based on the findings of the same Operational Readiness Assessment quoted above, 'as currently manned, trained and equipped, the Somali National Army is a fragile force with extremely weak command and control and military capabilities'. Moreover, it adds that 'in many areas, the Somali National Army is static and wholly defensive in nature, limited to occupying ground, and without the ability to hold newly recovered areas' – including any Forward Operating Base (FOB) – 'or prevent al-Shabaab from retaking territory.'<sup>215</sup> Similar analyses were put forward by other sources and confirmed in later years.<sup>216</sup>

By May 2017, the SNA was organised in 12 brigades, over 30 battalions, and comprised various special units, such as the presidential guard, military police, the Danab advanced infantry, and the health unit (for more details see section below about [Special Forces](#)).<sup>217</sup> The SNA was meant to take over from AMISOM full responsibility of the security sector, including FOBs, in the wider context of the revised Somali-led Transition Plan,<sup>218</sup> however this transition is 'badly off track' according to the US Department of Defense.<sup>219</sup> Security Council Resolutions 2520 (2020) and 2568 (2021), set out AMISOM objectives, strategic objectives, and functions, that will enable the implementation of the Somalia Transition Plan, and the phased handover of responsibilities to Somali security forces, planned for later in 2021.<sup>220</sup> For more details see section on AMISOM.

<sup>207</sup> Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, Journal of Strategic Studies, 27 February 2019, [url](#), pp. 387; Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 118

<sup>208</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 118

<sup>209</sup> Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, Journal of Strategic Studies, 27 February 2019, [url](#), pp. 387

<sup>210</sup> Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, Journal of Strategic Studies, 27 February 2019, [url](#), pp. 387; Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 118

<sup>211</sup> Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, Journal of Strategic Studies, 27 February 2019, [url](#), pp. 380-382; Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 118-119;

<sup>212</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 119; Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, Journal of Strategic Studies, 27 February 2019, [url](#), pp. 382-384;

<sup>213</sup> Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, Journal of Strategic Studies, 27 February 2019, [url](#), pp. 376-380, 382, 387

<sup>214</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 118-119

<sup>215</sup> UN Security Council, Letter dated 5 July 2018 from the Secretary-General addressed to the President of the Security Council, 6 July 2018, [url](#), p. 4

<sup>216</sup> AMISOM, Report of the chairperson of the African Union Commission on the African Union-United Nations, 4th Joint Review of the African Union Mission in Somalia, 27 June 2018, [url](#), pp. 4-5; UN Security Council, Letter dated 24 May 2019 from the Secretary-General addressed to the President of the Security Council, Enclosure II, Report of the Chairperson of the African Union Commission on the fifth African Union-United Nations joint review of the African Union Mission in Somalia, [url](#), p. 12; Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 118

<sup>217</sup> Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, Journal of Strategic Studies, 27 February 2019, [url](#), p. 373

<sup>218</sup> IPI, Transitioning to National Forces in Somalia: More Than an Exit for AMISOM, April 2019, [url](#), pp. 7-10

<sup>219</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), p. 19

<sup>220</sup> UN Security Council, Resolution 2568, 12 March 2021, [url](#); UN Security Council, Resolution 2520, 29 May 2020, [url](#)

## 2.4.2 Special Forces

- Danab Infantry Brigade.** Danab ('Lightning') is an advanced infantry battalion that is trained, equipped and mentored by the United States and kept largely separate from the rest of the SNA. Reportedly it is the only multiclan and meritocratic SNA unit that is able to conduct sustained offensive operations.<sup>221</sup> At the end of September 2020, the Danab Brigade had 945 soldiers, out of a total of 3 000 soldiers authorized in the 2017 London Security Pact, with units operational in four of Somalia's five member states.<sup>222</sup> In the quarter July-September 2020 the Danab brigade had reportedly conducted approximately 80 percent of SNA offensive operations in Somalia and nearly all counterterrorism operations against al-Shabaab.<sup>223</sup>
- Gorgor Brigades.** Gorgor ('The Eagles') is the Somali commando force trained by Turkish military assistance, both in Somalia and in Turkey. Reportedly, as of September 2020, about 2 500 troops or 5 infantry battalions of the Gorgor brigade had been trained in Somalia (TURKSOM base in Mogadishu) and in Turkey, with target of 5 000.<sup>224</sup> Sources claim the instrumental use of these forces for political manoeuvring by the incumbent president and administration (at the time of writing, April 2021): on occasion of the recent protests and demonstrations over the delayed electoral process (beginning of 2021);<sup>225</sup> in February 2020, when the Federal Government of Somalia (FGS) deployed Gorgor troops, as well as Haramcad Police Units (see below for more details), to the Gedo region of Jubbaland (Beled Hawo), and in Galgaduud region (Dhusamareb), resulting in clashes against the Ahl al-Sunna wal Jama'a (ASWJ) militia.<sup>226</sup> For regional details see sections on Jubbaland and Galmudug, among others.

## 2.4.3 NISA

In 2020 the total number of National Intelligence and Security Agency (NISA) staff, based on official estimates, would be 3 200, but the real number of operative agents is estimated to be far less.<sup>227</sup> The head (director general) of the NISA is Fahad Yasin Haji Dahir, who allegedly has strong ties with Qatar (and Turkey).<sup>228</sup> Under the Farmaajo administration, NISA was divided into security and intelligence sections, allegedly 'to facilitate control from the office of the president and the prime minister'.<sup>229</sup> NISA's intelligence section is headed by Sakariye Ismail Ahmed Hersi, the former head of the Amniyat. The security section carries out most of NISA's operations against al-Shabaab resorting to its special

<sup>221</sup> Williams P.D., Building the Somali National Army: Anatomy of a failure, 2008–2018, *Journal of Strategic Studies*, 27 February 2019, [url](#), pp. 367, 373-374

<sup>222</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), pp. 20-21

<sup>223</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), pp. 20-21

<sup>224</sup> AA, 1 of 3 Somali troops to be trained by Turkey: Envoy, 4 August 2020, [url](#); AA, Somali commandos trained by Turkey back home, 9 March 2021, [url](#)

<sup>225</sup> Reference (The), Gorgor Militia: Turkey and Qatar's card to control Somalia, 25 February 2021, [url](#); Arab Weekly (The), Turkish-trained special forces take Somalia back to days of civil war, 20 February 2021, [url](#)

<sup>226</sup> Somali Affairs, Opposition politician calls on Turkey to stop funding troops involved in Somalia violence, 4 March 2020, [url](#); Jamestown Foundation, Terrorism Monitor, 13 October 2020, [url](#)

<sup>227</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, *African Security Review*, 28 July 2020, [url](#), pp. 133-143

<sup>228</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, *African Security Review*, 28 July 2020, [url](#), p. 133; The Reference, Gorgor Militia: Turkey and Qatar's card to control Somalia, 25 February 2021, [url](#); AEI, Somalia's intelligence chief worked with an al Qaeda affiliate, so why do we fund him?, 16 November 2020, [url](#)

<sup>229</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, *African Security Review*, 28 July 2020, [url](#), p. 138

units: Danab ('Lightning'), Waran ('Spear') and Gaashaan ('Shield'), with its two units Alpha Group and Bravo Group.<sup>230</sup>

NISA is present in Mogadishu, Benadir Region, South West State, Hirshabelle, and Galmudug.<sup>231</sup> Before transferring the policing of Mogadishu to the SPF (2018), NISA was responsible for management of the security in Mogadishu, Lower Shabelle, Hirshabelle, and Galmudug including operating checkpoints, conducting search operations, and carrying out arrests of al-Shabaab suspects.<sup>232</sup>

NISA is reportedly affected by a number of issues impacting its effectiveness, including:

- Infiltration: apparently NISA has been heavily infiltrated by al-Shabaab;<sup>233</sup>
- Dependency on international donors and foreign intelligence services: Western and Arabs intelligence services, including from Turkey, meddle into NISA's mandate and activities; allegedly 'foreign intelligence trainers on behalf of Qatar are choosing new local recruits for NISA';<sup>234</sup>
- Internal divisions: NISA agents used to divide themselves between agents falling under Qatar's influence versus agents falling under United Arab Emirates' influence (UAE); another relevant division (used to be at least) between supporters of the Aala Sheikh ('Family of the Sheikh') politico-economic group and Damul Jadiid ('New Blood') politico-economic group;<sup>235</sup>
- Politicisation: NISA's mandate and external assistance has been used to monitor and weaken not just the activities of al-Shabaab but also of political opponents.<sup>236</sup>
- Extrajudicial activities: they contributed to further tarnish the agency's own image and reputation;<sup>237</sup> for more details on abuses see section below on [Security forces' human rights Conduct](#).

## 2.4.4 Somali Police Force

The 2012 provisional constitution mandates the federal police to be led by civilian oversight through the Ministry of Internal Security, having responsibilities for law enforcement and internal order in Somalia; however, many parts of the country are out of state control and military actors such as AMISOM and the SNA are in practice the 'primary internal security providers'.<sup>238</sup> According to the Somali national security architecture, internationally endorsed in London in May 2017 as Somalia's commitment to reform security and policing services, the new Somali Police Force (SPF) would number 32 000 staff, divided into federal police and (regional) state police.<sup>239</sup> 'This design assumes that some existing militias — specifically, the state level darwish, which are not currently recognized under

<sup>230</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), p. 133

<sup>231</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 23

<sup>232</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 23-24, 70

<sup>233</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), pp. 130-133, 139

<sup>234</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), p. 133

<sup>235</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), pp. 132-133

<sup>236</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), pp. 134, 140

<sup>237</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), pp. 134, 136, 138

<sup>238</sup> USDOS, Country Reports on Human Rights Practices for 2020 – Somalia, 30 March 2021, [url](#), p. 1

<sup>239</sup> London Somalia Conference, Security Pact, 11 May 2017, [url](#), pp. 5-6

Somalia's security architecture or constitution — will be integrated into the SNA and SPF'.<sup>240</sup> This integration could involve, according to the best estimates, up to 20 000 darwish-like forces. However, in 2020, the existing size of the SPF, including state-affiliated darwish, was estimated at 8 000 staff, leaving out scope for greater absorption.<sup>241</sup> As per the UN Somalia Country Results Report for 2019, the New Policing Model (the federated policing system) saw the expansion of FMSs police services with following breakdown: 550 police officers in Jubbaland, 850 in South-West State, 400 in Hirshabelle, and 3 500 in Puntland.<sup>242</sup>

The Somali Police Force re-established its Darwish Department in the course of 2019. Darwish units of the Federal Police Force are tasked with border policing, protecting government infrastructures and personnel, as well as providing assistance and relief in case of disasters. 'State Police Darwish units are to fight terrorism and armed insurgency within FMS'.<sup>243</sup>

However, as reported by UNSOM, the Somali Police Force 'provides policing services in Mogadishu, Benadir Region, while its presence remains relatively low in Hirshabelle, Galmudug, South West State, and Jubbaland'.<sup>244</sup> In the course of 2018 the management of the security of Mogadishu city was transferred from NISA to SPF. Prior to this, the role of SPF was limited to carrying out duties at police stations and Government buildings.<sup>245</sup>

Based on a study conducted in 2016 by a local Somali think tank, SIDRA, in average Somali police officers are male and young, with most of them being less than 40 years of age. Based on the same study only about 750 officers were women.<sup>246</sup>

The federal police consists of, among others, the following units:

- Darwish (a paramilitary unit distinct from the state level unofficial *darwish*),<sup>247</sup> to patrol borders, operate across state borders and handle national emergencies.<sup>248</sup> In particular, the (federal) Darwish is aimed at to be deployed to areas liberated by the SNA and AMISOM, to help hold the areas and pave the way for local civilian police to operate.<sup>249</sup>
- Birmad Forces.<sup>250</sup> No specific information on these units could be found within the given time limits and among the consulted sources.
- Haramcad Forces, also known as Cheetah forces, are a special police unit of the SPF trained and funded by Turkey.<sup>251</sup> Same as for the Gorgor Brigades they are allegedly used by the incumbent administration in Somalia (April 2021) for political advantage.<sup>252</sup>

<sup>240</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 122

<sup>241</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 139

<sup>242</sup> UN Somalia, Country Results Report 2019, June 2020, [url](#), p. 19

<sup>243</sup> UN Somalia, Country Results Report Somalia 2019, June 2020, [url](#), p. 19

<sup>244</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 20

<sup>245</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 23-24, see also footnote no. 70

<sup>246</sup> SIDRA, Assessment Study On Female Police Officers In Police Forces In Somalia, November 2017, [url](#), pp. 5, 16

<sup>247</sup> Goobjoog News, Parliament approves security architecture with few amends, 2 May 2017, [url](#)

<sup>248</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 122

<sup>249</sup> EUCAP Somalia, 300 special Federal Darwish police graduate from pre-deployment training in Mogadishu, 15 February 2020, [url](#)

<sup>250</sup> Goobjoog News, Parliament approves security architecture with few amends, 2 May 2017, [url](#)

<sup>251</sup> Sahan, The Somali Wire, Issues Jan-April 2021, n.d., source requiring registration

<sup>252</sup> Horn Observer, Somali police detain, confiscate equipment and intimidate journalists at gunpoint in Mogadishu, 20 February 2021, [url](#); Garowe Online, Turkey under pressure to stop funding troops involved in Somalia violence, 5 March 2020, [url](#);



- Rapid Response Team;<sup>253</sup> Explosive Ordnance Disposal (EOD) Unit;<sup>254</sup> Tax Protection Unit;<sup>255</sup> Diplomat Guards.<sup>256</sup> No specific information on these units could be found within the given time limits and among the consulted sources.
- Criminal Investigations Department (CID):<sup>257</sup> tasked with handling major crimes like massacres and cross-state offenses, while the (federal member) state police would conduct policing up to station level.<sup>258</sup>
- Somali Coast Guard.<sup>259</sup> Reportedly, 'Somalia's consists of only a handful of inflatable and short-range patrol boats'.<sup>260</sup>

Within this context, some federal member states are reluctant to hand over or disband the state level (militias, paramilitary) darwish forces under their control. They tend to re-label them 'special police', which allows them to retain control over these forces and 'protect themselves against Mogadishu's attempts to centralize power'. These forces, either named 'darwish' or 'special police', do not qualify for federal payroll or international financial support.<sup>261</sup> For regional details about local darwish or special police forces and the on-going integration process, please see the regional chapters within section 7 on [Federal Member States and Somaliland](#).

## 2.4.5 Prison forces, prisons, and detention

- **The Somali Custodial Corps.** By the end of 2019, 625 custodial corps staff - 479 males and 146 females - underwent training on following topics: Bangkok rules (for the treatment of women prisoners), incident management or rehabilitation/human rights, prison duties, advance and basic medical training, and training in biometric registration.<sup>262</sup> Reportedly, however, untrained guards are often unable to provide security to inmates.<sup>263</sup> No specific information on the overall capacity of the custodial corps could be found within the given time limits and among the consulted sources.
- **Prisons.** Location and distribution of prison establishments in Somalia remains difficult to ascertain, same as for the number of prisoners and detainees throughout the country, including juvenile and female prisoners. Prisons' institutions, which are often dilapidated,<sup>264</sup> include those in:<sup>265</sup>
  - Hargeisa, in Somaliland;
  - Bosasso, Galkacyo<sup>266</sup> and Garowe, in Puntland;<sup>267</sup>
  - Mogadishu Central Prison (MCP), Mogadishu Prison and Court Complex (MPCC), Kismayo, Baidoa, Beledweyn, in South-Central Somalia.<sup>268</sup>

<sup>253</sup> EUCAP Somalia, 300 special Federal Darwish police graduate from pre-deployment training in Mogadishu, 15 February 2020, [url](#)

<sup>254</sup> EUCAP Somalia, EUCAP Somalia enhances Somali Police Explosive Ordnance Unit's first aid capacity, 16 March 2021, [url](#)

<sup>255</sup> Goobjoog News, Parliament approves security architecture with few amends, 2 May 2017, [url](#)

<sup>256</sup> Goobjoog News, Parliament approves security architecture with few amends, 2 May 2017, [url](#)

<sup>257</sup> Goobjoog News, Parliament approves security architecture with few amends, 2 May 2017, [url](#)

<sup>258</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 122

<sup>259</sup> Goobjoog News, Parliament approves security architecture with few amends, 2 May 2017, [url](#)

<sup>260</sup> Rubin, M., It's Time for a U.S. Navy Port Call in Somaliland, 31 July 2020, [url](#)

<sup>261</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 122-123

<sup>262</sup> UN Somalia, Country Results Report Somalia 2020, March 2021, [url](#), p. 60

<sup>263</sup> USDOS, Country Reports on Human Rights Practices 2019 - Somalia, 11 March 2020, [url](#), p. 5

<sup>264</sup> USDOS, Country Reports on Human Rights Practices 2019 - Somalia, 11 March 2020, [url](#), p. 5

<sup>265</sup> UNODC, Good prison health is good public health: Responding to COVID-19 in Somalia's prisons, 12 May 2020, [url](#); World Prison Brief, Somalia, n.d, [url](#);

<sup>266</sup> UNODC, Good prison health is good public health: Responding to COVID-19 in Somalia's prisons, 12 May 2020, [url](#)

<sup>267</sup> World Prison Brief, Somalia, n.d, [url](#)

<sup>268</sup> UNODC, Good prison health is good public health: Responding to COVID-19 in Somalia's prisons, 12 May 2020, [url](#)



- Detention conditions.** Urban prisons in Somalia, especially following large security incidents, are at times overcrowded, with authorities often not separating pre-trial detainees from convicted prisoners, especially in the southern and central regions.<sup>269</sup> In these areas prison conditions are believed to be ‘harsh’ and at times life threatening.<sup>270</sup> In its 2019 Country Report on Human Rights Practices in Somalia, the USDOS indicated that ‘[p]rison conditions in most areas of the country remained harsh due to poor sanitation and hygiene, inadequate food and water, and lack of medical care’.<sup>271</sup> The following year’s 2020 USDOS report also stated this, while noting that ‘[o]nly inmates in the MCP, the MPCC, and Garowe and Hargeisa Prisons had daily access to showers, sanitary facilities, adequate food and water, and outdoor exercise’.<sup>272</sup> In particular, Garowe Prison in Puntland and Hargeisa Prison in Somaliland reportedly met international standards and were well managed.<sup>273</sup> Otherwise, ‘[i]nmates in most prisons relied on their family and clan to supplement food and water provisions’.<sup>274</sup> The same applies to access to health services, whereby authorities usually required families of inmates to pay for the cost; as a result, inmates without family or clan support had very limited access to such services. Within this context, ‘[d]isease outbreaks, such as tuberculosis and cholera, continued to occur, particularly in overcrowded prisons’ such as the Mogadishu Central Prison (MCP), with life threatening consequences, especially during the rainy season.<sup>275</sup> Complementing this picture, the same report indicates that several facilities at FMS level suffered from frequent flooding, for which reason prisoners had to be moved to temporary facilities, usually at police stations.<sup>276</sup>
- Pre-Trial Detention.** As reported by USDOS in its latest report, ‘lengthy pretrial detention’ is a common issue in Somalia, although estimates on the average length and prevalence are not available.<sup>277</sup>

## 2.4.6 Security forces’ human rights conduct

USDOS indicated in its 2020 report on human rights practices in Somalia that ‘significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings, by government forces; torture and cruel, inhuman, or degrading treatment by the government; arbitrary arrest or detention’. Another set of issues revolved around ‘political prisoners or detainees’, ‘politically motivated disappearances’, and ‘serious restrictions on free expression, the press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, and criminal libel laws’. Finally, another set of issues revolved around ‘lack of investigation of and accountability for violence against women’, including conflict-related sexual violence, and ‘recruitment of children for use in armed conflict’.<sup>278</sup>

In the period 5 November 2019 – 9 February 2021, the UNSG, in its various reports on the situation in Somalia, attributed to Somalia security forces the following civilian casualties (sub-periods): (a) 76

<sup>269</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 6

<sup>270</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 6

<sup>271</sup> USDOS, Country Reports on Human Rights Practices 2019 - Somalia, 11 March 2020, [url](#), p. 5

<sup>272</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 6

<sup>273</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 6

<sup>274</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 6

<sup>275</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 6

<sup>276</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 7

<sup>277</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 9

<sup>278</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), pp. 1-4

(5 November 2020 – 9 February 2021);<sup>279</sup> (b) 32 (5 August – 4 November 2020);<sup>280</sup> (c) 39 (5 May – 4 August 2020);<sup>281</sup> (d) 64 (5 February – 4 May 2020);<sup>282</sup> (e) 8 per cent of 392 (5 November 2019 – 4 February 2020).<sup>283</sup> In the course of 2019 UNSOM/OHCHR attributed the following civilian casualties to the various security forces: 55 to SPF;<sup>284</sup> 37 to SNA;<sup>285</sup> 2 to NISA.<sup>286</sup>

Other type of violations detailed per security institution that were reported in the reference period:

- SNA.** In the period 5 November 2019 – 9 February 2021, the SNA was attributed: 9 verified incidents of conflict-related sexual violence (5 November 2020 – 9 February 2021);<sup>287</sup> 4 incidents of conflict-related sexual violence and 13 boys deprived of liberty (5 August – 4 November 2020); 4 incidents of conflict-related sexual violence (5 May – 4 August 2020);<sup>288</sup> a total of 16 incidents of deprivation of liberty affecting 37 boys attributed in general to the Somali security forces (5 February 2020 – 4 May 2020).<sup>289</sup> In its 2020 report on children and armed conflict in Somalia – covering the period 1 August 2016 – 30 September 2019, the UNSG attributed to the SNA hundreds of violations against children, including child recruitment (391 cases), deprivation of liberty for alleged association with al-Shabaab or pro-ISIL elements (492 cases), killing and maiming of children (297 cases), rape and sexual violence (133 cases), attacks on schools and hospitals (8 cases), denial of humanitarian access (5 cases).<sup>290</sup>
- SPF and (other) Somali Authorities.** In the period 5 November 2019 – 9 February 2021, the Somali Police Force (and the Somali authorities in general) arbitrarily arrested and detained the following persons (sub-periods): 61 individuals, including 7 al-Shabaab suspects, 14 journalists and 25 alleged clan militia (5 November 2020 – 9 February 2021); 40 individuals (including 24 al-Shabaab suspects and 2 ISIL suspects), mostly in the context of security operations (5 August – 4 November 2020);<sup>291</sup> 85 individuals, including 70 al-Shabaab suspects (5 May – 4 August 2020);<sup>292</sup> 89 individuals, most of them suspected of being al-Shabaab members (55), and 49 of whom were subsequently released without charge (5 February – 4 May 2020).<sup>293</sup> During the same period the Somali Police Force was attributed the deprivation of liberty of more than 60 boys.<sup>294</sup> In the period 5 November 2019 – 9 February 2021, the Somali Police Force was attributed following incidents of conflict-related sexual violence (sub-periods): 7 verified incidents (5 November 2020 – 9 February 2021);<sup>295</sup> 4 incidents (5 August – 4 November 2020);<sup>296</sup> one verified incident (5 February – 4 May

<sup>279</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 9

<sup>280</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), p. 8

<sup>281</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 8

<sup>282</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), p. 8

<sup>283</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), p. 7

<sup>284</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 20

<sup>285</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 18

<sup>286</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 24

<sup>287</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 10

<sup>288</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), p. 9; UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 10

<sup>289</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), p. 8

<sup>290</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), pp. 5-12

<sup>291</sup> UNSG, Situation Report Somalia, 13 November 2020, [url](#), p. 8

<sup>292</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9

<sup>293</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), p. 8

<sup>294</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), p. 9; UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9; UNSG, Situation in Somalia, 13 May 2020, [url](#), p. 9

<sup>295</sup> UNSG, Situation Report Somalia, 17 February 2021, [url](#), p. 10

<sup>296</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), p. 9

2020).<sup>297</sup> In its 2020 report on children and armed conflict in Somalia – covering the period 1 August 2016 – 30 September 2019, the UNSG attributed to the SPF hundreds of violations against children, including child recruitment (172 cases), deprivation of liberty for alleged association with al-Shabaab or pro-ISIL elements (303 cases), killing and maiming of children (50 cases), rape and sexual violence (24 cases), attacks on schools and hospitals (2 cases).<sup>298</sup>

- **NISA.** As per the USDOS report, in the course of 2020, ‘NISA agents routinely conducted mass security sweeps against al-Shabaab and terrorist cells as well as criminal groups. The organization held detainees for prolonged periods without following due process and mistreated suspects during interrogations’.<sup>299</sup> In the period 5 February – 4 May 2020 a total of 16 incidents of deprivation of liberty affecting 37 boys were attributed to the Somali security forces in general.<sup>300</sup> In its 2020 report on children and armed conflict in Somalia – covering the period 1 August 2016 – 30 September 2019 –, the UNSG attributed to NISA other violations against children, including deprivation of liberty for alleged association with al-Shabaab or pro-ISIL elements (18 cases), and one denial of humanitarian access.<sup>301</sup> In the period 2017 - 2019, UNSOM/OHCHR attributed to NISA the arbitrary arrest and detention of 14 civilians (4 journalists, 10 al-Shabaab suspects).<sup>302</sup>
- **Custodial Corps.** For an overview see section on [Prison Forces](#).

Overall, the country task force on monitoring and reporting on grave violations against children in armed conflict verified the following grave violations in the various reporting periods: (a) 5 November – 9 February 2021: 1 121 grave violations, 153 of which attributed to federal and state armed forces;<sup>303</sup> (b) 5 August – 4 November 2020: 945 grave violations, 8.9 per cent of which attributed to federal and state armed forces;<sup>304</sup> (c) 5 May – 4 August 2020: 546 grave violations, 83 of which attributed to federal and state armed forces;<sup>305</sup> (d) 5 February – 4 May 2020: 826 grave violations, 104 of which attributed to federal and state armed forces;<sup>306</sup> (e) 5 November 2019 – 4 February 2020: 407 grave violations, 64 of which attributed to federal and state armed forces.<sup>307</sup>

### 3. Clans

Layered in all aspects of life, the clan is both a tool for identification and a way of life. Even a religious and cross-clan militant group like al-Shabaab (Xarakada Mujaahidiinta al-Shabaabi), more commonly called al-Shabaab, must deal with the clan variable.<sup>308</sup> Nevertheless, the clan situation is not homogenous. Some lineages are powerful, some others are weaker and yet others are considered as non-Somali and thereby marginalized from normal life.<sup>309</sup>

<sup>297</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), pp. 9-10

<sup>298</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), pp. 5-12

<sup>299</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 5

<sup>300</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), p. 9

<sup>301</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), pp. 7, 12

<sup>302</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 24

<sup>303</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), pp. 9-10

<sup>304</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), p. 9

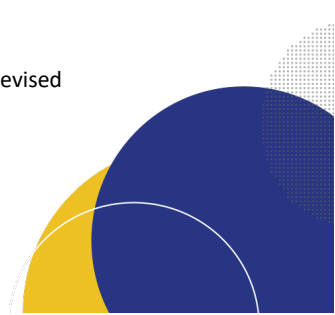
<sup>305</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9

<sup>306</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), p. 9

<sup>307</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), pp. 9-10

<sup>308</sup> DBpedia, Al-Shabaab (militant group), n.d., [url](#)

<sup>309</sup> ACCORD, Clans in Somalia – Report on a lecture by Joakim Gundel, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), pp. 11-20



### 3.1 Spatial organisation and mobility in the Somali arena

Somali people traditionally occupy an area that stretches from the Indian Ocean to the eastern highlands of Ethiopia and from the Gulf of Aden to the northern part of Kenya.<sup>310</sup> They are the most expansive population of the Horn of Africa.<sup>311</sup> In terms of ethnology, Somalis are considered as a segmentary society, like the Afar and Oromo people in Ethiopia.<sup>312</sup> This means that they are divided into a multitude of segments or lineages based on the genealogical distance from a common ancestor.<sup>313</sup> That phenomenon thereby governs the relationship between two people (among others, ability to marry, payment of the blood-revenge price, level of solidarity, degree of consideration or respect).<sup>314</sup>

#### 3.1.1 Major clans

Somalis are roughly divided into five large family clans or lineage beams that form the largest part of the population:<sup>315</sup>

- the Dir are settled in a large territory in Djibouti, in the western part of the Somaliland and beyond the border that the two countries share with Ethiopia. They are also present in the Southern part of Somalia;<sup>316</sup>
- the Isaaq are present in the middle part of the Somaliland and beyond the Ethiopian border.<sup>317</sup> Some people claim that Isaaq are part of the Dir<sup>318</sup> but for Marc Fontrier there is no proof of this assertion in the genealogical trees;<sup>319</sup>
- the Darood are settled in Puntland, in the eastern part of Somaliland, in eastern Ethiopia and in the southernmost part of Somalia;<sup>320</sup>
- the Hawiye are present in central Somalia and in the South of the Somali regional State in Ethiopia;<sup>321</sup>
- the Rahanweyn, sometimes called the Digil-Mirifle group, inhabit Somalian Mesopotamia, between the Jubba and the Shabelle rivers.<sup>322</sup> At the opposite of the other Somalis who claim descent from a common ancestor called Samaale, they claim to be the descendants of another figure, Saabe. As such, they are also called *Saab* people.<sup>323</sup>

<sup>310</sup> Lewis I. M., *A Modern History of the Somali*. Revised, Updated and Expanded, 2002, p. 1

<sup>311</sup> Harper, M., *Getting Somalia Wrong? Faith, War and Hope in a shattered State*, 2012, p. 31

<sup>312</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>313</sup> Lewis I. M., *A Modern History of the Somali*. Revised, Updated and Expanded, 2002, pp. 6-7

<sup>314</sup> Lewis, I. M., *A Pastoral Democracy: A Study of Pastoralism and Politics Among the Northern Somali of the Horn of Africa*, 1963, pp. 11-16; ACCORD, *Clans in Somalia – Report on a lecture by Joakim Gundel*, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), pp. 7-11

<sup>315</sup> Bader, C., *Le sang et le lait: Brève histoire des clans somali*, 1999; UNHCR, *New issues in Refugee Research – Working Paper N°65 – Pastoral society and transnational refugees: population movements in Somaliland and eastern Ethiopia 1988-2000*, August 2002, [url](#), pp. 2-3

<sup>316</sup> ACCORD, *Clans in Somalia – Report on a lecture by Joakim Gundel*, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), p. 13

<sup>317</sup> ACCORD, *Clans in Somalia – Report on a lecture by Joakim Gundel*, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), p. 13

<sup>318</sup> UNHCR, *New issues in Refugee Research – Working Paper N°65 – Pastoral society and transnational refugees: population movements in Somaliland and eastern Ethiopia 1988-2000*, August 2002, [url](#), p. 2 footnote no. 5

<sup>319</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>320</sup> Lewis I. M., *A Modern History of the Somali*. Revised, Updated and Expanded, 2002, pp. 6-7

<sup>321</sup> Bader, C., *Le sang et le lait: Brève histoire des clans somali*, 1999

<sup>322</sup> UNHCR, *New issues in Refugee Research – Working Paper no. 65 – Pastoral society and transnational refugees: population movements in Somaliland and eastern Ethiopia 1988-2000*, August 2002, [url](#), p.3; ACCORD, *Clans in Somalia – Report on a lecture by Joakim Gundel*, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), p. 11

<sup>323</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

Clans have traditional territories, linked to the migrations of the Somali people during their history.<sup>324</sup> Traditionally, a Somali man can settle on the territory of another clan—but there are rules.<sup>325</sup> Some clans have close ties (by blood or by contract) that allow some individuals to settle, live or travel without any problem. However, people that cross a territory, for any reason, must be sure to have the clan's protection.<sup>326</sup>

With the parliamentary system, the ability to represent the entire population has been a crucial point. Some elements from the Somali area, notably northern lineages, have settled in the large cities of the South, creating a heterogeneous social tissue from the clan point of view. Since this era, it can be considered that every lineage beam and every large clan (*tol*) is represented in the major cities of South Somalia.<sup>327</sup> Also, wars, famine and droughts have pushed numerous people out of their traditional territory. These populations spread across the southern parts of the country, notably in IDP camps.<sup>328</sup> Considering these dynamics, the clan-territory association remains relevant but sometimes must be relativized, notably in urban contexts.<sup>329</sup>

### 3.1.2 Minor clans, casted communities and non-Somali groups

Since there are smaller communities that live amongst larger ones, some segments of the Somalian population are considered as minorities.<sup>330</sup> These communities are divided into three categories: minor clans, non-Somali groups and casted people. All of these have in common that they live amongst larger clans.<sup>331</sup>

A minor clan is a Somali clan that lives next to or within the traditional territory of larger ones. The main minor clans are:<sup>332</sup>

- the Biyomaal are part of the large family clan of the Dir but inhabit Southern Somalia. Since some communities live amongst more numerous clans - from the Hawiye and the Ogaadeen (the major Darood lineage clan in Ethiopia) in particular – they can be considered as minor clan in several parts of the country;<sup>333</sup>
- the Sheekhaal, are a kind of trans-clan lineage. This means that they live amongst numerous 'major' clans from the North and the South of the Somali area. They have the special status of 'religious clan' that gives them a prestigious aura,<sup>334</sup> and are often included as Hawiye.<sup>335</sup>

<sup>324</sup> Lewis I. M., *A Modern History of the Somali*. Revised, Updated and Expanded, 2002, pp. 18-39

<sup>325</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>326</sup> Fontrier, M., Abou-Bakr Ibrahim, Pacha de Zeyla - Marchand d'esclaves, 2018, pp. 85-87, 93-96

<sup>327</sup> Fontrier, M., *Annales de Somalie – L'Etat démantelé – 1991-1995*, 2012; Fontrier, M., *Annales de Somalie – L'illusion du chaos – 1995-2000*, 2015; Lewis, I.M., *Understanding Somalia and Somaliland: culture, history and society*, 2008, pp. 27-92

<sup>328</sup> UNHCR, Fact sheet on internal displacement, 10 March 2021, [url](#)

<sup>329</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>330</sup> Lewis, I.M., *Understanding Somalia and Somaliland*, 2008, pp. 5-11

<sup>331</sup> ACCORD, *Clans in Somalia – Report on a lecture by Joakim Gundel*, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), p. 14-20

<sup>332</sup> ACCORD, *Clans in Somalia – Report on a lecture by Joakim Gundel*, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), p. 14-20

<sup>333</sup> Canada, IRB, *Somalia: The Biyomal [Biimaal, Biyomaal, Biymaal, Biyamal] clan, including work, history, religious affiliation, location within the country, particularly Nus Dunya; the Rahanweyn [Rahanwen] clan, including location in the country; treatment of the Biyomal clan by the Rahanwen clan (2013- September 2015)*, 2 October 2015, [url](#); Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>334</sup> Canada, IRB, *Somalia: Information on the Shekhal Ghendershe and whether they are part of the 'untouchables'; their location and derivation*, 1 December 1991, [url](#); Minority Rights Group International, *Minorities and indigenous peoples in Somalia*, last update in May 2018, [url](#); ACCORD, *Somalia: Situation of the 'Shakhal', 'Ajuran', 'Shashi', and 'Wayten' clans*, 15 March 2004, [url](#)

<sup>335</sup> International Crisis Group, *Jubaland in Jeopardy: the Uneasy Path to State-Building in Somalia*, 21 May 2013, [url](#)



- the Asharaaf, commonly called Ashraf, are also a religious clan but mainly live amongst the Rahanweyn. They have an important role in the religious education;<sup>336</sup>
- the Ajuuraan live with the Hawiye. They claim to be a 'royal' clan since they descend from the people of the Ajuuraan sultanate which probably took root in the XII<sup>th</sup> century.<sup>337</sup>

Amongst the minor clans also feature the Tunni,<sup>338</sup> the Garre<sup>339</sup> and the Begedi,<sup>340</sup> who mainly live with the Rahanweyn.<sup>341</sup>

A casted community (*Sab*) is a group that lives at the margins of Somali society. These small communities are traditionally supposed to fulfill a precise function, such as craftsmen or sorcerers.<sup>342</sup> The main ones are:

- the Tumaal, that traditionally work as blacksmiths and live in small communities;<sup>343</sup>
- the Midgaan, who mainly live as hunter-gatherers and leather-craftsmen, shoemakers notably;<sup>344</sup>
- the Ybir/Yibro, who are involved in numerous celebrations such as marriages. They also make amulets. Their traditional activity revolves around magic and rituals;<sup>345</sup>
- the Madhibaan (also called Gabooye), Hawarsame and Habar Yaquub are also casted communities that live across the Somali area.<sup>346</sup>

In Somalia also exist groups that are considered as non-Somali minorities. They speak another language and have specific traditions and cultures. These mainly live in southern Somalia. The main groups are:<sup>347</sup>

- the Bantu, also called Jareer, are farmers from the Somalian Mesopotamia. They speak Arabic, Swahili or the May language;<sup>348</sup>
- the reer Benaadir (or Benadiri) are a coastal group. Part of them, the reer Xamar, traditionally lives in Mogadishu as merchants.<sup>349</sup>

There are also the Bajuni (who inhabit the islands of the southern Somalia)<sup>350</sup> and the Barwaani and Jaaji, also called reer Maanyo<sup>351</sup>.

