PROTECTION OF CIVILIANS:
Building the Foundation for Peace, Security and Human Rights in Somalia

December 2017
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Mandate

This report was prepared by the Human Rights and Protection Group (HRPG) of the United Nations Assistance Mission in Somalia (UNSOM) and covers the period from 1 January 2016 to 14 October 2017.

The UNSOM HRPG prepared this report pursuant to UNSOM’s mandate under United Nations Security Council Resolution 2158 (2014), which requires UNSOM “to monitor, help investigate and report to the Council on, and help prevent any abuses or violations of human rights or violations of international humanitarian law committed in Somalia.” United Nations Security Council Resolution 2358 (2017) emphasises the importance of “respect for international humanitarian law and the protection of civilians, especially women and children, by all parties to the conflict.”

UNSOM HRPG implements activities designed to minimize the impact of the armed conflict on civilians, including monitoring and reporting incidents involving loss of life or injury to civilians; advocacy and capacity-building to strengthen the protection of civilians affected by the armed conflict; initiatives to promote compliance among all parties to the conflict with international humanitarian and human rights law; and technical assistance to the Government to enable Somalia to fulfil its human rights obligations.

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## Acronyms

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<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AMISOM</td>
<td>The African Union Mission in Somalia</td>
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<tr>
<td>ASWJ</td>
<td>Ahlu Sunna Waljama’a</td>
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<td>CCTARC</td>
<td>Civilian Casualty Tracking, Analysis and Response Cell</td>
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<td>CRSV</td>
<td>Conflict-Related Sexual Violence</td>
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<td>ENDF</td>
<td>Ethiopian National Defence Forces</td>
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<td>FGS</td>
<td>Federal Government of Somalia</td>
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<td>FMS</td>
<td>Federal Member State</td>
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<td>HRDDP</td>
<td>Human Rights Due Diligence Policy</td>
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<td>HRPG</td>
<td>Human Rights Protection Group</td>
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<td>IED</td>
<td>Improvised explosive device</td>
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<td>IGAD</td>
<td>Inter-Governmental Authority on Development</td>
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<td>ISAG</td>
<td>Islamic State Affiliated Group</td>
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<td>JISA</td>
<td>Jubbaland Intelligence and Security Agency</td>
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<td>KDF</td>
<td>Kenyan Defence Forces</td>
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<td>MRM</td>
<td>Monitoring and Reporting Mechanism</td>
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<td>NISA</td>
<td>National Intelligence and Security Agency</td>
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<td>OHCHR</td>
<td>Office of the United Nations High Commissioner for Human Rights</td>
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<td>PCC</td>
<td>Police Contributing Countries</td>
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<td>PIS</td>
<td>Puntland Intelligence Services</td>
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<td>PSF</td>
<td>Puntland Security Forces</td>
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<td>SGBV</td>
<td>Sexual and Gender-Based Violence</td>
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<td>SNA</td>
<td>Somali National Army</td>
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<td>SEMG</td>
<td>Somalia and Eritrea Monitoring Group</td>
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<td>SP</td>
<td>Somali Police</td>
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<tr>
<td>SPF</td>
<td>Somali Police Force</td>
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<tr>
<td>TCC</td>
<td>Troop Contributing Country</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>UNMAS</td>
<td>United Nations Mine Action Service</td>
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<td>UNSOM</td>
<td>United Nations Mission in Somalia</td>
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<td>UNSOS</td>
<td>United Nations Support Office in Somalia</td>
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<td>VBIED</td>
<td>Vehicle Borne Improvised Explosive Device</td>
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Executive Summary

This report focuses on violations of international humanitarian and human rights law committed in the context of Somalia’s long-standing armed conflict. The findings and analysis in the report are a first attempt by UNSOM to quantify civilian casualties (civilians killed and injured in the context of the armed conflict) and assess the toll of the conflict on civilians between 1 January 2016 and 14 October 2017. During this period, attacks by state and non-state actors inflicted high numbers of civilian deaths and injuries, caused damage to public and private infrastructure, loss of livestock, and impeded access to humanitarian relief for communities in need. The report is intended to serve as a baseline upon which further analyses of the impact of the conflict on civilians can be documented and contains recommendations to reduce and prevent civilian casualties, which can be monitored for implementation.

