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2009 Human Rights Reports: Somalia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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Somalia* has an estimated population of seven million. The territory, which was recognized as the Somali state from 1960 to 1991, was fragmented into regions led in whole or in part by three distinct entities: the Transitional Federal Government (TFG) in Mogadishu; the self-declared Republic of Somaliland in the northwest; and the semiautonomous region of Puntland in the northeast. The TFG was formed in late 2004, with a five-year transitional mandate to establish permanent, representative governmental institutions and organize national elections. In January an expanded Transitional Federal Parliament (TFP) extended the TFG's mandate until August 2011. For the first time, the Transitional Federal Institutions were all located in Mogadishu after the TFP relocated from Baidoa in February.

A political process to establish peace and stability in the country progressed as the TFG and the Alliance for the Reliberation of Somalia continued to implement the terms of the Djibouti Agreement, signed in August 2008; however, significant problems remained. The withdrawal of Ethiopian National Defense Forces (ENDF) opened the political space for elections and the establishment of a new TFG administration led by President Sheikh Sharif Sheikh Ahmed. The TFG assumed control of some of the strategic positions in Mogadishu formerly occupied by ENDF personnel, but other antigovernment groups, including al-Shabaab, moved into many of the former ENDF sites in the South Central Somalia. Fighting by TFG troops, allied militias, and African Union Mission in Somalia (AMISOM) forces against antigovernment forces, terrorist groups, and extremist elements increased and resulted in widespread human rights abuses, including the killing of thousands of civilians (estimates vary widely), the displacement of more than one million persons, and widespread property damage, particularly in Mogadishu. The larger clans had armed militias at their disposal, and personal quarrels and clan disputes frequently escalated into killings. Targeted assassinations continued. While roadside bombings became less frequent, there was an increase in suicide bombings reported during the year. There were eight suicide bombings that targeted TFG officials and offices and AMISOM installations. Civilian authorities allied with the TFG gained some control over security forces in Mogadishu but did not maintain effective control of the security forces in other areas. Elected civilian authorities in Somaliland and Puntland maintained significantly more control over security forces in their respective regions.

The TFG's respect for human rights improved. It appointed a human rights focal point and participated in international efforts to encourage better human rights practices; however, the poor human rights situation deteriorated further during the year, especially in the areas controlled by al-Shabaab and allied extremist groups. Also contributing to the worsening picture was the absence of effective governance institutions and rule of law, the widespread availability of small arms and

other light weapons, and continued conflicts. As a consequence, citizens were unable to change their government through peaceful, democratic means. Human rights abuses included unlawful and politically motivated killings; kidnappings; torture, rape, amputations, and beatings; official impunity; harsh and life-threatening prison conditions; and arbitrary arrest and detention. In part due to the absence of functioning institutions, perpetrators of human rights abuses were rarely punished. Denial of fair trial and limited privacy rights were problems, and there were restrictions on freedoms of speech, press, assembly, association, religion, and movement. Discrimination and violence against women, including rape; female genital mutilation; child abuse; recruitment of child soldiers; trafficking in persons; abuse of and discrimination against clan and religious minorities; restrictions on workers' rights; forced labor, including by children; and child labor were also problems.

According to Mogadishu-based human rights organizations, the TFG showed some improvements in its human rights practices: it was not responsible for politically motivated killings, executions, or disappearances. Allegations against its security forces decreased, and its police and prison personnel were generally responsive on human rights problems. This improvement occurred amid an overall deterioration in the human rights situation of the country, including in Somaliland and Puntland.

In a July report, the international nongovernmental organization (NGO) Human Rights Watch stated that the "Somaliland administration committed human rights violations and generated a dangerous electoral crisis."

In March 2008 the UN Independent Expert on the Situation of Human Rights in Somalia (UNIE) noted that despite the overall deteriorated situation, incremental improvements in human rights awareness were taking place in some areas of the country. UNIE's September 17 report to the UN General Assembly accused extremist groups of fueling violence by dashing opportunities for peace presented by the Djibouti peace process and the withdrawal of ENDF personnel, and by not taking advantage of the opening provided by the TFG's adoption of Shari'a (Islamic law).

Members of antigovernment groups, extremist groups, and terrorist organizations like al-Shabaab, some of whose members were affiliated with al-Qa'ida, committed an increasing number of egregious human rights violations, including killings of TFG members and civilians; kidnappings and disappearances; attacks on journalists, aid workers, civil society leaders, and human rights activists; restrictions on freedom of movement; and displacement of civilians.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were some reports that the government or its affiliated militia committed arbitrary or unlawful killings, but fewer than during the prior two years.

Fighting between TFG forces and its allied militias against antigovernment groups resulted in at least 1,000 civilian deaths in the south central region, particularly in Mogadishu. Political killings and assassinations also occurred (see section 1.g.).

Politically motivated killings by antigovernment groups, extremist elements, and terrorist organizations resulted in the deaths of approximately 10 senior TFG officials, fewer than in previous years (see section 1.g.).

Prominent peace activists, clan elders, and their family members became targets and were either killed or injured for their roles in attempted peace-building. There were no reports of government involvement in these killings, but the government neither identified nor was able to punish the perpetrators. Reports indicated that al-Shabaab and its affiliated militias were behind many of these killings. On January 1, al-Shabaab killed Abdullahi Abdi Egal, a National Reconciliation Commission member in Baidoa. He is believed to have been targeted for his role as a commissioner and for his association with the

TFG. On March 30, gunmen killed Abdurrahman Mohamud Jimale "Shifti" and two others in Mogadishu. On April 15, unknown gunmen killed Abdullahi Isse Abtidoon, a member of Parliament (MP), in Mogadishu. Both Shifti and Abtidoon were actively involved in peace and reconciliation efforts between the newly reconstituted TFG and opposing extremist groups. On August 16, masked armed men killed Omar Ali Alasow "Fiasco," an aid worker and former army colonel, in Mogadishu. On September 7, assailants killed Ali Ahmed "Irro," a prominent Mogadishu elder and spokesman for the pro-TFG faction of Hawiye elders. Irro was consistently critical of al-Shabaab and allied extremists for their violent activities. Also on September 7, al-Shabaab militia beheaded Ugas Adan Nur Matan "Madobe," a traditional elder in the Bakool Region, for allegedly making telephone contact with a TFG official. On several occasions, al-Shabaab leaders issued death threats against anyone working for or suspected of having links with the TFG. On April 20, gunmen pursued and shot at Ahmed Diriye, a prominent clan elder and spokesperson. Diriye escaped the assassination attempt and blamed al-Shabaab for the attack. As in all previous killings of peace activists, the perpetrators had not been arrested by year's end.

Unlike in previous years, there were no reports that the government summarily executed persons during the year and no reports that excessive force by the TFG resulted in the death of demonstrators.

Use of excessive force by Somaliland government forces resulted in the deaths of demonstrators during the year (see section 2.b.).

There were no reports of government forces deliberately killing street children. Some children were caught in crossfire during fighting between forces.

Throughout the year militants periodically fired mortars at Villa Somalia, the presidential palace in Mogadishu. On February 22, al-Shabaab fired upon peacekeepers, resulting in the death of 11 Burundian soldiers. On July 11, al-Shabaab mortar attacks on Villa Somalia killed three AMISOM peacekeepers. Several other mortar attacks on the president's residence landed in surrounding neighborhoods, causing civilian deaths, injuries, destruction of property, and displacement. Al-Shabaab instigated clashes with the TFG in Mogadishu--these were most intense in May and June, killing an estimated 500 persons and displacing another 250,000 from their homes. In the second half of the year, al-Shabaab launched almost daily attacks on TFG-controlled areas, and local human rights organizations held the group responsible for killings, injuries, torture, and abuse of the civilian population. Resultant AMISOM and TFG counterattacks involving street combat and mortar attacks also caused civilian deaths.

On April 27, a mortar attack on the parliament building in Mogadishu killed a police officer and three school children and wounded several other persons. On May 17, mortar attacks on the police academy killed and wounded civilians in the vicinity. On September 11, groups associated with al-Shabaab launched mortar attacks on a disabled veterans home, killing an estimated 11 and wounding 20; al-Shabaab claimed responsibility.

During the year fighting among armed moderate and extremist religious factions, as well as between extremists, caused hundreds of civilian casualties and displacements. In January, for example, clashes between Ahlu Sunna Wal Jama'a (ASWJ), a historically nonpolitical moderate Islamic organization, and al-Shabaab in Galgadud Region killed an estimated 100 persons and displaced 160,000. On October 1, clashes in Kismayo between al-Shabaab and Hisbul Islam, armed antigovernment groups that had previously been allied against the TFG, killed an estimated 30 persons and wounded 100.

Senior members of the TFG were killed. On March 11, General Ubaid Ali was killed in a roadside explosion in Mogadishu's Shibis District. General Ali served as head of security for two former prime ministers. Two of Ali's security guards and his brother, riding with him, also were killed.

On June 18, al-Shabaab claimed responsibility for a suicide car bomb explosion at a Beledweyne (Hiraan Region) hotel. The explosion, which destroyed the hotel, killed an estimated 40 persons and wounded 100. Among those killed were

prominent TFG political and security officials, including Minister of National Security Omar Hashi, clan elders, and community leaders.

On December 3, a suicide bombing of Benadir University's graduation ceremony at Hotel Shamow in Mogadishu killed 22 persons, including three TFG ministers. Minister of Health Qamar Aden Ali, Minister of Education Ahmed Abdullahi Sheikh Mohamed "Wayel," and Minister of Culture and Higher Education Ibrahim Hassan Addow were killed along with graduating medical students, professors, journalists covering the event, and graduates' family members. The explosion also wounded more than 60 persons.

During the year Puntland officials were also killed. On April 26, gunmen killed Yasin Said Hussein, governor of Puntland's Karkaar Region, while he was on a mission to mediate between two warring subclans. On April 29, the Puntland Intelligence Service chief in Mudug Region was killed by a roadside bomb in Gaalkacyo Town. On August 5, unidentified gunmen killed Puntland Minister of Information Warsame Abdi Shirwa when they opened fire on his car in Galkayo. The minister was part of a team preceding the Puntland president's planned trip to address residents on security issues.

Other TFG officials were injured. Minister of the Interior Abdikadir Ali Omar was wounded in a roadside bomb explosion near Bakara market; also his assistant was killed and one of his guards was wounded.

Islamic extremists trying to impose strict social edicts killed several persons.

During the year unknown assailants killed several prominent persons.

During the year unknown assailants killed two journalists and media owners (see section 2.a.).

Attacks on humanitarian workers, NGO employees, and foreign peacekeepers resulted in deaths during the year (see section 5).

During the year hundreds of civilians were killed in inter- or intraclan militia clashes. The killings resulted from clan militias fighting for political power and control of territory and resources, revenge attacks, banditry and other criminal activities, private disputes over property and marriage, and vendettas after such incidents as rapes, family disagreements, killings, and abductions. With the breakdown of law and order, authorities investigated very few of these cases, and there were few reports that any of the cases resulted in formal action by the local justice system.

Tension remained high in Galkayo with intermittent gunfights between clan militias. After a July 20 clash in Galkayo, several prominent persons were killed in retribution attacks.

Between July and September, intraclan conflict in Harar Dhere, Mudug Region, resulted in the deaths of an estimated 20 persons and injuries to numerous others. On August 5, intraclan fighting killed five persons; on September 6, six others were killed in the same area. These deaths followed the collapse of clan elders' conflict mediation efforts. During the year recurrent intraclan conflicts caused several deaths along the border of Hiraan and Middle Shabelle regions.