<sup>336</sup> Minority Rights Group International, Minorities and indigenous peoples in Somalia, last update in May 2018, [url](#); see also ACCORD, Somalia: Situation of the 'Shakhal', 'Ajuuran', 'Shashi', and 'Wayten' clans, 15 march 2004, [url](#)

<sup>337</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021; ACCORD, Somalia: Situation of the 'Shakhal', 'Ajuuran', 'Shashi', and 'Wayten' clans, 15 March 2004, [url](#)

<sup>338</sup> Canada, IRB, Somalia: The Tunni ethnic group, including regions where its members reside; treatment by society, authorities and Al Shabaab; relationship with other clans (2012-December 2014), 22 December 2014, [url](#)

<sup>339</sup> Canada, IRB, Somalia: Information on the Garre tribe, 1 March 1995, [url](#)

<sup>340</sup> Canada, IRB, Somalia: Information on the Begedi clan, 1 September 1997, [url](#)

<sup>341</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

<sup>342</sup> Bader, C., Le sang et le lait : Brève histoire des clans somali, 1999; Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>343</sup> Canada, IRB, Somalia: Additional information on the Tumaal including their location, present situation, and whether or not they are related to the Midgan, 1 November 1996, [url](#)

<sup>344</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

<sup>345</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

<sup>346</sup> ACCORD, Clans in Somalia – Report on a lecture by Joakim Gundel, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, p.15 [url](#)

<sup>347</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

<sup>348</sup> Menkhaus, K., Bantu ethnic identities in Somalia, 2003, [url](#), pp. 323-339

<sup>349</sup> Canada, IRB, Somalia: The Reer Hamar and/or Benadiri, including the location of their traditional homeland, affiliated clans and risks they face from other clans, 3 December 2012, [url](#)

<sup>350</sup> Canada, IRB, Somalia: Information regarding the Bajuni tribe around Kismayo, particularly the language they speak, 1 April 1990, [url](#)

<sup>351</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021



## 3.2 Protection and security

In the Somali space, people are traditionally attached to a territory where their kin are supposed to be more numerous.<sup>352</sup>

### 3.2.1 Intra clan protection

Theoretically, the more distant from the individual's circle someone is, the more protection and solidarity are likely to be weaker.<sup>353</sup>

Probably the most important level of solidarity in Somali society, the *jilib* does not refer to a particular number of individuals or a level in the genealogical tree.<sup>354</sup> It refers to the group below which the community assumes the payment of 'the blood price', *diya* in Arabic, *mag* in Somali.<sup>355</sup> Thus, in theory, a *jilib* can be constituted of hundreds of *reer* (lineages/families) as well as just a few ones.<sup>356</sup> It is a solidarity link that ties together several *reer* or families, traditionally within a clan (*tol*).<sup>357</sup> In theory, inside the *jilib*, the community must help individuals in case of smaller or larger problems, reaching as far as the mutilation or the murder of someone from another clan (blood price).<sup>358</sup> There is a little *jilib* and a big *jilib*. The payment of a murder is linked to the big *jilib* while mutilations are linked to the little one. Both are codified in the *xeer*, the traditional law.<sup>359</sup> Since the *xeer* is a little different across the Somali area, there does not exist a precise price for each *jilib*. For example, clans considered as richer, such as the sedentary ones, pay more than the others.<sup>360</sup>

### 3.2.2 Extra clan protection

Social protection can also be provided through arrangements with other clans.<sup>361</sup> In any case, this protection results from a pact (*hes-heshiis*) passed by two communities that must agree on its exact terms: the kind of protection, means of resolution of the conflicts, marriage rules, and so on.<sup>362</sup> In most cases the *hes* has a given duration. When this duration ends, the solidarity links between two individuals or groups evaporate likewise.<sup>363</sup>

However, there are binds of protection and solidarity without duration or agreement. In these cases, many phenomena can influence the relations between individuals, such as the *xeer*, the traditional law, but also the natural social balance and games of power. In the Somali perception, there are several level of clan protection corresponding to different scales of social closeness, including the neighbourhood (*daris*), those related (*saar*), the people who are included in the intra clan logic but

<sup>352</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

<sup>353</sup> Fontrier, M., *Autour de la Notice sur l'Ogadine d'Arthur Rimbaud*, Editions Sépia, Paris, 2017, p. 28

<sup>354</sup> IRSEM, *Les défis politiques et stratégiques en Somalie*, Les Cahiers de l'IRSEM, n°13, 2012, [url](#), pp. 75, 211

<sup>355</sup> Van Notten, M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, p. 179

<sup>356</sup> Van Notten, M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, p. 64

<sup>357</sup> Pérouse de Montclos, M.A., *Diaspora et terrorisme*, 2003, [url](#), p. 28

<sup>358</sup> Van Notten, M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, p. 20

<sup>359</sup> Prunier, G., *Ségmentarité et violence dans l'espace somali, 1840-1992*, 1997, [url](#), pp. 381-383

<sup>360</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>361</sup> Van Notten, M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, pp. 49-61

<sup>362</sup> Van Notten, M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, pp. 50-51, 59-61, 76

<sup>363</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

are, from the lineage point of view, out of it (*soo rac*, in Somali language ‘those who follows’), corresponding to those who are out of the intra clan logic but can serve the interests of the group (*sheegad*, in Somali language ‘those who are merely trading’ or ‘those who lie about their origin’), and the protected ones (*magan*, in Somali language ‘those who beg for mercy’).<sup>364</sup> With each of these levels comes a given intensity of protection. For example, the relations with a *daris* are traditionally peaceful, while with a *sheeqad* they can be violent, marginalizing or discriminating. The example of the *magan* is particularly explicit. They are indeed supposed to have the same rights as people of the protecting clan, but they do not have the same social consideration.<sup>365</sup>

Another important form of protection is the *abbaan*.<sup>366</sup> When Somalis move within their space, their genealogy, and their *abtiris* (count of the fathers) are both identifying tools in the social space and part of their identity. In a context of travel, the *abtiris* allows the interlocutor to know if a stranger has the right or not to peacefully cross the territory.<sup>367</sup> To cross (or live) peacefully the land, the traveler must obtain a ‘guide’ who can testify that the foreign individual is allowed by the clan to cross the territory. This helper will provide a protection called *abbaan*.<sup>368</sup>

Essentially, the *abbaan* is the head of a caravan. He provides safe crossing of his clan’s territory.<sup>369</sup> Usually, when it arrives at the edge of the *abbaan*’s territory, the caravan must find another *abbaan*. It happens, in the cases of such major and powerful merchants as Abu Bakr Ibrahim *pasha* was in the XIX<sup>th</sup> century, that one *abbaan* is enough to cross large parts of the country.<sup>370</sup> These cases are highly uncommon and imply that the merchant possesses the power to pay and to make a strong pact in advance with all the actors who could be met. More generally, *abbaan* can also be understood as a more general system whereby nomadic clans provide a form of protection to those who may wish to cross their territory (cars, trucks or pedestrians).<sup>371</sup>

Michael van Notten adds that in the Somali system, foreigners (from the clan) are denied of their legal personality. They are considered as guests (*marti*) so they need a patron, a guardian who is called *abbaan*.<sup>372</sup>

Another type of alliance can in a certain way be conceived of as a form of protection and security provided by the clan: the *gaashaanbuur*.<sup>373</sup> Classically, this is a military alliance that integrates one or several clans or parts of these to make war. Notably, a reason for a *gaashaanbuur* to come into being can be the protection of the group’s interests.<sup>374</sup> Researchers do not agree on a strict definition of this concept. For example, French professor Gerard Prunier defines it as a [informal translation] ‘pragmatical alliance of minor clans and individuals marginalized by a certain situation of conflict in order to ensure the immediate survival of the groups and persons threatened’.<sup>375</sup> For Marc Fontrier, this phenomenon does not concern minor clans only. In his view, some clans have a *reer*

<sup>364</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>365</sup> Prunier, G., *Ségmentarité et violence dans l’espace somali, 1840-1992*, 1997, [url](#), pp. 382-383

<sup>366</sup> Fontrier, M., Marc, Abu Bakr, pacha de Zeyla - marchand d’esclaves, 2018, p. 85

<sup>367</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>368</sup> Fontrier, M., Marc, Abu Bakr, pacha de Zeyla - marchand d’esclaves, 2018, pp. 85-89

<sup>369</sup> Fontrier, M., Marc, Abu Bakr, pacha de Zeyla - marchand d’esclaves, 2018, p. 86

<sup>370</sup> Fontrier, M., Marc, Abu Bakr, pacha de Zeyla - marchand d’esclaves, 2018, p. 86

<sup>371</sup> World Bank, Private sector response to the absence of government institutions in Somalia, 30 July 2004, p. 10 [url](#)

<sup>372</sup> Van Notten M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, p. 50

<sup>373</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021; see also de Waal, A., *The Prairies Fire that Burned Mogadishu: The Logic of Clan Formation in Somalia*, December 2018, [url](#), p. 27

<sup>374</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

<sup>375</sup> Prunier, G., *Ségmentarité et violence dans l’espace somali, 1840-1992*, 1997, [url](#), pp. 382

*gaashaanbuur*. He defines this as an alliance of individuals from same or different clans in order to make war.<sup>376</sup>

### 3.3 Traditional customary law - *Xeer*

Somalis follow a dual system of rules, the Islamic one, the *shari'ah*, and the traditional one, the *xeer*.<sup>377</sup> The essence of the *xeer* is to balance the relations between individuals and between groups.<sup>378</sup> Gerard Prunier defines this as [informal translation] 'the oral corpus of laws that rules the social behaviour of a group tied by the custom (*tol herleh*)'.<sup>379</sup> For example, the price for the murder or mutilation of a member of another clan (*jilib*) is set by the *xeer*,<sup>380</sup> as well the inheritance of lands or material possessions.<sup>381</sup> The elders perform justice and are supposed to be experts of the *xeer*.<sup>382</sup> The *shari'ah* is also respected, while it was traditionally conceived as a distant religious ideal.<sup>383</sup> It must be noticed that now, this phenomenon tends to be modified in many parts of the country, notably in the cities and the territories under control of al-Shabaab.<sup>384</sup>

In Somali culture the *xeer* and the *shari'ah* are personified by two important figures:<sup>385</sup>

- the warrior (*waranle*) is a man of honour who lives in a non-religious world. He follows the *xeer*;<sup>386</sup>
- the religious (*wadaad*), is a man who reached holiness by his knowledge and behavior.<sup>387</sup> He follows the *shari'ah*.<sup>388</sup>

For Somalis, the *xeer* is both holy and profane<sup>389</sup> as shown in a Somali proverb: 'God created me from a seed, but it is my ancestor that gave me the *xeer*'.<sup>390</sup> Marc Fontrier specifies that when a confrontation between the *xeer* and the *shari'ah* occurs, the first one is often preferred, as another proverb shows: 'If you have choice between the *xeer* and the *sharia*, choose the *xeer*'.<sup>391</sup> As detailed further above (section on [Customary Justice – Xeer and Alternative Dispute Resolution](#)), this is the traditional tendency but this assertion must be relativized since al-Shabaab and rigorist groups are working to push the *shari'ah* as a superior rule, particularly in the areas controlled by the terrorist group and in rural areas (section on [Shari'ah Law](#)).<sup>392</sup>

<sup>376</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

<sup>377</sup> van Notten M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, pp. 33-48

<sup>378</sup> Van Notten M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, pp. 49-62

<sup>379</sup> Prunier, G., *Ségmentarité et violence dans l'espace somali, 1840-1992*, 1997, [url](#), pp. 379-401

<sup>380</sup> Van Notten, M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, pp. 55-56, 70, 100, 112, 177-182, 183, 186

<sup>381</sup> Van Notten M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, pp. 60-61, 179, 183

<sup>382</sup> Van Notten, M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, pp. 64-65

<sup>383</sup> Prunier, G., *Ségmentarité et violence dans l'espace somali, 1840-1992*, 1997, [url](#), pp. 381-382; van Notten, M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, p. 34

<sup>384</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

<sup>385</sup> Mohamed-Abdi, M., *Les bouleversements induits par la guerre civile en Somalie: Castes marginales et minorités*, 2000, [url](#), pp. 131-133

<sup>386</sup> Mohamed-Abdi, M., *Les bouleversements induits par la guerre civile en Somalie: Castes marginales et minorités*, 2000, [url](#), p. 132

<sup>387</sup> Mohamed-Abdi, M., *Les bouleversements induits par la guerre civile en Somalie: Castes marginales et minorités*, 2000, [url](#), p. 132

<sup>388</sup> Lewis, I. M., *Blood and Bone: The call of Kinship in Somali Society*, 1994, pp. 41, 49, 60, 75, 164, 170, 207

<sup>389</sup> Lewis I. M., *A Modern History of the Somali. Revised, Updated and Expanded*, 2002

<sup>390</sup> Iye A. M., *Le verdict de l'arbre – le Xeer Issa: essai sur une démocratie endogène africaine*, 1992, p. 156

<sup>391</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

<sup>392</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

Rights and duties are set by the *xeer*.<sup>393</sup> If the traditional law may be somewhat different from a clan to another, it is ultimately quite homogeneous. In fact, the differences are not strictly in *xeer* itself but rather in its fields of applicability.<sup>394</sup> The *xeer* applies inside the clan and the genealogy.<sup>395</sup> Djiboutian researcher Ali Moussa Iye, talking about *xeer* Ciise – also known as Issa, one of the main Dir clans from the North, in Djibouti, Western Somaliland and over the Ethiopian border - says that each Ciise is the equal of another Ciise. The author does not specify Somali people, but precisely Ciise kin.<sup>396</sup>

As already mentioned, children and women have access to traditional justice through a male tutelar personality, husband, brother, father or uncle, since they are not considered by the society as responsible.<sup>397</sup> For example, they do not pay the *mag*; their tutor will, because he is supposed to be responsible for the actions of his woman or daughter. Also, the *xeer* codifies and justifies behaviors in contradiction with human rights such as FGM,<sup>398</sup> rapes during clashes,<sup>399</sup> the obligation to renounce inheritance (lands and possessions) when a marriage occurs outside of the clan,<sup>400</sup> and so on.<sup>401</sup>

For an overview about access to justice in Somalia, customary justice and alternative dispute resolutions, and how they interplay with the shari'ah system see section on [Access to Justice, Formal and Informal Systems](#).

### 3.4 Clan militias' role, recruitment, and engagement in disputes

Clan militias are important actors of political life across Somalia.<sup>402</sup> They are also destabilizing elements, since their actions can be violent, uncontrollable and, sometimes, random. Identifying fixed patterns can be difficult since they are protean.<sup>403</sup> However, some crucial aspects at the basis of the phenomenon can be presented as follows.

#### 3.4.1 Establishment of a clan militia

A clan militia is generally an armed group based on lineage.<sup>404</sup> For Marc Fontrier, clan militias are the result of the convergence of several individuals' interests.<sup>405</sup> As stated above, the notion of pact (*hes/heshiis*) is the origin point of this particular social organizational form. The strict basis of a militia is someone who succeeds in federating several individuals' interests. From this point, around these

<sup>393</sup> Harper, M., *Getting Somalia Wrong? Faith, War and Hope in a shattered State*, 2012, pp. 40, 115, 120

<sup>394</sup> Interview with French researcher intelligence officer Marc Fontrier 1 April 2021

<sup>395</sup> Prunier, G., *Ségmentarité et violence dans l'espace somali, 1840-1992*, 1997, [url](#), p. 382

<sup>396</sup> Iye, A. M., *Le verdict de l'arbre – le Xeer Issa: essai sur une démocratie endogène africaine*, 1992, p. 155

<sup>397</sup> Van Notten M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, p. 104-105

<sup>398</sup> Van Notten M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, p. 104

<sup>399</sup> Van Notten M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, p. 105

<sup>400</sup> Van Notten M., *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, 2005, p. 105

<sup>401</sup> Expanding Access to Justice Program, *Access to Justice Assessment Tool – Baseline Study in Somaliland: 2020*, 2020, [url](#), pp. 10-30

<sup>402</sup> Felbab-Brown, V., *The Problem with Militias in Somalia*, 2020, [url](#), pp. 113-115; de Waal, A., *The Prairie Fire that Burned Mogadishu: The Logic of Clan Formation in Somalia*, December 2018, [url](#), pp. 2-6

<sup>403</sup> Felbab-Brown, V., *The Problem with Militias in Somalia*, 2020, [url](#), pp. 113-118

<sup>404</sup> de Waal A., *The Prairies Fire that Burned Mogadishu: The Logic of Clan Formation in Somalia*, December 2018, [url](#), pp. 1-31

<sup>405</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

people, the ability to become a large militia depends on the ability of members to federate other interests in their turn. It is a fractal organization in which an inner circle reproduces itself up to the limit of its influence. This limit is represented by the ability of the group to attract a greater number of supporters. Considering this definition of the militia, Marc Fontrier specifies that when the federation of interests concerns the clan, and the *modus operandi* may be violent, it is possible to define it as a clan militia.<sup>406</sup> Even a group like al-Shabaab, defined as a religious or extremist militia, could be partly defined as a clan militia since several clans (Cayr or Ayr from the Hawiye Habar Gidir for example) form a strong basis within it.<sup>407</sup> Basically, for Marc Fontrier, there are two types of militias in the Somali space:<sup>408</sup>

- the economic ones, where the aim of associating is to improve the level of resources or money. This one is largely based on the clan mode;
- the political ones, where the aim is to take or keep the power. Here, the center is often a strong figure like in the case of Siyad Barre's regime, supported by the Marehan clan. For Marc Fontrier, since the traditional way of life in Somali culture is strongly allergic to any kind of coercion, this pattern can be considered as imported from the outside,<sup>409</sup> as al-Shabaab shows.<sup>410</sup>

For Marc Fontrier, political conflicts between militias - as could be seen in the 1990's between the two United Somali Congress (USC) groups,<sup>411</sup> Abgaal and Habar Gidir<sup>412</sup> - are typical of the conflict emerging between the original way of life of Somali people and a 'western' way to conceive state and territories, pushing some individuals to claim a power that traditional society would never grant them.<sup>413</sup>

In most cases, the federation of interests corresponds to an economic imperative.<sup>414</sup> Setting up and keeping a militia united and functional requires money.<sup>415</sup> Funding is a crucial issue for the sustainability and the performance of any clan militias.<sup>416</sup>

### 3.4.2 Evolution of clan militias in Somalia

Historically, clan militias have always existed as alliances sealed within the genealogical structure.<sup>417</sup> Nevertheless, since colonization and the attempt of Westerners (the French in Djibouti, the English in Somaliland and the Italian in Somalia) to impose a state system in Somalia, more armed groups emerged and started to fight themselves and against the new authorities.<sup>418</sup> In 1960 former colonies of British Somaliland and Italian Somalia achieved independence and merged as a new state, Somali

<sup>406</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>407</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021; see also Hiraal Institute, Taming the Clans: Al-Shabab's Clan Politics, 31 May 2018, [url](#), pp. 1-2

<sup>408</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>409</sup> Al Shabaab ideology's roots are in the gulf states and in Afghanistan of the 1990's; de Gayffier-Bonneville A.C., Les organization combattantes irrégulières de Somalie, in *Stratégie*, 103, 2013/2, pp. 139-161, [url](#)

<sup>410</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>411</sup> Fontrier M., *Annales de Somalie – L'Etat démantelé – 1991-1995*, 2012, pp. 45-68

<sup>412</sup> Guardian (The), Clans and crisis in Somalia, 6 May 2007, [url](#); Prunier G., *Somalia: Civil War, Intervention and Withdrawal 1990-1995*, 1 July 1995, [url](#)

<sup>413</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>414</sup> Menkhaus K., Non-State Security Providers and Political Formation in Somalia, April 2016, [url](#), pp. 11-15

<sup>415</sup> Pérouse de Montclos, M.A., *Diaspora et terrorisme*, 2003, [url](#), pp. 16, 19, 55, 169-216 and 238

<sup>416</sup> Felbab-Brown, V., *The Problem with Militias in Somalia*, 2020, [url](#), pp. 128, 136-137

<sup>417</sup> Fontrier M., *Annales de Somalie – L'Etat démantelé – 1991-1995*, 2012, pp. 11-23

<sup>418</sup> Arab Center for Research & Policy Studies, *Decentralized Unitary System: A Possible Middle Ground Model for Somalia*, May 2015, [url](#); Prunier G., *Somalia: Civil War, Intervention and Withdrawal 1990-1995*, 1 July 1995, [url](#); ACCORD, *Understanding Civil Militia Groups in Somalia*, 2016, [url](#); Pérouse de Montclos M.A., *Boko Haram et le terrorisme islamiste au Nigéria: insurrection religieuse, contestation politique ou protection sociale*, June 2012, [url](#)

Republic. Nine years later, the army took power and Muhammad Siyad Barre became President until 1991 and the collapse of the State.<sup>419</sup> During this period, several armed groups started to fight the regime.<sup>420</sup> These groups, based on lineage, were the first occurrence of the term of Somali 'clan militias'.<sup>421</sup>

At this point, three main groups led the struggle against the government of Siyad Barre: the Somalian National Movement (SNM), based on several Isaaq clans,<sup>422</sup> the Somalian Salvation Democratic Front (SSDF) based on the Harti lineages from the Darood,<sup>423</sup> mainly the Majeerteen, and the United Somalia Congress (USC), based on several Hawiye clans from the Abgaal and Habar Gidir.<sup>424</sup> These three militias are particularly interesting because of their impact on the structuration of present-day Somalia. After the collapse of the state in 1991, these groups became the basis of new administrations.<sup>425</sup> USC took the power in South Somalia, SSDF, settled in the actual Puntland, became the main political entity, and SNM roughly became the administration of the Somaliland.<sup>426</sup>

In the early 1990's, USC split into two main clan factions: the Habar Gidir one, whose leader was Xuseen Maxamed Faarax Caydiid (USC-Caydiid) and the Abgaal, led by Cali Mahdi Maxamed (USC-Mahdi).<sup>427</sup> Both fought for power in Mogadishu and Somalia, setting up a context of perpetual civil war in the South of the country.<sup>428</sup> Seeking to remove itself from the agitated southern area, SNM declared itself independent in 1991.<sup>429</sup> In turn, in 1998, the SSDF removed itself from the southern area declaring its autonomy.<sup>430</sup> These three clan militias are examples of armed groups that became official states or federated states.<sup>431</sup>

Simultaneously, conflict situations are inherited from the clashes between and within these militias. For example, clashes between Somaliland and Puntland can be explained by the fact that the eastern part of Somaliland is inhabited by Darood populations that feel closer to Puntland's lineages.<sup>432</sup> On the other hand, in Southern Somalia, the decade of the 1990s was characterized by a struggle between the two major clans of the Mogadishu area, the Abgaal and the Habar Gidir.<sup>433</sup> Indeed, the chaotic situation since this period enabled the emergence of numerous armed groups of variable sizes and sponsored by local people and diaspora, but also by several foreign actors.<sup>434</sup> Their purpose could be politic or economic, on a lineage basis or on a religious one. From the late 1990's, southern territories became so fragmented that the conflict was no longer a struggle between two major forces but between several ones of variable strength.<sup>435</sup> For example, Macawiisleeey is a recently founded clan militia that operates in the Lower Shabelle region. The approximately 200 fighters that constitute it

<sup>419</sup> Mabire J-C., *Somalie, l'interminable crise*, April 2003, [url](#), pp. 57-80

<sup>420</sup> Fontrier M., *Annales de Somalie – L'Etat démantelé – 1991-1995*, 2012, pp. 25-44

<sup>421</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>422</sup> Lewis I.M., *Blood and Bone – the call of kinship in Somali Society*, 1993, pp. 177-219

<sup>423</sup> Fontrier M., *Annales de Somalie – L'Etat démantelé – 1991-1995*, 2012, pp. 135-160

<sup>424</sup> Prunier G., *Somalia: Civil War, Intervention and Withdrawal 1990-1995*, 1 July 1995, [url](#); Fontrier M., *Annales de Somalie – L'Etat démantelé – 1991-1995*, 2012, pp. 29-32

<sup>425</sup> Fontrier M., *Annales de Somalie – L'Etat démantelé – 1991-1995*, 2012, pp. 69-183

<sup>426</sup> Prunier G., *Somalia: Civil War, Intervention and Withdrawal 1990-1995*, 1 July 1995, [url](#);

<sup>427</sup> Fontrier M., *Annales de Somalie – L'Etat démantelé – 1991-1995*, 2012, pp. 99-110

<sup>428</sup> Britannica, *Somalia*, n.d., [url](#); Prunier, P., *Somalia : Civil War, Intervention and Withdrawal 1990-1995*, 1/7/1995, [url](#)

<sup>429</sup> Hoehne M. V., *L'Etat 'de facto' du Somaliland*, in *Politique Africaine*, translated by Botiveau R., April 2010, [url](#), p. 178

<sup>430</sup> Fontrier M., *Annales de Somalie – L'illusion du chaos – 1995-2000*, 2015, pp. 355-366

<sup>431</sup> Prunier G., *Somalia: Civil War, Intervention and Withdrawal 1990-1995*, 1 July 1995, [url](#)

<sup>432</sup> Hoehne M. V., *L'Etat 'de facto' du Somaliland*, in *Politique Africaine*, translated by Botiveau R., April 2010, pp. 175-199, [url](#)

<sup>433</sup> Fontrier M., *Annales de Somalie – L'Etat démantelé – 1991-1995*, 2012; Fontrier M., *Annales de Somalie – L'illusion du chaos – 1995-2000*, 2015, pp. 103-140

<sup>434</sup> Pérouse de Montclos, M.A., *Diaspora et terrorisme*, 2003, [url](#), pp. 169-188

<sup>435</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021



are mainly farmers and pastoralists whose purpose is to fight al-Shabaab. It is thus an example of popular reaction to al-Shabaab pressure.<sup>436</sup>

For a detailed overview of current clan militias and armed groups at state and regional level see relevant section on FMS Armed Forces and on Other Actors/Forces within each [Federal Member States and Somaliland](#).

### 3.5 Clans and Al-Shabaab

The relations between al-Shabaab and clans are ambiguous.<sup>437</sup> As seen previously, traditionally, the *xeer* and the clan logic rule Somali life.<sup>438</sup> Al-Shabaab denies this phenomenon and tries to make the *shari'ah* the supreme arbiter.<sup>439</sup> However, al-Shabaab deals with the clan system and often appears to take advantage of it.<sup>440</sup>

#### 3.5.1 Clans within Al-Shabaab

In 2019, al-Shabaab was estimated as having between 5 000 and 10 000 members.<sup>441</sup> Inside the organization, it is claimed that 50% of the executive council and officials are from Hawiye lineages.<sup>442</sup> Other clans are also represented like the Darood Marehan.<sup>443</sup> However, all major lineages are represented in the organization.<sup>444</sup> Some clans are so well-represented in the leadership of some departments of the organization that they are considered as 'the "owners" of entire branches'. For example, sources claim that the Amniyat, the intelligence service, is controlled by Murusade, Habar Gidir and Duduble clans,<sup>445</sup> of the Hawiye clan family.<sup>446</sup>

Several clans are indeed actively supporting the group, and ultimately, it may happen that recruitment, from an al-Shabaab perspective, is not carried out strictly speaking under duress. Young men, especially in past years, may have chosen to join al-Shabaab for ideological reasons, under the pressure of family or simply for economic purposes.<sup>447</sup> However, in more recent years forced recruitment, of children notably, is backfiring.<sup>448</sup> On its territory, al-Shabaab considers that every citizen must fight for the organization but since its coercive ability is variable, sometimes it must find ways to be attractive. Clan loyalty, as will be seen, constitutes an effective attraction tool.<sup>449</sup>

<sup>436</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 129

<sup>437</sup> ISS, Radicalisation and al-Shabaab recruitment in Somalia, September 2014, [url](#)

<sup>438</sup> Iye A. M., Le verdict de l'arbre – le Xeer Issa: essai sur une démocratie endogène africaine, 1992, pp. 16-18

<sup>439</sup> LPI, Alternative for Conflict Transformation in Somalia. A snapshot and analysis of key political actors' views and strategies, 2014, [url](#), p. 32

<sup>440</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>441</sup> Council on Foreign Relations, Al-Shabab, 10 January 2020, [url](#)

<sup>442</sup> Hiraal Institute, Taming the Clans: Al-Shabab's Clan Politics, 31 May 2018, [url](#), p. 1

<sup>443</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>444</sup> Hiraal Institute, Taming the Clans: Al-Shabab's Clan Politics, 31 May 2018, [url](#), p. 1

<sup>445</sup> Hiraal Institute, Taming the Clans: Al-Shabab's Clan Politics, 31 May 2018, [url](#), pp. 1-2

<sup>446</sup> Abikar, Clan Map - Somali Clans according Abikar 1999, in this report, [url](#)

<sup>447</sup> ISS, Radicalisation and al-Shabaab recruitment in Somalia, September 2014, [url](#), p. 5

<sup>448</sup> HRW, Somalia: Al-Shabab Demanding Children, 14 January 2018, [url](#); UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Somalia, 7 August 2020, [url](#); CISAC, Stanford University, Mapping Militant Organizations, Al Shabaab, January 2019, [url](#)

<sup>449</sup> CISAC, Stanford University, Mapping Militant Organizations, Al Shabaab, January 2019, [url](#); Chonka P., What you need to know to Understand al-Shabaab, 21 September 2016, [url](#)

### 3.5.2 Minor clans and Al-Shabaab

The cross-clan policy of al-Shabaab can be attractive for minorities in Somalia. More precisely, al-Shabaab is not against the clan logic, but it asserts that religion is what binds together all clans.<sup>450</sup> Religion becomes a higher rule.<sup>451</sup> For some members from minor clans, the situation may be considered as better under the rule of al-Shabaab.<sup>452</sup> Involvement in the ranks of the organization would be a good way to improve their situation. Al-Shabaab uses the popular frustration against major clans for its own interest.<sup>453</sup> Minor clans, threatened by major ones, could find more appealing a system where religion prevails over clan, and which is therefore more egalitarian. Some minor clans have been marginalized since the collapse of the Siyad Barre's State.<sup>454</sup> Joining al-Shabaab can be seen as an opportunity to take revenge on the past and on major clans that took their lands.<sup>455</sup> Al-Shabaab recruited widely amongst marginalized clans such as the Jareer with the promise of regular pay and improvement of their social situation.<sup>456</sup>

### 3.5.3 The role of the elders

Somali society considers the elders as wise figures that know the traditions and the rules.<sup>457</sup> Given this, their influence is important in the communities.<sup>458</sup> Since the federal states cannot fulfill all the demands from all the clans, frustration increases amongst some communities. This allows al-Shabaab to propose alliances and a different project than the Somali Government's one.<sup>459</sup> In al-Shabaab's attempt to deal with communities, clan elders are key figures in the control of territories and their inhabitants. They push young men to become involved in the ranks of the organization, becoming important providers of recruits for it.<sup>460</sup> However, their role is more complex than simple recruiters. They can constitute important elements in population control thanks to their mediation abilities as well as their ability to provide information. Clan elders are also facilitating the recovering of the taxes (*zakat*).<sup>461</sup>

## 3.6 Overview of clan militias abuses

Clan militias are active in Somalia and can be considered as violent actors since they also perpetrate inhuman and violent actions on the population, notably torture and other degrading treatments.<sup>462</sup> Still a few years ago (August 2017), the Danish Demining Group's noted that 'clashes involving rival clan militias remain the single most common form of armed conflict in Somalia, typically comprising

<sup>450</sup> Hansen S.J., Al-Shabaab in Somalia - The history and ideology of a militant Islamist group 2005-2012, 2013, pp. 31-47

<sup>451</sup> Chonka P., What you need to know to Understand al-Shabaab, 21 September 2016, [url](#)

<sup>452</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>453</sup> ISS, Radicalisation and al-Shabaab recruitment in Somalia, September 2014, [url](#), p. 3

<sup>454</sup> Chonka P., What you need to know to Understand al-Shabaab, 21 September 2016, [url](#)

<sup>455</sup> ISS, Radicalisation and al-Shabaab recruitment in Somalia, September 2014, [url](#), p.6; see also Menkhaus K., Non-State Security Providers and Political Formation in Somalia, April 2016, [url](#), p. 23

<sup>456</sup> Chonka P., What you need to know to Understand al-Shabaab, 21 September 2016, [url](#); see also ISS, Radicalisation and al-Shabaab recruitment in Somalia, September 2014, [url](#), p. 6

<sup>457</sup> Prunier G., Ségmentarité et violence dans l'espace somali, 1840-1992, 1997, [url](#), pp. 379-401

<sup>458</sup> Van Notten, M., The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa, 2005, p. 64

<sup>459</sup> ISS, Radicalisation and al-Shabaab recruitment in Somalia, September 2014, [url](#), p. 7

<sup>460</sup> Shire M. I., Dialoguing and negotiating with Al-Shabaab: the role of clan elders as insiders-partial mediators, in Journal of Eastern African Studies, 15:1, 2021, [url](#), pp. 1-22; ISS, Radicalisation and al-Shabaab recruitment in Somalia, September 2014, [url](#)

<sup>461</sup> Interview with French researcher intelligence officer Marc Fontrier, 1 April 2021

<sup>462</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 5

35% to 40% of [the] total security incidents[s] per month'. These clashes are mainly driven by land disputes, vendetta and resource disputes.<sup>463</sup>

In the period 5 November 2019 – 9 February 2021, the UNSG, in its various reports on the situation in Somalia, attributed to clan militias the following violations (sub-periods): (a) (5 November – 9 February 2021) 28 civilian casualties; 33 grave violations against children; 45 verified incident of conflict-related sexual violence;<sup>464</sup> (b) (5 August – 4 November 2020) 16 civilian casualties; 4.35 per cent of 945 grave violations affecting children; 12 verified incidents of conflict-related sexual violence;<sup>465</sup> (c) (5 May – 4 August 2020) 39 civilian casualties; 31 grave violations against children; 1 incident of conflict-related sexual violence;<sup>466</sup> (d) (5 February – 4 May 2020) 78 civilian casualties; 48 grave violations against children;<sup>467</sup> (e) (5 November 2019 – 4 February 2020) 2 per cent of the overall civilian casualties (392) reported by UNSOM in the period; 19 incidents of conflict-related sexual violence.<sup>468</sup>

In its 2020 report on children and armed conflict in Somalia – covering the period 1 August 2016 – 30 September 2019, the UNSG attributed to clan militias 494 verified violations against children, including: child recruitment (169 cases); deprivation of liberty (4 cases); killing and maiming of children (158 cases), rape and sexual violence (103 cases), attacks on schools and hospitals (7 cases), abductions (32 cases), denial of humanitarian access (25 cases).<sup>469</sup> The violations reported here above are in line with those reported by UNSOM during the period 1 January 2017 – 31 December 2019.<sup>470</sup>

Between 1 January 2017 and 31 December 2019, UNSOM and OHCHR documented 2 338 civilians killed and 2 795 injured. 8% of these - 386 civilian casualties - were attributed to clan militias action, with following breakdown per federal member state: 'Hirshabelle (101 – 51 killed and 50 injured), Galmudug (83 – 44 killed and 39 injured), Somaliland (68 – 35 killed and 33 injured), and South West State (60 – 41 killed and 19 injured)'.<sup>471</sup> In line with the above, throughout 2020, many battles occurred among clans and subclans, notably for the control of land and water resources. Galmudug, Hiran, Lower and Middle Shabelle and Sool regions appear to have been particularly affected by the phenomenon. The violence and the number of the clashes forced state and federal authorities to intervene several times between April and the end of the year.<sup>472</sup>

<sup>463</sup> Danish Demining Group, Dadaab Returnee Conflict Assessment, August 2017, [url](#), p. 20

<sup>464</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), pp. 9-10

<sup>465</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), pp. 8-9

<sup>466</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), pp. 8-10

<sup>467</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), pp. 7, 9

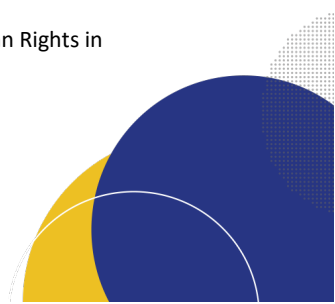
<sup>468</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), pp. 8, 10

<sup>469</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), pp. 5-12

<sup>470</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 32-34

<sup>471</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 1, 17

<sup>472</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), pp. 3-4



## 4. Al-Shabaab

### 4.1 Presence, territorial control, areas of influence, and outreach

Al Shabaab is an Islamist Sunni Salafi jihadist<sup>473</sup> armed group based in Somalia formed in the early 2000s. The group seeks to establish an Islamic caliphate state in Somalia. It has carried out attacks across the region and had previously held sway over Mogadishu and large rural areas. However it had been pushed out of major urban centres by military campaigns.<sup>474</sup> Al-Shabaab controls ‘tracts of rural central, southern, and western Somalia’,<sup>475</sup> other more limited areas in other parts of the country (Galgala range in the Golis mountains in Puntland),<sup>476</sup> as well as portions of territory in north-eastern Kenya (Mandera county).<sup>477</sup> In South-Central Somalia, their military presence often extends from the rural areas to the main supply routes serving the main urban centres and their surrounding areas.<sup>478</sup> When these cities do not fall directly under their military control, they are often besieged by the group.<sup>479</sup> Al-Shabaab de-facto controls territory and vast portions of hinterland along the Juba and the Shabelle valleys (Middle Juba, Lower Juba, Bay, Lower Shabelle, Middle Shabelle),<sup>480</sup> large coastal and hinterland swaths around Harardhere, El Dher, and El Buur in Central Somalia (Galgadud),<sup>481</sup> and other vast portions of territory in other regions (Hiraan, Bakool, Gedo, Mudug).<sup>482</sup> However, as detailed in the section on [Territorial Control/Areas of Influence](#) about the FGS, the border between al-Shabaab and anti-al-Shabaab controlled areas is locally ‘fluid’,<sup>483</sup> although overall it seems to have reached a stalemate since 2015.<sup>484</sup> For an overview of the situation as of 30 April 2021 please see the [Map Somalia – Approximate Territorial Control \(Figure 1\)](#).