From 1 January 2016 to 14 October 2017, UNSOM documented a total of 4,585 civilian casualties (2,078 killed and 2,507 injured), 60 per cent of which were attributed to Al Shabaab, 13 per cent to militia, 11 per cent to state actors, four per cent to the African Union Mission to Somalia (AMISOM), and 12 per cent to other and undetermined or unidentified actors. In addition, 729 civilians were abducted by Al Shabaab, of whom 403 were reportedly released. Al Shabaab was also responsible for 86 targeted assassinations and executed 46 persons during the reporting period.

According to the United Nations Mine Action Service (UNMAS) civilians comprised 54 per cent of the casualties, totalling 2,298 (748 killed and 1,550 injured) caused by improvised explosive devices (IEDs). Before the devastating attack of 14 October 2017 in Mogadishu in which 512 civilians were killed and 316 were injured, the highest number of civilian casualties occurred in the months of June 2016 and January 2017, mainly in Banaadir, Bay and Lower Shabelle regions, during Ramadan and the electoral process period, respectively.

State and non-state actors also carried out extrajudicial executions, sexual and gender-based violence, arbitrary arrests and detention, and abductions. For example, arrests and detention by the National Intelligence and Security Agency (NISA) routinely violate international human rights law, and it is of particular concern that journalists and Al Shabaab suspects are often detained without charges. Somali children are disproportionately affected by the conflict, and are exposed to grave violations during military operations, including killing, maiming, and arrest and detention by Somalia security forces during military or security operations. The protracted conflict has also resulted in widespread sexual and gender-based violence against women, men, boys, and girls, with women and girls particularly affected.

A significant number of the civilian casualties recorded were attributed to clan militia engaged in conflicts in the context of a non-international armed conflict, in areas where federal or state security forces were largely absent. The main trigger of clan conflicts are disputes over land and resources, compounded by an ongoing cycle of retaliation. The drought has intensified clan conflict due to competition over resources, and these conflicts are exploited by anti-government elements to further destabilize areas, diminish prospects for lasting peace and weaken civilian protection.

Attacks targeting civilians and indiscriminate attacks by non-state actors – in particular through the use of IEDs and suicide attacks in civilian-populated areas – are prohibited under international humanitarian law and in most cases likely amount to war crimes. It is imperative that the perpetrators of such acts be identified and held accountable.
While the majority of civilian casualties during the reporting period were caused by Al Shabaab and other non-state actors, a smaller number were attributed to state security actors and AMISOM. These are of utmost concern as they undermine the Somali population’s trust in the Government and the international community, which in turn expands the space in which anti-government elements continue to operate.

Some steps taken by the Federal Government and Parliament, such as establishing ad hoc investigation committees to investigate violations of a grave nature, signify a commitment to address violations although the outcomes have not been forthcoming. The implementation of the political agreement on Somalia’s National Security Architecture, reached by the Federal Government and the Federal Member States in April 2017, has become central to achieving sustainable security sector reform. It provides an opportunity to ensure that Somali-led security institutions are accountable and have the capacity to provide security and protection to citizens, in accordance with international human rights law and international humanitarian law. The establishment of the independent National Human Rights Commission with a mandate to investigate violations of human rights and hold perpetrators accountable, especially for violations caused by security forces, is a crucial step in this regard.

The promotion of human rights and the protection of civilians, which are foundational elements for a legitimate state, are significant challenges in Somalia due to the extremely difficult security situation and weak or absent rule of law. To support efforts to improve civilian protection and compliance with human rights obligations, UNSOM recommends that all parties to the conflict take all feasible precautions to protect civilians in the conduct of military operations by ceasing the deliberate targeting of civilians and civilian objects, ending the use of all IEDs, and to cease firing mortars, rockets and grenades from and into civilian-populated areas.