On August 12, a land- and water-related dispute between two subclans in Ufweyn and Qandala districts of Puntland's Bari Region resulted in the killing of five persons and wounding of several others. The dispute further escalated, killing an estimated 40 persons and wounding several others during the year. In late September President Farole visited the areas of conflict to bolster conflict mediation efforts by local political and traditional leadership. On October 21, a delegation of Puntland elders and government officials led by President Farole returned to Ufweyn with a set of binding resolutions for all parties to the conflict.

In April five persons were killed in disputes over the El-Berdaale farming land in Gabiley, Somaliland. More than 100 clan elders went to Kalabeyd, used traditional mediation strategies, and brokered a ceasefire. In a related incident on July 11,

unidentified militia members stopped travelers along the Borame-Gabiley road; they took 10 hostages and summarily executed four of them. Somaliland authorities did not make any arrests in connection with the killings. Clan elders sought to capture and hand over the suspects to police.

No action was taken against members of the security forces or militias who committed killings in 2008 or 2007, and there was no progress in the investigations of killings reported in previous years.

Land mines throughout the country caused numerous civilian deaths (see section 1.g.).

b. Disappearance

There were no reports of politically motivated disappearances, although cases could easily be concealed due to continuing chaos in the country. Abduction as a tactic in clan disputes or to attain political ends was less frequent. The Somali NGO Safety Preparedness and Support Program reported a decreased incidence of kidnapping, in part because of fewer international staff in the country.

During the year there was a decrease in kidnappings by militia groups and armed assailants who demanded ransom for hostages. The majority of reported kidnappings were in the southern regions, especially in areas surrounding Mogadishu, where ransoms allegedly funded purchases of weapons and ammunition. Seven aid workers and NGO workers were kidnapped during the year (see section 5).

Maritime piracy and the kidnapping of crews declined in the first half of the year in the Gulf of Aden as a result of international antipiracy efforts and seasonal winds that reduced all offshore maritime traffic; however, piracy increased in the second half of the year and continued to complicate humanitarian efforts to provide essential commodities to thousands of IDPs (see section 1.g.).

During the year there were no investigations or actions taken against the perpetrators of any kidnappings. Several persons who were abducted in 2008 were released. On January 15, kidnappers released Abdifatah Mohamed Elmi, a local journalist kidnapped with two foreign journalists in August 2008 along the Mogadishu-Afgoye road; the two foreign journalists were freed on November 25. On August 12, captors freed six international aid workers kidnapped in November 2008 in Dhusamarebb, Galgadud Region. On October 3, kidnappers released three international aid workers kidnapped on July 18 from the Kenyan border town of Mandera and held in undisclosed locations in Somalia.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Transitional Federal Charter (TFC) prohibits torture. The Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law." Unlike in previous years, there were no reports of the use of torture by the TFG, Puntland, or Somaliland administrations. Various clan militias and al-Shabaab continued to torture their rivals and civilians. Observers believed that many incidents of torture were not reported.

Unlike in previous years, there were no reports of persons assembled at food distribution centers being killed or injured.

Unlike in previous years, there were no reports of police raping women; however, there continued to be reports of militias using rape to punish and intimidate rivals. Rape was commonly perpetrated in interclan conflicts.

There were no reports of action taken against TFG and Somaliland government forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2008 or 2007. Unlike in previous years, Puntland police took action against a police officer for abuse. On August 26, in Garsor District of Mudug Region, local authorities arrested a police officer for using excessive force that resulted in the death of a businessman who refused to

pay his license tax. Similarly, on September 27, police in Bossasso arrested a police officer who was implicated in the death of a civilian.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening in all regions. Overcrowding, poor sanitary conditions, lack of access to health care, and inadequate food and water persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and pneumonia were widespread. Abuse by guards was common. Detainees' families and clans generally were expected to pay the costs of detention. In many areas prisoners depended on food received from family members or from relief agencies.

According to Mogadishu-based human rights organizations, TFG prison conditions improved and wardens were generally responsive on human rights problems. There were far fewer prisoners and detainees held in TFG prisons than in previous years. There were an estimated 400 prisoners held at Mogadishu central prison, the only TFG-operated prison during the year. The reduction in the number of TFG prisoners was largely due to a reconciliation policy that did not emphasize arrests and a lack of capacity to detain those who sought to undermine or attack the government. United Nations Development Program (UNDP) Somalia supported local partners to institute judicial and rule of law reforms. Through such initiatives as the UNDP-supported Police Advisory Committee, authorities released more than 5,000 prisoners in the previous two years.

Unlike in previous years, there were no reports of TFG-allied militias operating detention centers. Antigovernment groups, extremist elements, and clan leaders reportedly continued to operate detention centers in which conditions were harsh and guards frequently abused detainees. Al-Shabaab and affiliated extremist armed groups operated dilapidated detention centers in areas under their control in the south and central regions. Thousands of prisoners were incarcerated in inhumane conditions for relatively minor offenses such as smoking, listening to music, and not wearing the hijab. For example, on July 19, al-Shabaab in Baidoa jailed 20 women for disobeying the decree requiring them to wear the hijab. In October al-Shabaab flogged women in Mogadishu for not wearing the hijab, and on October 25 arrested 20 women and detained them in Bakara market. The women were released after three days, some after paying a fine of 600,000 Somali shillings (\$15). Unlike in previous years, there were no reports by human rights organizations and civil society leaders in Mogadishu of the existence of makeshift detention centers in Mogadishu where prisoners were held during and after episodes of heavy fighting.

In prisons and detention centers, juveniles frequently were held with adults. The incarceration of juveniles at the request of families who wanted their children disciplined continued to be a major problem. Female prisoners were separated from males. Particularly in the south central region, pretrial detainees were often not separated from convicted prisoners.

The Puntland and Somaliland administrations permitted prison visits by independent monitors. The September 17 UNIE report described conditions at Puntland's Garowe central prison as "terribly bad." According to UNIE, this was due to lack of capacity to hold large numbers of prisoners rather than intentional abuse. A project of Somaliland and the UNDP resulted in the formation of an independent prisoner monitoring committee. The UNDP also extensively trained the prison custodial corps on a variety of human rights problems. There were no visits by the International Committee of the Red Cross to prisons in Somaliland or in the rest of the country during the year; however, a prisons conditions management committee organized by the UNDP and composed of medical doctors, government officials, and civil society representatives continued to visit prisons in Somaliland. During the year the UNDP managed a program to improve Somaliland prisons by building new facilities and assisting in training wardens and judicial officials.

d. Arbitrary Arrest or Detention

In the absence of enforced constitutional or other legal protections, the TFG, militias allied with it, and various clan militias across the country continued to engage in arbitrary arrest and detention, and there was no system of due process. Although precise figures were unobtainable, local human rights organizations and international organizations reported that, although there were fewer arrests than the previous year, the TFG continued to arrest and detain persons, most of whom were quickly released; however, there were allegations that detainees were subjected to beatings, other mistreatment, and torture. Reports by NGOs and other international organizations indicated that mistreatment continued during the year.

Al-Shabaab militias across the south central region arbitrarily arrested persons and detained them without charge.

Role of the Police and Security Apparatus

The police were generally ineffective, underpaid, and corrupt. With the possible exception of approximately 2,000 UN-trained police known as the Somali Police Unit, members of the TFG titular police forces in Mogadishu often directly participated in politically based conflict and owed their positions largely to clan and familial links to government authorities. There were fewer allegations that TFG security officials were responsible for extrajudicial killings, indiscriminate firing on civilians, arbitrary arrest and detention, extortion, looting, and harassment than in the previous two years.

In Somaliland an estimated 60 percent of the budget was allocated to maintaining a militia and police force composed of former soldiers. Abuses by police and militia members were rarely investigated, and impunity remained a problem. Police generally failed to prevent or respond to societal violence.

The Puntland police force was not paid on a regular basis. Puntland's armed militia was not aligned with the TFG armed forces, although the TFG prime minister and the Puntland president began negotiations for collaboration in the security sector and over the formation of a coordinated Somali National Army.

Arrest and Detention

Judicial systems were not well established, were not based upon codified law, did not function, or simply did not exist in most areas of the country. The country's previously codified law requires warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt notification of charges and judicial determinations; prompt access to lawyers and family members; and other legal protections for the detained; however, adherence to these procedural safeguards was rare. There was no functioning bail system or the equivalent.

Arbitrary arrest was a problem countrywide.

During the year authorities in Somaliland and Puntland arbitrarily arrested journalists during the year (see section 2.a.); however, unlike in previous years, TFG forces did not arrest journalists, NGO workers, or UN employees (see section 4.).

Unlike in previous years, there were no reports of TFG-allied militia arresting persons at random and demanding "bail" from their family members as a condition for their release.

There were no reports of TFG police detaining persons without charge.

There were reports of politically motivated arrests in Somaliland. On April 4, Somaliland police arrested two Hargeisa mosque imams, Sheikh Ahmed Dayib Aden and Sheikh Abdullahi Mohamud. Police arrested Aden after morning prayers for comments made in Friday sermons about the upcoming presidential election. Somaliland authorities did not offer specific reasons for the arrests, and on April 6, both clerics were released without charge. On April 14, Somaliland police arrested clan elder Boqor Saleban Hassan for attending a rally organized by an opposition group on the previous day. On

August 20, the opposition party UCID and KULMIYE Borame District party chairmen were arrested for allegedly fomenting insecurity by organizing unauthorized demonstrations. On August 21, the two leaders were released without charge. There were reports that arrested persons were sometimes held for extended periods while awaiting trial. Militias and factions held pretrial detainees without charge and for lengthy periods.

Authorities in the country arrested or detained numerous persons accused of terrorism and support for al-Shabaab.

Al-Shabaab and other extremist elements arrested and detained persons. For example, on March 26, al-Shabaab militia in Baidoa violently dispersed local residents during a peaceful demonstration against al-Shabaab's March 24 orders banning trade in and consumption of khat. Al-Shabaab forces arrested approximately 50 persons, mostly women, during and after the demonstrations.

On April 9, one person was killed and three others wounded after al-Shabaab opened fire on khat traders in Dinsor town, Bakol Region. On May 18, al-Shabaab Merka and Bardhere administrations banned youth from playing soccer. On May 19, following the ban, armed al-Shabaab militia arrested several young persons playing soccer at the main field in Merka. The youth were released after 12 hours with warnings not to play games again. This ban followed an earlier edict banning movies and watching soccer games on television. On June 13, the al-Shabaab administration in Kismayo outlawed watching movies on DVDs, television, and even storing pictures on cell phones. Al-Shabaab issued a stern warning that it would raid the homes of persons suspected of violating the ban. On August 16, al-Shabaab militias arrested and flogged a young man for allegedly storing "obscene" pictures on his cell phone.

On July 19, the Hisbul Islam administration in Afgoye, Lower Shabelle, arrested nine prominent traditional elders. The elders' arrest was linked to their involvement in holding "Istun," a traditional ceremony popular with the local community. Earlier the Hisbul Islam administration banned the tradition and warned that anyone contravening the ban would be punished. The elders were released on July 20, after being held overnight in prisons in Afgoye.

e. Denial of Fair Public Trial

The TFC provides for an independent judiciary, but there was no functioning judicial system for the TFG to administer. The TFC outlines a five-year transitional process that includes the drafting of a new constitution to replace the 1960 constitution that was in force prior to the 1991 collapse of the Barre regime; however, for many issues not addressed in the Charter, the former constitution still applies in principle.