Moreover, military presence and territorial control do not correspond to al-Shabaab’s area of influence. As reported by the Panel of Experts on Somalia, in its latest report (September 2020), ‘Al-Shabaab’s control of populations extends beyond the areas in which it has a geographical presence’. This is achieved ‘through threats and violence enacted against individuals or communities, infiltration and control of information sources, and the manipulation of formal institutions such as the financial sector’.<sup>485</sup> Felbab-Brown, a Somali security expert, corroborates this point in her latest report on Somalia, whereby she states that ‘[a]lthough al-Shabaab has mostly not sought to enlarge the area under its formal control, it has recently conducted offensive operations’, among others, ‘to enforce the collection of taxes from local populations’.<sup>486</sup> In 2018 Hiraal Institute noted that al-Shabaab was

<sup>473</sup> International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), p. 7

<sup>474</sup> CFR, Al-Shabaab – Background, 19 May 2021, [url](#)

<sup>475</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 120; see also International Crisis Group, Somalia’s Current Security and Stability Status, Testimony by Dr. EJ Hogendoorn, 14 March, 2018, [url](#); Hiraal Institute, The Evolution of Al-Shabaab, 3 April 2018, [url](#), p. 4

<sup>476</sup> EASO, COI Query - Security situation in Puntland and Somaliland (January – 15 November 2019), 12 December 2019, [url](#), p. 7; VOA, Al-Shabab Raid on Somalia Military Base Kills Several Soldiers, 2 June 2018, [url](#)

<sup>477</sup> ISS, Winning community trust can help rid Kenya of al-Shabaab, 28 April 2021, [url](#); VOA, Al-Shabab Threat Rising in Kenya’s Northeast, 15 January 2021, [url](#); Hiraal Institute, The Evolution of Al-Shabaab, 3 April 2018, [url](#), p. 4

<sup>478</sup> UN Security Council, Letter dated 12 October 2020 from the Chair of the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council, 15 October 2020, [url](#), pp. 7-11; NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), pp. 32-35, 44

<sup>479</sup> Hiraal Institute, The Evolution of Al-Shabaab, 3 April 2018, [url](#), p. 4

<sup>480</sup> Control/Areas of Influence Map in this report, June 2021, [url](#)

<sup>481</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 32

<sup>482</sup> UN Security Council, Report Somalia of the Monitoring Group on Somalia and Eritrea, 9 November 2018, [url](#), p. 22, 107; see also Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 121; and [Map Somalia – Approximate Territorial Control](#) in this report

<sup>483</sup> CFR, Al-Shabaab – Background, 19 May 2021, [url](#)

<sup>484</sup> Hiraal Institute, The Evolution of Al-Shabaab, 3 April 2018, [url](#), p. 4

<sup>485</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), p. 3

<sup>486</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 121

‘still able to collect taxes in most parts of the country, including in the areas outside its control’,<sup>487</sup> and that the al-Shabaab Education Office, while using terror tactics, was ‘trying to impose its curriculum on areas outside its control [...] such as in Mogadishu and Kismayo’.<sup>488</sup>

In terms of military outreach, al-Shabaab ‘remain[s] undeterred in attacking Somali National Army and AMISOM forces’ in the (contested) regions in South-Central Somalia,<sup>489</sup> while it retains operational military capacity in Puntland and Somaliland, with presence south of Puntland as well.<sup>490</sup> Moreover, it regularly conducts bomb attacks and assassinations in Mogadishu (Benadir).<sup>491</sup> For more details about ‘financial’ outreach please see the section below on [Taxation](#). In terms of ‘service’ and ‘ideological’ outreach please see sections on [Governance and Services](#) and on [Access to Justice](#).

## 4.2 Armed forces, the Amniyat, and modus operandi

### 4.2.1 The Jabahaat

In 2020, al-Shabaab ‘military wing’<sup>492</sup> was estimated at 5 000 – 7 000 active combatants.<sup>493</sup> Known as *Jabahaat* (‘fronts’ in Arabic; singular *Jabha*), it comprises six main *Jaysh* (‘army’), two special ones, a reinforcement department, and a special battalion:

- Regular *Jaysh*, with 700-1000 men each, are: Jubas; Gedo; Bay and Bakol; Lower Shabelle and Benadir; Middle Shabelle, Hiraan and Galgaduud; and Mudug;
- Special *Jaysh*, with about 300 men each, are: the Galgala *Jaysh* and the Kenya *Jaysh*;
- The Gurmudka Dhexe, the reinforcements department/units which has another 500 men. When AS is attacked or is about to attack, this *Jabha* is sent to reinforce the troops already deployed in the regions.
- The Saleh Nabhan Battalion or Abu ZubAyr Battalion, is a special battalion with at least another 700 men, that is designed to take the battlefield from the enemy and provide supplies. Every *Jabha* contributes 100 men and technical equipment to this battalion.

Each *Jabha* has mine specialists, Jugta Culus (infantry small unit with stronger firepower), Fursaan (rapid reinforcements for emergency situations), medical units, as well as communications, registrations, transportation, media, and *Daawa* officers (whose job it is to raise the morale of al-Shabaab fighters). Ranks within the *Jabha* are as follows: *Emir Majmu'a*: commander of 10 men; *Emir Fasila*: commander of 32 men; *Emir Sariya*: commander of 99-120 men; *Emir Katiba*: commander of 300 men; and *Emir Jaysh* - commander of a military region of 700-1000 men.<sup>494</sup>

### 4.2.2 Amniyat

Amniyat is ‘the most powerful of all al-Shabaab’s security agencies’ and ‘the most organised, well-equipped and feared force in all of al-Shabaab’. Unlike the NISA, it is ‘structured as an institutional

<sup>487</sup> Hiraal Institute, The Evolution of Al-Shabaab, 3 April 2018, [url](#), p. 4

<sup>488</sup> Hiraal Institute, The Fighters Factory: Inside Al-Shabab's Education System, 15 May 2018, [url](#), p. 4

<sup>489</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), para. 15

<sup>490</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 121

<sup>491</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), para. 14; see also Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 121

<sup>492</sup> Hiraal Institute, Al-Shabab's Military Machine, December 2018, [url](#), p. 3

<sup>493</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 120

<sup>494</sup> Hiraal Institute, Al-Shabab's Military Machine, December 2018, [url](#), pp. 1-7

unit' that does not base its existence 'either on an individual rule or on an external patron'.<sup>495</sup> The Amniyat is used in combination with the *Jabahaat* in the group's wider strategy of defeating the allied forces. In particular, the *Amniyaat* is used to undermine local governance and enforce al-Shabaab rules in enemy territory.<sup>496</sup> 'The Amniyat exploits the political power contestation within and without the Federal Government powerholders'.<sup>497</sup>

Amniyat's main roles and core activities include serving as:<sup>498</sup>

- a (counter)-intelligence agency;
- a special paramilitary force: carries out killings and assassinations against alleged collaborators of the government;
- a justice provider: 'it often acts outside the al-Shabaab justice system to punish alleged spies within the movement', including summary executions without trial in court;<sup>499</sup>
- an ideological guide: the Amniyat is responsible for the so-called *Daawa*, which is meant to serve al-Shabaab's ideological mission.<sup>500</sup> The Amniyat works as the main tool to maintain unity within the movement and to discipline its fighters.<sup>501</sup> More in general, it addresses the Somali society at large: as reported by International Crisis Group in 2014, before any specialised military training takes place, potential al-Shabaab members undergo at least six months 'orientation'. The same applies to traditional Quranic schools (*dugsi*) that have been upgraded to formal *madrasas*, especially in rural areas.<sup>502</sup>

### 4.2.3 Modus operandi and tactics

As detailed in a recent Hiraal Institute's report (2020), 'the regional *Jabahaat* are used to maintain sieges on population centres that fall to the allied forces by manning checkpoints, laying ambushes, and conducting harassment raids on allied bases'. Reportedly the main aim would be 'to keep the allies on edge for as long as possible in order to wear them out when the real attack by the special battalion is launched'.<sup>503</sup>

Within this context, al-Shabaab relies on a range of attack's types. In the period 5 November 2020 – 9 February 2021 there were in average about 140 incidents per month, as per UN data.<sup>504</sup> The average number of incidents was 64 per month during the first half of 2020 as per Hiraal Institute data.<sup>505</sup> Attacks' types are:<sup>506</sup>

<sup>495</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), p. 128

<sup>496</sup> Hiraal Institute, Al-Shabab's Military Machine, December 2018, [url](#), p. 3

<sup>497</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), p. 132

<sup>498</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), p. 129

<sup>499</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), p. 129

<sup>500</sup> International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), pp. 17-18

<sup>501</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, African Security Review, 28 July 2020, [url](#), p. 129

<sup>502</sup> International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), p. 12

<sup>503</sup> Hiraal Institute, Al-Shabab's Military Machine, December 2018, [url](#), p. 3

<sup>504</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), para. 15

<sup>505</sup> Hiraal Institute, Semi-annual Somalia Security Report 2020, 16 July 2020, [url](#), p. 5

<sup>506</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 44-46, 51; see also Hiraal Institute, Semi-annual Somalia Security Report 2020, 16 July 2020, [url](#), pp. 1-6; UNSG, Situation in Somalia, 17 February 2021, [url](#), para. 15



- raids or hit-and-run attacks. They remain the main source of incidents, many of which involve brief exchanges of heavy gunfire;<sup>507</sup>
- use of improvised explosive devices (IED, S/VBIED). Improvised explosive devices continue to be al-Shabaab's most used type of attack/weapon. At the same time there has been a decrease in vehicle-borne improvised explosive device incidents while person-borne improvised explosive devices or suicide vests remain a concern;<sup>508</sup>
- large-scale complex attacks;<sup>509</sup>
- mortar attacks. Many of these targeted the Aden Adde International Airport complex in Mogadishu, the launching areas being assessed to be located in the Wadajir district of Mogadishu;<sup>510</sup>
- assassinations;<sup>511</sup>
- hand grenades.<sup>512</sup>

As reported by the Hiraal Institute raids, IED explosions, and assassinations account for more than 80% of the total attacks in the first half of 2020, each one of them for about one third of this percentage.<sup>513</sup>

In terms of targets, the Hiraal Institute reports that 'the group's main target continues to be the SNA and AMISOM. Its second priority is the Somali police force and civil servants working for the FGS and the FMS'. Among the FMS, reportedly the main focus is Jubbaland, where al-Shabaab increased its attacks, 'trying to capitalise on that FMS's worsening relations with the FGS and Ethiopia.'<sup>514</sup>

## 4.3 Governance and services, taxation, and infiltration

### 4.3.1 Governance and services

As reported by International Crisis Group, at the peak of its territorial control, 'Al-Shabaab established a relatively devolved Islamic government, along the lines laid out by Islamic scripture, with functional *maktab* (ministries) and *wilayaad* (regional administration)'.<sup>515</sup> According to the International Crisis Group, the theological administration of Al Shabaab's 'prioritisation of Sharia implementation is difficult for [federal] governments to compete against, not least because of the disciplined armed following it can call on to enforce judgements' as a 'basic but functioning alternative' to the Mogadishu-based governments described as weak.<sup>516</sup> Reportedly, in 2014 al-Shabaab maintained the following ministries operational: the interior ministry; social issues and regional affairs (*arimaha bulshada iyo siyaasada gobolada*); information (*iclamka/warfafinta*), including the *Al-Kataib* media arm; and justice (*qadha*), with judges in each region. Internal committees oversaw important functions such as *zakat* (alms) collection (*lujnah zakawaat*) and humanitarian response (*lujnah iqaathah*).<sup>517</sup>

<sup>507</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), para. 15

<sup>508</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 44-46

<sup>509</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 48-50

<sup>510</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 51

<sup>511</sup> Hiraal Institute, Semi-annual Somalia Security Report 2020, 16 July 2020, [url](#), pp. 1-6

<sup>512</sup> Hiraal Institute, Semi-annual Somalia Security Report 2020, 16 July 2020, [url](#), pp. 1-6

<sup>513</sup> Hiraal Institute, Semi-annual Somalia Security Report 2020, 16 July 2020, [url](#), pp. 4-5

<sup>514</sup> Hiraal Institute, Semi-annual Somalia Security Report 2020, 16 July 2020, [url](#), p. 9

<sup>515</sup> International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), p. 11

<sup>516</sup> International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), p. 7

<sup>517</sup> International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), pp. 11, 19

Al-Shabaab's governing council, the Shura,<sup>518</sup> or Executive Council,<sup>519</sup> is assisted at regional and local level by local shura councils: 'when establishing its presence, Al-Shabaab [...] establishes a local Shura of clan elders that it purports to consult; however the group, or specifically the emir, maintains the prerogative to overrule the Shura if necessary'.<sup>520</sup> From a governance point of view, the group's usual local structures comprise regional governors (*emirul wilayaad*), and, at local district level, that of 'emir, *hasba* (moral police), Amniyat (internal intelligence agency) and Shura'.<sup>521</sup> Basically clan elders are employed at district and regional level, and they are organised hierarchically across the 10 Somali regions in which al-Shabaab has an administrative presence: one elder is the head of all elders in each region, and one elder is the head of all regional elders.<sup>522</sup>

Although essentially all Somali clan families are represented within al-Shabaab, the Hiraal Institute pointed out in 2018 that 'still reflecting the clan make-up of the original founders, only a select number of clans are represented in the group's top leadership'. Reportedly the Hawiye clan members dominate the Executive Council (50%), the 220 al-Shabaab officials holding positions in every department and at every administrative level (district, regional, 'national, 43% overall), the Amniyat top 27 officials (56%), and the 54 top Jabha officials (57%).<sup>523</sup>

In relation to involvement in schooling, source write:

- education: as reported by the Hiraal Institute, 'Al-Shabaab has a dual education system':<sup>524</sup>
  - (1) On the one hand the Islamic Institutes system, 'which is mandatory and is used to create a pool of new recruits to the group'. These schools are based on clan boundaries: clans are allocated quotas of children aged 8-15 that they have to hand over to Al-Shabaab for education, which is paid by the clan. In these school children 'are indoctrinated [...] and made to understand current affairs through a Jihadi worldview'. After graduating, which most children do within two years, many are sent directly to a (military) training camp (if they have passed age 15, the Islamic age of maturity). Within this context, if elders refuse to collaborate with AS or delay the process they are imprisoned, according to defectors. Similarly, parents trying to protect their children from this system have resorted to 'desperate measures', including buying children from poorer clans, thus ensuing a form of child trade.<sup>525</sup>
  - (2) On the other hand, the regular school system, which is optional. These schools can be attended by students belonging to those clans that have provided the allocated number of children to the AS recruitment schools. These schools teach an AS-designed syllabus. While Islamic schools 'sometimes "steal" promising students from the regular AS schools by offering them a fast-track system', parents, to avoid all this, tend 'to send their children to government areas to pursue education'. Most of these sent-away kids are boys, however also girls whom are feared to be about to be married to an AS man 'are also sent to other regions of the Somali World'.<sup>526</sup>
  - (3) Finally, the group also has a 'bush university that produces jurists and Islamic clerics who spread and reaffirm AS ideology'.<sup>527</sup>
- military recruitment and training;

<sup>518</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 3

<sup>519</sup> Hiraal Institute, Taming the Clans: Al-Shabab's Clan Politics, 31 May 2018, [url](#), p. 1

<sup>520</sup> International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), p. 7

<sup>521</sup> International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), p. 12

<sup>522</sup> Hiraal Institute, Taming the Clans: Al-Shabab's Clan Politics, 31 May 2018, [url](#), p. 3

<sup>523</sup> Hiraal Institute, Taming the Clans: Al-Shabab's Clan Politics, 31 May 2018, [url](#), pp. 1-3

<sup>524</sup> Hiraal Institute, The Fighters Factory: Inside Al-Shabab's Education System, 15 May 2018, [url](#), p. 2

<sup>525</sup> Hiraal Institute, The Fighters Factory: Inside Al-Shabab's Education System, 15 May 2018, [url](#), pp. 2, 2-3

<sup>526</sup> Hiraal Institute, The Fighters Factory: Inside Al-Shabab's Education System, 15 May 2018, [url](#), p. 3

<sup>527</sup> Hiraal Institute, The Fighters Factory: Inside Al-Shabab's Education System, 15 May 2018, [url](#), p. 2

- fiscal system: see below the section on [Taxation](#) for details;
- justice: the administration of justice, see section on [Access to and administration of justice](#) for details.

### 4.3.2 Taxation

The Panel of Experts on Somalia reports (September 2020) that ‘Al-Shabaab employs a diversified “taxation” system across southern and central Somalia, dividing the territory into 10 distinct regions of revenue collection’, and that the revenues collected in each of these 10 regions ‘are directed to a centralized location near the al-Shabaab controlled town of Jilib, Lower Juba region’.<sup>528</sup> While corroborating this, the Hiraal Institute, in a report on al-Shabaab financial system (2018), indicates that the group has ‘two main departments that collect taxes from the public: the *Zakawaat* Office and the Finance Office. The former is tasked with collecting non-monetary taxes such as livestock and farm produce, while the latter collects all monetary taxes.’<sup>529</sup>

In practice al-Shabaab derives its funding from a number of sources.<sup>530</sup>

- checkpoints taxation: Al-Shabaab operates multiple checkpoints across main supply routes in southern and central Somalia;<sup>531</sup> Al-Shabaab usually charges a one-time payment and issues a receipt that secures travel through the group’s territory (safe passage);<sup>532</sup> within this context a major source of income is the taxation of cargo trucks;
- business extortion: Al-Shabaab ‘keeps a list of business owners and an estimate of their worth’.<sup>533</sup> For instance, business entities in Kismayo are required to pay Al-Shabaab a monthly remittance regardless of the commodity sold (between USD 300 and USD 600 depending on the size of the company);<sup>534</sup> reportedly Al-Shabaab’s operatives ‘are active’ in major cities across Somalia, also outside Al-Shabaab controlled areas: among others, they are present ‘in almost all areas of Mogadishu, including the Villa Somalia neighbourhood; most of Bosasso and Jowhar; and, to a lesser extent, much of Baidoa and Kismayo’;<sup>535</sup>
- imports taxation at major seaports: importing companies are reportedly charged USD 4 per tonne of imported goods. Al-Shabaab has infiltrated, among others, Mogadishu and Kismayo ports;<sup>536</sup>
- real estate companies, including land and development sales;<sup>537</sup>
- livestock, agricultural produce and irrigation taxes: as Hiraal Institute reported already in 2018, the ‘*Zakawaat* is collected by troops mobilised from different AS departments, assisted by clan elders [...]. The starting rate is one camel out of every 25 camels owned and one goat out of every 40 goats’.<sup>538</sup> Farmers under Al-Shabaab controlled areas are taxed at harvest time (about 10%),<sup>539</sup> and again upon selling. They are not allowed to use rivers and their canals unless they pay special taxes for irrigation of farms;<sup>540</sup>

<sup>528</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 3

<sup>529</sup> Hiraal Institute, The AS Finance System, July 2018, [url](#), p. 1

<sup>530</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), pp. 7-13; Hiraal Institute, A Losing Game, Countering Al-Shabaab Financial System, October 2020, [url](#), pp. 1-11; Hiraal Institute, The AS Finance System, July 2018, [url](#), pp. 1-8

<sup>531</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 9

<sup>532</sup> Hiraal Institute, A Losing Game, Countering Al-Shabaab Financial System, October 2020, [url](#), pp. 3, 7

<sup>533</sup> Hiraal Institute, The AS Finance System, July 2018, [url](#), pp. 2-3

<sup>534</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 11

<sup>535</sup> Hiraal Institute, A Losing Game, Countering Al-Shabaab Financial System, October 2020, [url](#), p. 2

<sup>536</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 11-13

<sup>537</sup> Hiraal Institute, A Losing Game, Countering Al-Shabaab Financial System, October 2020, [url](#), p. 5

<sup>538</sup> Hiraal Institute, The AS Finance System, July 2018, [url](#), p. 1

<sup>539</sup> Hiraal Institute, The AS Finance System, July 2018, [url](#), pp. 1-2

<sup>540</sup> Hiraal Institute, A Losing Game, Countering Al-Shabaab Financial System, October 2020, [url](#), p. 3

- *Zakat* collection: Zakat is the annual religious obligation to pay a specific percentage of a person's wealth to the poor. Zakat is usually levied at an annual rate of 2.5 per cent of the net wealth of an individual or business; traders and business owners based outside Al-Shabaab's controlled territory must also pay the Zakat.<sup>541</sup>
- *Infaaq*: used to raise emergency funds when the local Al-Shabaab government is short in cash;<sup>542</sup>
- government officials. Reportedly, government officials, including top commanders of the SNA, as well as government contractors, pay taxes or leave part of their salaries to the group 'so as not to be targeted by the group'.<sup>543</sup>

This taxation system is underpinned by intimidation, fears over business continuity and personal safety, and violence in the case of non-compliance.<sup>544</sup> As stated by the Hiraal Institute 'the tax collection by AS is enabled by little or no security protection afforded to businessmen in much of the country'.<sup>545</sup>

Al-Shabaab runs multiple bank accounts and relies on a web of formal domestic banking systems to facilitate the storage and onward transfer of its funds.<sup>546</sup> Various sources agree that al-Shabaab runs a considerable budgetary surplus.<sup>547</sup> The UN Panel of Experts on Somalia, indicates that in 2019, al-Shabaab's annual operational expenditure was approximately USD 21 million, with USD 16.5 million allocated to Al-Shabaab's military and logistical support units (of these, 40 % of the funds were allocated to the purchase of weapons and ammunition), while USD 4.9 million was allocated to the Al-Shabaab intelligence arm, the Amniyat.<sup>548</sup> By contrast, the Hiraal Institute estimates, conservatively, that 'the monthly tax collected by the group amount to at least \$15M, more than half of which comes from Mogadishu'.<sup>549</sup>

### 4.3.3 Infiltration

Reportedly, al-Shabaab 'has penetrated both the government and the security forces'.<sup>550</sup> Already in 2014 International Crisis Group stated that, although al-Shabaab had to be faced militarily, as a movement it was a much deeper social phenomenon: 'even as it takes conventional losses, especially of territory, it apparently continues to infiltrate all walks and stations of Somali life, including some SFG agencies'.<sup>551</sup> Corroborated by many other sources,<sup>552</sup> this point has been put forward also with regards to the NISA: 'Through NISA's clannism and cronyism, al-Shabaab infiltrates the government intelligence agency by sending trained informers who share (sub)clan genealogies with the

<sup>541</sup> Hiraal Institute, The AS Finance System, July 2018, [url](#), pp. 2, 4

<sup>542</sup> Hiraal Institute, Taming the Clans: Al-Shabab's Clan Politics, 31 May 2018, [url](#), p. 3; Hiraal Institute, The AS Finance System, July 2018, [url](#), p. 5

<sup>543</sup> Hiraal Institute, A Losing Game, Countering Al-Shabaab Financial System, October 2020, [url](#), pp. 6-7;

<sup>544</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 4, 12; see also Hiraal Institute, A Losing Game, Countering Al-Shabaab Financial System, October 2020, [url](#), pp. 1, 5-6

<sup>545</sup> Hiraal Institute, A Losing Game, Countering Al-Shabaab Financial System, October 2020, [url](#), p. 2

<sup>546</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 4, 23

<sup>547</sup> Hiraal Institute, A Losing Game, Countering Al-Shabaab Financial System, October 2020, [url](#), p. 1; UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 32

<sup>548</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 31

<sup>549</sup> Hiraal Institute, A Losing Game, Countering Al-Shabaab Financial System, October 2020, [url](#), p. 5

<sup>550</sup> Finland, Finnish immigration Service, Somalia Fact-Finding Mission to Mogadishu in March 2020, Security situation and humanitarian conditions in Mogadishu, 7 August 2020, [url](#), p. 13

<sup>551</sup> International Crisis Group, Somalia: Al-Shabaab – It Will Be a Long War, Africa Briefing no. 99, 26 June 2014, [url](#), p. 12

<sup>552</sup> VOA, Somalia Assesses Al-Shabab Moles' Infiltration of Government, 15 August 2019, [url](#); Harper M., Everything you have told me is true – The many faces of Al-Shabaab, 2019; Maruf H. and Joseph D., Inside Al-Shabaab - The Secret History of Al-Qaeda's Most Powerful Ally, 2018; Keating M. and Waldman M., eds., War and Peace in Somalia – National Grievances, Local Conflict and Al-Shabaab, 2018

authorities'; and 'whereas it is not easy to find a government informer in the midst of the Amniyat, it is not that difficult to find an al-Shabaab informer inside NISA'.<sup>553</sup>

## 4.4 Access to justice under Al-Shabaab

As reported by USAID in 2020 slowness, 'corruption, inadequate education among judges and *ulama*, the lack of enforcement capacity among *ulama* and elders, and the lack of equipment opens up space for alternative justice providers, first and foremost Al Shabaab'.<sup>554</sup> This is also reported by a recent HIPS report (2021) that indicates that '[f]or years, it was a well-established fact that many people in Somalia who live in government or state-controlled territory seek justice by going to Shariah law courts run by the militant group al-Shabaab'.<sup>555</sup>

Al-Shabaab follows the *Hanbali madhab*, based on which Islamic texts (Qur'an and Sunnah) should be read literally and do not require further enunciation. This interpretation does not accept jurist discretion.<sup>556</sup> Al-Shabaab's justice system consists of:<sup>557</sup>

- *Deegaan* courts, local court for the respective area, village, or district. Each one of them consists of 2–4 judges, usually from the local area;
- Regional courts;
- Mobile courts;
- Appeals Court located in Lower Shabelle;
- Special Court called *Radul Madaalim*. This deals with cases involving prominent individuals, groups, or clans.

Reportedly, al-Shabaab courts are predominantly located in Baidoa and Afgoye.<sup>558</sup> 'In Mogadishu there are Al-Shabaab courts in Heliwaa, one in Daynile, one in Bakara, at Arbacow area of KM 13, and Eelasha Biyaha'.<sup>559</sup> One of the main reasons behind the population's gravitation to al-Shabaab's administration of justice is its ability to enforce decisions and render these in a transparent, timely, and legitimate manner.<sup>560</sup> These decisions are based on shari'ah, which is widely held by the population as the basis of law and justice.<sup>561</sup> Within this context, Somali public persons, 'up to a general of the Somali National Army', as well as USAID's research interviewees, state that they prefer Al Shabaab courts when it comes to land disputes.<sup>562</sup> This point is supported, among others, by the HIPS recent study, whereby it is stated that the majority of cases dealt by al-Shabaab courts are civil and, among these, mostly related to land or business disputes.<sup>563</sup>

<sup>553</sup> Ingiriis M. H., Insurgency and international extraversion in Somalia: the National Intelligence and Security Agency (NISA) and Al-Shabaab's Amniyat, *African Security Review*, 28 July 2020, [url](#), p. 131

<sup>554</sup> Expanding Access to Justice Program, *The Shari'ah in Somalia*, March 2020, [url](#), p. 25; see also Muibu D., *Justice and Terror – Al-Shabaab's Informal Justice Mechanism*, 5 January 2019, [url](#)

<sup>555</sup> HIPS, *Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures*, January 2021, [url](#), p. 26

<sup>556</sup> Expanding Access to Justice Program, *The Shari'ah in Somalia*, March 2020, [url](#), pp. 6–7

<sup>557</sup> Expanding Access to Justice Program, *Pathways and Institutions for Resolving Land Disputes in Mogadishu*, January 2020, [url](#), p. 17

<sup>558</sup> Expanding Access to Justice Program, *The Shari'ah in Somalia*, March 2020, [url](#), pp. 25–26

<sup>559</sup> Expanding Access to Justice Program, *Pathways and Institutions for Resolving Land Disputes in Mogadishu*, January 2020, [url](#), p. 17

<sup>560</sup> Expanding Access to Justice Program, *The Shari'ah in Somalia*, March 2020, [url](#), pp. 25, 27. See also Muibu D., *Justice and Terror – Al-Shabaab's Informal Justice Mechanism*, 5 January 2019, [url](#); Kluijver R., *Al-Shabaab Governance*, 10 July 2019, [url](#)

<sup>561</sup> Expanding Access to Justice Program, *The Shari'ah in Somalia*, March 2020, [url](#), p. 27; Expanding Access to Justice Program, *Pathways and Institutions for Resolving Land Disputes in Mogadishu*, January 2020, [url](#), p. 17

<sup>562</sup> Expanding Access to Justice Program, *The Shari'ah in Somalia*, March 2020, [url](#), p. 25

<sup>563</sup> HIPS, *Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures*, January 2021, [url](#), p. 27



There is no functional formal judicial system in al-Shabaab controlled areas.<sup>564</sup> Those who live under permanent al-Shabaab control use their court system and enforce their decisions with intimidation and threats, even in areas they do not control and those who lose their cases are ‘ordered to abide by the outcome of a divine order, or just the full force of al-Shabaab’.<sup>565</sup> Al-Shabaab ‘interprets and implements shari’ah in its strictest form’, according to the *Hanbali* reading, which is not so widely supported by the local communities. Furthermore, ‘in all territories controlled by Al Shabaab, shari’ah is not only implemented strictly, but violently: stoning for adultery, hand amputation for theft, detentions and floggings for other deviations or transgressions’.<sup>566</sup> Corporal punishments for the so called *Hadd* crimes (‘violations of God’s limits’) in case of theft, banditry, unlawful sexual intercourse, alcohol consumption and drug abuse (punished with lashing), as well as drug dealing (punished with lashing) and espionage (punished with shooting) make ‘the legal reality under al-Shabaab’s regime far more brutal than under most other Islamic inspired regimes in the contemporary Muslim world’.<sup>567</sup> Moreover, al-Shabaab administration of justice is not always popular among women as women; and militants use a ‘narrow interpretation of shari’ah law’<sup>568</sup>: ‘Al-Shabaab limits women’s rights and movement in public in a severe manner. Women are forced to adhere to a specific dress code and be accompanied by a male guardian; they cannot engage in commerce if they would be in contact with men, and further restrictions’. Finally, ‘the group also enforces a strict gender division in public transportation and in public interactions’.<sup>569</sup>

In general, those living in non-al-Shabaab controlled areas ‘never choose’ al-Shabaab’s courts as the first stop for resolving matters; instead, their courts operate like appeals courts. Within this context, regarding the use of Al Shabaab courts: ‘this phenomenon became so brazenly common’ that Somalia’s chief justice, Bashe Yusuf Ahmed, warned citizens who lost their cases not to seek justice in these courts.<sup>570</sup>

**Other Offences and Detention.** Al-Shabaab keeps persons in detention in areas under its control in the southern and central regions. Reportedly, detainees are held ‘under inhuman conditions for relatively minor offenses’, including ‘smoking, having illicit content on cell phones, listening to music, watching or playing soccer, wearing a brassiere, or not wearing a hijab’. In general, prison conditions under al-Shabaab, and where traditional authorities control detention, are often harsh and life-threatening.<sup>571</sup>

## 4.5 Overview of abuses

USDOS indicated in its 2020 report on human rights practices in Somalia that the 2020 conflict, involving the government, militias, and al-Shabaab ‘resulted in death, injury, and displacement of civilians’. Within this context ‘Al-Shabaab committed the majority of severe human rights abuses, particularly terrorist attacks on civilians and targeted killings, including extrajudicial and politically motivated killings’ as well as disappearances. Moreover, al-Shabaab was responsible for inhuman and degrading punishments, rapes and conflict-related sexual violence, attacks on employees of nongovernmental organizations and the United Nations. Finally, ‘Al-Shabaab also blocked humanitarian assistance, conscripted child soldiers, and restricted freedoms of speech, press,

<sup>564</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 11

<sup>565</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 27

<sup>566</sup> Expanding Access to Justice Program, The Shari’ah in Somalia, March 2020, [url](#), p. 27

<sup>567</sup> Skjelderup M., Punishment on Stage: Application of Islamic Criminal Law by Harakat al-Shabaab al-Mujahideen, Master Thesis, Autumn 2011, [url](#), pp. III, 59-80

<sup>568</sup> Kluijver R., Al-Shabaab Governance, 10 July 2019, [url](#)

<sup>569</sup> Expanding Access to Justice Program, The Shari’ah in Somalia, March 2020, [url](#), p. 27

<sup>570</sup> Expanding Access to Justice Program, Pathways and Institutions for Resolving Land Disputes in Mogadishu, January 2020, [url](#), p. 17; HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), pp. 26-27

<sup>571</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 7



assembly, and movement'.<sup>572</sup> Against this backdrop, the UNSG, in its latest report on children and armed conflict (2020) underlines 'the devastating situation' of children affected by armed conflict in Somalia. Among others they are affected by recruitment, use, abduction, rape and other forms of sexual violence 'exceeding the numbers verified in other conflict situations' and 'with Al-Shabaab as the main perpetrator'.<sup>573</sup>

In the period 5 November 2019 – 9 February 2021, the UNSG, in its various reports on the situation in Somalia, attributed to al-Shabaab the following violations (sub-periods): (a) 144 civilian casualties, 774 grave violations against children, including abduction, killing/maiming, recruitment and use, rape and sexual violence (5 November 2020 – 9 February 2021);<sup>574</sup> (b) 163 civilian casualties, 54 civilians abducted, 74.3 per cent of 945 grave violations against children, including abduction, killing/maiming, recruitment and use, rape and sexual violence (5 August – 4 November 2020);<sup>575</sup> (c) 132 civilian casualties, 320 grave violations against children, including abduction, killing/maiming, recruitment and use, one incident of conflict-related sexual violence (5 May – 4 August 2020);<sup>576</sup> (d) 75 civilian casualties, 526 grave violations against children, including abduction, killing/maiming, recruitment and use, and sexual violence (5 February – 4 May 2020);<sup>577</sup> (e) (83 per cent of 392 civilian casualties, 275 grave violations against children, including abduction, killing/maiming, recruitment and use, rape and sexual violence 5 November 2019 – 4 February 2020).<sup>578</sup>

In its 2020 report on children and armed conflict in Somalia – covering the period 1 August 2016 – 30 September 2019, the UNSG attributed to al-Shabaab more than 10 000 violations against children, including child recruitment (4 910 cases), killing, maiming and executing of children (953 cases), rape and sexual violence (157 cases), attacks on schools and hospitals (194 cases), abductions (4 376 cases), denial of humanitarian access (82 cases).<sup>579</sup> The violations reported here above are in line with those reported by UNSOM during the period 1 January 2017 – 31 December 2019.<sup>580</sup>

## 5. AMISOM and AFRICOM

### 5.1 AMISOM

The African Union Mission in Africa (AMISOM) is a 'multidimensional and multinational peace support operation with nearly 20 000 forces on the ground'.<sup>581</sup> AMISOM has been supporting Somalia's transition to restoring a state presence since 2007.<sup>582</sup> Security Council Resolution 2568 (2021) 'authorise[s] the Member States of the African Union to maintain the deployment of 19,626 uniformed AMISOM personnel until 31 December 2021, inclusive of a minimum of 1,040 AMISOM

<sup>572</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 2

<sup>573</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), para. 2

<sup>574</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), para. 44, 50

<sup>575</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), para. 39, 41, 45

<sup>576</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), para. 49, 55-56, 58

<sup>577</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), pp. 8-10

<sup>578</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), pp. 7-9

<sup>579</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), para. 18, 19, 37, 43, 56

<sup>580</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 32-34

<sup>581</sup> ISS, Regional conflicts add to Somalia's security concerns, 15 December 2020, [url](#)

<sup>582</sup> ISS, Regional conflicts add to Somalia's security concerns, 15 December 2020, [url](#); see also AMISOM, AMISOM Mandate, n.d., [url](#)

police personnel including five Formed Police Units'. The support staff comprises as well '70 AMISOM civilian personnel supported by the UN Support Office in Somalia'.<sup>583</sup>

According to UN Security Council Resolution no. 2568, AMISOM is tasked with three strategic objectives:

- 'Reduce the threat posed by Al Shabaab and armed opposition groups with a view to enabling a stable, federal, sovereign and united Somalia';
- 'Support actively the transfer of security responsibilities from AMISOM to the SSF by helping to build the capacity of the SSF' (see to this regard the Somali-led Transition Plan mentioned under the SNA, and the plan's setbacks)<sup>584</sup>;
- 'Assist the FGS, FMS and SSF in providing security for the political process at all levels'.<sup>585</sup>

Against this backdrop, AMISOM is supported by the United Nation. They provide logistical support package - through UNSOS (United Nations Support Office in Somalia) - to UNSOM, AMISOM uniformed personnel as well as 70 AMISOM civilians, and 'to 13,900 SSF, including an appropriate share of the state and federal police'.<sup>586</sup>

AMISOM's components:

- police (1 040 staff): 'has the mandate to train, mentor, monitor and advice the Somali Police Force (SPF) with the aim of transforming it into a credible and effective organisation adhering to strict international standards';<sup>587</sup>
- military (about 18 500 staff): engaged with reducing the threat posed by Al Shabaab and other armed opposition groups, this component provides protection to the country's Federal Institutions 'helps secure Somalia's key infrastructure including its airports and seaports';<sup>588</sup>
- civilian (70 staff): the civilian component comprises five branches, namely: (1) Mission Support, (2) Political Processes, (3) Stabilisation and Early Recovery, (4) Protection, Human Rights and Gender, as well as (5) Security Sector Reform.