The Federal Government of Somalia (FGS) and Federal Member States (FMS) are encouraged to adopt the legislative, policy, and law enforcement measures necessary to ensure the effective investigation and prosecution of serious violations and abuses of international human rights law and international humanitarian law. With respect to AMISOM, implementation of some measures recommended in the framework of the United Nations Human Rights Due Diligence Policy (HRDDP), such as issuance of Force Commanders’ Directives on protection of civilians and compliance with international humanitarian law, and training and dissemination of human rights and IHL-compliant Rules of Engagement, show some progress. However, AMISOM is urged to strengthen its accountability measures on incidents involving civilians through timely investigation and communication of outcomes, and to cooperate with all United Nations and humanitarian actors to enhance its capacity to fulfil its mandate in full compliance with participating states’ obligations under international humanitarian law and international human rights law.
Methodology

UNSOM HRPG documents civilian casualties based on international best practice, human rights monitoring methodology, the UN Monitoring and Reporting Mechanism (MRM) guidelines, and the UN field manual on grave violations against children in armed conflict. The report refers to civilian casualties where there are reasonable grounds to believe that the victims were civilians and were killed or injured as a direct result of war operations and the acts, decisions, and/or purposes causing them were closely related to the conflict.

For the purposes of this report, UNSOM follows the approach afforded by international humanitarian law and international human rights laws, or the “rights-based” approach. This is consistent with its mandate on protection of civilians, which includes monitoring, investigating and reporting on civilian protection and helping prevent violations by advocating with and supporting the Somali authorities to meet their international human rights obligations.1

UNSOM monitors allegations against all parties to the conflict and reports on violations irrespective of who committed them. It conducts interviews, on-site visits, and other means of information collection, following strict rules to ensure confidentiality of sources to avoid doing harm and ensure the credibility of the United Nations. While this report attempts to capture the total number of civilian casualties recorded during the reporting period, it should be noted that not all civilian casualties constitute violations of international humanitarian law and international human rights laws. While under international humanitarian law, parties to the conflict must at all times distinguish between civilians and combatants and civilian objects and military objectives, and must take all feasible measures to avoid civilian casualties, the incidental death or injury of civilians or destruction of civilian objects resulting from an attack that has been directed towards a legitimate military objective does not necessarily amount to a violation of international humanitarian law. UNSOM recognizes that the death of civilians and destruction of civilian objects during an armed conflict, no matter how grave, may not in and of themselves violate international law2 and makes every effort to identify as precisely as possible the party responsible for a particular civilian casualty. Due to security constraints and the complex operating environment, such as blurring identities between AMISOM and non-AMISOM forces when

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1 UNSOM considers the term civilian casualties when international humanitarian law applies and victim when it refers to international human rights law.

2 Recording an individual as a casualty is not always determinative of a violation of international law (although high numbers of casualties may be indicative of violations and reflect the concept of “patterns of harm”). UNSOM’s casualty recording is undertaken in conflict situations where there is often a high number of incidents taking place, in areas where insecurity does not allow access. Consequently, it may not be possible to identify each victim (e.g. when a suicide bombing occurs in an urban area), determine their status at the time (e.g., whether shopping or directly participating in hostilities), attribute responsibility for each casualty (e.g., where multiple armed groups are in the area) and make a determination of a violation in relation to each casualty (e.g., whether the damage to civilians and/or civilian objects was excessive in relation to the military advantage anticipated).
troops of the same country operate under different umbrellas, to the inability of sources to clearly identify or distinguish between actors, or to the absence of claim of responsibility, it is not always possible for UNSOM to attribute responsibility.³

The sources used to gather information vary and include victims, witnesses, and family members, and local, national and international non-governmental organizations (NGOs). UNSOM collected information from local officials, community leaders, police, military, journalists and United Nations entities. UNSOM also reviewed documentary information including official documents, records kept by Government entities and/or other institutions, photographs, videos, and recordings, and open source material including media, internet, social media, and reports from NGOs. The sources were primary (direct) or secondary (indirect).

UNSOM requires at least three independent sources to verify a civilian casualty. Wherever possible, information is obtained from the primary accounts of victims and/or witnesses, although the prevailing insecurity significantly restricts UNSOM’s access. UNSOM has not included information that has not been cross-checked or verified. Therefore, the actual number of casualties is likely to be higher. UNSOM has developed a range of methodologies, including building the capacity of its sources to monitor and report on human rights. In some incidents, the civilian status of the reported victims may not have been conclusively established. Disaggregated data remain largely unavailable, but in several instances, verified information includes data by sex and age. Allegations involving AMISOM troops are routinely communicated to AMISOM, along with recommended actions or requests for information on the actions that have been taken. Regarding incidents related to airstrikes, UNSOM reviews reports on the use of AMISOM air assets to determine whether the helicopters have flown in the area of the incident on the same date.