The TFC provides for a high commission of justice, a Supreme Court, a court of appeal, and courts of first instance; however, in practice no such courts existed. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of elements from traditional and customary law, Shari'a, and the penal code of the pre-1991 government. On May 13, President Sharif ratified a parliamentary bill establishing Shari'a nationwide; however, by year's end there were no official institutions charged with the administration of Shari'a. On August 5, President Sharif established a military court for members of the TFG armed forces, but this court did not operate in practice. In areas that al-Shabaab controlled, Shari'a was applied; however, there were no trained Shari'a judges to preside over cases, resulting in uneven and at times draconian sentencing. For example, on January 28, in Kismayo, a man's hand was amputated for stealing three sacks of fishing nets. On March 9, four male youths ages 15-18 were sentenced to death for raping an 18-year-old girl. Their sentences were commuted to a public flogging of 100 lashes each, since none of the boys had been previously married.

The Somaliland constitution provides for an independent judiciary; however, the judiciary was not independent in practice. The Somaliland constitution is based on democratic principles, but the region continued to use laws that predate the constitution, some of which contradict democratic principles. Functional courts exist, although there was a serious lack of

trained judges and a shortage of legal documentation to build judicial precedence. Untrained police and other unqualified persons reportedly served as judges. International NGOs reported that local officials often interfered in legal matters and that the Public Order Law in Somaliland was often used to detain and incarcerate persons without trial.

The Puntland Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The Charter also provides for a Supreme Court, courts of appeal, and courts of first instance. These courts functioned, although they lacked the capacity to provide equal protection under the law.

Traditional clan elders mediated in and resolved intra- and interclan conflicts throughout the country. During the year, in Somaliland traditional elders intervened during political disputes between the government and opposition political parties. Clans and subclans frequently used traditional justice, which was swift. Traditional judgments sometimes held entire opposing clans or subclans responsible for alleged violations by individuals.

Trial Procedures

Without a functioning judicial system, there were no standard trial procedures in the southern and central regions. The TFC provides for the right of every person to legal proceedings in a competent court. The TFC states every person enjoys the presumption of innocence, the right to be present and consult with an attorney at any time, and adequate time and facilities to prepare a defense. The TFC provides a guarantee of free legal services for individuals who cannot afford them. While not explicitly mentioned in the TFC, there was a presumption of the right to a public trial and jury, rights pertaining to witnesses and evidence, and the right of appeal. Most of these rights were not respected in practice and did not exist in those areas that applied traditional and customary practices or Shari'a.

With the support of UNDP programs addressing judicial reform, Somaliland registered some improvement, except in cases of a political nature. Defendants generally enjoy a presumption of innocence, the right to a public trial, and the right to be present and consult with an attorney in all stages of criminal proceedings. Defendants can question witnesses and present witnesses and evidence on their behalf and have the right of appeal. Somaliland provides free legal representation for defendants who face serious criminal charges but are unable to hire the services of private attorney. Authorities in this region did not recognize the TFC and continued to apply the Somaliland constitution and pre-1991 laws.

In Puntland, as in most other areas, clan elders resolved the majority of cases using traditional methods; those with no clan representation in Puntland, however, were subject to the administration's judicial system. In this system, as outlined in Puntland's constitution, defendants enjoy a presumption of innocence, the right to a public trial, and the right to be present and consult with an attorney at all stages of criminal proceedings. Defendants can question witnesses and present witnesses and evidence on their behalf and have the right of appeal. As in the other regions, the constitution states that free legal representation is provided for defendants who cannot afford an attorney; in practice these rights were not respected.

Political Prisoners and Detainees

There were no official reports of political prisoners or detainees, although some arrests and detentions, especially in Somaliland, appeared to be politically motivated. On September 12 and 13, there were reports that Somaliland authorities arrested and detained more than 100 persons, including several opposition leaders, after four persons were killed during the September 12 public demonstration in Hargeisa.

Civil Judicial Procedures and Remedies

The inability of the judiciary to handle civil cases involving such matters as defaulted loans or contract disputes encouraged clans to take matters into their own hands and led to increased interclan conflict. There were no lawsuits

seeking damages for, or cessation of, a human rights violation. With the breakdown of the rule of law and the lack of a coherent legal system or effective government, individuals were not afforded adequate protection or recourse.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The TFC provides for the sanctity of private property and privacy; however, looting, land seizure, and forced entry into homes continued in Mogadishu and elsewhere with impunity. The Puntland Charter and the Somaliland constitution recognize the right to private property; the authorities did not generally respect this right in practice.

On July 7, TFG-allied militia looted and forcefully extorted money from small-scale traders in Mogadishu's Wadjir District.

During the year there were fewer cases of TFG forces extorting money from taxi, bus, and truck drivers transporting goods; however, on June 8, TFG soldiers at a checkpoint near Afgoye killed a driver after he did not pay the checkpoint fee they demanded.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Killings

Fighting during the year between TFG and allied forces against al-Shabaab and Hisbul Islam in south central regions resulted in the deaths of at least 1,000 persons, according to the Somalia-based Elman Human Rights Organization. An estimated 3,500 others were injured, and the UN High Commissioner for Refugees (UNHCR) reported that more than one million civilians were displaced, some for the first time and others after several earlier occurrences, as a result of conflict during the year. All parties to the conflict employed indiscriminate lethal tactics. Antigovernment and extremist groups, particularly al-Shabaab, were responsible for launching mortar attacks from hidden sites within civilian populated areas and using civilians as human shields. In addition, such groups conducted suicide bombings, used land mines and remote controlled roadside bombs, and conducted targeted killings of journalists, aid workers, and civil society leaders. Al-Shabaab conducted almost daily attacks against the TFG and AMISOM, resulting in significant civilian casualties. TFG and AMISOM forces responded to these attacks, which sometimes resulted in shelling of civilian populated areas. The international NGO Human Rights Watch accused all parties to the conflict of indiscriminate attacks, deployment of forces in densely populated areas, and a failure to take steps to minimize civilian harm. As a result homes, hospitals, schools, mosques, and other infrastructure were destroyed in Mogadishu. Since the collapse of the government in 1991, tens of thousands of persons, mostly noncombatants, have died in interclan and intraclan fighting. No action was generally taken against those responsible for the violence.

For example, on January 12, armed opposition groups launched an attack against TFG troops in Mogadishu. As a result, 12 civilians were killed and more than 30 wounded. Similarly on January 14, al-Shabaab launched an attack on the presidential palace resulting in 21 civilians killed and 30 injured.

On January 26, four civilians were killed and 10 wounded in an exchange of gunfire in Baidoa as al-Shabaab forces tried to take control of the town.

On January 16, in Waberi District, Banadir Region, TFG forces attacked civilians, resulting in nine deaths. On June 17, in Mogadishu, armed opposition groups and the TFG exchanged mortar rounds, resulting in the death of 15 and injuries to 32 civilians. On October 22, mortar exchanges between TFG forces, supported by AMISOM, and al-Shabaab in Mogadishu's Howlwadag and Hodan districts killed an estimated 30 civilians and wounded 70. AMISOM and TFG forces were responding to al-Shabaab mortar attacks on the airport during the departure of President Sharif and his delegation.

Al-Shabaab and other extremist groups summarily executed an unknown number of persons, whom they accused of spying for the "enemy"--the TFG and AMISOM--in Mogadishu, Bay, Bakol, the Lower and Middle Jubas, the Lower and

Middle Shabelles, and the Galgadud and Hiiraan regions. On January 16, al-Shabaab publicly executed by firing squad Abdirahaman Haji Mohamed "Waldire" after an al-Shabaab court convicted him of espionage and apostasy. Ahmed was a prominent Juba region politician and militia leader. He was arrested on January 5. On September 28, al-Shabaab publicly executed two young men in Mogadishu after an al-Shabaab court found them guilty of espionage. Similarly, extremist armed groups in the Jubas, Bay, and Bakol regions arrested and beheaded several persons they accused of spying. On March 19, al-Shabaab militia beheaded two ASWJ clerics in Balad, Middle Shabelle.

In July al-Shabaab from Bay and Bakol regions beheaded an elderly disabled man after removing his eyes. Al-Shabaab reportedly fitted the man's spectacles on his dismembered head and displayed it in the open. On December 14, Hisbul Islam militia in Afgoe, Lower Shabelle, executed a man accused of committing adultery. The man was buried waist-deep and pelted with stones until he died. Militia leaders rounded up members of the community to witness the punishment.

Roadside bombings, suicide attacks, and armed raids targeting TFG officials and sympathizers as well as civil society groups continued throughout the year. Antigovernment and extremist groups were responsible for numerous killings of government officials and police. Politically motivated killings by al-Shabaab and its affiliates resulted in the deaths of several TFG officials and members of the Banadir regional administration, including district commissioners and their deputies, and security and court officials.

For example, on April 16, al-Shabaab militia reportedly killed Sharif Mohamud Hassan "Kariye," a TFG-allied militia commander, in Hodan District when they opened fire on his vehicle, also killing two other persons accompanying him. On April 23, Abdi Mohamud "Dhabaney," Hodan district commissioner, escaped unhurt after a landmine attack that blew up his car and wounded three others. On June 17, militia associated with al-Shabaab killed Colonel Ali Said, Banadir region police commander, during fighting between TFG troops and al-Shabaab in Mogadishu. On September 26, Mohamed Nur, TFG deputy police commissioner, died from injuries sustained during a September 17 suicide attack against AMISOM headquarters in Mogadishu. None of the assailants were identified by year's end. Al-Shabaab claimed responsibility for several attacks against the TFG and its supporters during the year.

During attacks on TFG troop positions in Mogadishu and elsewhere, al-Shabaab summarily executed security officers. For example, on June 16, al-Shabaab extremist militia elements attacked TFG troops positioned in Galgalato, a village on the outskirts of eastern Mogadishu, and summarily executed by decapitation nine TFG soldiers.

There were no reported cases of TFG security forces killing civilians whom they suspected of planning attacks or giving information to antigovernment forces, as was common in previous years; however, several civilians were killed or injured during clashes between members of TFG's security forces and affiliated militia in parts of Mogadishu. For example, on July 30, two civilians were killed and five wounded when they were caught in a cross fire during clashes among TFG police officers at Zobe in the KM5 area of Mogadishu. On August 3, six persons, including two TFG soldiers, were killed when TFG-affiliated security forces exchanged fire at KM4 in Mogadishu. On August 12, several civilians were killed during clashes between two TFG armed militia groups affiliated with the police and regional security. These clashes reportedly occurred when security forces intervened to prevent their colleagues from engaging in criminal activities such as looting and extortion.

Unlike in previous years, during the year security forces did not kill persons waiting for food aid.

No action was taken against security officials responsible for civilian deaths during the year.

During the year attacks on Ugandan and Burundian troops participating in AMISOM increased. Al-Shabaab killed nearly 120 persons and injured 200, mostly civilians, in eight suicide car bomb attacks against TFG and AMISOM targets during the year.

For example, on January 24, a suicide car bomb explosion targeted an AMISOM convoy near its Mogadishu base at Maka-al-Mukarama road and reportedly killed at least 16 persons and wounded approximately 40. Among the casualties were 13 passengers in a bus near the explosion site. An ensuing gunfight between AMISOM and armed gunmen reportedly caused most of the injuries. On February 22, another suicide car bomb attack inside the AMISOM base killed 11 and wounded 19 peacekeepers. On April 24, a suicide car explosion killed 10, including six TFG police officers outside the police academy in Mogadishu. Police guards at the entrance detonated a suspicious car before it could enter the police training school compound, averting more casualties.