AMISOM is also engaged with humanitarian activities (hospitals, food and medicine distribution, infrastructures),<sup>589</sup> as per its mandate: it '[c]ontributes towards securing and maintaining main supply routes in collaboration with the SSF, including to areas recovered from Al Shabaab' and more in particular 'supply routes essential to improving the humanitarian situation, which may include commercial goods essential to meeting the basic needs of civilians, those critical for logistical support to AMISOM, and routes that support the delivery of the STP'.<sup>590</sup>

### 5.1.1 Strength and regional presence

AMISOM relies on contingents from troops-contributing countries (TCC). Each one of these countries has been assigned different sectors (two maritime and six land sectors, the latter corresponding basically to Somali regions) in South-Central Somalia, where AMISOM's activities are focused. Below

<sup>583</sup> UN Security Council, Resolution no. 2568, 12 March 2021, [url](#), p. 5

<sup>584</sup> ISS, AMISOM should provide more than security in Somalia, 25 February 2021, [url](#)

<sup>585</sup> UN Security Council, Resolution no. 2568, 12 March 2021, [url](#), pp. 5-6

<sup>586</sup> UN Security Council, Resolution no. 2568, 12 March 2021, [url](#), p. 8

<sup>587</sup> AMISOM, AMISOM Police, n.d., [url](#)

<sup>588</sup> AMISOM, AMISOM Military Component, n.d., [url](#)

<sup>589</sup> Xinhua, AMISOM soldiers intensify humanitarian activities in Somalia, 5 June 2019, [url](#); see also AMISOM, AMISOM Humanitarian Work, n.d., [url](#)

<sup>590</sup> UN Security Council, Resolution no. 2568, 12 March 2021, [url](#), p. 6

a breakdown of the estimated maximum contribution (contingents) per country, de facto presence at the end of 2019, and sectors assigned to them.<sup>591</sup>

- Uganda: 6 200 troops, de facto 5 759, leads in Sector 1: Benadir (Mogadishu) and Lower Shabelle;
- Burundi: 5 400 troops, de facto 3 920, leads in Sector 5: Middle Shabelle;
- Ethiopia: 4 400 troops, de facto 4 123, leads in Sector 3: Bay, Bakol, Gedo; and Sector 4;
- Kenya: 4 300 troops, de facto 3 856, leads in Sector 2: Lower Juba, Middle Juba; and Sector 6: Kismayo;
- Djibouti: 1 800 troops, de facto 1 784, deployed in Sector 4: Hiraan, Galgadud.

As to the police component, AMISOM comprises (as of 2018):

- 233 Individual Police Officers (from Ghana, Kenya, Nigeria, Sierra Leone, Uganda and Zambia), located in Mogadishu, Kismayo, Baidoa, Jowhar, and Beledweyne;
- 480 officers in three Formed Police Units located in Mogadishu (Uganda, Nigeria), Kismayo (Sierra Leone), and Baidoa (Uganda).<sup>592</sup>

AMISOM aviation unit, under the command and control of the Force Commander, comprises a crew of 140 personnel and 7 military aircrafts (including 4 helicopters) out of the 12 authorized for AMISOM.<sup>593</sup>

### 5.1.2 Activities and capacity

Within each Sector AMISOM clusters its activities around Forward Operating Bases (FOBs), which are strategically important for organising and launching military operations.<sup>594</sup> Some FOBs are located in urban centres and along supply routes, while others fall in more remote areas.<sup>595</sup> According to a military expert with strong focus on Somalia, as of April 2021 the number of FOBs is about 77 (the high point was about 87).<sup>596</sup> FOBs are strategically important in the fight against al-Shabaab, and they are in turn a frequent target of al-Shabaab attacks.<sup>597</sup>

AMISOM, since its inception in 2007, has achieved several objectives, including:

- (a) facilitated the withdrawal of Ethiopian troops from Mogadishu;
- (b) protection of two Transitional Federal Governments and currently of the FGS;
- (c) reduced the areas under al-Shabaab direct control, including Mogadishu, and other several dozen urban centres or settlements in South-Central Somalia, such as Kismayo, Baidoa, and more recently Janale<sup>598</sup> (for an overview of control territory/areas under SNA/AMISOM's and allied

<sup>591</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), pp. 18, 56; see also AMISOM, AMISOM Military Component, n.d., [url](#); UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 26

<sup>592</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), p. 62

<sup>593</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), para. 78

<sup>594</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), pp. 14, 34, 67, 101; see also Williams P.D., Lessons for "Partnership Peacekeeping" from the African Union Mission in Somalia, October 2019, [url](#), pp. 11-13

<sup>595</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), pp. 14, 60; see also Sahan, The Somali Wire, Issues Jan-April 2021, n.d., source requiring registration

<sup>596</sup> Military Expert, email, 10 March 2021

<sup>597</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), pp. 14, 34, 37, 67, 101

<sup>598</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), pp. 15, 24

forces influence in Somalia, please see the [Map Somalia – Approximate Territorial Control \(Figure 1\)](#) and section [2.2 Territorial Control/Areas of Influence](#));

(d) helped to facilitate the establishment of South-Central Somalia's new regional administrations: Jubbaland (2013), South West (2014), Galmudug (2015), and Hirshabelle (2016);

(e) secured two (s)election processes (2012, 2017);

(f) provided security to the international diplomatic and humanitarian communities in order for them to operate out of Mogadishu and across South-Central Somalia.<sup>599</sup>

AMISOM's effectiveness is impacted by a number of issues, such as:

- mandate. Unlike almost any UN peacekeeping operations, AMISOM was not given an explicit mandate for the protection of civilians. More recently though, both the UN Security Council and AU Peace and Security Council 'have urged AMISOM to do what it can to track and reduce civilian harm, including from its own activities'. However, as P.D Williams, a renowned AMISOM expert, puts it 'a small, under-resourced force that is unable to protect itself is hardly in a position to proactively protect civilians',<sup>600</sup>
- resources and capabilities. Reportedly AMISOM lacks the resources and the capabilities 'to destroy al-Shabaab's combat capabilities'.<sup>601</sup> It is focused 'on containing, disrupting and degrading al-Shabaab' rather than engaging in effective offensive operations,<sup>602</sup>
- holding new territories and the establishment of local police forces/administrations. In this area, AMISOM lacks the necessary tools to stabilise the territory and protect populations effectively. 'Most importantly, it has lacked an effective and legitimate set of host state partners to govern the areas recovered from al-Shabaab and deliver a real peace dividend to the populations there';<sup>603</sup>
- coordination of various forces/contingents. The mission struggles 'to be more than the sum of its national parts. This was due to a lack of unified command and control between its force headquarters and the troop-contributing countries',<sup>604</sup>
- low level of trust with the SNA and local forces. Low levels of trust between AMISOM and the SNA, and the latter's limited capabilities, have severely impacted on AMISOM's exit strategy, the reconfiguration of its forces, as well as the dismantling and transfer of FOBs to the responsibility of the SNA;<sup>605</sup>
- regional dynamics and other international actors. AMISOM's areas of operation has been the theatre as well of other parallel operations conducted independently by Kenya, Ethiopia and the US,<sup>606</sup> often playing instrumentally into regional power dynamics and the relationship between the FGS and the FMS;<sup>607</sup>
- divisive Local Politics: Somalia's Federal Government and the regional administrations argue over the details of the new national security architecture (2017), thus preventing AMISOM from implementing it properly, and thus affecting in turn the work and the effectiveness of AMISOM.<sup>608</sup>

<sup>599</sup> Williams P.D., The Positive Impacts and Challenges Facing the African Union Mission in Somalia, 3 December 2019, [url](#)

<sup>600</sup> Williams P.D., Lessons for "Partnership Peacekeeping" from the African Union Mission in Somalia, October 2019, [url](#), p. 7

<sup>601</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), p. 78

<sup>602</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), p. 78

<sup>603</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), p. 86

<sup>604</sup> Williams P.D., The Positive Impacts and Challenges Facing the African Union Mission in Somalia, 3 December 2019, [url](#)

<sup>605</sup> Williams P.D., Lessons for "Partnership Peacekeeping" from the African Union Mission in Somalia, October 2019, [url](#), p. 13

<sup>606</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), pp. 40-41

<sup>607</sup> Global Risk Insights, Somalia – A Triple Threat to Instability?, 20 January 2021, [url](#)

<sup>608</sup> Williams P.D., Lessons for "Partnership Peacekeeping" from the African Union Mission in Somalia, October 2019, [url](#), p. 13

**Operational Impact.** Attacks on al-Shabaab are mostly conducted by AFRICOM (airstrikes) and special operations attacks by the Danab and Gorgor brigades. In the period January – June 2020, ‘although it was the second most-targeted entity by al-Shabaab, AMISOM was the least active in initiating attacks against the group’.<sup>609</sup>

### 5.1.3 AMISOM’s human rights conduct

AMISOM overall conduct with respect to international humanitarian law and human rights law standards has improved in the last few years according to UN reports.<sup>610</sup> Harm to civilians, including through indirect fire, allegations of sexual abuse, and episodes of corruption and misconduct were more frequently reported in the period 2013-2015.<sup>611</sup>

In the period 5 November 2019 – 9 February 2021, the UNSG, in its various reports on the situation in Somalia, attributed to AMISOM following violations (sub-periods): (a) two incidents of alleged violations of human rights and international humanitarian law on 30 November 2020 (5 November – 9 February 2021);<sup>612</sup> (b) one civilian casualty caused in the reporting period 5 August – 4 November 2020;<sup>613</sup> (c) (5 May – 4 August 2020) two incidents of alleged violations of human rights and international humanitarian law involving seven civilian casualties; two grave violations against children in armed conflict;<sup>614</sup> (d) (5 February – 4 May 2020) three per cent (or eight) of the overall civilian casualties (277) reported by UNSOM in the period; two alleged incidents of violations of human rights and international humanitarian law involving 10 civilians;<sup>615</sup> (e) (5 November 2019 – 4 February 2020) two per cent of the overall civilian casualties (392) reported by UNSOM in the period; two alleged violations of human rights and international humanitarian law.<sup>616</sup>

As a more general trend, AMISOM was held responsible for seven casualties in 2019 – or two per cent of the cases according to UN Somalia Country Results Report 2019,<sup>617</sup> compared to 21 in 2018 and 94 in 2017.<sup>618</sup> Within this context, and more in general ‘[a]s regards documenting and attributing responsibility for violations of human rights and international humanitarian law allegedly committed by AMISOM’, UNSOM/OHCHR state in their report on protection of civilians in Somalia that ‘the blurring of identities between AMISOM and non-AMISOM forces remains challenging where troops of a same country, particularly the Kenya Defence Forces (KDF) and the Ethiopian National Defense Force (ENDF) continue to operate in the same locations’.<sup>619</sup>

In its 2020 report on children and armed conflict in Somalia – covering the period 1 August 2016 – 30 September 2019, the UNSG attributed to AMISOM 64 violations against children, out of a total 14 856 verified by the country task force.<sup>620</sup> Moreover, UNSOM/OHCHR reported that in the period 2017-2019 AMISOM deprived 10 children of their liberty (out of a total of 853 verified cases) during

<sup>609</sup> Hiraal Institute, Semi-annual Somalia Security Report 2020, 16 July 2020, [url](#), pp. 10-11

<sup>610</sup> UN Security Council, Working Group on Children and Armed Conflict, Conclusions on children and armed conflict in Somalia, 11 August 2020, [url](#), pp. 4, 8; UN Security Council, Report Somalia of the Monitoring Group on Somalia and Eritrea, 9 November 2018, [url](#), p. 6

<sup>611</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), pp. 73-77

<sup>612</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), para. 49

<sup>613</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), para. 39

<sup>614</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), para. 54-56

<sup>615</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), para. 44, 51

<sup>616</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), para. 49, 54

<sup>617</sup> UN Somalia, Country Results Report 2019, June 2020, [url](#), p. 46

<sup>618</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 3, 25

<sup>619</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 25

<sup>620</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), para. 18



military operations, specifying that ‘these children are recruited or used by parties to the conflict or they are arrested and deprived of their liberty for their alleged association with parties to the conflict’.<sup>621</sup> During the same period AMISOM was held responsible for 42 children casualties and one attack on a school.<sup>622</sup>

In the course of 2020, as per the USDOS Somalia Human Rights Report, AMISOM was listed among the actors conducting extra-judicial killings of civilians – ‘either deliberately or inadvertently’ - although to a much lesser extent compared to other security forces.<sup>623</sup> As per the same report, AMISOM forces ‘were implicated in rapes and other unspecified grave abuses of human rights while conducting military operations against al-Shabaab in Lower and Middle Shabelle, according to an advocacy organization.’<sup>624</sup> Among others, AMISOM admitted to have inadvertently shot and killed three women in the course of a firefight with al-Shabaab on 8 June 2020.<sup>625</sup>

During the same period, 5 November 2019 – 9 February 2021, UNSOM provided support to AMISOM for the implementation of the human rights due diligence policy and mitigation measures in order to prevent violations. Such activities included communication activities (leaflets), monitoring/reporting, and training.<sup>626</sup> Trainings on international human rights law and international humanitarian law were conducted by AMISOM, including with the assistance of UNSOM/OHCHR, also in the period 2017-2019.<sup>627</sup>

## 5.2 AFRICOM

### 5.2.1 Strength and regional presence

The United States Africa Command (USAFRICOM)’s East Africa Counterterrorism Operation ‘seeks to disrupt, degrade, and deny victory to al-Shabaab and ISIS-Somalia in Somalia and neighbouring countries’. Its main goal is to make ‘terrorist organizations’ not able ‘to threaten the U.S. homeland, U.S. persons, international allies or destabilize the region.’<sup>628</sup> Over the period October 2019-September 2020, ‘USAFRICOM has characterized al-Shabaab as the most “dangerous,” “capable,” and “imminent” threat on the African continent,’ while it ‘remains adaptive, resilient, and capable of attacking Western and partner interests in Somalia and East Africa.’<sup>629</sup>

USAFRICOM has a Military Coordination Cell in Somalia. Located on Mogadishu’s ocean-side international campus (Halane), and initially created in 2013 by US Africa Command, this unit is tasked with ‘establishing coordination between the African Union Mission in Somalia and U.S. forces in the country’.<sup>630</sup> However, as from January 2021, the US military troops in Somalia have been withdrawn,

<sup>621</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 32-33

<sup>622</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 33

<sup>623</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), pp. 2, 13

<sup>624</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 5

<sup>625</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 3

<sup>626</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 9; UNSG, Situation in Somalia, 13 November 2020, [url](#), p. 9; UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9; UNSG, Situation in Somalia, 13 May 2020, [url](#), pp. 8-9; UNSG, Situation in Somalia, 13 February 2020, [url](#), p. 9

<sup>627</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 27

<sup>628</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), p. 11

<sup>629</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), p. 12

<sup>630</sup> AFRICOM, Military Coordination Cell – Somalia, n.d., [url](#)



as per the US presidential directive.<sup>631</sup> If on the one hand ‘a very limited’ US presence remains, on the other hand the ‘U.S. vowed to continue to engage Somali forces and maintain pressure against al-Shabab’.<sup>632</sup> Their military presence in Somalia was of approximately 700 troops, who, in January 2021, were then relocated to other African countries such as Kenya and Djibouti, the latter being home of the only permanent US military base in Africa.<sup>633</sup> At the end of 2020, the impacts of the withdrawal over the activities of USAFRICOM in Somalia were still unknown.<sup>634</sup>

## 5.2.2 Activities and capacity

USAFRICOM is particularly engaged in the following activities:

- drone and airstrike campaigns: attacks are conducted by both US Special Operations Command under AFRICOM, and by the CIA, and are reported in almost all parts of Somalia;<sup>635</sup>
- supporting the training of the Danab Infantry Brigade (see section on [Special Forces](#));
- supporting the development of the Somali National Security Architecture, and of the revised Somali Transition Plan;
- operational, technical, and material support to Somali military operations (such as Badbaado).<sup>636</sup>

Based on USAFRICOM data, in the last quarter of 2019, and in the first, second, and third quarters of 2020, USAFRICOM conducted 7, 33, 9, and 7 airstrikes, respectively, for a total of 56 strikes.<sup>637</sup> In the course of 2020, Airwars reported instead a total of 72 events: 54 declared, and 18 alleged, while for 2021, as of April, 7 declared and 4 alleged strikes.<sup>638</sup> For the previous years, USAFRICOM acknowledged that it had conducted 35 air strikes in 2017, 47 in 2018, and 63 in 2019.<sup>639</sup>

## 5.2.3 Impact on civilians

The 2020-2021 airstrikes resulted, based on Airwars data, in:

- militants fatalities: between 103 and 119 militant fatalities in 2020 (for declared strikes), and between 82 and 88 for alleged strikes; between 8 and 14 fatalities in 2021 (for declared strikes), and 14 – 28 fatalities for alleged strikes;
- civilian casualties (including fatalities): 1 confirmed civilian fatality and three injured from an air strike on 2 February 2020 in Jilib (confirmed by USAFRICOM);<sup>640</sup> between 6 and 12 ‘fairly’ reported fatalities, 10 ‘weakly’ reported, and 3-4 ‘discounted’ in 2020; in 2021, 1 ‘fairly’ reported civilian fatality.<sup>641</sup>

<sup>631</sup> BBC News, Trump orders withdrawal of US troops from Somalia, 5 December 2020, [url](#); New York Times (The), Trump Orders All American Troops Out of Somalia, 16 December 2020, [url](#);

<sup>632</sup> VOA, US Military Pulls Last Troops Out of Somalia, 17 January 2021, [url](#)

<sup>633</sup> AP, US military says its troop removal from Somalia is complete, 17 January 2021, [url](#); see also VOA, US Military Pulls Last Troops Out of Somalia, 17 January 2021, [url](#)

<sup>634</sup> New York Times (The), Trump Orders All American Troops Out of Somalia, 16 December 2020, [url](#)

<sup>635</sup> Airwars, US Forces in Somalia, 26 March 2021, [url](#)

<sup>636</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), pp. 16-22; see also Airwars, US Forces in Somalia, 26 March 2021, [url](#)

<sup>637</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), p. 16

<sup>638</sup> Airwars, US Forces in Somalia, 26 March 2021, [url](#)

<sup>639</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 142

<sup>640</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), p. 35

<sup>641</sup> Based on a reading of the 2020 figures in the graph of alleged civilian deaths titled ‘Reported civilian deaths from US Forces strikes in Somalia 2007-2021’ available at: Airwars, US Forces in Somalia, 26 March 2021, [url](#)

Within this context, USAFRICOM rejected allegations of civilian casualties concerning another 25 incidents in 2020.<sup>642</sup> Based on various HRW and AI's investigations, USAFRICOM failed to provide justice or reparation to several victims of possible violations of international humanitarian law (21 deaths and 11 injured out of 9 strikes investigated between 2017 and March 2020 by AI).<sup>643</sup> Many of these victims were 'labelled' as terrorists although no evidence could be found about their being members of al-Shabaab or otherwise directly participating in hostilities.<sup>644</sup> Also for previous periods, the effective number of civilian casualties caused by US airstrikes remains highly contested, notwithstanding official claims by USAFRICOM.<sup>645</sup> As stated by AI, 'to us it's very likely that the real scale of civilian casualties is much higher than has been documented'.<sup>646</sup>

## 6. Islamic State in Somalia (ISIS-Somalia)

Formed in October 2015, Abnaa ul-Calipha – the Islamic State in Somalia (ISS or ISIS-Somalia) - was recognized by Islamic State of Iraq and Syria/the Levant (ISIL/ISIS/Daesh) as an affiliated group and official *wilayat*, or province, in December 2017 when it was called Wilayat al Somal.<sup>647</sup>

### 6.1 Presence, territorial control, outreach

In relation to its ideological underpinnings and linkage to ISIL/ISIS, 'on 22 October 2015, along with about 20 supporters, Sheikh Abdulqadir Mumin, an al Shabaab ideological leader in charge of around 300 troops in the Golis Mountains in Puntland, announced his allegiance (*bayah*) to al Baghdadi',<sup>648</sup> the leader of the jihadist group Islamic State of Iraq and Syria/the Levant (ISIS/ISIL/Daesh).<sup>649</sup> Ever since, the Islamic State in Somalia 'had established a secure base in Puntland' and has expanded its activities to other parts of Somalia, including Mogadishu.<sup>650</sup> After the death of al-Baghdadi, in October 2019, ISIS-Somalia pledged allegiance to the new ISIL leader, Abu Ibrahim al-Hashimi al-Qurashi. While the current *emir* (April 2021) is still Mumin, the group's new deputy is Abdirahman Fahiye, and Abdirashid Luqman is head of proselytizing and indoctrination.<sup>651</sup>

More recently, the US Lead Inspector General, in its latest report on counterterrorism operations in east Africa from September 2020, indicated that '[c]ompared to al-Shabaab, ISIS-Somalia has conducted few attacks in Somalia over the past 2 years, mostly in the northern Bari province and in

<sup>642</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), p. 35

<sup>643</sup> AI, Somalia: US must not abandon civilian victims of its air strikes after troop withdrawal, 7 December 2020, [url](#); AI, Somalia: Zero accountability as civilian deaths mount from US air strikes, 1 April 2020, [url](#); see also HRW, Somalia: Inadequate US Airstrike Investigations, 16 June 2020, [url](#)

<sup>644</sup> AI, Somalia: Zero accountability as civilian deaths mount from US air strikes, 1 April 2020, [url](#); see also AI, Somalia: US must not abandon civilian victims of its air strikes after troop withdrawal, 7 December 2020, [url](#)

<sup>645</sup> AI, Investigations into civilian casualties from US air strikes in Somalia needed urgently, 16 September 2019, [url](#), p. 1; AI, USA/Somalia: Shroud of secrecy around civilian deaths masks possible war crimes, 20 March 2019, [url](#); AI, The hidden US war in Somalia – Civilian casualties from airstrikes in Lower Shabelle, 2019, [url](#), pp. 34-64

<sup>646</sup> Irish Times (The), Civilians among victims of US air strikes in Somalia, says rights group, 30 September 2019, [url](#)

<sup>647</sup> Defence Post (The), Abnaa ul-Calipha (Islamic State in Somalia), n.d., [url](#)

<sup>648</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), p. 12

<sup>649</sup> New York Times (The), Abu Bakr al-Baghdadi, ISIS Leader Known for His Brutality, Is Dead at 48, 31 October 2019, [url](#)

<sup>650</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), pp. 4, 12, 14-17, 25-27, 32

<sup>651</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), p. 19

Mogadishu.<sup>652</sup> However, the group continues to engage with its propaganda and media activities, including through the weekly publication, al-Naba.<sup>653</sup>

- **Presence in Puntland:**<sup>654</sup> as of September 2020, although degraded in its operational capabilities, ISIS-Somalia has retained a 'steady but small presence' in northern Somalia.<sup>655</sup> Puntland's Bari region is the cradle of many ISS fighters, notably the districts of Qandala, Caluula, Iskushuban (including the Timiirshe settlement), Bossaso, Qardho, and Bandar Bayla;<sup>656</sup> allegedly ISIS also has support networks within the Puntland governing structures, especially in Galkacyo and Bossaso;<sup>657</sup> reportedly the group's operational basis remain in the Golis Mountains (east of Bossaso),<sup>658</sup> and south of the port town of Qandala.<sup>659</sup>
- **Presence in Mogadishu and South-Central Somalia:** '[T]owards the end of 2017 and into 2018' ISIS-Somalia began to shift its main operational focus to South-Central Somalia, notably to Mogadishu, 'challenging the dominance of al Shabaab in the key battleground against the Federal Government of Somalia (FGS)'.<sup>660</sup> However, as indicated by various UNSG reports, in the period May 2020 – February 2021, the group's activities in Mogadishu have been very limited.<sup>661</sup> Since late 2017, ISS has also been active around Afgoye (South West State, Lower Shabelle region), and in Beledweyne (Hirshabelle, Hiraan region).<sup>662</sup>
- **Presence in Somaliland:** reportedly, as by NISA sources quoted by the European Institute of Peace's 2018 report on IS in East Africa, 'ISS has established links with human traffickers based in Somaliland and regard it as something of a collection point and transit hub for new recruits'.<sup>663</sup>

The group has regularly clashed with al-Shabaab (including ASNE), while operationally and ideologically challenging its dominance.<sup>664</sup> There was a period of extreme rivalry and a ruthless campaign of elimination by al-Shabaab reported in 2017.<sup>665</sup> However EIP reported in 2018 that in Puntland, 'al Shabaab members have established a degree of coexistence with ISS, and even, according to some reports, a basic level of cooperation in key areas such as Bossaso'. At the same time, in South-Central Somalia, notably in Mogadishu, al-Shabaab remains wary of the risk of losing

<sup>652</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), p. 16

<sup>653</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), p. 16

<sup>654</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), pp. 14-17

<sup>655</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), p. 16

<sup>656</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), p. 16

<sup>657</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), p. 17

<sup>658</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), para. 68; OWP, Islamic State in Somalia, 2020, [url](#)

<sup>659</sup> EASO, COI Query - Security situation in Puntland and Somaliland (January – 15 November 2019), 12 December 2019, [url](#), p. 7; EASO, Country of Origin Information Report – Somalia Security Situation, 2017, [url](#), p. 108; see also ISS, East African terror groups are exploiting the seas, 13 October 2020, [url](#)

<sup>660</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), p. 4

<sup>661</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), para. 24; UNSG, Situation in Somalia, 13 November 2020, [url](#), para. 16; UNSG, Situation in Somalia, 17 February 2021, [url](#), para. 17

<sup>662</sup> Weiss C., Reigniting the Rivalry: The Islamic State in Somalia vs. al-Shabaab, in CTC Sentinel, April 2019, Volume 12, Issue 4, [url](#), pp. 30-31

<sup>663</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), p. 32

<sup>664</sup> Weiss C., Reigniting the Rivalry: The Islamic State in Somalia vs. al-Shabaab, in CTC Sentinel, April 2019, Volume 12, Issue 4, [url](#), pp. 29-30; Warner J. and Weiss C, A Legitimate Challenger? Assessing the Rivalry between al-Shabaab and the Islamic State in Somalia, November 2017, Volume 10, Issue 10, [url](#), pp. 27-31

<sup>665</sup> Warner J. and Weiss C, A Legitimate Challenger? Assessing the Rivalry between al-Shabaab and the Islamic State in Somalia, November 2017, Volume 10, Issue 10, [url](#), pp. 27-31

more ground to the rival group.<sup>666</sup> There was also a ‘renewed flurry of clashes and assassinations’ between the two groups reported by the CTC Sentinel’s research into ISS attack data in 2018.<sup>667</sup>

## 6.2 Strength

Sheikh Abdulqadir Mumin, ISIS-Somalia leader, is a clan elder from the Ali Salebaan/Majeerteen/Darood. Reportedly, he has organised ISIS-Somalia along traditional clan lines, by giving prevalence, among his senior lieutenants, to the Ali Salebaan/Darood clan. More recently (mid 2018), however, he has tried progressively to include individuals from South-Central Somalia, including from the Hawiye clan.<sup>668</sup>

As of September 2020, ‘USAFRICOM estimated the group’s force size to be in the low hundreds’.<sup>669</sup> At the beginning of 2020, Felbab-Brown reported the group as having about 200 men, ‘mostly restricted to the area of Qandala’, but also in other safe heavens such as in the strategic port of Bossaso.<sup>670</sup> In mid-2018, the NISA ‘estimated that ISS had around 200 members throughout the country, almost all with Mumin in Puntland’.<sup>671</sup> Conservatively, the Puntland authorities, in May 2018, estimated ISS strength to be ‘at something over 75 fighters, down from a peak of 150’.<sup>672</sup> However, in the course of 2020, ISIS-Somalia attempted to enlist new fighters. Reportedly, in February 2020, about 30 fighters, including seven foreign fighters, joined the group in Bari region.<sup>673</sup>

As a more general trend, as of mid-2018, EIP reported that ISIS in Puntland ‘was struggling’. Reportedly ‘it was disconnected from the rest of the Islamic State, apart from its media operatives, had no territory to rule, a diminishing membership (in part because of defections), little capacity to mount operations, and poor technical skills’.<sup>674</sup> Conversely, the ISS threat in South-Central Somalia was reportedly more substantial in 2018, having the group established itself in Mogadishu and the surrounding area and having built a sustainable attack capacity.<sup>675</sup>

## 6.3 Overview of abuses

USDOS stated in its Human Rights report for 2020 that ‘ISIS-Somalia claimed attacks against Somali authorities and other targets in Puntland, where it is based, and around Mogadishu, but there was little local reporting on its claims’. The same report indicates that ‘ISIS-Somalia targeted business leaders for extortion in urban areas’, also ‘with violence when they did not meet extortion demands’. Finally, the group ‘carried out increased small-scale IED attacks and killings in Puntland, Mogadishu, and Lower Shabelle, where the group maintains pockets of presence’.<sup>676</sup> According to a 2019 article on ISS by the CTC Sentinel, ‘the Islamic State’s expansion inside Somalia carries significant implications for the overall security of the country. Civilians, especially private enterprises, will likely continue to be extorted if ISS continues to grow its operations. Additionally, Somali personnel will most likely

<sup>666</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), pp. 30-31

<sup>667</sup> Weiss C., Reigniting the Rivalry: The Islamic State in Somalia vs. al-Shabaab, in CTC Sentinel, April 2019, Volume 12, Issue 4, [url](#), p. 32

<sup>668</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), p. 21

<sup>669</sup> US DoD, East Africa Counterterrorism Operation, Lead Inspector General Report to the United States Congress, 1 July – 30 September 2020, [url](#), p. 16

<sup>670</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 135

<sup>671</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), p. 14

<sup>672</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), p. 14

<sup>673</sup> UN Security Council, Report of the Panel of Experts on Somalia, 28 September 2020, [url](#), p. 20

<sup>674</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), p. 24

<sup>675</sup> EIP, The Islamic State in East Africa, September 2018, [url](#), pp. 24, 29

<sup>676</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), pp. 13, 15

continue to be assassinated by both ISS and al-Shabaab in various population centres across the country.’<sup>677</sup>

## 7. Federal Member States and Somaliland

As per the Somali Provisional Constitution (2012) the Somali federalism comprises the FGS, FMS and the local government,<sup>678</sup> while the ‘FMS interior ministries influence the formation of local governments, as district councils are selected in line with the ‘4.5’ clan system’.<sup>679</sup> Within this context, as per the Wadajir National Framework on Local Governance - that was agreed between Somalia’s Ministry of Interior, Federal Affairs and Reconciliation (MoIFAR) and its counterparts in Galmudug, Hirshabelle, South-West and Jubbaland – the focus area in terms of governance revolves around the establishment of district councils.<sup>680</sup>

The State Ministries of Interior of the above-mentioned member states prioritised the formation of district councils in 25 locations out of their nominal 58 districts: in 6 districts (out of 11) in Galmudug, in 7 districts (out of 18) in South-West, in 5 districts (out of 15) in Hirshabelle, and in 7 districts (out of 14) in Jubbaland. As of May 2020, of these prioritised 25 district councils, 5 were completed: 3 in South West, 1 Hirshabelle, 1 in Galmudug, none in Jubbaland.<sup>681</sup>

Puntland is administratively and institutionally more developed, see for more details the ad-hoc section [7.6 Puntland](#). Somaliland is not part of this architecture, and as a self-proclaimed independent state will be addressed separately at the end of this section 7 (section [7.7 Somaliland](#)).