UNSOM provided advance copies of this report for verification of factual errors, and the responses received are attached as an annex.⁴ Some comments have been addressed directly in the report.

³ Based on OHCHR monitoring methodology, allegations received by UNSOM against AMISOM are transmitted to AMISOM within the HRDDP framework. Through this, UNSOM seeks information on the incidents, actions taken to investigate and as necessary, hold perpetrators to account. Engagement with AMISOM on the incidents takes places through written exchange and different forums, including the UN-AMISOM Joint Working Group on HRDDP which then decides or advises AMISOM, the joint AMISOM-UN technical teams on the investigation and accountability measures. With respect to Sexual Exploitation and Abuse cases, reporting follows a twin-track approach with allegations shared in writing with AMISOM highlighting the victim and witness protection considerations, and in parallel with OHCHR for strategic advocacy with the AU and relevant member states. The Senior Leadership Coordination Forum (SLCF), the highest forum co-chaired by the Special Representative of the Secretary General and the Special Representative of the Chairperson of the African Union Commission may also discuss particular violations within its HRDDP standing agenda item. See para. 34 (50 allegations were transmitted to AMISOM and responses received on 26 of them during the reporting period).

⁴ Advance copies were provided to authorities in Jubbaland, Puntland, HirShabelle, Somaliland, and Interim South West Administration, as well as AMISOM, the FGS Ministry of Women and Human Rights Development, and the Embassies of the United States of America and the Republic of Kenya in Mogadishu. The HirShabelle Administration pledged to ensure that human rights are respected, particularly for the most vulnerable including women and children. It acknowledged the need for continued strengthening of the capacity of Somali security actors in complying with international human rights standards and collaborating with all partners. UNSOM acknowledges and appreciates the responses received.
1. Findings

A. Overview of Violations and Abuses

1. The reporting period saw significant political developments in Somalia, with the completion of the formation of the Somalia’s five Federal Member States (Jubbaland, South West Administration, HirShabelle, and Galmudug), the electoral process in December 2016 for a bicameral Parliament with a new Upper House, and the election of a new President in February 2017. The FGS and the FMS also agreed on Somalia’s National Security Architecture in April 2017, and a Security Pact was adopted at the London Somalia Conference in May 2017, which (among other things) urged all parties to uphold human rights and international humanitarian law, strengthen institutions to address impunity, and improve the protection of women and children.5

2. The security situation remained volatile during the reporting period. The main conflict was between national security forces – supported by AMISOM – and Al Shabaab, the major armed group controlling significant territory in Jubbaland, South West State, and HirShabelle. Other conflicts resulting in civilian casualties included recurrent clashes between clan militia aligned to power holders, especially in areas where national and state security forces were absent.

3. UNSOM documented violations by state actors including Somali National Army, Intelligence Security Agency, Somali Police, as well as AMISOM and other international forces, and violations and abuses by non-state actors such as Al Shabaab, clan militia in the broader context of armed conflict, and the militia affiliated with Islamic State in Iraq and the Levant (ISIL). Violations and abuses included killings and other attacks against civilians and civilian objects, extrajudicial executions, sexual and gender-based violence, arbitrary arrest and detention, abduction, torture, as well as the six grave violations against children.

4. From 1 January 2016 to 14 October 2017, a total of 4,585 civilian casualties were recorded (2,078 killed and 2,507 injured), 60 per cent of which were attributed to Al Shabaab (2,728 casualties, 1,233 killed, 1,495 injured), 13 per cent to militia (594), 11 per cent to state actors (522), four per cent to AMISOM (181), and 12 per cent to other and unidentified actors.6 In addition, 729 civilians were abducted by Al Shabaab, of whom 403 were reportedly released.