On September 17, al-Shabaab suicide bombers killed 21 persons, including a dozen AMISOM peacekeepers, and wounded several others. Five suicide bombers in two cars laden with explosives drove past security guards at AMISOM headquarters and detonated inside the compound. The December 3 suicide bombing at the Benadir University graduation was the deadliest suicide attack. It killed 22 civilians, including three TFG ministers, and wounded as many as 50 other civilians.

Land mines throughout the country resulted in human and livestock casualties, denial of access to grazing and arable land, and road closures. The UN Children's Fund (UNICEF) reported a continued proliferation of mines and ordnance during the year, resulting in numerous deaths and injuries from land mines. Antipersonnel and antivehicle land mines, most of them remotely controlled, were frequently deployed by antigovernment groups against TFG forces, its allied militia, and civilians.

For example, on January 2, in Hodan District, Banadir Region, a land mine exploded, killing seven civilians.

On January 9, a land mine killed four civilians in Mogadishu. Ahmed Abdullahi Magan, the TFG's Garbaharrey district commissioner, was killed in a landmine explosion along Bulla Hawa-Garbaharrey road, as were three other officials in the same car. On March 15, Ahmed Hassan "Da'l," Wadajir district commissioner, was wounded by a targeted remote-controlled land mine near Mogadishu's international airport. The explosion killed Hassan's driver and wounded two of his security guards. On June 1, a roadside explosion against a TFG police car killed six police officers and wounded three civilian passersby. On June 7, a roadside explosion blew up a civilian car in KM4, killing three occupants and wounding three after missing its target, a TFG police car.

Attacks on and harassment of humanitarian, religious, and NGO workers resulted in numerous deaths.

Numerous children were killed while playing with unexploded ordnance (UXO). For example, on February 24, a UXO killed two children and wounded three from the same family in Biya Adde, Middle Shabelle. On July 8, a UXO killed two children in Ganjaroon village, Lower Juba. On June 14, a land mine killed at least one child and wounded five in Dharkenley District, Mogadishu.

Police officers and local administrators also were killed by land mines. For example, on June 1, a remote-controlled roadside bomb struck a TFG police car and killed six officers on board and wounded three civilian passersby. On June 30, al-Shabaab claimed responsibility for a landmine explosion targeting a TFG vehicle in Waberi District in which five TFG troops on board were killed. On November 1, a remote-controlled roadside bomb killed Osman Yusuf Nur, Somaliland's Sool Region military commander. The explosion wounded two military personnel and two civilians. Somaliland security arrested five persons who remained in custody at year's end.

Physical Abuse, Punishment, and Torture

On June 25, al-Shabaab insurgents carried out double amputations on four young men in Mogadishu, cutting off their right hands and left feet as punishment for theft. A hurriedly convened al-Shabaab Shari'a court found all four men guilty and

promptly carried out the punishment without allowing any form of legal representation or appeal. The four victims were allegedly al-Shabaab deserters, and the robbery charge was reportedly part of a ploy to use them as an example. Al-Shabaab carried out numerous other amputations as punishment for theft in Kismayo, Merka, Wanlaweyn, and Qansaxdhere.

Al-Shabaab carried out these amputations and other violent physical punishments in front of community members whom they forced to attend.

Extremist groups devised a new form of torture of their victims involving crude weapons to cause physical and psychological harm. For example, al-Shabaab militia reportedly burned plastic that they molded into sharp tools, the tips of which were used as torture instruments. The tool was pierced into the skin repeatedly to elicit information. On several occasions during the year, al-Shabaab used this method to torture TFG members and individuals suspected to be sympathetic to the government.

On August 10, the al-Shabaab administration in Merka began removing residents' gold and silver teeth, alleging that they are a sign of vanity and against Islam. There were numerous reports of al-Shabaab identifying persons in the street and using unsterile tools to remove the teeth.

Child Soldiers

The recruitment and use of children in militias and other fighting forces was a longstanding practice in the country and continued during the year. Without established birth registration systems, it is often difficult to determine the exact age of persons, including recruits to armed groups. Children continued to be recruited into militias by the TFG and its allied forces. An October UN report, *The Recruitment and Use of Children by Armed Forces or Armed Groups in the Somali Conflict*, indicated that while all parties recruited children, the TFG was not systematic in its practice. The TFG reportedly targeted older children between the ages of 14 and 18, while extremist opposition groups recruited younger children into their militias. During the year the TFG improved its recruitment practices and formal troop training to stop child soldier recruitment. New forces, trained in Uganda and Djibouti, were thoroughly vetted, and underage soldiers were purged from the units that were formed once the soldiers returned to the country.

Children were recruited, as well as forcibly conscripted, more often by clan militias and antigovernment groups. The July report of the UN Security Council Working Group on Children and Armed Conflict cited the TFG, Ahlu Sunna wal Jama'a, al-Shabaab, Hisbul Islam, clans, and the Puntland regional administration as having continued recruitment of children into their militias. For example, on July 30, it was reported that al-Shabaab near Baidoa was recruiting children as young as eight years old to train in Labatan Jirow and Daynuunay, former TFG bases. UNICEF monitors identified children between the ages of 13 and 17 who were recruited and used as child soldiers. Because of the risk in intervening directly with militia groups, UNICEF protection partners engaged in low-profile condemnation of child recruitment while undertaking public education of youth to empower them to decline offers by any of the armed groups. In some administrations in the country, like that of Jowhar, authorities committed to demobilize child soldiers with UNICEF's assistance; however, no progress was made.

The TFG pledged to address child recruitment when ministers signed the Paris Commitments in February 2007; however, children were enlisted into TFG forces. During the year all parties to the conflict continued to recruit child soldiers. UNICEF continued its public outreach program with radio broadcasts to highlight the problem of child soldiers.

Al-Shabaab conscripted children into armed conflict and military operations in addition to using them to plant roadside bombs and other explosive devices. According to the UN, al-Shabaab recruited children as young as eight from schools and madrassas and trained them to plant bombs and carry out assassinations for financial reward.

On May 30, TFG police arrested 11 minors who had been kidnapped in the Lower Shabelle Region and forced by al-Shabaab into its militia fighting force. In Kismayo, Baidoa, and Merka, al-Shabaab obligated boys 15 years of age and older to fight as "mujahedeen" or face death. Al-Shabaab killed an estimated 16 teenagers after they refused recruitment as al-Shabaab fighters.

The Somaliland constitution contains no minimum age for recruitment into the armed forces, but there were no reports of minors in its forces; however, an inadequate system of birth registration made it difficult to establish the exact age of recruits.

Other Conflict Related Abuses

Security problems complicated the work of local and international organizations, especially in the south. During the year attacks on NGOs, looting, and piracy disrupted aid flights and food distribution. As a result of killings, kidnappings, threats, and harassment, some organizations evacuated their staffs or halted relief food distribution and other aid-related activities.

During the year piracy off the coast continued; the International Maritime Bureau identified the country's territorial waters as the most dangerous in the world. Pirates conducted 47 successful hijackings and 167 unsuccessful attacks on vessels off the Somali coast, an increase over the previous year despite increased international attention. Fewer incidents occurred in the Gulf of Aden, because of increased patrols, but there were more attacks further offshore. Most of the ships continued to be brought into the waters off the coast of Puntland and held near the coastal town of Eyl. Fueled by lucrative ransoms, Eyl developed a burgeoning industry to support the pirates and their hostages. Following ransom payments that in some cases reached several millions of dollars, the hijacked vessels were released. In each instance crews were held hostage until ransom was paid.

During the year Puntland security forces made some progress against pirates operating along its coast, raided some hideouts, arrested several suspected pirates, and sentenced some to long jail terms. Clan elders and religious groups began sensitization efforts in Puntland's coastal towns to demobilize pirates and discourage youths from becoming pirates. Through these efforts an estimated 100 pirates renounced piracy. Despite the Puntland government's efforts against pirates, prominent persons linked with piracy circulated freely and lived ostentatiously in Puntland cities. At year's end 12 vessels and 263 crew members remained in the custody of Somali pirates.

The TFG continued to improve its treatment of humanitarian agency personnel and appointed a minister of humanitarian and emergency assistance to better liaise with UN agencies and NGOs. While the relationship improved, the TFG was unable to prevent attacks against UN and NGO personnel. Attacks on aid workers were fewer than the previous year, in large part because many NGOs and aid organizations had withdrawn their staff from the country. According to a July UN Office for the Coordination of Humanitarian Affairs (UNOCHA) report, access difficulties resulted in instances of humanitarian organizations withdrawing, temporary suspensions of programs in certain areas, or delays in the delivery of humanitarian assistance; however, the report stated humanitarian access was generally good in Puntland and Somaliland. UNOCHA reported a general reduction of violence against aid workers during the year, mainly because there were so few workers in the country. UNOCHA noted a marked shift from attacks on humanitarian personnel to raids by al-Shabaab on UN and NGO compounds, offices, and warehouses, in which they looted humanitarian supplies, food, equipment, vehicles, and other assets. The deteriorating security situation and continued targeting of national and international relief workers presented significant challenges to humanitarian operations in The country. During the year 10 aid workers were killed and 7 kidnapped and released. At year's end 10 persons who were kidnapped in 2008 remained captive. Relief agencies continued to operate with significantly reduced or no international staff. Aid agencies increasingly relied on national staff, which was equally under threat, and partnerships with local implementing organizations to deliver relief assistance to vulnerable beneficiaries.

On January 6, three masked gunmen shot and killed Ibrahim Hussein Duale, an employee of the World Food Program. At the time of his death Hussein was monitoring a school feeding program in Yubsan village, Garbahare. On March 19, the al-Shabaab administration in Burdubo arrested one of the gunmen, and in a five-day hearing an al-Shabaab Islamic court tried and convicted him after he pled guilty to Hussein's murder. The convicted killer paid Hussein's family 100 camels to avoid being executed.

On March 16, gunmen abducted four UN staff on their way to an airstrip in Waajid, Bakol Region. The four were released on March 17 after clan elders and local administrators intervened on their behalf.

On April 19, unknown gunmen killed Omar Sharif, a local aid worker in Merka, as he left a mosque after evening prayers.

Also on April 19, unknown armed men abducted two international aid workers—a Belgian doctor and Dutch nurse—working with international NGO Medecins Sans Frontieres (MSF) near Rabdhure, Bay Region. They were released on April 28 through the efforts of local elders. In June the MSF closed its programs in Bakol Region, citing security reasons.

On May 17, al-Shabaab raided the UNICEF compound in Jowhar, stealing and destroying tons of essential nutritional and medical supplies and cold chain equipment—including immunizations for infants, children, and expectant and lactating mothers. On July 20, al-Shabaab militiamen in Bay Region raided the UN agency compound in Baidoa, stole several vehicles, many computers, and expelled three UN agencies. Earlier in the year, al-Shabaab shut down the operations of two international aid organizations in regions under its control.

In early August armed militia groups affiliated with al-Shabaab attacked and occupied at least five NGO compounds in Jilib and Jamaame districts in Middle and Lower Juba regions. There were no aid workers injured in the attacks, but militia looted computers, vehicles, and other equipment, causing several NGOs to suspend humanitarian operations.

On August 17, several gunmen attacked a UN World Food Program (WFP) compound in Wajid, Bakol Region. Guards at the compound fought off the attackers, killing three.