### 7.1 Jubbaland

Jubbaland (or Jubaland) Federal Member State administration came into being in 2013.<sup>682</sup> Jubbaland comprises Middle Jubba, Lower Juba and Gedo regions,<sup>683</sup> although control of Lower Juba and of Kismayo (the port town and state capital) ‘is the biggest prize’ as International Crisis Group puts it.<sup>684</sup> Overall the state is dominated and predominantly inhabited by Darood/Ogaadeen clans – also present in neighbouring northeast Kenya and southeast Ethiopia. Leading Somalia experts from LSE note that Jubbaland’s state project ‘represented a return of Ogaadeen identity and pride within the wider Somali milieu’, with Ahmed Madobe – the current Ogadeni state president – as ‘its star’.<sup>685</sup>

In terms of (remaining) clan composition, while Kismayo city is cosmopolitan, the dominant clans in town are Darood/Harti (long-term ‘immigrants’ from present-day Puntland and Somaliland), Darood/Marehan (more recent immigrants from central Somalia and Gedo) and miscellaneous Hawiye communities. Areas outside Kismayo are inhabited, apart from Ogadeni, by Bantu (also known derogatorily as Jareer), some Digil-Mirifle, Awramleh (a small Irir clan) and Galja’al and Sheekhal (often included as Hawiye). The Bajuni (a Swahili speaking group) inhabit the coastal districts near the Kenya

<sup>677</sup> Weiss C., Reigniting the Rivalry: The Islamic State in Somalia vs. al-Shabaab, in CTC Sentinel, April 2019, Volume 12, Issue 4, [url](#), p. 33

<sup>678</sup> Somalia, Provisional Constitution, 1 August 2012, [url](#)

<sup>679</sup> HIPS, Dysfunctional federalism, July 2020, [url](#), p. 9

<sup>680</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>681</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>682</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), p. 9

<sup>683</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 12

<sup>684</sup> International Crisis Group, Jubaland in Jeopardy: the Uneasy Path to State-Building in Somalia, 21 May 2013, [url](#)

<sup>685</sup> Majid N. and Abdirahman K., LSE Blog, The Jubbaland Project and the Transborder Ogadeen, 23 February 2021, [url](#)



border. The Gedo region was created (in 1975 by president Siad Barre) as a predominately Darood/Marehan clan area.<sup>686</sup>

### 7.1.1 Relevant dynamics, territorial control, and governance

**Relevant Dynamics.** In 2019 the local electoral commission conducted a ‘highly contested parliamentary selection and presidential election’.<sup>687</sup> As reported by HIPS in 2021, ‘after failing to meaningfully weaken President Madoobe in Kismaayo, the FGS eventually recognized him as the “interim president” of Jubbaland in June 2020’.<sup>688</sup> At the same time, his administration is supported by Kenya,<sup>689</sup> which considers Jubbaland ‘a buffer zone’, and ‘a strategic foothold in Somalia’.<sup>690</sup>

**Territorial Control and Influence.** Since 2012 Ahmed Madobe, and his militia group, predominantly drawn from the Ogaadeen clan, have been in charge of the town and the port of Kismayo, of which they also control the surroundings, while they hardly control the rest of Jubbaland.<sup>691</sup> A large portion of the regional state is in fact controlled by al-Shabaab. The group controls almost all of Middle Juba region, where they have their capital (Jilib), and the majority of Lower Jubba.<sup>692</sup> Moreover, the northern Gedo region is currently (April 2021) under the control of a distinct regional administration which is loyal to incumbent president Farmaajo, who has his clan base (*Marehan*) there.<sup>693</sup> De facto, at the beginning of 2020 ‘the FGS began a concerted effort to wrest the entire Gedo province from Jubbaland and encircle the administration of President Madoobe’.<sup>694</sup> As reported by various sources, the FGS deployed federal forces, backed by local militias, to Beled Hawo,<sup>695</sup> a border town near Kenya, ‘and dislodged the local administration that was loyal to Jubbaland’.<sup>696</sup> In March 2021, Hassan Janaan, the former security minister of the Jubbaland state, who had for months militarily challenged the FGS in the area, defected together with his 400 troops.<sup>697</sup> The Gedo administration is also supported by Ethiopian forces operating outside of AMISOM.<sup>698</sup>

**Governance.** In terms of governance structure and state-building process, the situation in Jubbaland can be summarised as follow:

- constitution: the provisional constitution of the Jubbaland state of Somalia was adopted on 1 August 2015,<sup>699</sup>
- president. Jubbaland’s President is Ahmed Madobe (or Madoobe), who was elected by the Jubbaland parliament in August 2019 for a four-year term;<sup>700</sup>

<sup>686</sup> International Crisis Group, Jubaland in Jeopardy: the Uneasy Path to State-Building in Somalia, 21 May 2013, [url](#)

<sup>687</sup> HIPS, The State of Somalia Report, January 2020, [url](#), pp. 6-7

<sup>688</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 13

<sup>689</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), pp. 2, 10; Felbab-Brown V

., The Problem with Militias in Somalia, 2020, [url](#), pp. 131-132

<sup>690</sup> HIPS, The State of Somalia Report, January 2020, [url](#), pp. 6-7

<sup>691</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 131-132

<sup>692</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 12

<sup>693</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), pp. 1-7

<sup>694</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 13

<sup>695</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), p. 6; HIPS, The State of Somalia Report, February 2021, [url](#), p. 13

<sup>696</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 13

<sup>697</sup> Somali Guardian, Ex Jubaland Security Minister surrenders to Somalia’s Government, 24 March 2021, [url](#)

<sup>698</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), p. 6; Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 132

<sup>699</sup> Jubaland, Provisional Constitution of the Jubaland State of Somalia: August 1, 2015, 2020, [url](#)

<sup>700</sup> Al Jazeera, Somalia’s Jubaland region re-elects Ahmed Mohamed as president, 22 August 2019, [url](#)



- parliament. The Jubbaland parliament, based in Kismayo, comprises 75 members,<sup>701</sup> whom were selected during summer 2019 for a four-year term.<sup>702</sup>
- regional governors, governments and assemblies: (a) the federally recognised Gedo governor is Osman Nur Haji 'Moalimu', while he is rejected by Madobe.<sup>703</sup> The current Gedo administration is loyal to the FGS;<sup>704</sup> (b) the Middle Juba administration is not set up yet, being the territory under al-Shabaab control; (c) Lower Juba: Kismayo and surrounding areas are controlled by the Jubbaland State administration (Madobe), the rest of the territory being under al-Shabaab control;<sup>705</sup>
- districts, district commissioners, and district councils. Overall Jubbaland comprises 14 districts, with following breakdown per region: (a) Gedo region: Baardheere, Belet (Bulo) Xaawo (Beled Hawo), Ceel Waaq (El Wak), Doolow, Garbahaarey, Luuq (and Burdhubo<sup>706</sup>); as of May 2020, Mogadishu had appointed new district commissioners (loyal to the FGS) in all of them, exception made for El Wak;<sup>707</sup> (b) Middle Juba region: Bu'aale, Jilib, Sakow; (c) Lower Juba region: Afmadow, Badhaadhe, Jamaame, Kismayo.<sup>708</sup> As of December 2020, among the prioritised district councils in Jubbaland (Afmadow, Bardheere, Beled Xaawo, Dolow, Garbaharey, Kismayo and Luuq)<sup>709</sup> – see section on Federal Member States and Somaliland for more details – only the District Council in Afmadow was formed;<sup>710</sup>
- Local Council of Elders. In an unspecified number of locations across South-Central Somalia local councils of elders reportedly 'continue to provide a multi-faceted forum covering a range of reconciliation, judicial and governance functions'.<sup>711</sup>

## 7.1.2 FMS armed forces

Jubbaland State Forces (JSF) numbers about 5 000 individuals, and is comprised of:<sup>712</sup>

- Jubbaland Darwish. Madobe's Ras Kamboni movement/militia was transformed into Jubbaland Darwish, 'special police', after 2014. They present themselves as the state's paramilitary police, but they are predominantly drawn from the Ogaadeen clan (Madobe's clan) for membership;
- Jubbaland State Police (JSP). As per the UN Somalia Country Results Report for 2019, there are about 550 police officers in Jubbaland;<sup>713</sup>
- Jubbaland Intelligence and Security Agency (JISA).

According to a 2020 study on militias in Somalia, 'the Jubbaland State Forces, while independently supported by Kenya, have not received official United Nations approved financial assistance and training, including human rights training, from actors operating under a United Nations framework.

<sup>701</sup> Jubaland, Provisional Constitution of the Jubaland State of Somalia: August 1, 2015, 2020, [url](#), art. 32

<sup>702</sup> Somaliland, 73 new MPs are chosen for Jubaland State of Somalia, 13 August 2019, [url](#)

<sup>703</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), p. 4

<sup>704</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), pp. 4-5

<sup>705</sup> Felbab-Brown V., The Problem with Militias in Somalia, 2020, [url](#), pp. 131-132

<sup>706</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), pp. 4-5, see also footnote no. 15

<sup>707</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), pp. 4-5, see also footnote no. 15

<sup>708</sup> EASO, Country of Origin Information Report – Somalia Security Situation, 2017, [url](#), pp. 67, 72, 75

<sup>709</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>710</sup> UN Somalia, Country Results Report Somalia 2020, March 2021, [url](#), pp. 24, 57

<sup>711</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>712</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 127, 132

<sup>713</sup> UN Somalia, Country Results Report 2019, June 2020, [url](#), p. 19

Madobe thus needs to raise money by licit and illicit taxation in and around Kismayo to maintain his forces.<sup>714</sup>

### 7.1.3 Other actors/forces

Apart from the local FMS ‘official’ armed forces, other actors/armed forces present in Jubbaland include (the list is not exhaustive):

- the SNA. SNA units are present in Kismayo. Reportedly, they tend to collaborate with the JSF as long as they do not retain non-Ogaadeen clan members.<sup>715</sup> Other SNA units are present in the Lower Juba, while one SNA brigade and two battalions are deployed in the Gedo region, and they are reportedly drawn from Farmaajo’s clan, the Marehan.<sup>716</sup> One of these is reportedly SNA 43 Battalion deployed in Beled Hawo;<sup>717</sup>
- Ethiopian Troops. Within AMISOM: Ethiopian troops are present in Kismayo by virtue of their participation in sector 6, and in Gedo by virtue of their leading of Sector 3. Outside AMISOM: Ethiopian troops are deployed in the Gedo region, in support of the FGS, reportedly at the Ethiopian border and in Dolow;<sup>718</sup>
- AMISOM Troops and Police Forces. The Gedo region is under the leadership of ENDF (Ethiopian National Defence Forces), this region falling under Sector 3. Middle and Lower Juba fall instead under the leadership of the KDF (Kenyan Defence Forces).<sup>719</sup> See for further details section on [AMISOM Strength, Characteristics, and Regional Presence](#).

### 7.1.4 Access to justice

For a first overview of the justice systems in Somalia see sections on [Access to Justice, Formal and Informal Systems](#) (including Customary Justice and Shari’ah Law) and on [Access to Justice under Al-Shabaab](#).

Gedo region is both a seat of scholarship among the early Sufi (*jama’a*), and the site from which the first Salafi movement in Somalia, the *Ubereey*, developed at the beginning of the 20<sup>th</sup> century. As a consequence, current interpretations of the Shari’ah in Gedo and across Jubbaland are also influenced by the *Hanbali madhab*.<sup>720</sup>

Across Jubbaland, in the areas controlled by al-Shabaab the prevalent form of justice is *Hanbali* adjudication (strict interpretation of shari’ah law, see for further details section on [Al-Shabaab](#)). The group operates both stationary and mobile courts.<sup>721</sup>

In the government-controlled areas of Jubbaland, in Lower Juba and in the Gedo region, the same as elsewhere in Somalia, ‘there is increased collaboration between statutory courts, clan elders, and religious leaders, with shari’ah and *xeer* being the most active’. However, only courts have executory powers, and ‘verdicts by *ulama* and elders need to be enforced by the court and police in order to be implemented’. This notwithstanding, the shari’ah is widely invoked as a source of law: by statutory

<sup>714</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 127, 132

<sup>715</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 132

<sup>716</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 132

<sup>717</sup> Sahan, The Somali Wire, Issues Jan-April 2021, n.d., source requiring registration

<sup>718</sup> International Crisis Group, Ending the Dangerous Standoff in Southern Somalia, Crisis Group Africa Briefing N°158, 14 July 2020, [url](#), pp. 2, 5, 6, 10, see also footnote 19

<sup>719</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), pp. 18, 56; see also AMISOM, AMISOM Military Component, n.d., [url](#)

<sup>720</sup> Expanding Access to Justice Program, The Shari’ah in Somalia, March 2020, [url](#), p. 29

<sup>721</sup> Expanding Access to Justice Program, The Shari’ah in Somalia, March 2020, [url](#), p. 29

judges, by military judges who conform with shari'ah in adjudicating criminal matters, by *ulama*, who often apply shari'ah to various matters, including land disputes.<sup>722</sup>

Mechanisms for justice include:

- **Statutory Courts.** According to the FGS Justice Report (2019) as quoted by HIPS in 2021, a total of five statutory courts were operating in Jubbaland in 2019.<sup>723</sup> In line with the constitutional provisions (Article 108), and most of the FMS practice, Jubbaland organised its own justice system around a three-tiered approach, with District (and regional court), Appeal, and Supreme Courts.<sup>724</sup> Reportedly, judges and prosecutors in Jubbaland are not paid for extended periods of time;<sup>725</sup>
- **Shari'ah Courts in Jubbaland.** No specific information on this point could be found within the given time limits and among the consulted sources;
- **Xeer,** Elders and Elders Councils. Customary justice (*xeer*) through elder councils, *guurti* or *malaq*, work as the first port of call when a dispute arises;<sup>726</sup>
- **ADR Centres.** Both in Kismayo and in Garbahaarey, various ADR centres, which apply *xeer* as a supplementary approach to justice under the administration of the local MoJ, have been set up (see for more details section on [Customary Justice \(xeer\) and Alternative Dispute Resolution](#)).<sup>727</sup> In Kismayo following centres are reportedly operational: ADR centre at the MoJ State Office, Kismayo ADR centre; other forms of ADR: Community Action Groups, Community Dispute Resolution Committees, Land Dispute Management Committee, and a Guurti;<sup>728</sup>
- **District Peace Committees.** An unspecified number of DPCs have been set up and are running in Lower Juba and in Gedo region.<sup>729</sup>

### 7.1.5 Security forces' human rights conduct

Felbab-Brown reports that if on the one hand the JSF protect Kismayo from al-Shabaab, on the other hand they 'function as Madobe's praetorian guard and private enforcement entity against rival politicians, clan leaders, business leaders and other independent voices'. She adds that 'they suppress any opposition political activity' and that, based on her own research, 'Somali interlocutors widely attribute assassinations of clan elders who have spoken up against Madobe to Madobe's forces.' Moreover, she indicates that 'opposition politicians or NGOs often cannot operate in Kismayo and leave for Mogadishu', that 'no fair and transparent elections have been held in Kismayo since 2012', and that 'during the 2019 elections, Madobe banned opposition members from running for or casting votes in Jubbaland's Parliament'.<sup>730</sup> Finally she adds that 'land grabbing from minority clans and vulnerable populations without arms has characterized Madobe's rule' and that 'the taxes his administration levies are seen as biased, with higher fees for rival clans and opposition groups.'<sup>731</sup>

In the period 5 November 2019 – 9 February 2021, the UNSG, in its various reports on the situation in Somalia attributed to Jubbaland security forces the following violations: (a) nine verified incidents of

<sup>722</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 29

<sup>723</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 19

<sup>724</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 15

<sup>725</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 23

<sup>726</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 30; Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, [url](#), pp. 1-2; HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 27-28

<sup>727</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 29; Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 8

<sup>728</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 11

<sup>729</sup> Saferworld and Conflict Dynamics International, Sustainable community approaches to peacebuilding in securitised environments: case study of Somalia, February 2020, [url](#), p. 5

<sup>730</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 133

<sup>731</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 133

conflict-related sexual violence, and two incidents of alleged violations of human rights and international humanitarian law at the hands of the Jubbaland police (reporting period 5 November 2020 – 9 February 2021);<sup>732</sup> (b) two cases of conflict-related sexual violence at the hands of the Jubbaland forces, and deprivation of liberty affecting 22 boys and one girl detained at the hands of Jubbaland state forces and Jubbaland police (reporting period 5 August – 4 November 2020);<sup>733</sup> (c) two cases of deprivation of liberty affecting children at the hands of the Jubbaland state forces (reporting period 5 May – 4 August 2020);<sup>734</sup> (d) two cases of deprivation of liberty affecting children at the hand of the Jubbaland state forces (reporting period 5 November 2019 – 4 February 2020).<sup>735</sup>

The UNSG indicated, in its latest report on Children and Armed Conflict (March 2020 – covering the period 1 August 2016 – 30 September 2019), that the country task force had verified the following violations at the hand of the Jubbaland security forces: 129 cases of child recruitment;<sup>736</sup> 59 cases of children deprived of their liberty for alleged association with al-Shabaab or pro-ISIL elements in Somalia;<sup>737</sup> 59 cases of killing and maiming of children;<sup>738</sup> 75 cases of children victims of rape or sexual violence;<sup>739</sup> one case of denial of humanitarian access.<sup>740</sup> The violations reported here above are in line with those reported by UNSOM during the period 1 January 2017 – 31 December 2019.<sup>741</sup>

For other violations (including grave violations against children) generally attributed to both federal and state forces see section on [FGS security institutions – security forces’ human rights conduct](#).

## 7.2 South-West

The South-West Federal Member State administration came into being in 2014.<sup>742</sup> The state is one of the most populous in Somalia, with ‘exceptionally rich farmland’ in between the Jubba and the Shabelle river valleys.<sup>743</sup> It is comprised of three regions: Lower Shabelle, Bay and Bakool.<sup>744</sup> In terms of clan composition, the state is predominantly inhabited by the mainly sedentary agro-pastoralist clan known as Digil-Mirifle or Rahanweyn. They speak Af-Maay-tiri, which is quite distinct from Af-Maxaa-tiri, the Somali spoken by nomadic-pastoralists.<sup>745</sup> Reportedly, among the Digil-Mirifle sub-clans, the Leysan sub-clan dominates in the Bakool region.<sup>746</sup>

### 7.2.1 Relevant dynamics, territorial control, and governance

**Relevant Dynamics.** Prominent political and security dynamics taking place in South-West State are:

<sup>732</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), pp. 9-10

<sup>733</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), p. 9

<sup>734</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9

<sup>735</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), p. 10

<sup>736</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 5

<sup>737</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 7

<sup>738</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 8

<sup>739</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), pp. 9-10

<sup>740</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 12

<sup>741</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 32-34

<sup>742</sup> HIPS, Dysfunctional federalism, July 2020, [url](#), p. 6

<sup>743</sup> HIPS, Dysfunctional federalism, July 2020, [url](#), p. 4

<sup>744</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 14

<sup>745</sup> ACCORD, Clans in Somalia – Report on a lecture by Joakim Gundel, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), pp. 11, 13-14

<sup>746</sup> International Crisis Group, Somalia’s South West State: A New President Installed, a Crisis Inflamed, 24 December 2018, [url](#)

- Presidential and Parliamentary elections. In December 2018, the South West State held the presidential election. Days prior to the election, presidential candidate Mukhtar Robow was arrested by the FGS security forces, assisted by Ethiopian troops. Robow, a member of the Laysan sub-clan, was a co-founder and former deputy of al-Shabaab. After defecting from Al-Shabaab in 2013, he had managed to gain wide popular support as a potential ‘liberator’.<sup>747</sup> Robow was then put under house arrest in Mogadishu, while Abdulaziz Hassan Mohamed – better known as ‘Lafta Gareen’, the preferred candidate of the FGS - became president, although ‘widely seen as lacking local legitimacy’.<sup>748</sup> In March 2020, the new parliament of the Southwest state was selected by clan elders, while the number of MPs was reduced from 149 to 95. In April, the parliament elected Dr. Ali Said Faqi as its new speaker. Still, in April 2020 the parliament extended the mandate of President Lafta Gareen by one-year, de facto granting him a 5-year term instead of the 4 year-term foreseen by the state constitution (reportedly in order to align parliamentary and presidential elections timeframes);<sup>749</sup>
- Clan rivalries. No specific information on this point could be found within the given time limits and among the consulted sources.

**Territorial Control and Influence.** In terms of territorial control, the South West State remains one the most affected by al-Shabaab presence and attacks. The group controls large swathes of territory in all three provinces: Lower Shabelle, Bay and Bakool. As a consequence, travel between the main cities ‘is done largely by air’,<sup>750</sup> besides by other means such as mini-buses when security conditions allow for it.<sup>751</sup>

In Bakool, whose regional capital is Xuudur (also Hudur, or Huddur), reportedly there are no federal government or state-level authorities present.<sup>752</sup> While Mukhtar Robow’s militia is still active in the Hudur district, the town is also an AMISOM ENDF base, and the area is surrounded by al-Shabaab.<sup>753</sup> At the same time the Bakool region is governed by a governor with support of Ethiopian forces allegedly operating independently from AMISOM.<sup>754</sup> Bay region is the site of the regional and (de facto) state capital Baidoa.<sup>755</sup> The town hosts a major AMISOM garrison, however al-Shabaab controls access to water, electricity and education services,<sup>756</sup> as well as it runs its own courts downtown.<sup>757</sup> The Lower Shabelle region, with Marka as the regional capital, is indisputably the area mostly affected by al-Shabaab at state level,<sup>758</sup> such as in occasion of the recent (April 2021) Barire and Awdhegle armed clashes.<sup>759</sup> In the context of Operation Badbaado, the SNA and AMISOM have successfully recaptured four main towns (Jannaale, Sabiid, Bariirre and Awdhiigle) in the area.<sup>760</sup> However, most of the region remains under the direct control or influence of al-Shabaab, and many districts/towns

<sup>747</sup> HIPS, The State of Somalia Report, January 2020, [url](#), p. 4; see also International Crisis Group, Somalia’s South West State: A New President Installed, a Crisis Inflamed, 24 December 2018, [url](#)

<sup>748</sup> HIPS, The State of Somalia Report, January 2020, [url](#), pp. 4-5

<sup>749</sup> HIPS, The State of Somalia Report, February 2021, [url](#), pp. 14-15

<sup>750</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 14

<sup>751</sup> Norway, Landinfo, Somalia: Praktiske og sikkerhetsmessige forhold på reise i Sør-Somalia [Somalia: Practical and safety conditions when traveling in Southern Somalia], 28 June 2019, [url](#), pp. 7-9

<sup>752</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 123

<sup>753</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 14

<sup>754</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 123

<sup>755</sup> UN Habitat, Baidoa Urban Profile, June 2020, [url](#), p. 8

<sup>756</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 121

<sup>757</sup> Expanding Access to Justice Program, The Shari’ah in Somalia, March 2020, [url](#), p. 25

<sup>758</sup> Sahan, The Somali Wire, Issues Jan-April 2021, n.d., source requiring registration

<sup>759</sup> Maruf H., Al-Shabab Attacks Military Bases in Southern Somalia, VOA, 3 April 2021, [url](#)

<sup>760</sup> Unpublished written information from a security organisation provided to EASO, 2020; HIPS, The State of Somalia Report, February 2021, [url](#), p. 14



experience a worsening of the overall security and institutional situation (such as Afgoye, Awdheegle, Marka, and Wenlaweyn).<sup>761</sup>

**Governance.** In terms of governance structure and state-building process, as of April 2021 the situation in South West state can be summarised as follow:

- Constitution: the constitution of the South West state of Somalia was adopted in November 2014.<sup>762</sup>
- President. South West State President is Abdulaziz Hassan Mohamed (Lafta Gareen), who was elected by the South West parliament in December 2018 for a four-year term,<sup>763</sup> later extended to five;<sup>764</sup>
- Parliament. The South West parliament, based in Baidoa, comprises 95 members, who were selected in March 2020 for a four-year term;<sup>765</sup>
- Regional governors, governments and assemblies: (a) in Bakool, with regional capital Xuudur (also Hudur, or Huddur), federal government (including the SNA) or state-level authorities are reportedly not present.<sup>766</sup> Bakool's governor is supported by Ethiopian forces operating independently from AMISOM;<sup>767</sup> (b) Bay region hosts the regional and (de facto) state capital Baidoa.<sup>768</sup> (c) Lower Shabelle, with Marka as the regional capital, is strongly affected by al-Shabaab presence and activities.<sup>769</sup> No specific information on regional assemblies or other governors could be found within the given time limits and among the consulted sources;
- Districts, district commissioners, and district councils. Overall the South West State comprises 16 districts, with the following breakdown per region: (a) Bakool region: El Barde, Xudur (Hudur), Tayeeglow (Tiyeglow), Waajid, and Rab Dhuure; (b) Bay region: Baidoa, Buur Hakaba, Dinsoor, and Qansax Dheere; and (c) Lower Shabelle region: Afgooye, Baraawe (Barawa), Kurtunwaarey, Marka (Merka), Qoriyoley, Sablaale, and Wanla Weyne (Wanlaweyn).<sup>770</sup> As of December 2020, out of the 7 prioritised district councils in South West - Baidoa, Baraawe, Berdaale, El Barde, Dinsoor, Hudur, and Wanlawey – three were formed, those in Berdaale, Dinsoor, and Hudur;<sup>771</sup>
- Local councils of elders. In an unspecified number of locations across South-Central Somalia local councils of elders reportedly 'continue to provide a multi-faceted forum covering a range of reconciliation, judicial and governance functions'.<sup>772</sup>

## 7.2.2 FMS armed forces

- The South West 'Special' Police or Darwish. The South West darwish forces were established in 2014 with the aim to retake territory from al-Shabaab as well as to strengthen the newly established state administration vis-à-vis the FGS. Originally selected by clan elders, they disbanded in part in the following years on various accounts: lack of military capacity, reverted to clan militias, colluded with SNA, surrendered to al-Shabaab.<sup>773</sup> As of 2020 they number about 2 900 fighters, deployed to eight districts – out of the 18 districts of the South West

<sup>761</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>762</sup> RBC Radio, SOMALIA: South-west state endorses a new constitution, 8 November 2014, [url](#)

<sup>763</sup> VOA, Somali Region Gets New President After Deadly Election Campaign, 19 December 2018, [url](#)

<sup>764</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 15

<sup>765</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 15

<sup>766</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 123

<sup>767</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 123

<sup>768</sup> UN Habitat, Baidoa Urban Profile, June 2020, [url](#), p. 8

<sup>769</sup> Sahan, The Somali Wire, Issues Jan-April 2021, n.d., source requiring registration

<sup>770</sup> EASO, Country of Origin Information Report – Somalia Security Situation, 2017, [url](#), pp. 86, 91, 94

<sup>771</sup> Unpublished written information from a security organisation provided to EASO, 2020; UN, Country Results Report Somalia 2020, March 2021, [url](#), pp. 24, 57

<sup>772</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>773</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 130



State. Each one of them has a 300-man contingent, while in the capital Baidoa, reportedly, about 500 Special Police forces operate.<sup>774</sup> Felbab-Brown states that '[d]espite its problematic background and record, the group is increasingly seen by local, federal and even some international actors as a source of force generation for the SNA'.<sup>775</sup>

- The South-West State Police. This is an official entity formally recognized under Somalia's security architecture. As of 2020 it numbers 824 officers and 12 US-trained investigators, while recruitment is clan based in the given area. This police force is 'tasked with community policing, traffic policing, criminal investigations and countering gender violence'.<sup>776</sup>

### 7.2.3 Other actors/forces

Apart from the local FMS 'official' armed forces, other actors/armed forces present in South-West State include (the list is not exhaustive):

- SNA. Various SNA units, including the SNA 14 October Battalion advanced element in Marka, Battalion 7 in Afgoye, Battalion 26 in Wanlaweyn, and Danaab headquarters in Bali Doogle.<sup>777</sup> As of January 2020, between 600 and 700 members of the South-West Special Police (darwish) were integrated into the SNA in the Bakool region, reportedly with no actual vetting procedure.<sup>778</sup> As of December 2018, some 250 fighters from Mukhtar Robow's militia were integrated into the SNA, reportedly with no actual vetting procedure;<sup>779</sup>
- Somali Police Force. Reportedly the federal-level police force has 270 officers deployed in the South West State 'in supervisory positions at police stations'.<sup>780</sup> For more details see section on the [Somali Police Force](#);
- AMISOM, the ENDF, and the UPDF. The South West State encompasses part of Sector 3 (Bakool and Bay) under the Ethiopian leadership (Ethiopian National Defence Force, ENDF), and part of Sector 1 (Lower Shabelle) under the Ugandan leadership (Ugandan People's Defence Force, UPDF). For more details about AMISOM and its police contingent (also in South-West) see section on AMISOM Strength and regional presence;
- Mukhtar Robow's Militia. Mukhtar Robow's militia, which is still active in the Hudur District of Bakool region, is predominantly drawn from the Rahanweyn clan and its Laysan sub-clan (Robow's power base). Reportedly, between 100 and 200 of 'his original militiamen, who were part of al-Shabaab and defected with him', have been placed by the NISA on its payroll: they are supplied with weapons and money. Another 250 fighters instead were integrated into the SNA;<sup>781</sup>
- Macawiisleeey. Macawiisleeey, is an Hawadle-led<sup>782</sup> clan militia operating in the Lower Shabelle region made of about 200 fighters. The name derives from the long sarong-like skirts worn by its members, pastoralists and farmers, who organized recently to fight al-Shabaab's excessive taxation. The group, organised on a voluntary basis and sustained by the local communities, has no support from the SNA or AMISOM;<sup>783</sup>
- Other Clan Militias. While instrumentally siding with al-Shabaab, the Bimal or Biyomal or Biyomaal clan militia has engaged for years in a fierce confrontation with the local Habar Gidir

<sup>774</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 130

<sup>775</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 130

<sup>776</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 130

<sup>777</sup> Sahan, The Somali Wire, Issues Jan-April 2021, n.d., source requiring registration

<sup>778</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 140

<sup>779</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 141

<sup>780</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 130

<sup>781</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 131

<sup>782</sup> Keating M. and Waldman M., eds., War and Peace in Somalia – National Grievances, Local Conflict and Al-Shabaab, Hurst and Company London, 2018, p. 101

<sup>783</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 129

clan militia over the control of the land in and around the town of Marka.<sup>784</sup> In September 2020, after months-long process of negotiations, they reached a peace agreement.<sup>785</sup>

## 7.2.4 Access to justice

For a first overview of the justice systems in Somalia see sections on [Access to Justice, Formal and Informal Systems](#) (including Customary Justice and Shari'ah Law) and on [Access to Justice under Al-Shabaab](#).

In the South West state, same as elsewhere in Somalia, access to justice runs in parallel across different channels:<sup>786</sup>

- **Statutory Courts.** According to the FGS Justice Report (2019) as quoted by HIPS in 2021, a total of 14 statutory courts were operating in the South-West State in 2019.<sup>787</sup> In line with the constitutional provisions (Art. 108), and most of the FMS practice, the South West State organised its own justice system around a three-tiered approach, with District (and regional court), Appeal, and Supreme Courts.<sup>788</sup> These courts are sub-divided into shari'ah and statutory courts. In Baidoa, *ulama* act as statutory court judges, with titles, they are employed by the courts. Most cases reaching statutory courts are land disputes and murder cases (after the customary justice fails to settle a dispute); usually, in murder cases, collective responsibility and compensation are applied in line with customary law, whereas capital and individual punishment would be likely to spark retaliations and communal violence. Fees at statutory courts include USD 50 per person for opening a case (*Gal-Fur*). If the case is business-related, the court charges USD 5 for every USD 100 of the amount in dispute.<sup>789</sup> Reportedly, judges and prosecutors in South West are not paid for extended periods of time,<sup>790</sup>
- **Shari'ah Courts (shari'ah law, *ulama*).** Most cases are actually handled outside (Shari'ah) courts, whereby *ulama* operate also from local mosques, schools or home offices. They address predominantly inheritance, divorce, family disputes, land disputes, and commercial/business disputes. Fees: normally *ulama* do not charge a fee but receive donations. Popular *ulama*, those held as the most knowledgeable, are known within the community and they are the ones most often chosen to handle cases. According to estimates, individual *ulama* can handle between 30-60 cases per month. However, they lack implementation and enforcement capacity;<sup>791</sup>
- ***xeer*, elders and elders councils.** Customary justice (*xeer*) through elder councils, *guurti* or *malaq*, work as the first port of call when a dispute arises.<sup>792</sup> These are distributed across the state's territory;
- **ADR Centres.** Various ADR centres, which apply *xeer* as a supplementary approach to justice under the administration of the local MoJ, have been set up (see for more details section on [Customary Justice \(xeer\) and Alternative Dispute Resolution](#)). More in particular, in Baidoa the following centres are reportedly operative: Isha Centre (Isha village, Section One), State

<sup>784</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 127; UNifeed, Somalia – Marka Reconciliation, 21 September 2020, [url](#)

<sup>785</sup> UNifeed, Somalia – Marka Reconciliation, 21 September 2020, [url](#)

<sup>786</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), pp. 29-30

<sup>787</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 19

<sup>788</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 15; Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 29

<sup>789</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), pp. 29-30

<sup>790</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 23

<sup>791</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), pp. 29-30

<sup>792</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 31; Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, [url](#), pp. 1-2; HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 27-28

Community Center (at the State Presidential Palace), Wadajir Center (Wadajir village), Horseed Center (Horseed village), Hawl-wadaag Center (Hawl-wadaag village);<sup>793</sup>

- District Peace Committees. An unspecified number of DPCs have been set up and are running in Bay and Bakool regions;<sup>794</sup>
- Al-Shabaab Courts. Al-Shabaab courts are popular in the areas under their control, but not exclusively. Reportedly, in South Central Somalia, al-Shabaab courts are predominantly located in Baidoa (Bay region) and Afgoye (Lower Shabelle region). In cases in which a decision cannot be reached by *ulama* (see above) or lacks enforcement, parties might turn to al-Shabaab courts.<sup>795</sup>

## 7.2.5 Security forces' human rights conduct

Felbab-Brown reports that '[b]ecause of international human rights training and international payments of salaries tied to human rights performance, the frequency of human rights violations by the South-West State Police has decreased'.<sup>796</sup> On the occasion of Mukhtar Robow's arrest and the ensuing protests, human rights violations increased significantly when the international community froze payment of salaries and officers increased extortion to generate income.<sup>797</sup>

In the period 5 November 2019 – 9 February 2021, the UNSG, in its various reports on the situation in Somalia, attributed to South-West security forces the following violations: (a) one incident of conflict-related sexual violence at the hand of the South-West State forces (reporting period 5 August – 4 November 2020);<sup>798</sup> (b) one incident of conflict-related sexual violence at the hand of the South-West Special Force personnel (reporting period 5 May – 4 August 2020);<sup>799</sup> (c) two journalists arbitrarily arrested (period 5 February – 4 May 2020).<sup>800</sup>

The UNSG indicated, in its latest report on Children and Armed Conflict (March 2020 – covering the period 1 August 2016 – 30 September 2019), that the country task force had verified the following violations at the hand of the South-West security forces: 22 cases of child recruitment;<sup>801</sup> 7 cases of children deprived of their liberty for alleged association with al-Shabaab or pro-ISIL elements in Somalia;<sup>802</sup> 42 cases of killing and maiming of children;<sup>803</sup> 42 cases of children victims of rape or sexual violence;<sup>804</sup> three attacks on schools and hospitals;<sup>805</sup> one case of child abduction.<sup>806</sup> The violations reported here above are in line with those reported by UNSOM during the period 1 January 2017 – 31 December 2019.<sup>807</sup>

For other violations (including grave violations against children) generally attributed to both federal and state forces see section on [FGS security institutions – security forces' human rights conduct](#).