CIVILIAN CASUALTIES PER PERPETRATORS
JANUARY 2016 TO 14 OCTOBER 2017

6 The undetermined category includes unidentified perpetrators, while other comprises actors who are identified but represent perpetrators such as the Kenyan Defence Forces and Ethiopian Liyu police that are responsible for a comparatively small number of violations.
5. According to UNMAS data, civilians comprised 54 per cent of the casualties caused by IEDs, totalling 2,298 (748 killed and 1,550 injured) by the end of September 2017.

6. Almost half of civilian casualties were attributed to complex attacks and the use of VBIEDs (49 per cent), suicide attacks using VBIEDs, PBIEDs (25 per cent), and other types of IEDs (26 per cent). Before the attack in Mogadishu on 14 October 2017, the highest number of civilian casualties occurred during Ramadan in June 2016 and the lead-up to the elections in January 2017, mainly in Banaadir, Bay and Lower Shabelle.

B. Human Rights Violations Attributed to State Actors or Affiliated Groups

1. National and International Security Forces

7. A total of 522 civilian casualties (234 killed and 288 injured) were attributed to state actors, representing 11.6 per cent of the casualties recorded by UNSOM HRPG. State actors comprised SNA, SP, and FMS security forces (primarily in Puntland and in Jubbaland), as well as the national and state intelligence and security agencies.

2. Somali National Army

8. SNA falls under the FGS Ministry of Defence, and its presence is limited to Galmudug, HirShabelle, Interim South West Administration (ISWA), Jubbaland, and Banaadir. Somaliland has its own security and police forces, and some of Puntland’s security forces are in the process of being integrated into the SNA. In some cases, verification by UNSOM of allegations against the SNA has been challenging in the absence of a consistent use of uniforms or other form of identification.

9. SNA were involved in 65 incidents resulting in 145 civilian casualties, with 85 killed and 60 injured. Reports of rape attributed to SNA decreased substantially, from 17 in 2015 to three in the reporting period, likely due to underreporting or the decreasing presence of SNA in regions like Bay and Bakool (ISWA), where they were replaced by regional security forces.

10. Incidents involving the SNA occurred mainly in Mogadishu (34.1 per cent), with a total of 51 civilian casualties, and in Lower Shabelle (25.6 per cent), with 37 casualties. Forty-two casualties were linked to illegal checkpoints and extortion, 25 to indiscriminate shooting, and 26 from clashes within SNA or between SNA and other security forces, such as the intelligence services. Nine civilians were killed during security operations on suspicion of belonging to Al Shabaab, and eight casualties were related to SNA involvement in retaliatory clan attacks. Ten casualties attributed to SNA occurred under unclear circumstances.

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8 Single IED explosions by using several emplacing methods (side of route, middle of the route, concealed, elevated, etc.)

9 The 14 October 2017 attack significantly increased the number of civilian casualties attributed to Al Shabaab.

10 SNA is present in the capital, Mogadishu, and in eight regions in Somalia (Lower Shabelle, Bay, Bakool, Gedo, Lower Juba, HirShabelle). It also has limited presence in Aadao town, the interim capital of Galmudug State.

11 Individuals routinely wear SNA uniform (specifically the colour and patterns and the Somali flag on the left shoulder) without belonging to SNA, and SNA soldiers do not always wear the SNA uniform.

12 Number of incidents per region: 20 incidents in Mogadishu (Banaadir region) caused 29 deaths and 22 injured; 19 incidents in Lower Shabelle caused 30 deaths and 7 injured; eight incidents in Bakool led to nine deaths and two injured; six incidents in Middle Shabelle resulted in seven deaths and 13 injured; five incidents in Hiiraan caused four deaths and nine injured; four incidents in Bay led to three deaths and four injured; two incidents in Gedo resulted in two deaths and three injured; and one incident led to one death in Lower Juba.
11. Of the 65 incidents involving SNA, alleged perpetrators were arrested by SNA authorities in only 13 of the cases, while in 52 incidents (80 per cent of the cases) the alleged perpetrators were not arrested or reportedly escaped. UNSOM was unable to confirm whether all cases were submitted to the Military Court of Armed Forces, which has jurisdiction over members of the SNA. In known cases that were referred to the Military Court, punishments of perpetrators were not consistent across similar violations committed, ranging from the payment of compensation to the families of the victims to the death penalty.\footnote{On 4 August 2016, the Military Court of Armed Forces sentenced one SNA member to death for killing a civilian in Hiraan region. In another case, on 4 August 2016, the military court in Beledweyne town, ordered two SNA soldiers to pay compensation, referred to as diya, (50 camels each), to the family of a civilian who had been killed in a shoot-out between the two soldiers. On 19 June 2017, the Military Court in Mogadishu sentenced an SNA soldier to death for killing a public servant on 3 May 2017.}