There were some developments in kidnapping cases from 2008. On August 11, kidnappers released four Action Contre la Faim staff, including two pilots, kidnapped from Dusamareb airstrip in November 2008.

In October 2008 simultaneous explosions in Hargeisa targeting the UNDP, the Somaliland Elections Commission, and the Ethiopian embassy, as well as Puntland administration offices in Bossasso, killed 20 persons and injured 37. On May 28, the Hargeisa regional court arraigned 14 suspects in the attack.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The TFC and the Somaliland constitution provide for freedom of speech and press; however, there were instances of violence including murder, harassment, arrest, and detention of journalists in all regions of the country, including Puntland and Somaliland. The Puntland Charter provides for press freedom "as long as journalists respect the law"; however, this right was not respected in practice. Journalists engaged in rigorous self-censorship to avoid reprisals.

The print media consisted largely of short, photocopied dailies published in the larger cities and often affiliated with one or another of the factions. Several of these dailies were nominally independent and published criticism of political leaders and other prominent persons.

In Somaliland there were seven independent daily newspapers: *Geeska Africa*, *Ogaal*, *Jamhuriya*, *Haatuf*, *Waahen*, *Sahansahan*, and *Maalmah'a*) There was also one government daily--*Maandeeq*--and two English-language weekly

newspapers--*Somaliland Times and The Republican*. There were three independent television stations Horn Cable TV, Horn Cable, and Somaliland Space Channel, and one government-owned station, Somaliland National TV. Although the Somaliland constitution permits independent media, the Somaliland government has consistently prohibited the establishment of independent FM stations. The only FM station in Somaliland was the government-owned Radio Hargeisa. The independent media suffered increased harassment from the Somaliland government, especially in the period preceding the presidential elections that had been scheduled for September 27.

Most citizens obtained news from foreign radio broadcasts, primarily the BBC's Somali Service and the Voice of America's Somali Service that transmitted daily Somali-language programs. There were reportedly eight FM radio stations and one short-wave station operating in Mogadishu. A radio station funded by local businessmen operated in the south, as did several other small FM stations in various towns in the central and southern parts of the country. There were at least six independent radio stations in Puntland. Conditions in the country precluded a full accounting of all media; there were numerous small, relatively unknown local FM radio stations throughout the country. On March 28, in Kismayo, al-Shabaab opened an FM radio station.

The relationship between journalists and the TFG improved, and unlike in the previous year, journalists did not receive direct threats from the TFG; however, opposition elements, especially al-Shabaab and other extremists, continued to harass journalists, and the overall climate for freedom of speech and press deteriorated. Journalists reported that al-Shabaab threatened to kill them if they did not report on antigovernment attacks conducted by al-Shabaab. Reporters also remained under threat if they published criticism of the government. The Kismayo al-Shabaab administration continued to enforce rules for journalists, including a requirement to refrain from reporting news that undermined Islamic law.

Journalists and media organizations in all regions reported harassment, including killings, kidnappings, detention without charge, and assaults on persons and property. Most experienced field reporters and senior editors had fled the country due to direct threats from antigovernment groups. During the year nine journalists were killed in targeted or collateral incidents.

There were two targeted killings of journalists during the year, compared to one such killing in 2008. On February 4, *HornAfrik Mogadishu* director Said Tahil Ahmed was killed while walking with nine other media leaders to a meeting with al-Shabaab representatives. On June 7, *Shabelle* director Muktar Mohamed Hirabe was killed in Bakara Market. Al-Shabaab reportedly instigated both of these killings.

Seven journalists were killed during the year as a result of cross fire, stray bullets, and proximity to the December 3 suicide bombing in Mogadishu in which three journalists were killed. There were no arrests in connection with any killings or attempted killings of journalists during the year.

Numerous journalists were arrested and detained during the year, but unlike in previous years, there were no reports that the TFG ordered such arrests. For example, on January 23, Muhammad Hasan Haji Abukar, a Holy Koran Radio reporter, was reportedly arrested by al-Shabaab authorities in Baidoa and tortured; they also confiscated his equipment. On April 18, al-Shabaab arrested Mohiddin Hassan Mohamed of *Shabelle* in Baidoa; he was released a day later. On August 22, the al-Shabaab administration of Gedo Region ordered Radio Markabley to fire two journalists and submit to edicts issued that day.

Journalist arrests and detentions increased in Somaliland. On February 26, in Hargeisa, Somaliland authorities arrested Mohamed Abdi Guled, editor of the privately owned weekly *Yoo'*; he was released on March 20. On March 29, Ahmed Suleiman Dhuhul, a member of the executive committee of the Somaliland Journalists Association and producer of Horyaal private radio, was arrested for trying to report on a meeting of the upper house of Somaliland's parliament to debate the extension of the mandates of Somaliland's president and vice president. On July 13, in Hargeisa, two Radio

Horyaal journalists were arrested after reporting on a clan conflict over land rights. On July 29, Somaliland authorities ordered the closure of Horn Cable TV and arrested its chief editor. On August 4, Somaliland.org Web site reporter Foosi Saleban Awbiindhe was arrested in Burao after writing a report on corruption involving the governor. He was freed on August 26.

There were also several incidents in the Puntland region during the year. For example, on March 26, in Bossaso, security forces arrested Jama Ayanle Siti, a reporter for *Laas Qoray* newspaper and its Web site, and Abdiqani Hassan, a freelance reporter. On March 30, also in Bossaso, Jama Ayanle Feyte was sentenced to two years in prison after being accused of defamation and disseminating false information about the Puntland authorities. On August 25, Voice of America reporter Mohamed Yasin Isaq was arrested in northern Galkayo after releasing a report on the failure of the Puntland administration to curb growing insecurity in the town. On December 21, Puntland security forces again arrested Isaq, held him for 17 days, and released him without charge.

Canadian journalist Amanda Lindhout and Australian photojournalist Nigel Brenan, who were kidnapped in August 2008, were released on November 25 in Mogadishu, reportedly after ransoms were paid by the journalists' families. On January 17, Abdifatah Mohammed Elmi, who was kidnapped with Lindhout and Brenan, was freed.

The British and Spanish journalists who were abducted in November 2008 in Bosasso were released on January 4. They were held captive in an unknown location in the Puntland region.

Several broadcasting stations were closed during the year. At least two radio stations were closed by Islamic administrations. On April 9, al-Shabaab closed Radio Mandeeq after it broadcast news about a clan dispute. On April 27, the al-Shabaab administration in Baidoa closed Radio Jubba and detained three journalists. They were freed the following day after an agreement that the station would no longer broadcast music. On September 30, al-Shabaab ordered the closure of Radio Warsan, a local FM station in Baidoa, and detained the radio's director, Hilal Sheikh Shuayb. He was reportedly arrested for failure to obey al-Shabaab's order for radio stations to stop airing advertisements with music and to broadcast the call for prayer. He was released after two days in detention.

Journalists reported continued pressure from al-Shabaab and opposition elements to provide favorable reporting for each side, with threats of reprisal if reporting was perceived to be critical of them. Unlike in previous years, there were no reports that the TFG pressured journalists to produce positive reporting.

Internet Freedom

Somalia has some of the lowest cost telecommunications and Internet services in the region. There were no government restrictions on access to the Internet; however, opposition elements in Mogadishu reportedly closely monitored Internet use and were believed to be the authors of anonymous e-mail threats to local journalists. Media outlets continued to create Web sites associated with their broadcast operations, resulting in a proliferation of news-oriented Somali language Web sites. According to International Telecommunication Union statistics for 2008, approximately one percent of the country's inhabitants used the Internet; however, independent researchers have noted that this figure may be higher because Internet users frequently accessed the technology in cybercafés and other public centers and Somalia's country domain was not in use.

Academic Freedom and Cultural Events

There were several functioning universities--three each in Mogadishu, Somaliland, and Puntland. Dozens of others existed only in name. Authorities imposed restrictions on academic freedom, and academicians practiced self-censorship. In Puntland a government permit was required to conduct academic research.

During the year there were fewer attacks on schoolchildren, teachers, and schools across the country. Unlike in previous years, TFG forces were not responsible for any of these attacks. Al-Shabaab, other antigovernment groups, and ordinary criminals were responsible for targeted attacks. There were no developments in the August 2008 incident in which TFG security forces stormed the Somali Youth League primary and secondary school and the Imam Shafi'i Primary School in Mogadishu.

Al-Shabaab and armed militia associated with the former Union of Islamic Courts attacked schools and killed teachers and education workers. For example, on February 18, unknown armed militia forcefully entered Yusuf Kownayn school in Mogadishu's Wadajir District. The militia reportedly robbed, beat up, and harassed teachers and students.

There were no official restrictions on attending cultural events, playing music, or going to the cinema, although the security situation effectively restricted access to and organization of cultural events, except in al-Shabaab-controlled areas.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The TFC, the Somaliland constitution, and the Puntland Charter provide for freedom of assembly; however, a ban on demonstrations continued, and the lack of security effectively limited this right in many areas. Security force use of excessive force to disperse demonstrators resulted in numerous deaths and injuries.

On several occasions Somaliland security personnel prevented opposition political parties from meeting with supporters and from holding public rallies. For example, on April 6, Somaliland police prevented opposition supporters from holding peaceful processions to commemorate Somalia National Movement Day. Police fired in the air and would not allow party leaders to address their supporters. Security agents often prevented opposition parties from organizing public gatherings and demonstrations.

On September 12, Somaliland security forces used excessive force when they killed four demonstrators and wounded many others during a peaceful protest in front of the parliament. Police and military personnel shot in the air to disperse hundreds of demonstrators, mostly youth, gathered to press authorities to reopen parliament. Police also arrested more than 100 persons in the incident. On September 13, the Somaliland Regional Security Committee (RSC) sentenced without due process 40 of those arrested to six months in prison. At year's end most of these persons were still detained. In its July report on Somaliland, Human Rights Watch accused the RSC of perpetrating gross human rights violations, stating the RSC routinely incarcerated persons, including juveniles, without any pretense of respecting the due process provided for in Somaliland's constitution.

There were no updates on the April and May 2008 killings of demonstrators in Somaliland and Mogadishu, respectively, and neither the TFG nor the Somaliland administration took action to punish the police perpetrators.

Unlike in previous years, there were no reports of use of excessive force by security forces in the south and central regions against persons assembled at food distribution centers.

Freedom of Association

The TFC provides for freedom of association, and unlike in previous years, there were no reports that the TFG restricted freedom of association.

The Puntland Charter provides for freedom of association; however, the Puntland administration continued to ban all political parties.

The Somaliland Constitution provides for freedom of association, and this right was generally respected in practice; however, in July 2007 Somaliland authorities arrested three opposition politicians who were planning to form a new political party. These persons were released in December 2007. President Riyale stated that he issued an official pardon; however, their judicial record was not cleared, and the leaders remained effectively blocked from participating in the electoral process as candidates for any party.

Legislation governing the formation of political parties in Somaliland limits the number of parties allowed to contest general elections to three. An ad hoc commission nominated by the president and approved by the legislature was responsible for considering applications. The law provides that approved parties obtaining 20 percent of the vote in a general election are allowed to function. There were three approved political parties.

c. Freedom of Religion

Although the TFC provides for religious freedom, this right was widely ignored in practice. The TFG generally did not enforce legal restrictions or protections concerning religious freedom.

On May 10, the TFG ratified legislation to implement Shari'a nationwide. In practice the TFG does not have the capacity or mechanisms to implement the legislation uniformly.