<sup>793</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), pp. 10-11

<sup>794</sup> Saferworld and Conflict Dynamics International, Sustainable community approaches to peacebuilding in securitised environments: case study of Somalia, February 2020, [url](#), p. 5

<sup>795</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), pp. 25-26

<sup>796</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 131

<sup>797</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 131

<sup>798</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), p. 9

<sup>799</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 10

<sup>800</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), p. 8

<sup>801</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 5

<sup>802</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 7

<sup>803</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 8

<sup>804</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), pp. 9-10

<sup>805</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 10

<sup>806</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 11

<sup>807</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 32-34

## 7.3 Benadir and Mogadishu

Geographically, Benadir is the traditional coastal region in South Central Somalia that stretches over various coastal towns, from Cadale in the north (Middle Shabelle) to Kismayo in the south (Lower Juba), including Mogadishu, Marka, and Brava (also Barawa or Baraawe).<sup>808</sup> From an administrative point of view instead, Benadir is one of the regions (*gobol*) of Somalia, and it covers basically the same area as the city of Mogadishu, the site of the FGS: ‘Benadir, the capital city, remains a province under the direct authority of the FGS’.<sup>809</sup> Benadir, as an administrative region, comprises the 17 administrative districts of the capital Mogadishu, which make it, by far, the most populated *gobol* in Somalia.<sup>810</sup>

The capital city, Mogadishu, ‘prides itself as a mother of the nation’, ‘a microcosm of Somalia’, with an ‘heterogenous population drawn from many clans’.<sup>811</sup> However, the dominant clan family is the Hawiye with several sub-clans (Abgaal, Habar Gidir and Murasade). At the same time the Darood clan family – which dominates over some neighbourhoods – and minorities such as Yibr (sab) and Sheikhal are also present.<sup>812</sup> As of 2021, Mogadishu’s population is estimated to be above 2.3 million people.<sup>813</sup> These would include between 500 000<sup>814</sup> and 800 000<sup>815</sup> IDPs. Reportedly they are mostly concentrated in two districts, Daynille and Kaxda, which are located in the outskirts of Mogadishu (with over 55% of the IDP population as per 2016 data).<sup>816</sup>

### 7.3.1 Relevant dynamics, territorial control, and governance

**Relevant dynamics.** Article 9 of the Somali Provisional Constitution stipulates that the status of the capital city of Somalia (Mogadishu) ‘shall be determined in the constitutional review process, and the two houses of the Somali Federal Parliament shall enact a special law with regards to this issue’.<sup>817</sup> With adoption of this law still pending, in January 2021 President Farmajo signed the Benadir Region Representation Bill that allocates 13 additional Upper House seats to Benadir. However, the bill, which was not approved within a constitutional review process, is in direct violation of the provisional constitution, which caps the number of senators at 54, divided equally among Somalia’s 18 regions.<sup>818</sup> Currently, the Benadir region has no representation in Upper House of the Somali parliament.<sup>819</sup>

Against this backdrop, the status of Mogadishu (and of the Benadir region) remains highly disputed. On the one hand, at least a portion of the city residents would like to make of Benadir a stand-alone self-governing entity,<sup>820</sup> on the other hand the FGS leadership opposes this, as the central government ‘would lose vast powers’: ‘the FGS president appoints mayors and several deputies and mobilizes

<sup>808</sup> Encyclopaedia Britannica, Benadir, n.d., [url](#); Enciclopedia Treccani, Benadir, n.d., [url](#);

<sup>809</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 9

<sup>810</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 18

<sup>811</sup> Halbeeg, The Politics of Representation: ‘Mogadishu Status Conundrum’, Policy Brief no. 2, July 2020, [url](#), pp. 5-7

<sup>812</sup> ACCORD, Clans in Somalia – Report on a lecture by Joakim Gundel, COI Workshop Vienna, 15 May 2009 (Revised Edition), 2009, [url](#), p. 15, 19

<sup>813</sup> World Population Review, Mogadishu, 2021, [url](#)

<sup>814</sup> UNHCR, Operation Portal – IDP Situations, CCCM Cluster Somalia, 9 April 2020, [url](#)

<sup>815</sup> Halbeeg, The Politics of Representation: ‘Mogadishu Status Conundrum’, Policy Brief no. 2, July 2020, [url](#), p. 3

<sup>816</sup> Somalia, MoFAR, Internal Displacement Profiling in Mogadishu, April 2016, [url](#), pp. 3-4

<sup>817</sup> Somalia, Provisional Constitution, 1 August 2012, [url](#)

<sup>818</sup> Halbeeg, The Politics of Representation: ‘Mogadishu Status Conundrum’, Policy Brief no. 2, July 2020, [url](#), pp. 7-8; HIPS, The State of Somalia Report, February 2021, [url](#), p. 19

<sup>819</sup> Halbeeg, The Politics of Representation: ‘Mogadishu Status Conundrum’, Policy Brief no. 2, July 2020, [url](#), pp. 7-8

<sup>820</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 18; Halbeeg, The Politics of Representation: ‘Mogadishu Status Conundrum’, Policy Brief no. 2, July 2020, [url](#), pp. 5-6

them as needed for political, financial and security reasons'.<sup>821</sup> Another crucial aspect is the allocation of the seats earmarked for the Benadir region: the usual 4.5 power sharing formula is put forward as a possible criteria for their distribution, while critics of this clan-based system fear it would ignite again infightings among 'rival clans competing to assert their dominance over Mogadishu'.<sup>822</sup>

**Territorial Control and Influence.** Mogadishu is officially controlled by the FGS security institutions and AMISOM.<sup>823</sup> At the same time al-Shabaab has heavily infiltrated the state apparatus (see section on [Al-Shabaab Infiltration](#)),<sup>824</sup> it exerts its activities right in the heart of the city, including tax collection<sup>825</sup> and terrorist attacks,<sup>826</sup> (see section on [Al-Shabaab](#) and subsections for details), and 'wishes to influence' the resident population.<sup>827</sup>

**Governance.** In terms of governance structure, as of April 2021 the situation in Benadir can be summarised as follow:

- The Benadir Regional Administration (BRA). While the FGS has its site in Mogadishu and exerts its authority over it (see for details the section on the [Federal Government of Somalia](#)), at regional administrative level the town is governed by the Benadir Regional Administration (BRA). The BRA is headed by a mayor, who is assisted by its deputy, its executives (taxes, town clerk), and a secretary general. The BRA is comprised of a number of departments, including, among others: a) Human Resource Management b) Finance c) Taxation d) Market e) Revenues f) Public Assets & Trade.<sup>828</sup> No specific information on the regional assembly could be found within the given time limits and among the consulted sources;
- Mayor of Mogadishu. The city of Mogadishu is governed by the city mayor – appointed by the FGS's president - who acts as well as the governor of the BRA. As of 23 August 2019, Omar Mohamud Mohamed, better known as Omar 'Finnish' - or 'Filish'<sup>829</sup> - is the mayor of Mogadishu and the head of Benadir Regional Administration;<sup>830</sup>
- Districts, district commissioners, and district councils. Mogadishu is divided into 17 districts. These are: Abdiaziz, Bondhere, Daynile, Dharkenley, Hamar-Jajab, Hamar-Weyne, Hodan, Howl-Wadag, Huriwa (Heliwa), Kaxda, Karan, Shangani, Shibis, Waberi, Wadajir (Medina), Warta Nabada (previously Whardiigleey), and Yaqshid.<sup>831</sup> A district commissioner heads each of these districts,<sup>832</sup> assisted by a deputy, district officers, a district security commander and/or police commissioner, judges and traditional leaders. Reportedly, as of December 2020, no District Councils existed in Benadir.<sup>833</sup> As of May 2020, no district council was formed in the Heliwa and the Kaxda districts, while no information was available among the consulted sources for the other districts.<sup>834</sup>

<sup>821</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 18

<sup>822</sup> Halbeeg, The Politics of Representation: 'Mogadishu Status Conundrum', Policy Brief no. 2, July 2020, [url](#), p. 7

<sup>823</sup> Finland, Finnish immigration Service, Somalia Fact-Finding Mission to Mogadishu in March 2020, Security situation and humanitarian conditions in Mogadishu, 7 August 2020, [url](#), p. 7

<sup>824</sup> Finland, Finnish immigration Service, Somalia Fact-Finding Mission to Mogadishu in March 2020, Security situation and humanitarian conditions in Mogadishu, 7 August 2020, [url](#), pp. 12-14

<sup>825</sup> Finland, Finnish immigration Service, Somalia Fact-Finding Mission to Mogadishu in March 2020, Security situation and humanitarian conditions in Mogadishu, 7 August 2020, [url](#), pp. 3, 6, 13-14, 28

<sup>826</sup> Finland, Finnish immigration Service, Somalia Fact-Finding Mission to Mogadishu in March 2020, Security situation and humanitarian conditions in Mogadishu, 7 August 2020, [url](#), pp. 3, 4, 7-12

<sup>827</sup> Finland, Finnish immigration Service, Somalia Fact-Finding Mission to Mogadishu in March 2020, Security situation and humanitarian conditions in Mogadishu, 7 August 2020, [url](#), p. 17

<sup>828</sup> Benadir Regional Administration, Government of Somalia, About Benadir and Benadir/Departments, n.d., [url](#)

<sup>829</sup> Horn Observer, Farmajo wants Sharif to help him demilitarise Mogadishu, 5 May 2021, [url](#)

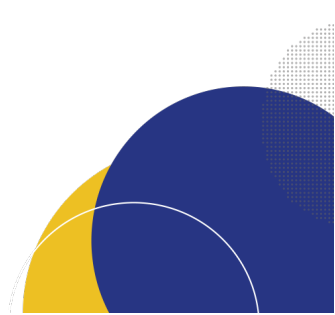
<sup>830</sup> APA News, From warlord to Mogadishu mayor, 23 August 2019, [url](#); Teller Report, Somalia: "Omar Finnish" Named New Mayor of Mogadishu – RFI, 23 August 2019, [url](#)

<sup>831</sup> Benadir Regional Administration, Government of Somalia, About Benadir, n.d., [url](#)

<sup>832</sup> Benadir Regional Administration, Government of Somalia, About Benadir, n.d., [url](#)

<sup>833</sup> UN Somalia, Country Results Report Somalia 2020, March 2021, [url](#), pp. 57

<sup>834</sup> Unpublished written information from a security organisation provided to EASO, 2020





- Local Councils of Elders. As of May 2020, in Heliwa, a local council of elders was up and running, while in Kaxda it was not set up yet.<sup>835</sup>

### 7.3.2 BRA forces

As to the Federal Forces and Security Institutions please see the relevant section on [security institutions](#) under the FGS.

- Benadir Regional Police. In April 2021, the outgoing President Farmaajo removed former Benadir Regional Police Commander, General Sadaq Omar Mohamed ‘aka Sadaq John’, from his post for protesting against term extension.<sup>836</sup>

### 7.3.3 Other actors/forces

Apart from the FGS ‘official’ armed forces (see section on [FGS security forces](#)), other actors/armed forces present in Benadir include (the list is not exhaustive):

- AMISOM. AMISOM contingents are deployed in Benadir (and Mogadishu) under Ugandan command.<sup>837</sup> For further details see section on [AMISOM](#);
- Clan militias. A number of clan and personal militias are easily mobilised in Mogadishu. This has occurred on more than one occasion during the first months of 2021 on the backdrop of the on-going political and electoral impasse whereby the incumbent government and opposition forces have clashed against each other, also militarily;<sup>838</sup>
- Private Military and Security Companies (PMSC). Sources report there are several types of private military security firms operating in Mogadishu.<sup>839</sup> Bancroft, GardaWorld, and G4S are among the private security companies supposed ‘to support the state-building and humanitarian engagement of (primarily) Western countries and the associated multi-lateral and non-governmental organisations in place on the ground’.<sup>840</sup> Reportedly these companies are ‘heavily reliant upon so-called ‘local’ partners’ who provide strategic information, and constitute ‘a point of access into clan, kinship and personal relations and the political capital necessary to operate’.<sup>841</sup> More in particular, Bancroft, in collaboration with AMISOM, secured an area of land around Mogadishu’s airport that has over the years become a ‘green zone’ for the international community, including international and local firms. Among others, PMSCs are primarily tasked with risk management services, armed security, and convoy protection, while playing the role of gatekeepers between the green zone and the city;<sup>842</sup>

<sup>835</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>836</sup> Goobjoog News, Mogadishu police boss kicked out after ‘ordering’ parliament to go home, 12 April 2021, [url](#)

<sup>837</sup> Sahan, The Somali Wire, Issues Jan-April 2021, n.d., source requiring registration

<sup>838</sup> Reuters, Somali government forces, opposition clash in Mogadishu over election protest, 19 February 2021, [url](#);

Reuters, Forces opposed to Somali president control parts of Mogadishu, 27 April 2021, [url](#); The New Arab, Can Somalia's prime minister end the country's election crisis?, 4 May 2021, [url](#)

<sup>839</sup> Majid N., Norman J., LSE Blog, Private Military and Security Companies in Somalia, 27 August 2020, [url](#); See also: Menkhaus K., Non-State Security Providers and Political Formation in Somalia, April 2016, [url](#), p. 30

<sup>840</sup> Majid N., Norman J., LSE Blog, Private Military and Security Companies in Somalia, 27 August 2020, [url](#); Menkhaus K., Non-State Security Providers and Political Formation in Somalia, April 2016, [url](#), p. 30

<sup>841</sup> Norman J., LSE, CRP, Private Military and Security Companies and the Political Marketplace in Mogadishu, 13 August 2020, [url](#), p. 1

<sup>842</sup> Norma J., LSE, CRP, Private Military and Security Companies and the Political Marketplace in Mogadishu, 13 August 2020, [url](#), pp. 1-2



- Duguf Enterprise Security Services (DESS). DESS is one of the main local enterprises for security services. Recently they renewed their contract as security providers for the UN System (UNSOS);<sup>843</sup>
- UN Guard Unit (UNGU). UNGU contingents from Uganda are tasked with protecting the UN compounds in Mogadishu.<sup>844</sup> About 600 officers and enlisted troops, protect the UN Assistance Mission in Somalia (UNSOM), the UN Support Office in Somalia (UNSOS), as well as other parts of the UN system;<sup>845</sup>
- ISSEE. Formerly known as International School for Search and Explosives Engineers, this UK funded company provides support to the Somali government and its (international) partners.<sup>846</sup>

### 7.3.4 Access to justice

For a first overview of the justice systems in Somalia see sections on [Access to justice, formal and informal systems](#) (including customary justice and shari'ah law) and on [Access to justice under Al-Shabaab](#).

As to justice facilities and institutions in Mogadishu, the situation can be summarised as follows:

- Statutory Courts. According to the FGS Justice Report (2019) as quoted by HIPS in 2021, a total of 16 active courts (in most of the districts) were operating in Benadir in 2019.<sup>847</sup> They are organised according to the usual three-tiered approach (Court of First Instance - also known as Benadir Courts, active at district level, Appeals Court, and Supreme Court),<sup>848</sup>
- Shari'ah Courts. No specific information on this point could be found within the given time limits and among the consulted sources;
- Al-Shabaab (Mobile) Courts. Al-Shabaab also operates mobile courts in Mogadishu.<sup>849</sup> 'In Mogadishu there are al-Shabaab courts in Heliwaa, one in Daynile, one in Bakara, at Arbacow area of KM 13, and Eelasha Biyaha'.<sup>850</sup>
- *xeer*, Elders and Elders Councils. Customary justice (*xeer*) through elder councils, *guurti* or *malaq*, work as the first port of call when a dispute arises.<sup>851</sup> Along with official ADR centres (see below), several other voluntary 'ADR' centres and spontaneous initiatives are run by elders;<sup>852</sup>
- ADR Centres. There are three ADR centres, established and run by the MoJ ADRU (Unit), which apply *xeer* as a supplementary approach to justice. They cover most of Mogadishu's districts. They are located in following districts: (1) Kaaraan (covering the districts of Kaaraan, Abdiiaziz, and Yaqshiid), (2) Hamar Jabjab (covering the districts of Hamar Weyn, Bondheere, Waberi, and Shangani), and (3) Hodan (covering Hodan, Howlwadag, Wardhiigley, Wadajir, and Dharkenley). ADR centres members are selected by the MoJ and district authorities, after

<sup>843</sup> Africa Intelligence, Duguf becomes go-to security provider for UN in Somalia, 7 January 2021, [url](#)

<sup>844</sup> UN News, Service and Sacrifice: Ugandan 'Blue Helmets' support UN efforts to bring peace to Somalia, 18 April 2019, [url](#)

<sup>845</sup> UNSOS, New UN Guard Unit starts duties protecting world body's staff in Mogadishu, 29 July 2019, [url](#); UN News, Service and Sacrifice: Ugandan 'Blue Helmets' support UN efforts to bring peace to Somalia, 18 April 2019, [url](#)

<sup>846</sup> Africa Intelligence, London deploys ISSEE deminers to Somalia, 10 February 2021, [url](#); ISSEE, website, n.d., [url](#)

<sup>847</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 19

<sup>848</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 15

<sup>849</sup> Expanding Access to Justice Program, Pathways and Institutions for Resolving Land Disputes in Mogadishu, January 2020, [url](#), pp. 14, 17-18

<sup>850</sup> Expanding Access to Justice Program, Pathways and Institutions for Resolving Land Disputes in Mogadishu, January 2020, [url](#), p. 17

<sup>851</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 31; Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, [url](#), pp. 1-2; HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 27-28

<sup>852</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 9

consultation with local elders.<sup>853</sup> These three ADR branches are provided by the ADRU with a one room office, a secretary, and a monthly transportation allowance of USD100 while they 'solve around 35–40 cases per month',<sup>854</sup>

- District Peace Committees (DPC): 17 District Peace Committees are active in Mogadishu: 'They work similarly to newer ADR centers established by the MoJ', although most of the time 'DPCs work independently, and without support from donors or the government'. 'Members volunteer without salaries or incentives, often out of a sense of duty'.<sup>855</sup> They are run by local communities with support from SOYDEN, a local NGO. As reported by USAID, '[a]lthough the DPCs' main objective was to build and maintain local peace, they often perform de facto local justice provision and dispute resolution, based on the xeer and its related norms and processes'.<sup>856</sup> 'Community members select committee members, who then allocate positions within the committee among themselves'. 'The committees work directly with district courts (where available) and police, which refer cases that are likely to be resolvable by mediation'.<sup>857</sup>

### 7.3.5 Security forces' human rights conduct

For an overview on the human rights conduct of the FGS security institutions, which are based in Mogadishu, see section under the FGS on [Security Forces' Human Rights Conduct](#).

The USDOS latest report on human rights practices in Somalia (2021), states that in the course of 2020 '[t]here were only a handful of lawsuits during the year seeking damages for or cessation of human rights abuses', and that '[t]he Benadir Regional Court... received four cases pertaining to abuses by NISA, police, and the Mogadishu municipality'. Moreover, '[i]ndividuals generally do not pursue legal remedies for abuses due to a lack of trust and confidence in the fairness of judicial procedures'.<sup>858</sup>

Journalists and media workers continued to face challenges exercising their right to freedom of expression.<sup>859</sup> Among others, in the period 5 November 2019 – 4 February 2020, the UN Secretary General reported about seven journalists who were harassed and threatened by security forces in Benadir.<sup>860</sup>

## 7.4 Hirshabelle

Hirshabelle, the youngest member state in the Somali federal system, was established in 2016. It comprises two regions: Hiraan, whose dominant clan is the Hawadle and has its regional capital in Beletweyne,<sup>861</sup> and the Middle Shabelle region, whose dominant clan is the Abgaal (both clans belong to the Hawiye clan-family), which has its regional capital in Jowhar.<sup>862</sup> Among others the state hosts a large Bantu community - also called Jareer ('hard' hair) - in the Shabelle valley.<sup>863</sup>

<sup>853</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 9

<sup>854</sup> Expanding Access to Justice Program, Pathways and Institutions for Resolving Land Disputes in Mogadishu, January 2020, [url](#), p. 16

<sup>855</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), pp. 5, 9

<sup>856</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 5

<sup>857</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), pp. 9-10

<sup>858</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 12

<sup>859</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9

<sup>860</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), pp. 8-9

<sup>861</sup> UN Habitat, Beledweyne Urban Profile, 2020, November 2020, [url](#), p. 6

<sup>862</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 16

<sup>863</sup> Somali Bantu, Somali Bantu History, March 2018, [url](#); Minority Rights, Somalia Bantu, March 2018, [url](#); Bantu Ethnic Identity in Somalia, Annale d'Ethiopie, [url](#), pp. 323-324

### 7.4.1 Relevant dynamics, territorial control, and governance

**Relevant Dynamics.** As reported by HIPS, during the negotiation process that led to the establishment of the federal member state, these two dominant clans entered into an informal agreement to exchange the state capital and the presidency: the Abgaal agreed to give the presidency to Hawadle in exchange for the state capital being based in Jowhar.<sup>864</sup>

In November 2020, when Ali Abdullahi Hussein – from the Hawiye-Abgaal sub-clan, better known as Ali ‘Gudlawe’, an ally of the current FGS leadership (Farmaajo) – was elected president of the Hirshabelle state with 86 votes, political protests and a separatist movement surfaced again in Hiraan.<sup>865</sup> Members of the local dominant Hawadle clan protested against the Abgaal’s supposed power grab on the state administration. This was perceived as a violation of the informal agreement which underpinned the state formation,<sup>866</sup> which then led to the formation of an armed separatist movement – the Hiraan Salvation Council (see below for more details).<sup>867</sup> This movement is demanding the traditional (and still intact) Hiraan province to be separated from Hirshabelle, and ‘to be divided into two administrative regions’, so to be able to constitute a federal member state in itself.<sup>868</sup> The movement opposes as well the presence of Federal Government aligned state officials in Beletweyne,<sup>869</sup> including the Hirshabelle State vice president and the police commissioner.<sup>870</sup>

**Territorial Control and Influence.** As reported by HIPS, a significant portion of the state territory is controlled by al-Shabaab, notably the entire northern section of the Middle Shabelle province, as well as ‘key districts’ in Hiiraan region.<sup>871</sup> The group has also managed to disrupt major supply routes, including the main road linking Mogadishu-Balcad-Jowhar-Mahadaay and then leading to Bula Burto and Beletweyne.<sup>872</sup> AMISOM and FGS officials use airplanes to travel around and supply Hiraan districts. Jowhar, the state capital, is regularly exposed to attacks from the group.<sup>873</sup>

**Governance.** In terms of governance structure and state-building process, as of April 2021 the situation in Hirshabelle state can be summarised as follow:

- Constitution: the constitution of the Hirshabelle state of Somalia was adopted on 5 October 2016;<sup>874</sup>
- President. Hirshabelle State President is Ali Abdullahi Hussein (better known as Ali ‘Gudlawe’), who was elected by the Hirshabelle parliament in November 2020 for a five-year term (after the parliament had amended the state constitution which originally foresaw a four-year term);<sup>875</sup>

<sup>864</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 16

<sup>865</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 2; HIPS, The State of Somalia Report, February 2021, [url](#), p. 3; ACLED, A turbulent run-up to elections in Somalia, 7 April 2021, [url](#)

<sup>866</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 17

<sup>867</sup> Hiraan, Hiiraan resistance faction gives HirShabelle Gov’t officials 48 hrs to exit from Beletweyne, 16 February 2021, [url](#)

<sup>868</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 17

<sup>869</sup> ACLED, A turbulent run-up to elections in Somalia, 7 April 2021, [url](#); Hiiraan Online, Hiiraan resistance faction gives HirShabelle Gov’t officials 48 hrs to exit from Beletweyne, 16 February 2021, [url](#)

<sup>870</sup> Hiiraan Online, Hiiraan resistance faction gives HirShabelle Gov’t officials 48 hrs to exit from Beletweyne, 16 February 2021, [url](#)

<sup>871</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 17

<sup>872</sup> UN Security Council, Letter dated 12 October 2020 from the Chair of the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council, 15 October 2020, [url](#), pp. 9-10; NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), pp. 32-35, 44

<sup>873</sup> HIPS, The State of Somalia Report, February 2021, [url](#), pp. 17-18

<sup>874</sup> Legal Expert, email, 10 May 2021

<sup>875</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 2; HIPS, The State of Somalia Report, February 2021, [url](#), p. 17

- Parliament. The Hirshabelle parliament, based in Jowhar, comprises 99 members, who were sworn in in October 2020,<sup>876</sup> for a four-year term;<sup>877</sup>
- Regional Governors, Governments and Assemblies: (a) In Hiraan, the regional governor is Ali Jeyte (November 2020);<sup>878</sup> (b) Middle Shabelle region, with the state capital Jowhar is the site of the state government.<sup>879</sup> No specific information on the regional assembly could be found within the given time limits and among the consulted sources;
- Districts, district commissioners, and district councils. Overall, the Hirshabelle State comprises seven districts, with following breakdown per region: (a) Hiraan: Belet Weyne (Beledweyne), Buulo Barde (Bulo Burto, Buloburde), and Jalalaqsi; (b) Middle Shabelle: Adale, Adan Yabal, Balcad (Balad), and Jowhar.<sup>880</sup> As of May 2020, out of the five prioritised district councils in Hirshabelle – Balcad, Beletweyne, Buulobarde, Jowhar and Warsheikh – only Warsheikh's was completed, while preparatory efforts were underway in Beletweyne;<sup>881</sup>
- Local council of elders. In an unspecified number of locations across South-Central Somalia local councils of elders reportedly 'continue to provide a multi-faceted forum covering a range of reconciliation, judicial and governance functions'.<sup>882</sup>

## 7.4.2 FMS armed forces

- Hirshabelle Darwish. No specific information on this point could be found within the given time limits and among the consulted sources.
- Hirshabelle State Police (and State Police Darwish Units and Special Police Units). As of February 2020, a total of about 800 police officers were or were going to be trained at the Jowhar Police Training Centre,<sup>883</sup> while at least 579 were in service as of May 2020.<sup>884</sup>

## 7.4.3 Other actors/forces

Apart from the local FMS 'official' armed forces, other actors/armed forces present in Hirshabelle include (the list is not exhaustive):

- SNA and SPF. Various SNA/SPF units (including battalions, Danab and Haramcad forces) are present in Hirshabelle;<sup>885</sup>
- AMISOM Military and Police. Burundi National Defence Forces (BNDF) are responsible for the Middle Shabelle Region (Sector 5), while Djibouti Forces are responsible for the Hiraan region (together with Galgadud it makes sector 4).<sup>886</sup> An unspecified number (in the tens) of AMISOM Individual Police Officers are stationed in Jowhar and Beletweyne;<sup>887</sup>

<sup>876</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 17; Hirshabelle, The Interim Constitution of the Regional State of Hirshabelle adopted 5th October 2016 by the Delegates, 2016, non public source, art. 33

<sup>877</sup> Hirshabelle, The Interim Constitution of the Regional State of Hirshabelle adopted 5th October 2016 by the Delegates, 2016, non-public source, Article 33

<sup>878</sup> Hiiraan Online, Clan militia join 'separatist' General Hud faction in Hiiraan region, 30 November 2020, [url](#)

<sup>879</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 16

<sup>880</sup> EASO, Country of Origin Information Report – Somalia Security Situation, 2017, [url](#), pp. 97, 100

<sup>881</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>882</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>883</sup> UNSOM, The NPM Newsletter, No. 29, August 2019, [url](#), p. 2; UNSOM, The NPM Newsletter, No. 35, February 2020, [url](#), p. 2

<sup>884</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), para. 68

<sup>885</sup> Sahan, The Somali Wire, Issues Jan-April 2021, n.d., source requiring registration

<sup>886</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), pp. 18, 56; see also AMISOM, AMISOM Military Component, n.d., [url](#)

<sup>887</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), p. 62

- Hiraan Salvation Council. General Abukar Haji Warsame, better known as General Abukar 'Hud' (or 'Xuud') is at the head of the armed separatist movement which has its base on the outskirts of Beletweyne. The group, which has an unspecified number of fighters, receives support from the Hawiye-Galjacel (Gaal-jecel) clan militia (also known as Westland Militia)<sup>888</sup> in Hiraan;<sup>889</sup>
- Ahlu Sunna Wal Jama'a. This multi-clan Sufi armed group has a limited presence in Hiraan.<sup>890</sup> See for details the section on [Galmudug Other Actors/Forces](#);
- Macawiisleey. Sources report local Macawiisleey militia presence and activities in Hirshabelle;<sup>891</sup>
- Bantu/Shidle Militia. Reported presence and activities;<sup>892</sup>
- Hawiye/Abgaal Militia. Reported presence and activities.<sup>893</sup>

#### 7.4.4 Access to justice

For a first overview of the justice systems in Somalia, see sections on [Access to Justice, Formal and Informal Systems](#) (including Customary Justice and Shari'ah Law) and on [Access to Justice under Al-Shabaab](#).

As to justice facilities and institutions in Hirshabelle, the situation can be summarised as follows:

- Statutory Courts. The state is 'far behind in institutionalizing its judicial branch'.<sup>894</sup> According to the FGS Justice Report (2019) as quoted by HIPS in 2021, a total of 12 active courts (in most of the districts)<sup>895</sup> were operating in Hirshabelle in 2019. They are organised according to the usual three-tiered approach (Court of First Instance, at district level, Appeals Court, and State Supreme Court);<sup>896</sup>
- Al-Shabaab Courts. Al-Shabaab mobile courts operate in Hirshabelle;<sup>897</sup>
- Shari'ah Courts. See for general background information the section on [Shari'ah Law](#);
- *xeer*, elders and elders councils. Customary justice (*xeer*) through elder councils, *guurti* or *malaq*, work as the first port of call when a dispute arises;<sup>898</sup>
- ADR Centres. There are ADR centres in Jowhar, which apply *xeer* as a supplementary approach to justice, and which were established by the MoJ ADRU (Unit);<sup>899</sup>

<sup>888</sup> Keating M. and Waldman M., eds., War and Peace in Somalia – National Grievances, Local Conflict and Al-Shabaab, Hurst and Company London, 2018, p. 101

<sup>889</sup> Hiiraan Online, Clan militia join 'separatist' General Hud faction in Hiiraan region, 30 November 2020, [url](#); Hiiraan Online, Fighting heard in Beledweyne after days of protest, 4 December 2020, [url](#); Hiiraan Online, Farmaajo pushing Hiiraan to the brink through suppression and military force- Ex-Minister Godah Barre, 5 December 2020, [url](#); ACLED, A turbulent run-up to elections in Somalia, 7 April 2021, [url](#)

<sup>890</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. vii

<sup>891</sup> Strategic Intelligence, Several Al Shabaab Killed, Dozen Injured After Macawiisley Militia Attacks Militant Camp In Beledweyne, 23 October 2019, [url](#); International Crisis Group, Tracking Conflict Worldwide, May 2021, [url](#)

<sup>892</sup> Sheikh Abass K., Conflict Assessment Report – Hirshabelle State, 2017, [url](#), pp. 9-10, 13

<sup>893</sup> Sheikh Abass K., Conflict Assessment Report – Hirshabelle State, 2017, [url](#), pp. 9-10, 13-14

<sup>894</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 18

<sup>895</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 19

<sup>896</sup> HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 15

<sup>897</sup> Africa News, Somali state opens sharia court to rival al Shabaab justice system, 26 July 2017, [url](#); Garowe Online, Somalia: People warned against seeking justice in Al-Shabaab courts, 30 December 2018, [url](#); see also Expanding Access to Justice Program, Pathways and Institutions for Resolving Land Disputes in Mogadishu, January 2020, [url](#), pp. 14, 17

<sup>898</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 31; Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, [url](#), pp. 1-2; HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 27-28

<sup>899</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 8



- District Peace Committees (DPCs). An unspecified number of DPC operate in both Hiraan and Middle Shabelle region.<sup>900</sup>

### 7.4.5 Security forces' human rights conduct

Journalists and media workers faced challenges exercising their right to freedom of expression.<sup>901</sup> Among others, in the period 5 November 2019 – 4 February 2020, the UNSG reported about eight journalists briefly arrested, and other media organisations suspended.<sup>902</sup> The USDOS in its human rights report noted that in the course of 2019, the National Union of Somali Journalists (NUSOJ) documented 25 cases of arbitrary arrests or prolonged detentions of journalists and other media workers, of which eight occurred in Hirshabelle.<sup>903</sup> In January 2019 more than 10 businessmen were arrested by Hirshabelle authorities after being accused of paying taxes to al-Shabaab.<sup>904</sup> For other violations (including grave violations against children) generally attributed to both federal and state forces, see section on [FGS Security Institutions – Security Forces' Human Rights Conduct](#).

## 7.5 Galmudug

Galmudug state, which was established in 2015, comprises 1.5 administrative regions: Galgadud (also Galgaduud) and approximately half of Mudug.<sup>905</sup> The state is predominantly inhabited by clans of the Hawiye family, notably Hawiye-Habar Gidir, of the Saad (centred in Galkacyo), Suliman (centred in Adaado), and *Air* (or *Cayr*) subclans (centered in Dhusamareb). Among others, Hawiye-Murasade, Hawiye-Abgaal, Hawiye-Habar Gidir-Duduble and Saruur, as well as smaller enclaves of Darood-Marehan and Dir are also present.<sup>906</sup>

The Mudug region is de facto split into two entities, with Puntland controlling the northern half,<sup>907</sup> including half of the city of Galkacyo, along the Tomaselli line (clan-based demarcation).<sup>908</sup> This divide mirrors clan divisions between two rival clan families: the Darood (specifically Majeerteen-Omar Mahmood sub-clan) who dominate Galkacyo's Puntland-administered north, and the Hawiye (specifically Habar Gidir-Saad sub-clan) who dominate the south of the town.<sup>909</sup>

### 7.5.1 Relevant dynamics, territorial control, and governance

**Relevant Dynamics.** HIPS commented in one of its recent policy briefs that '[i]n many ways, Galmudug stands out among federal member states, as it is the home state of the current president' [Farmaajo], as well as of 'many of Somalia's well-known politicians and prominent business people', and yet, 'the most dysfunctional state in the federation'.<sup>910</sup>

<sup>900</sup> Saferworld and Conflict Dynamics International, Sustainable community approaches to peacebuilding in securitised environments: case study of Somalia, February 2020, [url](#), p. 5

<sup>901</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9

<sup>902</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), p. 9

<sup>903</sup> USDOS, Country Reports on Human Rights Practices 2019 - Somalia, 11 March 2020, [url](#), p. 16

<sup>904</sup> USDOS, Country Reports on Human Rights Practices 2019 - Somalia, 11 March 2020, [url](#), p. 7

<sup>905</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), pp. iii, 5, 26

<sup>906</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 19; see also

HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), pp. 3-4

<sup>907</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 15; International Crisis Group, Galkacyo and Somalia's Dangerous Faultlines, 10 December 2015, [url](#)

<sup>908</sup> International Crisis Group, Galkacyo and Somalia's Dangerous Faultlines, 10 December 2015, [url](#)

<sup>909</sup> International Crisis Group, Galkacyo and Somalia's Dangerous Faultlines, 10 December 2015, [url](#)

<sup>910</sup> HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), p. 1; Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 5



Besides minorities, the state is officially inhabited by 11 sub-clans, each one of them with its political leverage. However, three among these sub-clans outsize the others in terms of overall power and influence, the Habar Gidir- Saad, Suliman, and Air, whose disunity is 'central to the fragmentation of the state'.<sup>911</sup> In addition to the 11 sub clans that formed the state in 2015, 'Galmudug has a dizzying number of actors with considerable sway over the various parts of the state'.<sup>912</sup> Among these:

- Ahlu Sunna Wal-Jama'ah: the multi-clan (Ayr, Dir and Marehan clans)<sup>913</sup> armed Sufi group, at length supported by Ethiopia,<sup>914</sup> used to be the most powerful military actor in the state. 'For over a decade, the ASWJ has successfully fended off Al Shabaab from the areas under its control, particularly the capital Dhusamareb and surrounding districts', without the assistance of AMISOM.<sup>915</sup> In the period 2016-2018, during the Galmudug's state building process ASWJ was incorporated into the FMS political system. As per the Djibouti Agreement from January 2018, ASWJ agreed to join the State administration and to integrate its forces into Galmudug's forces and the national army.<sup>916</sup> During this period ASWJ was also granted 89 seats in the Galmudug parliament (whose seat was in Adaado) –'making it the largest group politically in the FMS'.<sup>917</sup> However, in the period 2019-2020, the group, also weakened by internal disputes, progressively lost its political and military power, affected by the rivalry between the State and the FGS administration. In the 2020 election process the number of seats allocated to the group was reduced to 20, drawn from the existing clan allocations.<sup>918</sup> From a military perspective see section below on [Other Actors/Forces](#);
- Galkacyo Community. In 2019, the Galkacyo community concluded a three-day conference aimed at consolidating its political position within the federal member state, by demanding that it should be allocated the presidential seat (the state capital is Dhusamareb while Adaado is the seat of the State Parliament);<sup>919</sup>
- Adaado Coalition. This group or 'camp' is comprised of local clan leaders and national politicians who have broader political ambitions in the state and in the country.<sup>920</sup> Adaado is a strategic city that connects Gaalkacyo (and northeastern regions) to the rest of the Galmudug's state,<sup>921</sup> and is now the seat of the State legislature,<sup>922</sup> after contending it with Dhusamareb;<sup>923</sup>
- clan rivalries. Although in recent years 'major inter-clan conflicts appear to have decreased between Galmudug's districts and there is a level of freedom of movement across the region', sub-clan relations remain fractured and tense in rural areas, where low-level conflicts are frequent, and where clan militias are not disarmed.<sup>924</sup> See for more details section on [Other Actors/Forces](#).