Militia groups, particularly those associated with al-Shabaab, often imposed a strict interpretation of Islam on communities under their control. There were reports that individuals who did not practice Islam in line with al-Shabaab's interpretation were discriminated against, and several nonobservant Somalis may have been killed.

The TFC, Somaliland constitution, and Puntland Charter establish Islam as the official religion. Somalis are overwhelmingly Sunni Muslims of a Sufi tradition. There also is a very small, extremely low-profile Christian community, in addition to small numbers of followers of other religions. The constitutions and Charters governing the various regions provide the right to study and discuss the religion of one's choice; however, in practice freedom of worship for non-Muslims was respected only for non-Somalis. Conversion from Islam is not allowed in any of the three regions. The TFG and the Somaliland and Puntland administrations did not have the capacity to enforce freedom of worship. The number of adherents of strains of conservative Islam and Islamic schools supported by religiously conservative sources continued to grow.

In Puntland only Shafi'iyyah, a moderate Islamic doctrine followed by most citizens, is allowed in public religious expression. Puntland security forces closely monitored religious activities. Religious schools and places of worship must receive permission to operate from the Ministry of Justice and Religious Affairs; such permission was granted routinely to schools and mosques espousing Shafi'iyyah.

In Somaliland religious schools and places of worship must obtain the Ministry of Religion's permission to operate. Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere. Apart from restrictions imposed by the security situation, Christian-based international relief organizations generally operated freely as long as they refrained from proselytizing; however, there were reports that a few Somalis who converted to Christianity were killed by al-Shabaab and allied extremist groups during the year.

Societal Abuses and Discrimination

During the year, in the Bay and Lower Juba regions as well as in Mogadishu, al-Shabaab extremists killed several prominent clerics, most belonging to ASWJ. For example, on February 7, a religious scholar was shot and killed near his home in the Medina district of Mogadishu. In religiously motivated violence, al-Shabaab destroyed the tombs of revered ASWJ Sufi clerics and killed clerics, civilians, and government officials of Sufi orientation. For example, on March 28, in

Barawe District, Bay Region, al-Shabaab forces destroyed five graves of famous clerics and removed their remains. On May 5, near Kamsuma village, in Kismayo District, al-Shabaab forces destroyed 10 graves of famous Islamic scholars. On June 10, in Bardhere town, in Gedo Region, al-Shabaab destroyed an undisclosed number of Sufi graves. In targeted assassinations, members of al-Shabaab killed TFG officials and allies whom they denounced as non-Muslims or apostates. On January 1, Sheikh Mohamed Ibrahim "Elbuur," a prominent religious leader, was killed by unidentified gunmen in Elasha Biyaha, an internally displaced persons (IDP) settlement on the outskirts of Mogadishu. Sheikh Mohamed was shot outside a mosque after evening prayers. He was reportedly targeted for his moderate views and condemnation of violence.

On April 5, in Jamame town in Lower Juba Region, a Koranic school teacher was beheaded by armed opposition group members. Al-Shabaab bombed cinemas, attacked persons whom they asserted were not behaving "appropriately," and banned all sporting events. On September 21, al-Shabaab killed two ASWJ clerics in Lower Shabelle Region when they opened fire on a congregation gathered for Eid prayers to mark the end of Ramadan.

Women were disproportionately affected by Islamic extremists during the year. In March al-Shabaab issued a decree mandating that women wear the hijab outside of the home; any woman found not wearing the hijab would be arrested and face punishment.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. Non-Muslims who practiced their religion openly faced societal harassment. Those suspected of conversion faced harassment or even death from members of their community.

In April 2008 a worshipper was stabbed in a mosque in Somaliland after two groups clashed over differences in interpretation of Islam. There was no new information about this case.

The small Christian community kept a low profile. There were no public places of worship for non-Muslims. Christians, as well as other non-Muslims who proclaimed their religion, faced harassment or even death. On July 10, al-Shabaab beheaded seven persons in Bay Region after accusing them of converting to Christianity and spying for the TFG. On July 27, al-Shabaab reportedly beheaded four Christians after kidnapping them in Merka, Lower Shabelle. The four victims were working for a local organization caring for orphans and were killed after they reportedly refused to renounce Christianity. On September 15, al-Shabaab extremists killed Omar Khalafe after they found him in possession of several Bibles.

There is no known Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The TFG and the Puntland Charter provide for freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints operated by the TFG and its associated militias decreased. Checkpoints operated by armed militias, clan factions, and groups associated with al-Shabaab and its affiliates inhibited passage and exposed travelers to looting, extortion, rape, and harassment, particularly of civilians fleeing conflict. In the absence of effective governance institutions, few citizens possessed the documents needed for international travel.

There were no reports of armed clan factions operating checkpoints during the year. Puntland security forces dismantled ad hoc checkpoints by armed clan militias. According to a report by UNOCHA, al-Shabaab established checkpoints at the exit/entry routes of the towns under its control for security reasons. There were no reports of checkpoints between towns or within towns, as was common in previous years.

The law does not prohibit forced exile; however, none of the authorities used forced exile during the year.

During the year there were no organized repatriations to any region.

Internally Displaced Persons (IDPs)

UN agencies estimated that since January 2007 more than 900,000 persons had fled their homes in Mogadishu and its surroundings as a result of targeted attacks by al-Shabaab and continued conflicts between TFG forces and antigovernment groups, especially al-Shabaab. The Somalia office of the UNHCR, based in Kenya, estimated that there were 1.5 million IDPs in the country as a result of internal conflict, flooding, droughts, and other causes going back to the early 1990s but with much higher numbers in recent years.

Many of the newly displaced lived without basic services, primarily settling on the Afgoye corridor between Mogadishu and Baidoa. Militia groups, aligned with both sides of the conflict, had restricted access during food distributions. The deterioration in security severely restricted the movement of aid workers and the distribution of urgently needed assistance to IDPs. Increased targeting of aid workers, "taxes" on humanitarian aid, and al-Shabaab's expulsion in August of three UN agencies made it more difficult to deliver basic services. During the year Puntland authorities in Galkayo and Garowe forcibly repatriated Somalis from the south and central regions who were accused of being responsible for increased insecurity in the region. In December Puntland residents attacked IDPs from the south and called for their expulsion from Puntland, forcing IDPs to close their businesses. The attack followed president Faroole's media comments accusing persons from the south of contributing to the rise in insecurity.

Protection of Refugees

The 1990 constitution and TFC do not include provisions for granting asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The country signed the African Union Convention Governing the Specific Aspects of the Refugee Program in Africa in 1969, but neither ratified it nor deposited it. The TFC states that political asylum may be granted to persons who flee their or another country because of political, religious, and cultural persecution; however, there was no official system for providing such protection. The authorities provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened (complete with new standard language as applicable), and in practice the authorities granted refugee status or asylum. The UNHCR reported that at year's end there were 2,960 refugees and 18,600 asylum seekers in Somaliland and Puntland, an increase over 2008. Human rights organizations estimated there were as many as 1.75 million displaced due to conflict, food shortages, and inflation. An additional 3.76 million citizens were in need of humanitarian assistance; however, insecurity in the south and central regions limited the access of UN and international aid workers. UN agencies reported that 10 humanitarian workers were killed during the year. Somaliland authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR estimated that during the year more than 60,000 citizens attempted more than 900 illegal boat crossings from Somaliland, Puntland, and Djibouti to Yemen, resulting in at least 273 confirmed deaths. By the end of September, there were 50,486 recorded new arrivals in Yemen, a 50 percent increase over the number of arrivals during the same period in 2008. The UNHCR estimated that 158,000 Somali refugees were in Yemen at year's end.

In 2007 the Kenyan government closed its border to all traffic to and from Somalia, although it later allowed humanitarian relief supplies to enter Somalia on a case-by-case basis. Despite the border closure, during the year 55,658 asylum seekers made their way to the already overcrowded Dadaab refugee camps in Kenya through the porous border. In the same period, an estimated 20,000 asylum seekers entered Ethiopia, bringing the number of Somali refugees there to more than 40,000. The sudden influx of 11,000 Somalis to Dolo Ado in southeastern Ethiopia led the UNHCR to establish

a fourth refugee camp. By the end of the year, the Bolkamayo camp in southeastern Ethiopia had already reached its 20,000 refugee capacity. The UNHCR estimated that at year's end it was providing humanitarian assistance and protection to more than 541,600 Somalis in Kenya, Yemen, Ethiopia, Djibouti, and Uganda, an increase over 2008.

During the year there continued to be reports that Somali women, girls, and in isolated cases men were raped in refugee camps in Kenya.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

On August 19, the TFG parliament approved the implementation of martial law in the country for three months; however, in practice martial law was not implemented in any area.

In the absence of effective governing institutions, citizens could not exercise the right to change their government. In January, through the Djibouti Process, the parliament was expanded, and it extended the TFG mandate until 2011, to prepare the country for national elections. Unlike in previous years when clan leaders operated as de facto rulers in most regions under the nominal control of the TFG, much of the country fell under the rule of armed militias, many associated with the al-Shabaab terrorist group. Although al-Shabaab often collaborated with clan leaders in the areas it controlled, many clan leaders continued to face opposition from intraclan groups and political factions.

Elections and Political Participation

The TFG was formed in late 2004 and early 2005 following two years of negotiations in Kenya led by the Intergovernmental Authority on Development. The TFC is the legal framework for the transitional federal institutions of parliament and government, which operated under a five-year mandate originally scheduled to expire in 2009; however, the TFP, under the Djibouti peace process, extended the initial mandate by another two years until 2011. In 2004 the clan-based TFP elected Abdullahi Yusuf Ahmed, the former president of Puntland, as transitional federal president, and he then appointed Ali Mohammed Gedi as prime minister. Gedi resigned in October 2007. In November 2007 President Yusuf appointed Nur "Adde" Hassan Hussein as prime minister. In 2008 Yusuf attempted to remove Prime Minister Hussein, first by supporting a no-confidence parliamentary vote and then by dismissing him through a presidential decree. Both plans backfired, and in December 2008, after significant discord within the TFG, Abdullahi Yusuf resigned. Speaker of Parliament Sheikh Adan Mohamed Nur became interim president following Yusuf's resignation. The TFC stipulates that the interim president remain in office for 30 days until the parliament selects a new president.

In August 2008 the leaders of the TFG and the Alliance for the Reliberation of Somalia (ARS) signed the UN-brokered Djibouti Agreement and agreed to cease all armed confrontation, ensure unhindered humanitarian access, and work toward a durable peace. The Djibouti Agreement set the stage for the formation of a unity government in January 2009. Between January 22 and 24, members of the TFP relocated to Djibouti from the previous seat of parliament in Baidoa to take part in the election of a new TFG president. On January 26, while in Djibouti, the TFP adopted an amendment to the TFC to both extend the TFG's initial five-year mandate by an additional two years and allow for the expansion of the number of MPs from 275 to 550 to accommodate 275 new MPs from ARS under the Djibouti Agreement. On January 31, the expanded TFP elected Sheikh Sharif Sheikh Ahmed-- who was until then ARS executive chairman--as the new TFG president. The election was considered free and fair, and it attracted more than a dozen candidates, including former prime minister Nur Hassan Hussein. On February 13, while in Djibouti, President Sharif appointed Omar Abdirashid Ali Sharmarke as the new TFG prime minister. On February 20, Prime Minister Sharmarke formed his first government with 36 ministers. On February 23 and 26, President Sharif and Prime Minister Sharmarke relocated to Mogadishu. It was the first time that the TFG and TFP were based in the country's capital since the TFG was formed.

Somaliland has a constitution and bicameral parliament with proportional clan representation and an elected president and vice president. Somaliland authorities have established functioning administrative institutions in nearly all of the territory they claim, which is the same as the Somaliland state that achieved international recognition briefly in 1960 before entering into a union with the former Italian colony of Somalia. In a 2001 referendum, 97 percent of voters supported Somaliland independence.

Elected in April 2003, President of Somaliland Dahir Riyale Kahin initiated several actions to postpone elections for the fourth time and extend his term in office. Beginning in 2006 Riyale initiated a process to extend the mandate of the unelected upper house of parliament, the Guurti, for four years. In April 2008 the Guurti postponed presidential and local elections and extended President Riyale's term in office for an additional year. After successful international mediation, the major political parties agreed to hold presidential elections in April 2009 after a national voter registration process under which each Somaliland citizen would receive a national identity card. On March 3, the National Electoral Commission announced that presidential elections would be held on May 31; however, on March 28, the Guurti voted to postpone the elections and extend President Riyale's term in office to September 27. The political impasse deepened, and on August 29, police closed the parliament building. In March and September, opposition political parties protested the decision to extend Riyale's term despite an earlier agreement not to allow any further extensions, and in September legislators tabled an impeachment motion in parliament. During a demonstration on September 12, Somaliland police fired into a crowd gathered in front of the parliament, killing four demonstrators and wounding others. Police arrested and detained more than 100 persons. An extrajudicial process resulted in an estimated 40 persons being sentenced to six months in prison. The deadlock was broken on September 25, when the Guurti unanimously endorsed a six-point memorandum of understanding (MOU) produced by the international community to move the electoral process forward. The Guurti announced that President Riyale's term in office would end one month after elections were held. On September 30, the president and the two opposition political party leaders signed the MOU. On October 4 and 5, to begin implementing the MOU, all members of the National Electoral Commission resigned and President Riyale appointed a new commission, endorsed by all stakeholders. At year's end no date had been set for the elections.

In 2007 Somaliland opposition figures Mohamed Abdi Gaboose, Mohamed Hashi Elmi, and Jamal Aideed Ibrahim were released from prison after serving three months on charges of founding an illegal organization and creating instability. At year's end the three leaders' political rights had not been fully restored. They were able to register to vote, but they were not allowed to participate in the electoral process as candidates for any party.

In 1998 Puntland declared itself a semiautonomous regional government during a consultative conference of delegates from six regions that included traditional community elders, the leadership of political organizations, members of local legislative assemblies, regional administrators, and civil society representatives. Puntland has a single-chamber quasi-legislative branch called the Council of Elders, which has played a largely consultative role. Political parties were banned; however, on June 29, the Puntland parliament endorsed a constitution allowing the establishment of multiparty democracy in two years. The new constitution, which is subject to a public referendum, limits the number of political parties to three. On January 8, the council elected Abdirahman Mohamed Mohamud "Farole" as Puntland's president. The former president, General Mohamud Muse Hersi "Adde Muse," who was one of several candidates, conceded defeat and peacefully handed over power to the new president. Parliamentary representatives are seated by their respective clan elders in the six administrative regions, and the same 66 representatives announced in December 2008 by Puntland's election and ratification commission remained in office. On January 1, the new members of Parliament were sworn in. On January 17, President Farole appointed 16 ministers, including three from the previous administration, to form a new cabinet.

Some Puntland cabinet ministers maintained their own militias, which contributed to a general lack of security. As part of the election process, each presidential candidate was required to pay a \$5,000 qualification fee and each vice presidential candidate a \$2,500 fee. Some of these funds were used for security during the elections.

Somaliland and Puntland continued to contest parts of Sanaag Region, as well as Sool Region and the Buhodle Ddistrict of Togdheer Region during the year. Both governments maintained elements of their administrations in Sanaag and Sool regions, and both governments exerted influence in various communities. During the year there were no renewed hostilities in Las Anod, Sool Region. In January militias suspected of being from Puntland killed four Somaliland officials--two civil and two military--who were registering voters in Widhwidh, Sool Region. Unlike in 2008, there were no reports of population displacement due to conflict between Puntland and Somaliland. Somaliland forces remained in control of Las Anod, although Puntland forces threatened attack and had reportedly expanded their security presence in surrounding areas.

There were 37 women in the expanded 550-seat TFP; there were only seven women selected as MPs out of the additional 275 MPs that were appointed when the ARS entered the TFG. The number fell short of the TFC requirement that at least 12 percent of parliamentary seats be reserved for women. Among the 39 ministers and six state ministers appointed in February and August, there were only three women ministers. Minister of Health Qamar Aden Ali, who was killed in the December 3 suicide bombing, was not replaced.

In the Somaliland government of 28 ministers, a woman held the post of gender and family minister, and two women were elected to the 82-member lower house of parliament.

In Puntland there have never been any women on the Puntland Council of Elders. In December there were two women selected as representatives to the 66-member parliament, down from five in the previous parliament. Asha Gelle was reappointed minister of gender and family and as in the previous administration was the only female minister in the new Puntland administration. In January three women deputy ministers were appointed to the cabinet out of a total of 22 deputy ministers.

There were 60 members of the minority Bantu and Arab ethnic groups in the TFP and four in the TFG cabinet. There were no members of minority groups in the Somaliland parliament and cabinet. There are 136 distinct subclans in Puntland, 46 of which were represented in the Council of Elders. These are the largest subclans, and each has one to four representatives in the 66-member parliament. The other subclans do not necessarily consider themselves "minorities," and most thought they were represented within the larger Darod/Harti clan and the parliament.

Section 4 Official Corruption and Government Transparency

Official corruption was endemic throughout the country, although the TFG took measures during the year to limit corruption. For example, the TFG appointed a commission to oversee port revenues, resulting in a significant increase in funds for the treasury. The law does not provide criminal penalties for official corruption, and officials frequently engaged in corrupt practices with impunity. Corruption existed in almost every transaction in the country, and there is no regulatory or penal framework in place to combat it. This is true even in the provision of humanitarian assistance. The 2009 World Bank Worldwide Governance Indicators reflected that corruption was a severe problem. Government officials in all three regions were not subject to financial disclosure laws.

There were no laws providing for public access to government information.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated in some of the country, investigating and publishing their findings on human rights cases; however, security considerations constrained their ability to operate freely. In contrast with previous years, government officials were responsive to their views, although the TFG had limited capacity to implement human rights programs. There was also an increase in al-Shabaab's targeting of civil society groups, peace activists, media, and human rights organizations. The Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC), Elman Peace and Human Rights Center (EPHRC), Peace and Human Rights Network (INXA), Isha Baidoa Human Rights Organization in the Bay and Bakol regions, KISIMA in Kismayo, Coalition of Grassroots Women's Organization (COGWO), and other local human rights groups were active during the year, although less than previously because of the increased targeting by al-Shabaab. The DIJHRC, EPHRC, and COGWO continued to investigate and document human rights violations, study the causes of the continuing conflict in the Mogadishu area, and conduct human rights monitoring. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, several women's NGOs, and other civil society organizations also played a role in promoting intraclan dialogue in Puntland and parts of the south central region.

Somaliland human rights organizations accused authorities of meddling in their internal affairs and fomenting conflict among them.

During the year attacks and incidents of harassment of humanitarian, religious, civil society, and NGO workers resulted in at least 10 deaths. Unlike in previous years, TFG officials did not accuse NGOs and civil society organizations of siding with opposition groups and exaggerating human rights abuses committed by TFG forces, nor did the TFG intimidate and arrest NGO workers; however, on numerous occasions during the year al-Shabaab administrations in Bay, Bakol, and Gedo regions ordered local and international NGOs to register and pay "taxes," threatening serious consequences for noncompliance. Al-Shabaab militia raided and looted humanitarian supplies and equipment from NGO compounds in Bay, Bakol, Middle Shabelle, and Middle Juba regions. In March al-Shabaab ordered all international aid agencies to leave Bay and Bakol regions and ordered all local NGOs to register. After public protest, this decision was reversed, but two international aid agencies were expelled. On October 7, militia groups associated with al-Shabaab dropped leaflets at Medina Hospital warning the International Committee of the Red Cross, which operates the hospital, to immediately stop its work. The leaflets, which accused the hospital of being a TFG institution, also warned the hospital administration and staff to cease operations and vacate the hospital or face unspecified consequences.

Somaliland authorities ordered NGOs operating in Somaliland to present their programs and budgets to the authorities or cease operations.

There were numerous occurrences of looting, hijacking, and attacks on convoys of WFP and other humanitarian relief shipments during the year. On January 2, al-Shabaab militias broke into and looted relief food rations from the WFP warehouse in Merka, Lower Shabelle Region.

There were no developments in cases of attacks on aid workers, human rights observers, and international NGOs reported in previous years.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The TFC prohibits discrimination on the basis of gender or national origin; however, societal discrimination based on clan and ethnic origin, violence against women, and widespread abuse of children continued to be serious problems. The Somaliland constitution and the Puntland Charter prohibit discrimination on the basis of gender or national origin, but these rights were not respected in practice.

Women

Laws prohibiting rape exist; however, they were not enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year. NGOs documented patterns of rape perpetrated with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans. Police and militia members engaged in rape, and rape was commonly practiced in interclan conflicts. Traditional approaches to dealing with rape tended to ignore the victim's situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator's and the victim's clans. Victims suffered from subsequent discrimination based on attributions of "impurity." Women and girls in IDP camps were especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS. In March 2008 the UNIE reported that in Mogadishu and Kismayo IDP women and girls, particularly those belonging to minority groups, were increasingly becoming the targets of sexual violence by youth gangs. In Somaliland gang rape continued to be a problem in urban areas, primarily by youth gangs, members of police forces, and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and displaced rural populations living in urban areas. Many cases were not reported. According to UNIE's October report, sexual violence, including gang rape of teenage girls, was on the rise. In the report, UNICEF monitors reported 11 rape cases in IDP camps in Puntland and 13 cases in Somaliland camps; victims included mentally and physically handicapped children.

Domestic violence against women remained a serious problem. There are no laws specifically addressing domestic violence; however, both Shari'a and customary law address the resolution of family disputes. The UNIE reported that "honor" or revenge killings continued. No statistical information was available on the extent of domestic violence. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. Women suffered disproportionately in the country's civil war and interclan fighting.

Prostitution is illegal, and there were no statistics on its prevalence. Sexual harassment was a problem, but there were no laws, data, or government programs to address it.

In the country's overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated. Polygamy is permitted. Under laws promulgated by the former government, girls and women could inherit property, but only half the amount to which their minor and adult brothers were entitled. Similarly, according to Shari'a and the local tradition of blood compensation, anyone found guilty of the death of a woman must pay half the amount that would be payable to the aggrieved family if the victim were male.

Women do not have the right to decide freely the number, spacing, and timing of their children and often faced discrimination, coercion, and violence when they attempted to exercise these rights. In part because of cultural sensitivities, there was limited information about and access to contraception. With inadequate health care, women rarely had skilled attendance during childbirth or essential obstetric and postpartum care. In Somaliland and Puntland, international programs ensured that women were equally diagnosed and treated for sexually transmitted infections, including HIV. There were limited programs in the southern and central regions.