**Territorial Control and Influence.** As of January 2021, as reported by HIPS 'Al-Shabaab continued to control almost the entire eastern shore and parts of the center' of the Galmudug state, 'including four

<sup>911</sup> HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), p. 4

<sup>912</sup> HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), p. 2

<sup>913</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 19

<sup>914</sup> HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), p. 4; Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 129, 141

<sup>915</sup> HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), p. 2

<sup>916</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 11

<sup>917</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 11

<sup>918</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), pp. 19-20

<sup>919</sup> HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), p. 3

<sup>920</sup> SPA and Interpeace, Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead, February 2021, [url](#), pp. 15-19

<sup>921</sup> HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), p. 3

<sup>922</sup> SPA and Interpeace, Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead, February 2021, [url](#), p. 17; Goobjoog News, Adado town is the seat of Galmudug State Assembly says president Farmaajo, 23 January 2018, [url](#)

<sup>923</sup> Berghof Foundation, Conflict Assessment, Galmudug State, 2019, [url](#), p. 9

<sup>924</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 33

major districts: El-Dheer, El-Buur, Galhareeri and Haradheere', out of the ten in the state.<sup>925</sup> Moreover, 'the militant group is only about 40 kilometers outside the state capital Dhuusamarreeb'.<sup>926</sup> The remaining six districts are reportedly controlled by a 'patchwork of militias loyal to a local sub clan', over which the state 'was never able to consolidate power, thus remaining perpetually weak and poor'.<sup>927</sup> The area (that used to be) of operation for ASWJ - especially in the Dhusamareb, Balanbal, and Caabudwaaq districts,<sup>928</sup> is one of the few areas in Somalia, apart from Puntland and Somaliland, 'where unfettered travel on roads is possible for 200–300 kilometres'.<sup>929</sup>

**Governance.** While '[m]any institutions – especially at the district level – are yet to be fully formalised or have developed unevenly',<sup>930</sup> in terms of governance structure and state-building process, as of April 2021 the situation in Galmudug state can be summarised as follows:

- Constitution: Galmudug's eleven main clans agreed on a state constitution on occasion of the Adaado conference in July 2015;<sup>931</sup>
- President. Galmudug's president is Ahmed Abdi Karie (better known as 'Qoor Qoor'), 'a former FGS minister who was openly supported by Mogadishu', and who was elected by the state parliament on 2 February 2020, at the end of a very contested electoral process with a majority of 66 out of 77 votes cast;<sup>932</sup>
- Parliament. Galmudug's parliament, now based in Adaado, comprises 89 members, who were selected according to local clan distribution by a clan elder council of 25 members (*Guurti*) at the beginning of 2020 for a four-year term;<sup>933</sup>
- Regional governors, governments and assemblies: (a) Galgaduud has its regional capital in Dhusamareb, while (b) Mudug region has its regional capital in Galkacyo.<sup>934</sup> No information on this point could be found within the given time limits and among the consulted sources;
- Districts, district commissioners, and district councils. Officially the Galmudug State comprises eight districts, with following breakdown per region: (a) Galgaduud: Ceel Dheere (El Dher), Ceel Buur (El Buur), Dhuusamarreeb (Dhusa Mareb or Dhusamareb), Abudwaaq, and Caadado (Adado); (b) Mudug: Galkacyo South, Harardhere, and Hobyo.<sup>935</sup> As of June 2020, out of the six prioritised district councils in Galmudug – Balamballe, Abudwaaq, Dhusamareb, Galkacyo (South), Hobyo and Adaado,<sup>936</sup> see section on [Federal Member States and Somaliland](#) for more details – only the district councils in Adaado and Galkacyo South were established;<sup>937</sup>
- Local council of elders. In an unspecified number of locations across South-Central Somalia local councils of elders reportedly 'continue to provide a multi-faceted forum covering a range of reconciliation, judicial and governance functions'.<sup>938</sup>

<sup>925</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 16; HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), p. 2

<sup>926</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 16

<sup>927</sup> HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), p. 2

<sup>928</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 18

<sup>929</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 11

<sup>930</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 32

<sup>931</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 10

<sup>932</sup> HIPS, The State of Somalia Report, February 2021, [url](#), pp. 15-16

<sup>933</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), pp. 18-21; HIPS, The State of Somalia Report, February 2021, [url](#), p. 16

<sup>934</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 10

<sup>935</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), pp. 31-32; see also EASO, Country of Origin Information Report – Somalia Security Situation, 2017, [url](#), pp. 103, 105

<sup>936</sup> Unpublished written information from a security organisation provided to EASO, 2020

<sup>937</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 32; UN, Country Results Report Somalia 2020, March 2021, [url](#), pp. 24, 57; FCA, District Council formation lays foundation for good governance in Galkacyo district, Somalia, 31 December 2020, [url](#)

<sup>938</sup> Unpublished written information from a security organisation provided to EASO, 2020

## 7.5.2 FMS armed forces

- Galmudug's Darwish. No specific information on this point could be found within the given time limits and among the consulted sources.
- Galmudug's State Police. 'The United Nations supported the Galmudug administration in re-establishing the state police by coordinating training on human rights and community policing for 700 officers'.<sup>939</sup>

## 7.5.3 Other actors/forces

Apart from the local FMS 'official' armed forces, other actors/armed forces present in Galmudug include (the list is not exhaustive):

- SNA and SPF presence. Felbab-Brown states that 'there are essentially no SNA and SPF forces in Galmudug'.<sup>940</sup> However, as reported by the UNSG in May 2020, 'heavy fighting erupted' between ASWJ, the SNA and the special Haramcad police in the Dhusamareb area of Galmudug in February 2020.<sup>941</sup> Reportedly, the SNA 21 Division and Gorgor Units are deployed in and around Dhusamareb.<sup>942</sup>
- Ahlu Sunna Wal-Jama'ah (ASWJ). The multi-clan (Ayr, Dir and Marehan clans)<sup>943</sup> armed Sufi group, at length supported by Ethiopia,<sup>944</sup> was formed already in 1991 with the aim to oppose jihadist groups, including more recently, al-Shabaab.<sup>945</sup> Operating mostly in Galmudug, and in part Hiraan, by 2017 it was estimated to have about 5 000 soldiers.<sup>946</sup> Reportedly, the group's religious orientation (Sufism) and strong pastoralist background would explain their determination in keeping liberated areas from al-Shabaab,<sup>947</sup> among others in Dhusamareb Balanbal, and Caabudwaaq districts.<sup>948</sup> The group has been in part integrated into the SNA and the local Galmudug's forces. Apparently, prior to the integration, there hadn't been any vetting of the militiamen despite allegations of human rights violations, among which child recruitment.<sup>949</sup> No civilian casualties were attributed to ASWJ in 2017, one in 2018 and four in 2019.<sup>950</sup>
- AMISOM Military and Police. Djibouti Forces are responsible for the Galgaduud region, which is part of Sector 4 together with Hiraan region.<sup>951</sup> As of February 2021, 227 Djiboutian troops were deployed in Dhusamareb where a FOB is under construction.<sup>952</sup>
- Clan Rivalries/militias. As of June 2020, the main fault-lines can be summarised as follows:
- Balambal, Gurieel and Heraale (Abuwaaq and Adaado districts): conflicts in these areas over land, pasture and water resources date back decades. They see, among others, two main opposing clans, Marehan and Dir.<sup>953</sup>

<sup>939</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 12

<sup>940</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 141

<sup>941</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), para. 9

<sup>942</sup> Sahan, The Somali Wire, Issues Jan-April 2021, n.d., source requiring registration

<sup>943</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 19

<sup>944</sup> HIPS, The Galmudug Crisis: A Blueprint For Sustainable Settlement, Policy Brief 19, September 2019, [url](#), p. 4; Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 141

<sup>945</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 129

<sup>946</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 129-130

<sup>947</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 129

<sup>948</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), pp. 11, 18

<sup>949</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 141-142

<sup>950</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), p. 16

<sup>951</sup> NUPI, Assessing the effectiveness of the African Union Mission in Somalia, 2018, [url](#), p. 56

<sup>952</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 14

<sup>953</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 33

- Clan boundary clashes in and around Galkacyo: the move towards federalism escalated pre-existing clan conflicts over land, infrastructure and resources in disputed areas. ‘This followed moves by the Saad clan, which is dominant in South Galka’yo, to protect its own territory from coming under Puntland’s control while also expanding its influence in West Mudug, and areas traditionally controlled by the Majeerteen and Leelkase clans’.<sup>954</sup>
- Intra-clan conflicts among Dir factions in relation to their support, or not, to ASWJ;<sup>955</sup> within this context, the Huurshe-Xeraale conflict, exemplified the past competition between Dhusamareb and Adaado. Xeraale group was aligned with the Galmudug administration based in Adaado, whereas the Huurshe camp supported Dhusamareb. This led to military confrontations which were eventually appeased with the mediation of the FGS in the course of 2019.<sup>956</sup>
- As a by-product of federalism, smaller clans sometimes attempt to form their own constituency out of an existing district or territorial area under their control so as to claim a political position and office – which may be rejected by bigger clans. This led again to inter-clan conflicts between Marehan and Dir over Heraale.<sup>957</sup>
- Other clan rivalries and active flashpoints: for the full overview see referenced report in footnote.<sup>958</sup>

### 7.5.4 Access to justice

For a first overview of the justice systems in Somalia see sections on [Access to Justice, Formal and Informal Systems](#) (including Customary Justice and Shari’ah Law) and on [Access to Justice under Al-Shabaab](#).

As to justice facilities and institutions in Galmudug, the situation can be summarised as follows:

- Statutory Courts. The state is ‘far behind in institutionalizing its judicial branch’, while Galmudug’s president ‘Qoor Qoor’ ‘only appointed a chief justice to the supreme court in August 2020, six months after he was elected. And the supreme court, like other courts in the state, does not even have offices’.<sup>959</sup> According to the FGS Justice Report (2019) as quoted by HIPS in 2021, a total of four active courts were operating in Galmudug in 2019.<sup>960</sup> They are organised according to the usual three-tiered approach (Court of First Instance, at district level, Appeals Court, and State Supreme Court).<sup>961</sup> Overall, the judiciary remains quite ‘weak’ and access to justice a priority for Galmudug’s citizens.<sup>962</sup>
- Al-Shabaab Courts. Al-Shabaab (mobile) courts operate in areas under its control in south and central Somalia.<sup>963</sup>
- Shari’ah Courts. See for general background information the section on [Shari’ah Law](#).

<sup>954</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 33

<sup>955</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), p. 34

<sup>956</sup> SPA and Interpeace, Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead, February 2021, [url](#), pp. 25-26

<sup>957</sup> Saferworld, Clans, contention and consensus - Federalism and inclusion in Galmudug, June 2020, [url](#), pp. 33-34

<sup>958</sup> SPA and Interpeace, Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead, February 2021, [url](#), pp. 26-27

<sup>959</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 18

<sup>960</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 19

<sup>961</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 15

<sup>962</sup> SPA and Interpeace, Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead, February 2021, [url](#), p. 40

<sup>963</sup> Garowe Online, Somalia: People warned against seeking justice in Al-Shabaab courts, 30 December 2018, [url](#); see also Expanding Access to Justice Program, Pathways and Institutions for Resolving Land Disputes in Mogadishu, January 2020, [url](#), pp. 14, 17;

- Elders and elder councils. Customary justice (*xeer*) through elder councils, *guurti* or *malaq*, work as the first port of call when a dispute arises;<sup>964</sup>
- ADR Centres. There are ADR centres established and run by the MoJ ADRU (Unit) in Dhusamareb;<sup>965</sup>
- District Peace Committees (DPCs). In September 2020, SOYDEN coordinated the formation of a District Peace Committee in Dhusamareb.<sup>966</sup>

### 7.5.5 Security forces' human rights conduct

In the reporting period 5 May – 4 August 2020, one incident of deprivation of liberty affecting children was attributed to the Galmudug state forces, as indicated in the UNSG situation report on Somalia.<sup>967</sup> In the reporting period 5 November 2019 – 9 February 2020, the UNSG noted that Galmudug police issued a directive ordering hotels not to host meetings and conferences without prior approval.<sup>968</sup>

The UNSG indicated, in its latest report on Children and Armed Conflict (March 2020 – covering the period 1 August 2016 – 30 September 2019), that the country task force lists the following violations by the Galmudug security forces: 168 cases of child recruitment;<sup>969</sup> 10 cases of children deprived of their liberty for alleged association with al-Shabaab or pro-ISIL elements in Somalia;<sup>970</sup> 33 cases of killing and maiming of children;<sup>971</sup> 25 cases of children victims of rape or sexual violence;<sup>972</sup> 7 attacks on schools and hospitals;<sup>973</sup> one case of child abduction;<sup>974</sup> 9 cases of denial of humanitarian access affecting aid delivery to children.<sup>975</sup> The violations reported here above are in line with those reported by UNSOM during the period 1 January 2017 – 31 December 2019.<sup>976</sup>

For other violations (including grave violations against children) generally attributed to both federal and state forces see section on [FGS Security Institutions – Security Forces' Human Rights Conduct](#).

## 7.6 Puntland

Reportedly, Puntland is 'the most stable and most developed state in the union'. It is comprised of the (traditional Siad Barre-era) regions of Bari, Nugaal, and part of Mudug,<sup>977</sup> while it also claims the Sool and Sanaag regions (as well as Ayn) based on kinship ties.<sup>978</sup> At the same time, Somaliland controls part of Sool and Sanaag and claims sovereignty over these two regions as purportedly inherited from

<sup>964</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 31; Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, [url](#), pp. 1-2; HIPS, Rebuilding Somalia's Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 27-28

<sup>965</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 8

<sup>966</sup> SOYDEN, Report on the Formation of Dusamareeb District Peace Committee, Dusamareeb District, Galmudug State, 26-29 September 2020, 10 October 2020, [url](#); Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 10

<sup>967</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9

<sup>968</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), p. 9

<sup>969</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 5

<sup>970</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 7

<sup>971</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 8

<sup>972</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), pp. 9-10

<sup>973</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 10

<sup>974</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 11

<sup>975</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 12

<sup>976</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 32-34

<sup>977</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 9

<sup>978</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 5, 25 footnote no. 2



the colonial period.<sup>979</sup> As per its state constitution however, Puntland comprises eight regions - Bari, Nugaal, Sool, Ayn, Karkaar (carved out of Bari), Mudug, Haylan (carved out of Sanaag), and Sanaag,<sup>980</sup> to which Gardafuu (carved out of Bari) was added in 2013.<sup>981</sup>

Puntland, as an autonomous state within the Somali Federal State, was established on 1 August 1998 'as an entity representing clans belonging to the Harti clan collective'.<sup>982</sup> Most of Puntland's population comes from the Darood/Harti descent group, with the political base of Puntland being Hartinimo (*Harti* meaning solidarity). Basically, the Darood/Harti clan collective comprises the Majerteen, the dominant clan in Puntland, the Dhulbahante (prevalent in the Sool region), and the Warsangeli (prevalent in the Sanaag region).<sup>983</sup> 'Its borders are, therefore, genealogically defined, and extend to where Harti and some smaller Darood groups, such as Awrtable and Leylkase, reside in the north-east'.<sup>984</sup>

With over two decades of existence, Puntland developed significant institution-building and governance mechanisms. However, it is still affected by a number of issues, including security, humanitarian, political, and socio-economic challenges.<sup>985</sup>

### 7.6.1 Relevant dynamics, territorial control, and governance

**Relevant dynamics.** Prominent political and security dynamics taking place in Puntland are:

- Tensions with the FGS. Ever since his election to state president, Said Abdullahi Deni has embodied the strenuous defence of Puntland's (but also other FMS) right to self-determination, against Mogadishu's 'wanton interventions' in the state internal and political affairs. A role that the president continues to play today, largely supported by his power base. In the course of 2020 these tensions led to political confrontations with the FGS over various issues, including: (a) final (national) exams for newly graduated students; (b) the alleged illegal activities and conduct of number of MPs, who were finally stripped of their immunity and then lost their seat.<sup>986</sup> At the time of the writing (April 2021), and in the morasses of the electoral agreement, Puntland opposes the federal president Farmaajo term's extension, together with the members of the National Salvation Council (see introduction);<sup>987</sup>
- Clashes with Somaliland. The contested regions of Sool, Sanaag, and Cayn are at the core of the long-standing controversy with Somaliland over their political and military control.<sup>988</sup> Tukaraq, among others, has been the centre of major fighting between the two states in the past few years (2018-2020);<sup>989</sup>

<sup>979</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 3-5

<sup>980</sup> Puntland State of Somalia, Constitution, December 2009, English Translation 2011, [url](#), art. 7

<sup>981</sup> Wardheer News, Civil Protest in Gardafuu Region of Puntland, 11 June 2020, [url](#)

<sup>982</sup> Hoehne M., Between Somaliland and Puntland, Rift Valley Institute – Contested Borderlands, 2015, [url](#), p. 36

<sup>983</sup> Hoehne M., Between Somaliland and Puntland, Rift Valley Institute – Contested Borderlands, 2015, [url](#), pp. 21, 36, 56; ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 3-5

<sup>984</sup> Hoehne M., Between Somaliland and Puntland, Rift Valley Institute – Contested Borderlands, 2015, [url](#), p. 36

<sup>985</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 9

<sup>986</sup> HIPS, The State of Somalia Report, February 2021, [url](#), pp. 10-11

<sup>987</sup> Garowe Online, Somali opposition team up with Federal States to form National Salvation Council, 18 march 2021, [url](#)

<sup>988</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 3-5

<sup>989</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 10; UN Security Council, Letter dated 12 October 2020 from the Chair of the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council, 15 October 2020, [url](#), p. 11; Letter dated 7 November 2018 from the Chair of the Security



- Clashes with Galmudug. Pending the definition of the boundary between Puntland and Galmudug and of the status of Galkacyo, tensions and repeated clashes between armed forces persist in and around the regional capital, whose control is split between Galmudug (Galkacyo South) and Puntland (Galkacyo North), along the Tomaselli line (see for more details the section on [Galmudug](#));<sup>990</sup>
- Security Issues. Al-Shabaab presence and activities seem to have intensified in Puntland in the course of 2020 and beginning of 2021 (suicide bombings, governors targeting, Bosasso prison assault,<sup>991</sup> among others).<sup>992</sup> For more details see section on [Islamic State in Somalia](#) (ISIS-Somalia) and [Al-Shabaab](#).
- Clan Rivalry. Dumay: intra Dhulbahante clashes between the Qayad and Baharsame sub-clans, which has been an on-going issue since the early 2000s, erupting again violently between September and October 2018;<sup>993</sup>

**Territorial Control and Influence.** Besides part of the contested areas with Somaliland (see below), Puntland controls the northern part of the Mudug region,<sup>994</sup> including north Galkacyo,<sup>995</sup> and comprises as well Nugal and Bari regions.<sup>996</sup> Reportedly (2017 source), the Islamic State-affiliated group ISIS 'has its core area in the Iskushuban district', in the Bari region,<sup>997</sup> while it retains operational basis in the Golis Mountains (east of Bossaso),<sup>998</sup> and is also present in the areas south of the port town of Qandala.<sup>999</sup> Al-Shabaab is also present in the Galgala range in the Golis Mountains.<sup>1000</sup> Although both groups controls effectively only marginal portions of these areas, their operational freedom is quite substantial in the region.<sup>1001</sup> For more details please see sections on [ISIS](#) and [Al-Shabaab](#), [Map Somalia – Approximate Territorial Control \(Figure 1\)](#), and the [Report on the Security Situation](#).

As far as the Sool and Sanaag regions are concerned, the regions administrative borders do not correspond to clan distribution and affiliation across the two sides of the border. The contested areas approximately cut in two the territory of the administrative regions, along a longitudinal direction, where Harti-sub clans (Dhulbahante and Warsengeli) border with Isaaq-sub clans.<sup>1002</sup> Within this context, Somaliland has made inroads into Sool through its presence in Las Anod (taken in 2007), and

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Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, 9 November 2018, [url](#), pp. 5, 33, 35-36

<sup>990</sup> SPA and Interpeace, Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead, February 2021, [url](#), pp. 32, 39; Somaliland Standard, Somalia: Rival forces loyal to Puntland & Galmudug clash in Galka'ayo, 3 May 2020, [url](#); Somali Dispatch, Fighting Erupts between Galmudug and Puntland, 3 May 2020, [url](#); International Crisis Group, Galkacyo and Somalia's Dangerous Faultlines, 10 December 2015, [url](#)

<sup>991</sup> Reuters, Al Shabaab militants storm Somali jail, seven soldiers killed, 5 March 2021, [url](#)

<sup>992</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 10; International Crisis Group, Tracking Conflict Worldwide, Somalia, May 2021, [url](#)

<sup>993</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), p. 16

<sup>994</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 15, footnote no. 65

<sup>995</sup> International Crisis Group, Galkacyo and Somalia's Dangerous Faultlines, 10 December 2015, [url](#)

<sup>996</sup> HIPS, The State of Somalia Report, February 2021, [url](#), p. 9

<sup>997</sup> EASO, Country of Origin Information Report – Somalia Security Situation, 2017, [url](#), p. 108

<sup>998</sup> OWP, Islamic State in Somalia, 2020, [url](#)

<sup>999</sup> EASO, Country of Origin Information Report – Somalia Security Situation, 2017, [url](#), p. 108; see also ISS, East African terror groups are exploiting the seas, 13 October 2020, [url](#)

<sup>1000</sup> EASO, COI Query - Security situation in Puntland and Somaliland (January – 15 November 2019), 12 December 2019, [url](#), p. 7; VOA, Al-Shabab Raid on Somalia Military Base Kills Several Soldiers, 2 June 2018, [url](#)

<sup>1001</sup> Jamestown Foundation (The), Horton M., Terrorism Monitor, No Foothold for al-Shabaab in Somaliland, 14 August 2020, [url](#)

<sup>1002</sup> Hoehne M., Between Somaliland and Puntland, Rift Valley Institute – Contested Borderlands, 2015, [url](#), pp. 34-37

Tukaraq (taken in 2018), appearing ‘to maintain the upper hand militarily’ in the region.<sup>1003</sup> At the same time, ‘Sanaag remains an area where both sides retain a presence, albeit with greater linkages to Puntland’.<sup>1004</sup> In the course of 2019, few episodes of military defection from Somaliland to Puntland led to the militarisation of the area, as well as to skirmishes and military confrontations around the towns of Yube and Badhan (east of Erigabo).<sup>1005</sup> The Warsengeli had until then resisted the deployment of armed forces in their territory, while their elites had established relationships with both Somaliland and Puntland, in line with their reputation of ‘borderlands entrepreneurs’ (along with Dhulbahante clan elites).<sup>1006</sup> Ultimately, though, they repositioned themselves more in association to Puntland, which, as a result, strengthened its military and administrative control of the region.<sup>1007</sup>

**Governance.** In terms of governance structure and state-building process, as of April 2021 the situation in Puntland state can be summarised as follow:

- **Constitution:** Puntland State Constitution was ratified by 478 delegates representing the Puntland communities on 18 April 2012.<sup>1008</sup>
- **President.** Puntland’s president, Saed Abdullahi Deni, formerly FGS planning minister, was elected by the state parliament on 8 January 2019, with a majority of 35 votes out of the 66 of the House of Representatives.<sup>1009</sup>
- **Parliament.** Puntland’s parliament, which is based in Garowe, comprises 66 members, who were selected by traditional elders according to a clan-based system (17 *Dhulbahante*, 9 *Warsengeli*, and, among others, *Majeerteen*)<sup>1010</sup> at the end of 2018.<sup>1011</sup> De jure though, the House of Representatives, should be elected directly by the people of Puntland, through universal suffrage, for a five-year term.<sup>1012</sup>
- **Regions, regional governors and deputy governors.** As per the State Constitution Puntland comprises of 8 regions - Bari, Nugaal, Sool, Ayn, Karkaar, Mudug, Haylan, and Sanag,<sup>1013</sup> to which Gardafuu (carved out of Bari) was added in 2013.<sup>1014</sup> In line with art. 120 ‘Decentralization of Regional and District Administrations’, Puntland’s governance system ‘shall be based on decentralisation’, with the Puntland’s State ‘divided into regions and districts’, to be restricted and demarcated by the Government.<sup>1015</sup>
- **Districts, district commissioners, and district councils.** As per the State Constitution (art. 123), ‘[e]ach region of Puntland, for the purpose of local administration, shall be divided into districts. A special law shall determine the number, name and boundaries of the districts’.<sup>1016</sup> Moreover, ‘[e]ach district shall have economic and administrative autonomy, and shall be administered by a

<sup>1003</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 9-11

<sup>1004</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), p. 9

<sup>1005</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 12-14

<sup>1006</sup> Hoehne M., Between Somaliland and Puntland, Rift Valley Institute – Contested Borderlands, 2015, [url](#), pp. 24, 150; ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 6-7, 21-22;

<sup>1007</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 12-14

<sup>1008</sup> Interpeace, A historic moment: Puntland’s constitution now ratified, 20 April 2012, [url](#);

<sup>1009</sup> VOA, Somalia’s Puntland Region Elects New President, 8 January 2019, [url](#)

<sup>1010</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), p. 8

<sup>1011</sup> Garowe Online, Somalia: Puntland gets new Parliament that will vote for president January 8, 1 January 2019, [url](#); HIPS, The State of Somalia Report, January 2020, [url](#), pp. 5-6

<sup>1012</sup> Puntland State of Somalia, Constitution, December 2009, English Translation 2011, [url](#), art. 60

<sup>1013</sup> Puntland State of Somalia, Constitution, December 2009, English Translation 2011, [url](#), art. 7

<sup>1014</sup> Wardheer News, Civil Protest in Gardafuu Region of Puntland, 11 June 2020, [url](#)

<sup>1015</sup> Puntland State of Somalia, Constitution, December 2009, English Translation 2011, [url](#), art. 120

<sup>1016</sup> Puntland State of Somalia, Constitution, December 2009, English Translation 2011, [url](#), art. 123

District Council', elected by the citizens of each district for a period of five years.<sup>1017</sup> Puntland comprises several districts, with following breakdown per region: (a) Mudug region: Galkacyo (North), Jiriban, Galdogob; (b) Nugal region: Garowe, Eyl, and Burtinle; (c) Bari Region: Alula, Qandala, Bossaso, Iskushuban, Gardo (Qardho), and Bandera Beila; contested regions with Somaliland, Sool and Sanaag, consist of the following districts, (d) Sool region: Las Anod, Taleh, Hudun, Ainado; (e) Sanaag region: El Afwein, Erigabo, Las Qoray.<sup>1018</sup> Reportedly, as of December 2020, districts councils were set-up and running in Puntland,<sup>1019</sup>

- Local council of elders. No specific information on this point could be found within the given time limits and among the consulted sources.

## 7.6.2 FMS armed forces

As per Art. 86 of the Puntland constitution, the state security forces comprise of: (a) Border Police (*Darawishta*); (b) Police; (c) Intelligence forces; and (d) Correctional forces.<sup>1020</sup>

- Puntland State Police (PSP). Reportedly, as per the UN Somalia Results Report 2020, the PSP 'is the only functioning state police service' among the FMS police services.<sup>1021</sup> As per the UN Somalia Country Results Report for 2019, there are 3 500 police officers in Puntland.<sup>1022</sup>
- Puntland Maritime Police (PMP). A formal security actor embedded in the Somali National Security Architecture, the group has between 100 and 200 members, although essentially no enforcement capacity and no vessels. 'While almost inactive in terms of anti-piracy operations, it has fought the PMPF over access and control of Bosasso'.<sup>1023</sup>
- Puntland Darwish or 'Special Police'. Puntland previous President, Abdiweli Gaas, agreed to integrate 2 400 darwish forces into the SNA. However, the current president Deni, in January 2020 recalled them and put them under his control (after the FGS failed to pay their salaries). At the moment no PMPF (see below) or PSF (see below) are going to be integrated into the Somali National Security Architecture. The failure in the planned integration has contributed to worsen the relationships between the FGS and Puntland. The actual current number of darwish forces under the control of the Puntland administration is difficult to ascertain.<sup>1024</sup>
- Puntland Intelligence and Security Agency (PISA). On 23 September 2019 Puntland's current President Said Abdullahi Deni appointed Mukhtar Mohamed Hassan as the new head of PISA on a permanent basis.<sup>1025</sup>
- Puntland Maritime Police Force (PMPF). Numbering about 500 men, the PMPF was originally set up by the United Arab Emirates as a tool to counteract piracy activities in the Gulf of Aden by tackling pirates on land in Puntland. Still funded by the UAE, this force has no basis in Somalia's constitution and operates outside of Somalia's security architecture. Over the years the PMPF has become involved in Puntland politics, clan rivalries, and geopolitical conflicts, while being used to combat al-Shabaab and IS forces as well. Today, it still works as the praetorian guard of current Puntland's administrations, with the UAE trying however to discourage its use as presidents' personal militia.<sup>1026</sup> At the same time the PMPF has

<sup>1017</sup> Puntland State of Somalia, Constitution, December 2009, English Translation 2011, [url](#), art. 123

<sup>1018</sup> FSNAU, Somalia – Administrative Maps, n.d. [url](#); Also: Somalia Supreme Court of Somalia, Judiciary Report Assessment 2020, 2021, unpublished report, p. 21

<sup>1019</sup> UN, Country Results Report Somalia 2020, March 2021, [url](#), p. 57; UN, Country Results Report Somalia 2019, June 2020, [url](#), p. 63

<sup>1020</sup> Puntland State of Somalia, Constitution, December 2009, English Translation 2011, [url](#), art. 86

<sup>1021</sup> UN, Country Results Report Somalia 2020, March 2021, [url](#), p. 60

<sup>1022</sup> UN Somalia, Country Results Report 2019, June 2020, [url](#), p. 19

<sup>1023</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 135

<sup>1024</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 142

<sup>1025</sup> Garowe Online, Puntland president appoints new intelligence chief, 24 September 2019, [url](#)

<sup>1026</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 133-136

supplanted various official policy functions in Bosasso, while claiming to be conducting anti-pirate and intelligence operations ‘against pirates and potential pirates’. Among other Emirate companies operating there, the Emirate business company P&O manages the port of Bosasso.<sup>1027</sup> Within this context (see also [Country Background](#)), Qatari and Emirates competing interests and agenda in the area have allegedly led to the instrumental use of the PMPF (and IS) on the one hand (on the side of the Emirates), against al-Shabaab and Qatari interests on the other hand (on the side of Qatar).<sup>1028</sup>

- Puntland Security Force (PSF). Numbering about 600 soldiers - 1 000 according to Somali expert Felbab-Brown,<sup>1029</sup> the group is ‘mentored and supported by the United States of America’, reports directly to the President of Puntland, and is meant to contrast terrorist activities.<sup>1030</sup> The PSF operates outside of Somalia’s constitution and security architecture, and was set up by the US as a ‘separate private auxiliary group’.<sup>1031</sup>

### 7.6.3 Other actors/forces

Apart from the local FMS ‘official’ armed forces, other actors/armed forces present in Puntland include (the list is not exhaustive):

- Yulux ex-Militia. Isse Yulux, a well-known pirate, brought back to Puntland his 350-man ex-pirate militia and set up commercial operations in seven Puntland cities, transitioning from piracy into business and politics. Since 2018 his men have been allegedly engaged in a clandestine militia war against PMPF (supported by the UAE) and the new (Emirate) logistical company which has been contracted for the management of the port of Bossaso, thus replacing Yulux-linked company. Reportedly Yulux maintains relations with both al-Shabaab and ISIS.<sup>1032</sup>

### 7.6.4 Access to justice

For a first overview of the justice systems in Somalia see sections on [Access to Justice, Formal and Informal Systems](#) (including Customary Justice and Shari’ah Law) and on [Access to Justice under Al-Shabaab](#).

As to justice facilities and institutions in Puntland, the situation can be summarised as follows:

- Statutory Courts. Puntland has by far the most advanced (formal) judicial system among the FMS. It was established with Law. No. 2 1999, which stipulates a three-tiered system with District/First Instance Courts, Courts of Appeal in the regional capitals, and the State Supreme Court in the state capital Garowe. Completing this, Puntland also established a Higher Judicial Council (to oversee the judiciary) and the Office of the Attorney General, which includes its deputy and the nine Prosecutors of the nine regions of Puntland.<sup>1033</sup> According to the Supreme Court of Somalia in its Report Assessment of the Judiciary for 2020, Puntland courts have

<sup>1027</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), pp. 135-136

<sup>1028</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 136

<sup>1029</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 134

<sup>1030</sup> UN Security Council, Letter dated 1 November 2019 from the Chair of the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council, 1 November 2019, [url](#), p. 138

<sup>1031</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 134

<sup>1032</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 134

<sup>1033</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 9; see also Somalia, Supreme Court of Somalia, Awoodda Garsoorka – Buugga Sanadka Garsoorka 2020 [Judiciary Branch – Justice Report 2020], 2021, n.d., p. 21

received 6 408 cases in 2020 (4 233 civil, 2 168 penal, plus others).<sup>1034</sup> Reportedly the number of cases received by the statutory system in Puntland was instead 7 135 in 2019, processed by 34 active statutory courts.<sup>1035</sup> Still based on the same report the total staff of the judiciary is 234 people, including: ‘Judges, Prosecutors, Assistants, Drivers, Servants and Guardians’;<sup>1036</sup>

- Military Courts. No specific information on this point could be found within the given time limits and among the consulted sources;
- Al-Shabaab (Mobile) Courts. No specific information on this point could be found within the given time limits and among the consulted sources;
- Shari’ah Courts. See for general background information the section on [Shari’ah Law](#). As per the Puntland constitution, (Art. 9.1) ‘Islam shall be the only religion of Puntland State of Somalia’, and (Art. 9.2) ‘no other religion shall be propagated in Puntland State’. Moreover, (Art. 9.3-4), ‘the laws and culture of the people shall be based on the Islamic religion, and ‘any law and any culture that contravenes Islam shall be prohibited’;<sup>1037</sup>
- *xeer*, elders and elder councils. Customary justice (*xeer*) through elder councils, *guurti* or *malaq*, works as the first port of call when a dispute arises;<sup>1038</sup>
- ADR Centres. There are ADR centres established and run by the MoJ ADRU (Unit) in Bosasso, Garowe, Galkacyo, Badhan, Buhodle, Dahar and Burtinle;<sup>1039</sup>
- District Peace Committees (DPCs). No specific information on this point could be found within the given time limits and among the consulted sources.

### 7.6.5 Security forces’ human rights conduct

- PMPF. Reportedly, the seizing by the PMPF of policy functions beyond its mandate has caused conduct issues: ‘the raids into people’s houses have at times proven deadly to civilians’, without a proper distinction ‘between innocent citizens and criminals’. Reportedly lacking adequate human rights training, PMPF officers also tend ‘to round up people from neighbourhoods and place them in detention without charges for days’.<sup>1040</sup>
- PISA. PISA intelligence service, among other authorities, has also been criticised for illegally detaining journalists.<sup>1041</sup>

In the period 5 November 2019 – 9 February 2021, the UNSG, in its various reports on the situation in Somalia, attributed to Puntland security forces following violations: (a) 1 death sentence executed and another 24 issued;<sup>1042</sup> seven verified incidents of conflict-related sexual violence (reporting period 5 November 2020 – 9 February 2021);<sup>1043</sup> (b) two cases of arbitrary arrest of journalists, two cases of children deprivation of liberty (reporting period 5 August – 4 November 2020);<sup>1044</sup> (c) two cases of

<sup>1034</sup> Somalia, Supreme Court of Somalia, Awoodda Garsoorka – Buugga Sanadka Garsoorka 2020 [Judiciary Branch – Justice Report 2020], 2021, n.d., pp. 7-8

<sup>1035</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 19

<sup>1036</sup> Somalia, Supreme Court of Somalia, Awoodda Garsoorka – Buugga Sanadka Garsoorka 2020 [Judiciary Branch – Justice Report 2020], 2021, n.d., p. 22

<sup>1037</sup> Puntland State of Somalia, Constitution, December 2009, English Translation 2011, [url](#)

<sup>1038</sup> Expanding Access to Justice Program, The Shari’ah in Somalia, March 2020, [url](#), p. 31; Expanding Access to Justice Program, Access to Justice Assessment Tool 2020, Somalia Baseline Study Brief, [url](#), pp. 1-2; HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 27-28

<sup>1039</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), p. 8

<sup>1040</sup> Felbab-Brown, V., The Problem with Militias in Somalia, 2020, [url](#), p. 135

<sup>1041</sup> Puntland Post, Puntland Intelligence Agency Under Fire For Illegally Detaining A Journalist, 12 January 2021, [url](#); Al, Somalia: Authorities must end arbitrary arrests and persecution of journalists in Puntland, 9 March 2021, [url](#)

<sup>1042</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 9

<sup>1043</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 10

<sup>1044</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), pp. 8-9



deprivation of liberty affecting children (reporting period 5 May – 4 August 2020);<sup>1045</sup> (d) five journalists arbitrarily arrested (reporting period 5 February – 4 May 2020);<sup>1046</sup> one journalist arbitrarily arrested (reporting period 5 November 2019 – 4 February 2020).<sup>1047</sup>

The UNSG indicated, in its latest report on Children and Armed Conflict (March 2020 – covering the period 1 August 2016 – 30 September 2019), that the country task force had verified the following violations at the hand of the Puntland security forces: 61 cases of child recruitment;<sup>1048</sup> 21 cases of killing and maiming of children;<sup>1049</sup> seven cases of children victims of rape or sexual violence;<sup>1050</sup> one case of denial of humanitarian access affecting aid delivery to children.<sup>1051</sup> The violations reported here above are in line with those reported by UNSOM during the period 1 January 2017 – 31 December 2019.<sup>1052</sup>

In a letter addressed to the Security Council, the UN Monitoring Group on Somalia and Eritrea documented, in the period 2017-October 2018, a ‘disturbing account of the detention, torture and execution of children by Puntland authorities’.<sup>1053</sup> In the same report, the Monitoring Group documented several instances of forced evictions of internally displaced persons in Bossaso, Galkacyo and in the areas affected by the conflict between Somaliland and Puntland in Sool region.<sup>1054</sup>

For other violations (including grave violations against children) generally attributed to both federal and state forces see section on [FGS Security Institutions – Security Forces’ Human Rights Conduct](#).

## 7.7 Somaliland

Somaliland declared its independence in 1991 while the civil war was occurring in the rest of Somalia. Ever since Somaliland has embarked an institution-building and democratisation process, combining in a hybrid entity traditional and modern forms of governance, that make it stand out compared to other parts of Somalia.<sup>1055</sup>

Somaliland, in terms of clan representation, consists of members of the Dir clan – Gadabursi, Issa or Ciise, members of the Isaaq clan, which are the dominant group, members of the Dhulbahante and Warsangeli clans of the Darood/Harti family,<sup>1056</sup> as well as other minority groups, such as the Gaboye.<sup>1057</sup> In some clan genealogies, Isaaq are subsumed under the Dir although, given their size and political weight, they constitute a clan-family on their own.<sup>1058</sup> Within the Isaaq, the three major clans

<sup>1045</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9

<sup>1046</sup> UNSG, Situation in Somalia, 13 May 2020, [url](#), p. 8

<sup>1047</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), p. 8

<sup>1048</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 5

<sup>1049</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 8

<sup>1050</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), pp. 9-10

<sup>1051</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 12

<sup>1052</sup> UNSOM and OHCHR, Protection of Civilians Report, Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017 – 31 December 2019, 2020, [url](#), pp. 32-34

<sup>1053</sup> UN SEMG, Letter dated 7 November 2018 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, 9 November 2018, [url](#), pp. 6, 39-40

<sup>1054</sup> UN SEMG, Letter dated 7 November 2018 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, 9 November 2018, [url](#), p. 41

<sup>1055</sup> Hersi M. F., State fragility in Somaliland and Somalia: A contrast in peace and state building, August 2018, [url](#), pp. 9-11; Walls M., The Emergence of a Somali State: Building Peace from Civil War in Somaliland, in African Affairs, July 2009, [url](#)

<sup>1056</sup> Hoehne M., Between Somaliland and Puntland, Rift Valley Institute – Contested Borderlands, 2015, [url](#), pp. 20-21

<sup>1057</sup> Vitturini E., The Gaboye of Somaliland: Legacies of Marginality, Trajectories of Emancipation, PhD Thesis, 2017, [url](#), p. 3

<sup>1058</sup> Hoehne M., Between Somaliland and Puntland, Rift Valley Institute – Contested Borderlands, 2015, [url](#), p. 20



are: Habar Awal, Habar Jeclo, and Garhajis, with the latter including the Habar Yonis and Idagalle.<sup>1059</sup> Somaliland is allegedly dominated by the Habar Jeclo-Habar Awal political alliance, which is referred to in Somaliland as the 'rainbow alliance'.<sup>1060</sup>

### 7.7.1 Relevant dynamics, territorial control, and governance

**Relevant Dynamics.** Prominent political and security dynamics taking place in Somaliland are:

- International recognition. On 1 July 2020 Taiwan decided to exchange diplomatic offices with Somaliland,<sup>1061</sup> while Turkey, Ethiopia, and Djibouti have already their consulates in Hargeisa.<sup>1062</sup> While also Denmark has an office,<sup>1063</sup> Kenya decided at the end of 2020 to open its own consulate by the end of March 2021.<sup>1064</sup> Moreover, the Spanish navy has conducted exercises with Somaliland's coast guard, and the United Arab Emirates leased a base in Berbera. However, 'none of these countries nor the African Union interpret their involvement as undermining broader diplomatic policies or bestowing formal recognition of [Somaliland's] independence'.<sup>1065</sup>
- Clan rivalries, including in:
  - Somaliland as a whole: Somaliland is reportedly dominated by the political alliance between the Habar Awal and the Habar Jeclo, with the latter in particular opposed by the third main clan group in Somaliland, the Habar Yonis (together with the Idagalle part of the Garhajis clan).<sup>1066</sup> These clans are dominant in central Somaliland, while west and east of Somaliland are the site of different clans. The Gadabursi (Dir clan family, together with the Issa) are dominant in the west, while two Darood/Harti clans (Warsengeli and Dhulbahante) are dominant in the east;<sup>1067</sup>
  - Erigabo and El Afweyne district: the conflict between *Habar Jeclo* and *Habar Yonis* sub-clans of the Isaaq clan,<sup>1068</sup> which has surfaced recurrently in El Afweyne, erupted again in 2019,<sup>1069</sup> when defecting colonel Aare was initially received by Puntland and set up his base in Qardo. However, after relocating back to Somaliland' controlled regional capital of Erigabo, he was received by Somaliland government officials and agreed to surrender his 900 rebel soldiers.<sup>1070</sup> This also led, reportedly, to end acrimonies between the two clans resident in El Afweyne district,<sup>1071</sup> the Habar

<sup>1059</sup> Hoehne M., Between Somaliland and Puntland, Rift Valley Institute – Contested Borderlands, 2015, [url](#), p. 20; ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), p. 5

<sup>1060</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 12, 27

<sup>1061</sup> Rubin M., It's Time for a U.S. Navy Port Call in Somaliland, 31 July 2020, [url](#)

<sup>1062</sup> BBC News, Somaliland and Taiwan: Two territories with few friends but each other, 13 April 2021, [url](#)

<sup>1063</sup> Denmark, Ministry of Foreign Affairs, Denmark in Somalia, About us, n.d., [url](#)

<sup>1064</sup> New York Times (The), Somalia Severs Diplomatic Ties With Kenya, 16 December 2020, [url](#)

<sup>1065</sup> Rubin M., Somaliland – Key to Winning America's Longest War, 7 March 2019, [url](#)

<sup>1066</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 12-13; see also International Crisis Group, Averting War in Northern Somalia, 27 June 2018, [url](#)

<sup>1067</sup> ISS, Mahmood O. and Farah M., High stakes for Somaliland's presidential elections, East Africa Report 15, October 2017, [url](#), pp. 8-9

<sup>1068</sup> International Crisis Group, Averting War in Northern Somalia, 27 June 2018, [url](#); see also Horn Diplomat, Somaliland: State sternly warns perpetrators of recurrent El-Afweyne Skirmishes, 23 July 2017, [url](#)

<sup>1069</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), pp. 10-13

<sup>1070</sup> Somaliland Sun, Somaliland: Rebel Colonel Arre Disbands Militia Returns to the Fold, 2 January 2020, [url](#)

<sup>1071</sup> Somaliland Sun, Somaliland: Government Ends Three Months Clan Insurgency in Saanaag Region, 6 June 2020, [url](#)

Jeclo/Biide and the Habar Yonis/Saad Yonis.<sup>1072</sup> However, later in 2020, the Xaqdoon clan militia, which was established in El Afweyne in April 2020, took to the arms to fight against claimed grievances, to then hand them over three months later after reaching an agreement with government officials.<sup>1073</sup>

- Contested Areas. Sool, Sanaag and Cayn are contested between Somaliland and Puntland. See relevant section within [Puntland](#)'s chapter as well as below.

**Territorial Control and Influence.** As security expert Michael Horton puts it 'the government of Somaliland exerts consistent control over most of the territory that it claims'.<sup>1074</sup> Despite its limited resources, Somaliland has overall denied al-Shabaab a foothold in the country: 'Al-Shabaab has failed to establish an enduring presence in the autonomous but unrecognized Republic of Somaliland' commented the expert at the end of 2019.<sup>1075</sup> While 'Al-Shabaab's Amniyat maintains its own network of informants' in the country, Somaliland's National Intelligence Service (NIS) and army rely extensively on Human Intelligence (HUMINT), community-led efforts, and close ties with local elites, 'to monitor and assess potential encroachments by al-Shabaab'.<sup>1076</sup> A combination of informal and formal intelligence gathering capabilities and networks, (NIS, police and army intelligence officers, informal local networks) are keys to this success.<sup>1077</sup>

However, in November 2019, with about 70 fighters, al-Shabaab made a first attempt at penetrating the Sanaag region, briefly occupying the town of Gacan-Maroodi, around the Garof Hills area in the Yube district (about 50 km east of Erigavo).<sup>1078</sup> Reportedly, within hours Somaliland managed to repel this attempt, by deploying NIS and army officers that marshalled local militias. In late October 2020, a renewed attempt by al-Shabaab led to their taking control of several villages still in the Sanaag region (Miri, Masha-Aled, Habasha Haw-Ali, Markeet), this time in an area under Puntland's influence, in between the strategic towns of Lasqoray (on the coast) and Badhan.<sup>1079</sup> Concomitantly, 'both al-Shabaab and ISS use small vessels to move men and material into Somaliland from small ports in Puntland'.<sup>1080</sup>

As far as the contested regions with Puntland (Sool, Sanaag and Cayn) are concerned, see section on [Puntland – Territorial Control and Influence](#).

**Governance.** Somaliland's governance structure is fairly developed compared to other parts of Somalia.<sup>1081</sup> Main institutions at national and local level can be described as follows:

<sup>1072</sup> ISS, Mahmood O., Overlapping claims by Somaliland and Puntland – The case of Sool and Sanaag, November 2019, East Africa Report No. 27, [url](#), p. 26

<sup>1073</sup> Somaliland Sun, Somaliland: Government Ends Three Months Clan Insurgency in Sanaag Region, 6 June 2020, [url](#); International Crisis Group, Tracking Conflict Worldwide, Somaliland June 2020, [url](#)

<sup>1074</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), pp. 20-25

<sup>1075</sup> Horton M., Jamestown Foundation Terrorism Monitor, No Foothold for al-Shabaab in Somaliland, 14 August 2020, [url](#); Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), pp. 20-25

<sup>1076</sup> Horton M., Jamestown Foundation Terrorism Monitor, No Foothold for al-Shabaab in Somaliland, 14 August 2020, [url](#)

<sup>1077</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), p. 22

<sup>1078</sup> Horton M., Jamestown Foundation Terrorism Monitor, No Foothold for al-Shabaab in Somaliland, 14 August 2020, [url](#); Long War Journal, Shabaab moves into Somaliland town, 18 November 2019, [url](#)

<sup>1079</sup> Somali Guardian, Al-Shabaab captures villages along the disputed Somaliland-Puntland border, 25 October 2020, [url](#); Critical Threats, Gulf of Aden Security Review, 11 December 2020, [url](#); Critical Threats, Gulf of Aden Security Review, 30 October 2020, [url](#)

<sup>1080</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), p. 22

<sup>1081</sup> Hersi M. F., State fragility in Somaliland and Somalia: A contrast in peace and state building, August 2018, [url](#), pp. 13-15

- Constitution: Somaliland's State Constitution<sup>1082</sup> was drafted by a 'constituent assembly' made up of 150 members of local clans and political entities, and then approved by referendum (with 1.1 million eligible voters) on 31 May 2001;<sup>1083</sup>
- President. Somaliland's president is Muse Bihi Abdi, formerly a member of the Somali National Movement (a group originally meant to 'challenge the hardline military regime of Mohamed Siad Barre'<sup>1084</sup>). Through direct general election (Art. 83 Somaliland's Constitution<sup>1085</sup>), he was elected as state president, with 55 %of the vote, on 13 November 2017, for a five-year term;<sup>1086</sup>
- Parliament. Somaliland's parliament, an example of modern-traditional (hybrid) institution building,<sup>1087</sup> comprises the House of Representatives (82 members), which is elected and is the main legislative body (art. 39-56 of the Somaliland Constitution), and the House of Elders (82 members) - *Guurti*, in Somali, which is currently indirectly elected by the various communities and is the revising chamber for the legislation (art. 57-73 of the Somaliland Constitution);<sup>1088</sup>
- Regions, districts and chairmen. The new Regions & Districts Self-Management Law (Law No 23/2019) legislates about regional and district administration, as per art. 109-112 of Somaliland's Constitution. This law confirms that the country consists of six (6) regions, and 102 districts, with following breakdown: a) Maroodiyeex (19 Districts); Togdheer (22 Districts); Sanaag (19 Districts); Awdal (12 Districts); Sool (21 Districts); Saaxil (8 Districts).<sup>1089</sup> However, based on the traditional (Siad Barre era) partition of Somalia that is relevant here, Somaliland consists of following districts per region: (a) Awdal: Zeylac, Lughaye, Boroma, and Baki; (b) Togdheer: Sheikh, Odweine, Burao, and Buhodle; (c) Woqooyi Galbeed: Gebiley, Hargeisa, and Berbera; (d) Sool region: Las Anod, Taleh, Hudun, Ainado; (e) Sanaag region: El Afwein, Erigabo, and Las Qoray.<sup>1090</sup> As per art. 111 of the Somaliland Constitution, '[t]he Chairman of the region shall be appointed by the Government and shall act as the representative of the central government in the region and the districts that come under it';<sup>1091</sup>
- Regional, district, and village councils. As per the State Constitution (art. 111), '[t]he regions and the districts of the country shall have legislative councils', which in some cases are de facto selected, instead of elected, for a five-year term.<sup>1092</sup> While the Regional Councils are currently not elected,<sup>1093</sup> as of December 2020, all districts councils were reportedly set-up and running in Somaliland.<sup>1094</sup> Village councils' members instead (not exceeding 7) 'are nominated by the Chairmen of the Districts, on the advice of the elders and other prominent persons of the villages and are appointed by the District Councils'.<sup>1095</sup>

<sup>1082</sup> Somaliland, Somaliland Law - Somaliland Constitution, updated translation, April 2005, [url](#)

<sup>1083</sup> Participidia, Somaliland Constitutional Referendum, n.d., [url](#)

<sup>1084</sup> Rakiya O. and Saeed M., Somaliland: Where There Has Been Conflict but No Intervention, 2015, [url](#)

<sup>1085</sup> Somaliland, Somaliland Law - Somaliland Constitution, updated translation, April 2005, [url](#)

<sup>1086</sup> VOA, Somaliland Ruling Party Candidate Bihi Wins Election, 21 November 2017, [url](#)

<sup>1087</sup> Renders M., 'Appropriate "Governance-Technology"? Somali Clan Elders and Institutions in the Making of the "Republic of Somaliland"', *Afrika Spectrum* 42, GIGA, 2007, pp. 439-459, [url](#)

<sup>1088</sup> Somaliland, Somaliland Law - Somaliland Legislative Branch, n.d., [url](#)

<sup>1089</sup> Somaliland, Somaliland Law - Local Government Law, March 2020, [url](#)

<sup>1090</sup> FSNAU, Somalia – Administrative Maps, n.d. [url](#)

<sup>1091</sup> Somaliland, Somaliland Law - Somaliland Constitution, updated translation, April 2005, [url](#)

<sup>1092</sup> Somaliland, Somaliland Law - Somaliland Constitution, updated translation, April 2005, [url](#)

<sup>1093</sup> Somaliland, Somaliland Law - Local Government Law, March 2020, [url](#)

<sup>1094</sup> UN Somalia, Country Results Report Somalia 2020, March 2021, [url](#), p. 57; UN, Country Results Report Somalia 2019, June 2020, [url](#), p. 63

<sup>1095</sup> Somaliland, Somaliland Law - Local Government Law, March 2020, [url](#)

## 7.7.2 Armed forces

Reportedly, Somaliland spends one-third of its (2019) national budget - between USD 233 and USD 350 million according to different estimates - on security and defence.<sup>1096</sup>

- National Intelligence Service (NIS). Somaliland's NIS relies on a web of formal and informal intelligence networks, nested in local communities, and which include army and police forces intelligence officers.<sup>1097</sup>
- Somaliland's Police. Reportedly the Somaliland Police fields a nationwide police force, men and women, of under 6 000 people, which receive training and aid from UK. This force includes:<sup>1098</sup>
  - Special Police Unit (SPU): tasked with safeguarding foreign organisations and their personnel;
  - Rapid Response Units (RRU): tasked with counterterrorism operations;
  - Somaliland's National Armed Forces. The SNAF comprise of the army and the navy, there is no air force. The Somaliland Army is relatively small, numbering according to different estimates between less than 8 000<sup>1099</sup> and 15 000<sup>1100</sup> soldiers, it receives some military training and aid from UK and the EU,<sup>1101</sup> as well as the UAE.<sup>1102</sup>
- Somaliland Coast Guard. Also supported by the UK and the EU, Somaliland's coastguard set up observation posts along the 528 miles coastline. However, given its limited resources, the coastguard can only actively monitor limited portions of its coastline. Towards addressing this shortage, while replicating the successful intelligence model, the coast guard 'trained and deputized local residents as shoreline monitors'. However, the force remains largely unable to patrol the coastal area near Puntland (Sanaag region).<sup>1103</sup> If on the one hand as of November 2019, 'there have been no recorded acts of piracy originating from Somaliland's coast', on the other hand 'both al-Shabaab and ISS use small vessels to move men and materiel into Somaliland from small ports in Puntland'.<sup>1104</sup> In 2018, Sweden donated three boats aimed at enhancing the Coast Guard capacity in countering Human-Trafficking and to improve their maritime capabilities.<sup>1105</sup>

The condition of the armed forces in Somaliland can be summarised as follows: 'The armed forces of Somaliland do not possess aircraft, and even transport vehicles are in short supply. The government

<sup>1096</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), p. 22; Rubin M., Somaliland – Key to Winning America's Longest War, 7 March 2019, [url](#)

<sup>1097</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), p. 22;

<sup>1098</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), p. 22

<sup>1099</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), p. 22

<sup>1100</sup> Rubin M., Somaliland – Key to Winning America's Longest War, 7 March 2019, [url](#)

<sup>1101</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), p. 22

<sup>1102</sup> UN SEMG, Letter dated 7 November 2018 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, 9 November 2018, [url](#), pp. 17-18

<sup>1103</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), p. 22

<sup>1104</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), p. 22

<sup>1105</sup> EUCAP Somalia, Boats donated by Sweden to the Somaliland Coast Guard reach Berbera's Port on 14 October, 14 October 2018, [url](#)

struggles to rapidly deploy soldiers and police to where they are required, especially in areas with rough terrain and few roads. First rate HUMINT and the close relationships with community leaders is the government's primary way of compensating for these deficiencies'.<sup>1106</sup>

Moreover, in reason of the arms embargo on Somalia that was imposed pursuant to Security Council resolution 733 (1992) and partially lifted in 2013,<sup>1107</sup> Somaliland, which is not internationally recognised, is not allowed to purchase weapons or other military material that can be used for kinetic operations. As a consequence, the Somaliland army and police force lack critical equipment, especially for communications. Additionally, 'recruits to Somaliland's police and army are required to supply their own personal weapon or purchase one before enlisting'.<sup>1108</sup>

### 7.7.3 Other actors/forces

Apart from the official armed forces, other actors/armed forces present in Galmudug include the Xaqdoon Militia. The Xaqdoon clan militia, which was established in April 2020 in El Afweyne, took to the arms to fight against claimed grievances, to then hand them over three months later after reaching an agreement with government officials.<sup>1109</sup>

### 7.7.4 Access to justice

For a first overview of the justice systems in Somalia - which, to some extent, apply to Somaliland as well - see sections on [Access to Justice, Formal and Informal Systems](#) (including [Customary Justice](#) and [Shari'ah Law](#)).

About Somaliland's justice system, USAID reports that 'justice provision in Somaliland operates similarly to that in Somalia', whereby it combines statutory courts with both *Xeer* and *Shari'ah*. While all three systems are recognized by the Constitution of Somaliland, which views them as complementary, 'Somaliland residents also often opt for either *xeer* or *shari'ah* to avoid the high fees for lawyers and to find a resolution in a matter of days rather than wait for several weeks to be heard by a statutory court, which are equally accused of corruption'.<sup>1110</sup> Differently though to other parts of Somalia, 'the population in Somaliland tends to use *shari'ah* given its unequivocal verdict, rather than turning to elders for immediate de-escalation'.<sup>1111</sup>

Saferworld and SONSAF (Somaliland Non-State Actors Forum) reported in 2018 that '[a]ccess to justice is improving in Somaliland's urban areas but is still lacking in harder-to-reach rural areas'. To this end, the introduction of mobile courts has expanded access to formal justice, but 'there remain serious challenges in aligning formal justice systems with Sharia and customary law'.<sup>1112</sup>

As to three justice systems in Somaliland (*xeer*, *Shari'ah*, statutory), the situation can be summarised as follows:

#### Statutory Courts

<sup>1106</sup> Horton M., Jamestown Foundation Terrorism Monitor, No Foothold for al-Shabaab in Somaliland, 14 August 2020, [url](#)

<sup>1107</sup> UN SEMG, Letter dated 7 November 2018 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, 9 November 2018, [url](#), p. 3

<sup>1108</sup> Horton M., How Somaliland Combats al-Shabaab, Combating Terrorism Center, CTC Sentinel, November 2019, Vol. 12, Issue 10, [url](#), p. 22

<sup>1109</sup> Somaliland Sun, Somaliland: Government Ends Three Months Clan Insurgency in Saanag Region, 6 June 2020, [url](#); International Crisis Group, Tracking Conflict Worldwide, Somaliland June 2020, [url](#)

<sup>1110</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 28

<sup>1111</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 28

<sup>1112</sup> Saferworld and SONSAF, Building a peaceful, just and inclusive Somaliland: SDG16+ priorities for action, Briefing, May 2018, [url](#), p. 7



As to the judiciary branch, the Somaliland Constitution stipulates a three-tiered system, in line with the rest of Somalia,<sup>1113</sup> and headed by the State Supreme Court (and Constitutional Court) in the state capital Hargeisa. Art. 99 (The structure of the judiciary) stipulates that the branch consist of the ‘judges and the members of the Procuracy’, and that the Courts shall consist of the Supreme Court, the Appeal Courts of the Regions, the Regional Courts, the District Courts; and the Courts of the National Armed Forces (which has ‘special jurisdiction in hearing criminal charges brought against the members of the armed forces in peace or war’).<sup>1114</sup> Based on Law No. 24/2003 & 2006, The Organisation of the Judiciary Law, District Courts deal with the following: (a) All claims based on Shari’ah, which are primarily matters relating family law and succession; (b) Civil litigation concerning suits for amounts up to 3 million Somaliland Shillings; (c) Criminal cases punishable by imprisonment for up to 3 years or fines up to 3 million Somaliland Shillings. Complementing this, the Regional Courts deal with more complex and severe cases (both civil and criminal) that do not fall within the jurisdiction of the District Courts (including labour and employment claims).<sup>1115</sup> Basically, ‘only statutory courts have full jurisdiction and claim to enforcement over all civil and criminal cases’.<sup>1116</sup>

Based on a study conducted in 2019 by Saferworld, in cooperation with local partners, Somaliland doubled the number of (statutory) judges in less than a decade, numbering 186 in 2018. Other positive developments have been the rollout of mobile courts to each region of Somaliland, and the appointment of female prosecutors and court registrars. However, a number of issues still affect access to (statutory) justice in Somaliland: (a) gender representation: female registrars account for less than 20 per cent of the total workforce, and as of 2018 no single female judge was appointed; (b) the main laws of Somaliland such as the Penal Code, Civil Code, Criminal Procedure Code and Civil Procedure Code are outdated laws that predate the constitution and the democratization process; (c) the legal knowledge of the general public is steadily improving but is still somewhat limited about (official) justice providers; (d) lengthy legal procedures, with high legal fees, together with a shortage of professionally trained lawyers; (e) judiciary institutions have very limited presence in rural areas and nomadic communities; (f) lack of confidence of the public in the fairness of court decisions and legal systems; (g) perceived lack of professionalism in the institution of the police, coupled with low implementation of court decisions hinders the enforceability for judgement holders.<sup>1117</sup>

Other issues pointed out in the USDOS Human Rights Practices report for 2020 are ‘serious shortages of trained judges’, limited legal documentation, and widespread allegations of corruption.<sup>1118</sup> At the same time, the same report indicates that in Somaliland ‘defendants generally enjoyed a presumption of innocence and the right to a public trial, to be present at trial, and to consult an attorney at all stages of criminal proceedings’.<sup>1119</sup>

### Shari’ah Courts

Approximately 30% of all cases arbitrated in Somaliland are resolved through shari’ah ‘courts’, although major *ulama* work from office spaces that do not necessarily qualify as such. Moreover, if on the one hand shari’ah court decisions can be legally enforced by the government, on the other hand parties must voluntarily agree to abide by the rulings of the shari’ah courts.<sup>1120</sup> The prominent role of Shari’ah as a source of law and adjudication in Somaliland is also evident in the State Constitution: (Article 5.1) ‘Islam is the religion of the Somaliland state, and the promotion of any other religion in the territory of Somaliland, other than Islam, is prohibited’; (Article 5.2) ‘The laws of the nation shall

<sup>1113</sup> HIPS, Rebuilding Somalia’s Broken Justice System, Fixing the Politics, Policies and Procedures, January 2021, [url](#), p. 15

<sup>1114</sup> Somaliland, Somaliland Law - Somaliland Constitution, updated translation, April 2005, [url](#), artt. 98, 100, 104

<sup>1115</sup> Somaliland, Somaliland Law - Somaliland Judicial System, April 2008, [url](#)

<sup>1116</sup> Expanding Access to Justice Program, The Shari’ah in Somalia, March 2020, [url](#), p. 28

<sup>1117</sup> Saferworld, Improving access to justice in Somaliland, 2019, [url](#), pp. 3-11

<sup>1118</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 10

<sup>1119</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 11

<sup>1120</sup> Expanding Access to Justice Program, The Shari’ah in Somalia, March 2020, [url](#), p. 28



be grounded on and shall not be contrary to Islamic Sharia'; and (Article 5.3) 'The state shall promote religious tenets (religious affairs) and shall fulfil Sharia principles and discourage immoral acts and reprehensible behavior'.<sup>1121</sup> Within this context, *ulama* in Somaliland, including Sufi *ulama*, principally follow the *Shafi'i madhab*, however the number of Saudi-influenced *Hanbali madhab* is growing.<sup>1122</sup> Shari'ah courts are particularly relevant for family law and succession, but also for business, finance, and technology related cases, which cannot be directly solved through *xeer*.<sup>1123</sup> At the same time Shari'ah courts and *Qaadis* - Shari'ah judges that are evaluated by the Ministry of Religious Affairs and licensed by the Ministry of Justice - can only adjudicate civil cases.<sup>1124</sup> 'Although more accessible to and amenable towards women and women's rights than most customary justice providers, the tension over different interpretations of the shari'ah can invalidate testimonies of women in some cases'.<sup>1125</sup>

Other justice mechanisms:

- *xeer*, elders and elder councils. Differently from other (regional) State in Somalia, '[r]ather than turning to elders for immediate de-escalation', Somalilanders tend to use Shari'ah courts as a first port of adjudication.<sup>1126</sup> As a result, in Somaliland *xeer* and Shari'ah arbitrations are 'almost equally engaged',<sup>1127</sup>
- ADR Centres. ADR initiatives have been piloted in Somaliland in the period 2004-2007.<sup>1128</sup> No current information on this point could be found within the given time limits and among the consulted sources;
- District Peace Committees (DPCs). No specific information on this point could be found within the given time limits and among the consulted sources.

### 7.7.5 Security forces' human rights conduct

In the period 5 November 2019 – 9 February 2021, the UNSG, in its various reports on the situation in Somalia, attributed to Somaliland security forces the following violations: (a) execution of six death sentences;<sup>1129</sup> (b) two cases of arbitrary arrest of journalists (reporting period 5 August – 4 November 2020);<sup>1130</sup> (c) three journalists arbitrarily arrested (reporting period 5 May – 4 August 2020);<sup>1131</sup> (d) 11 journalists arbitrarily arrested, and four media outlets suspended, while a new government directive was passed ordering hotels not to host meetings and conferences without prior approval (reporting period 5 November 2019 – 4 February 2020).<sup>1132</sup>

The UNSG indicated, in its latest report on Children and Armed Conflict (March 2020 – covering the period 1 August 2016 – 30 September 2019), that the country task force had verified two cases of children deprived of their liberty for alleged association with al-Shabaab or pro-ISIL elements in Somalia.<sup>1133</sup>

<sup>1121</sup> Somaliland, Somaliland Law - Somaliland Constitution, updated translation, April 2005, [url](#)

<sup>1122</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 28

<sup>1123</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 28

<sup>1124</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 28

<sup>1125</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 28

<sup>1126</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 28

<sup>1127</sup> Expanding Access to Justice Program, The Shari'ah in Somalia, March 2020, [url](#), p. 31

<sup>1128</sup> Expanding Access to Justice Program, Alternative Dispute Resolution Initiatives in Somalia, June 2020, [url](#), pp. 3-4

<sup>1129</sup> UNSG, Situation in Somalia, 17 February 2021, [url](#), p. 9

<sup>1130</sup> UNSG, Situation in Somalia, 13 November 2020, [url](#), pp. 8-9

<sup>1131</sup> UNSG, Situation in Somalia, 13 August 2020, [url](#), p. 9

<sup>1132</sup> UNSG, Situation in Somalia, 13 February 2020, [url](#), p. 8

<sup>1133</sup> UNSG, Children and Armed Conflict in Somalia, 4 March 2020, [url](#), p. 7

Within this context, the USDOS noted in its latest report (for 2020) that Somaliland authorities ‘regularly harassed journalists through arbitrary detention when they reported on government shortcomings or union with Somalia, particularly in the Sool and Sanaag regions’.<sup>1134</sup> Additionally, they ‘continued to detain Somaliland residents employed by the federal government in Mogadishu, sometimes for extended periods’, while they viewed representing Somaliland within or to the federal government as treason, punishable under Somaliland law.<sup>1135</sup> The Independent Expert on the situation of human rights in Somalia reported in 2020 about ‘the systemic abuse of power by police officers and a culture of impunity’ in Somaliland that ‘have caused a breakdown of trust between the police and the community’: ‘officers reportedly continue to torture, beat, threaten, harass and arbitrarily arrest civilians, especially journalists, human rights defenders and persons allegedly suspected of terrorism’.<sup>1136</sup>

In the context of the Somaliland-Puntland confrontation over Sool and Sanaag, fighters were captured and detained by both parties. As of October 2018, Somaliland was detaining 14 combatants from the Puntland security forces. The Monitoring Group received testimonies claiming that fighters from Puntland had been tortured and killed by Somaliland security forces on 24 May 2018, in revenge for the killing of a Somaliland commander.<sup>1137</sup>

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<sup>1134</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 17

<sup>1135</sup> USDOS, Country Reports on Human Rights Practices 2020 - Somalia, 30 March 2021, [url](#), p. 12

<sup>1136</sup> UN Human Rights Council, Situation of Human Rights in Somalia, 24 August 2020, [url](#), p. 12

<sup>1137</sup> UN SEMG, Letter dated 7 November 2018 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, 9 November 2018, [url](#), p. 40

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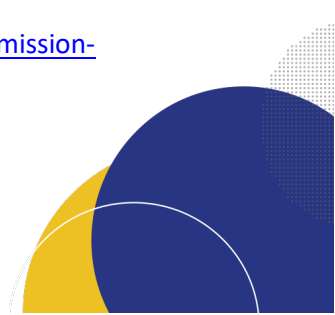
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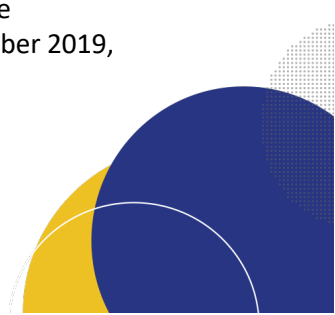
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## Annex 2: Terms of Reference

**Maps** [Control map of Somalia; Clan distribution map]

### **1. Country background, conflict(s) layers, and disputes overview**

#### **2. The Federal Government of Somalia – FGS**

- 2.1 State structure and governance
- 2.2 Territorial control
- 2.3 Judiciary and penal system
- 2.4 Security forces
- 2.5 Security Forces' Human Rights Conduct

#### **3. Clans**

- 3.1 Area of settlement/ mapping of main clan distribution, size, intra-inter clan mobility
- 3.2 Clan protection (forms and limits) and customary security providers
- 3.3 Traditional customary law and access to justice (xeer)
- 3.4 Clan militias role, recruitment, and engagement in disputes
- 3.5 Relationship with Al-Shabab
- 3.6 Overview of Clan Militias Abuses

#### **4. Al-Shabaab: presence, territorial control, bodies, functioning, outreach**

- 4.1 Armed forces and Aynat
- 4.2 Modus operandi
- 4.3 Access and administration of justice under Al-Shabaab
- 4.4 Overview of abuses

#### **5. AMISOM, AFRICOM**

- 5.1. Strength and characteristics, regional presence, control
- 5.2. Modus Operandi
- 5.3. Human Rights Conduct

#### **6. ISIS Somalia: presence, territorial control, outreach**

- 6.1 Strength
- 6.2 Overview of abuses

#### **7. The Federal Member States and Somaliland**

##### **7.1 JUBBALAND: state-building process, territorial control, bodies**

- 7.1.1 FMS Armed Forces
- 7.1.2 Other actors/forces
- 7.1.3 Access to Justice

7.1.4 Security Forces' Human Rights Conduct

**7.2. SOUTH-WEST: state-building process, territorial control, bodies**

7.2.1 FMS Armed Forces

7.2.2 Access to Justice

7.2.3 Other actors/forces

7.2.4 Security Forces' Human Rights Conduct

**7.3. BENADIR & MOGADISHU: territorial control, bodies**

7.3.1 BRA Forces

7.3.2 Access to Justice

7.3.3 Other actors/forces

7.3.4 Security Forces' Human Rights Conduct

**7.4. HIRSHABELLE: state-building process, territorial control, bodies**

7.4.1 FMS Armed Forces

7.4.2 Access to Justice

7.4.3 Other actors/forces

7.4.4 Security Forces' Human Rights Conduct

**7.5. GALMUDUG: state-building process, territorial control, bodies**

7.5.1 FMS Armed Forces

7.5.2 Access to Justice

7.5.3 Other actors/forces

7.5.4 Security Forces' Human Rights Conduct

**7.6. PUNTLAND: state-building process, territorial control, bodies**

7.6.1 FMS Armed Forces

7.6.2 Access to Justice

7.6.3 Other actors/forces

7.6.4 Security Forces' Human Rights Conduct

**7.7. SOMALILAND: state-building process, territorial control, bodies**

7.7.1 Armed Forces

7.7.2 Access to Justice

7.7.3 Other actors/forces

7.7.4 Security Forces' Human Rights Conduct