Women's groups in Mogadishu, Hargeisa (Somaliland), Bossaso (Puntland), and other towns actively promoted equal rights for women and advocated the inclusion of women in responsible government positions, and observers reported some improvement in the profile and political participation of women in the country.

Children

In the absence of functioning central authority, births were not registered in Puntland or southern and central Somalia. The failure to register births was not a key factor in the denial of public services. Birth registration was taken seriously in

Somaliland for hospital and home births; however, limited government capacity, combined with the nomadic lifestyle of many persons, caused numerous births to go unregistered. In Somaliland some public services may not be available to children who were not properly registered.

During the year UNICEF reported that more than 60 percent of schools in Mogadishu were closed and the remaining schools operated with reduced enrollment and attendance, as many parents withdrew their children because of security concerns. Since the collapse of the state in 1991, education services have been partially revived in various forms, including a traditional system of Koranic schools; public primary and secondary school systems financed by communities, foreign donors, and the administrations in Somaliland and Puntland; Islamic charity-run schools; and a number of privately run primary and secondary schools, universities, and vocational training institutes. Few children who entered primary school completed secondary school. There was a continued influx of foreign teachers to teach in private Koranic schools and madrassas. These schools were inexpensive and provided basic education; however, there were reports that they required the veiling of small girls and other conservative Islamic practices not traditionally found in the local culture.

There was no formal system of state-provided medical care for children; however, children were generally treated for life-threatening illnesses and injuries at hospitals, even if their families could not afford to pay. Boys and girls had equal access to these services.

Child abuse and rape were serious problems, although no statistics on its prevalence were available. A 2003 UNICEF report noted that nearly a third of all displaced children reported rape as a problem within their families, as did 17 percent of children in the general population.

Children remained among the chief victims of continuing societal violence. Child protection monitors verified that hundreds of children were killed or injured during the year as a direct result of conflict.

Militia members raped children during the conflict and departure of civilians from Mogadishu.

The practice of female genital mutilation (FGM) was widespread throughout the country. As many as 98 percent of women had undergone FGM; the majority were subjected to infibulation, the most severe form of FGM. In Somaliland and Puntland, FGM is illegal, but the law was not enforced. UN agencies and NGOs tried to educate the population about the dangers of FGM, but there were no reliable statistics to measure the success of their programs.

Children were occasionally enlisted in the TFG security forces. Antigovernment groups routinely recruited and used child soldiers (see section 1.g). The practice of "asi walid," a custom whereby parents placed their children in prison for disciplinary purposes and without any legal procedure, continued. Many of these juveniles were incarcerated with adults. Close to 100 of the estimated 400 prisoners in the TFG-operated Mogadishu central prison were children detained at the request of their parents or guardians for truancy and disobedience.

A UNICEF monitoring trip at the beginning of the year revealed that many children were imprisoned in Somaliland, most without passing through the court system, usually for disobedience to parents or for petty crimes. UNICEF and the UNDP started a project to provide the children with legal assistance, and many were released. The juvenile justice program also educated justices and lawyers about human rights problems for children.

Child prostitution was practiced; however, because it was culturally proscribed and not reported, no statistics were available on its prevalence. Child prostitution, like all other forms of prostitution, was legally prohibited in all areas. In most cases regional authorities imprisoned persons from five to 15 years for this crime. In al-Shabaab areas, the penalty may be flogging or even stoning to death. There is no formal statutory rape law or minimum age for consensual sex. Child pornography is not expressly prohibited.

Trafficking in Persons

The TFC does not explicitly prohibit trafficking. In February 2008 Puntland authorities announced that persons who were caught engaging in human trafficking would be punished by death. During the year Puntland authorities combated human trafficking. For example, on February 15, Puntland police raided the small coastal hamlet of Marera, seized three boats, and arrested 12 suspected traffickers. On July 2, Puntland authorities arrested six Yemeni in Zaylac District for trafficking. On July 24, Bosasso police arrested six human traffickers and dispersed 84 persons who were attempting to use the trafficker's services. In December, off the coast of Bossaso, the Puntland coast guard arrested four human smugglers whom they also suspected of piracy. At year's end they remained in detention pending a continuing investigation. The seven human traffickers who were arrested in April 2008 in the Maydh District of Sanaag Region were prosecuted through Puntland's court system. One person was released and the other six were sentenced to prison terms of three to six years.

There are no laws against slavery or forced or involuntary prostitution. Information regarding trafficking in the country was extremely difficult to obtain or verify; however, the Somali territory was known to be a source, transit, and possibly destination country for trafficked women and children, and there were reports of trafficking during the year. Human smuggling was widespread, and there was evidence that traffickers utilized the same networks and methods as those used by smugglers. Dubious employment agencies were involved with or served as fronts for traffickers, especially to target individuals destined for the Gulf States. Somali women were trafficked to destinations in the Middle East, including Iraq, Lebanon, and Syria, as well as to South Africa, for domestic labor and commercial sexual exploitation. Somali men were trafficked into labor exploitation as herdsmen and menial workers in the Gulf States. Somali children were reportedly trafficked to Djibouti, Malawi, and Tanzania for commercial sexual exploitation and exploitative child labor. Ethiopian women were believed to be trafficked to and through the country to the Middle East for forced labor or sexual exploitation. Small numbers of Cambodian men were trafficked to work on long-range fishing boats operating off the coast of Somalia. Armed militias reportedly also trafficked women and children for forced labor or sexual exploitation, and some of those victims also may have been trafficked to the Middle East and Europe. Trafficking networks were reported to be involved in transporting child victims to South Africa for sexual exploitation.

Puntland was noted by human rights organizations as an entry point for trafficking. The UNIE reported that trafficking in persons remained rampant and that the lack of an effective authority to police the country's long coastline contributed to trafficking. Various forms of trafficking are prohibited under some interpretations of Shari'a and customary law, but there was no unified policing in the country to combat these practices, nor was there an effective justice system for the prosecution of traffickers.

Because of an inability to provide care for all family members, some persons willingly surrendered custody of their children to persons with whom they shared family relations and clan linkages. Some of these children may have become victims of forced labor or commercial sexual exploitation. At various times, political authorities in the regional administrations of Somaliland and Puntland expressed a commitment to address trafficking, but corruption and lack of resources prevented the development of effective policies and programs. Some officials in these administrations were known to facilitate or condone human trafficking. No resources were devoted to trafficking prevention or to victim protection. There were no reports of trafficking-related arrests or prosecutions. Somaliland and Puntland officials were not trained to identify or assist trafficking victims. NGOs worked with IDPs, some of whom may have been trafficking victims.

Persons with Disabilities

The TFC, the Somaliland constitution, and the Puntland Charter all prohibit discrimination against persons with disabilities.

The TFC states that the state is responsible for the welfare of persons with disabilities, along with orphans, widows, heroes who contributed and fought in defense of the country, and the elderly.

The Somaliland constitution notes that the state is responsible for the health, care, development, and education of mothers, children, the disabled, persons who have no one to care for them, and mentally handicapped persons.

The Puntland Charter safeguards and advocates for the rights of orphans, disabled persons, and whoever needs the protection of the law.

There are no laws in any of the three areas to ensure building access.

In the absence of functioning governing institutions, the needs of most persons with disabilities were not addressed. Several local NGOs in Somaliland provided services for persons with disabilities. Associations of persons with disabilities reported numerous cases of discrimination to the UNIE.

There was widespread abuse of persons with mental illness. Without a public health infrastructure, there were no specialized institutions to provide care or education for the mentally ill. It was common for such persons to be chained to a tree or restrained within their homes.

National/Racial/Ethnic Minorities

More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. The UNIE estimated that minority groups constitute approximately 22 percent of the population. In most areas members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. Inter-marriage between minority groups and mainstream clans was restricted by custom. Minority groups had no armed militias and continued to be disproportionately subject to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and suffer from numerous forms of discrimination and exclusion.

For example, in Galkayo in September 2008, militiamen from the Omar Muhammad subclan shot and killed a taxi driver. The driver was from the Marehan clan, and most residents reported that the killing was clan-linked. There were no developments in this case.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Sexual orientation is considered a taboo topic, and there is no public discussion of this issue in any region of the country. There were no reports of societal violence or discrimination based on sexual orientation.

Other Societal Violence or Discrimination

Persons with HIV/AIDS continued to face discrimination and abuse in their local communities, and by employers in all parts of the country. UNICEF reported that persons with HIV/AIDS were subjected to physical abuse, rejected by their families, and subjected to workplace discrimination and dismissal. Children with HIV-positive parent(s) also suffered discrimination, which hindered prevention efforts and access to services.

Section 7 Worker Rights

a. The Right of Association

The 1960 constitution allows workers to form and join unions, and the TFG respected this right; however, due to the civil war and clan fighting, the only partially functioning labor union in the country was the journalist association NUSOJ. Other unions existed in name but engaged in no activities during the year. The Puntland Charter and the Somaliland constitution also protect workers' freedom of association; however, labor laws were not enforced in the country, resulting in an absence of effective protection for workers' rights.

The Somaliland Trade Union Organization (SOLTUO), formed in 2004, claimed to have 26,000 members representing 21 individual unions. SOLTUO claimed to be democratic and independent, but there were no activities undertaken by the SOLTUO during the year.

The TFC allows unions to conduct their activities without interference and grants workers the right to strike. In practice there were no reports of workers attempting to strike.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by laws in Somalia, Somaliland, and Puntland, but they are generally not enforced.

Wages and work conditions in the traditional culture were established largely on the basis of ad hoc arrangements based on supply, demand, and the influence of the worker's clan.

The TFC allows unions to conduct their activities without interference and grants workers the right to strike. There were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The pre-1991 penal code and the TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. It could not be confirmed whether, as had been reported in 2005, local clan militias or other armed militia forced members of minority groups to work on banana plantations without compensation. It also could not be confirmed if in Middle and Lower Juba and Lower Shabelle, Bantus were used as forced labor, as in previous years.

d. Prohibition of Child Labor and Minimum Age for Employment

The pre-1991 labor code and the TFC prohibit child labor; however, child labor was widespread.

The recruiting and use of child soldiers was a problem (see section 1.g.). Young persons commonly were employed in herding, agriculture, and household labor from an early age. Children broke rocks into gravel and worked as vendors of cigarettes and khat on the streets. UNICEF estimated that from 1999 to 2005, 36 percent of children between the ages of five and 14 were in the workforce--31 percent of males and 41 percent of females. The actual percentage of working children was believed to be higher. The lack of educational opportunities and severely depressed economic conditions contributed to the prevalence of child labor.

In Somalia the Ministries of Labor and Social Affairs and Gender and Family Affairs were responsible for enforcing child labor laws. In Somaliland it was the Ministry of Family and Social Development, and in Puntland it was the Ministry of Labor, Youth and Sports. In practice none of these ministries enforced these laws.

e. Acceptable Conditions for Work

Although the TFC and the Somaliland constitution both include provisions for acceptable working conditions, there was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year. There is no national minimum wage. There was no information on the existence or status of foreign of migrant workers in the country. With an estimated 43 percent of the population earning less than 40,000 Somali shillings (less than \$1) per day, there was no mechanism to attain a decent standard of living for workers and their families. During the year high inflation, continued insecurity, and other factors significantly decreased the standard of living in all areas of the country. By year's end 3.5 million Somalis required emergency humanitarian assistance.

*The United States does not have diplomatic representation in Somalia, and U.S. government personnel were not permitted to travel regularly into any of the territory of the former state of Somalia during the year. This report draws in large part on non-U.S. government sources.