12. Fighting between state security forces resulted in a significant number of killings and injuries, and other human rights violations. The most serious incident occurred in October 2016, when 25 victims were killed and 63 were injured by crossfire between Puntland and Galmudug forces in Gaalkayo that exacerbated the existing clan conflict and displaced 180,000 people. The two security forces were also responsible for direct ground confrontations and mortar attacks in heavily populated and residential areas during the fighting.

3. **Somali Police**\footnote{The 2016/2017 political agreements on the New Policing Model, adopted in June 2016, set the framework for the development of a two-tiered, federated policing system. SPF is currently the entity providing policing services in Banaadir, while a relatively small number of their staff is deployed to the FMS. The term “Somali Police” is also used in this context, designating formal policing organizations operating in Somalia, and includes SPF, the Puntland State Police, and the nascent state policing organizations such as Jubbaland State Police, South West State Police, HiraShabelle State Police and Galmudug State Police. The Somali Police also comprises policing institutions that are anticipated to undertake formal civilian policing responsibilities in Somalia such as the Darawish (paramilitary or security forces carrying out policing duties at the FMS level, including militias recognized by the FMS).}

13. The National Security Architecture, outlined in the 11 May 2017 Security Pact, envisions 32,000 police under a federated system for policing.\footnote{On 3 December 2017, the National Security Council agreed that the 32,000 police should be allocated as follows: 4,571 to each FMS and 9,145 be assigned to the Somali Federal Police and for policing in the Banaadir Regional Authority.} It is anticipated that a “hybrid” policing system will be established and include those currently conducting regular “policing” activities and those performing Darawish functions (more robust paramilitary functions) under a two-tiered police system. The government is currently considering options to integrate those performing policing duties into the new federated policing system.

14. In each of the Federal Member States, the state police are under the authority of their State Administration. The Somali Police Force (SPF) also have staff deployed in all of the FMS and Banaadir and these SPF officers are under the authority of the Federal Ministry of Internal Security. The Somaliland Police report to the Somaliland Government. SPF are present in Banaadir,\footnote{SP has functioning police stations in the 17 districts of Mogadishu, although they are unevenly equipped.} South West State,\footnote{In ISWA, SPF is operational, working hand in hand with other newly created police entities, namely, South West Special Police Force (SWSPF) (formerly Darawish) and South West State Police (SWSP). Darawish was transformed into SWSPF after a 29 March 2016 Presidential Decree. The presence of the police is limited mainly to Baidoa town where they play a role in fighting against Al Shabaab and conducting security operations.} HiraShabelle,\footnote{SPF is present in HiraShabelle State and police stations operate in Jowhar and Beledweyne.} in the towns of Adaado and in the southern part of Gaalkayo in Galmudug State. Dhusumarreb, the capital of Galmudug, has been administered by Ahlu Sunna Waljama’a (ASWJ) since 2009, as a substitute for a national or State authority. Smaller numbers of SPF are also present in Kismaayo and Dhibolley towns in Jubbaland\footnote{The Jubbaland State Police comprises 600 formally trained police officers, including 61 women. Police recruit training was provided by AMISOM Police between February 2016 and April 2017.} and at the Armo Police Academy in Puntland. While maintaining law and order is primarily the duty of the police, arrests related to terrorism,
Al Shabaab, and other criminal activity are conducted by NISA or their regional counterparts in Jubbaland and Puntland.

15. UNSOM documented 38 victims, with 17 deaths and 21 injuries, attributed to SP. Most of them were related to armed clashes between SP and other security forces, particularly the SNA, and occurred in Mogadishu, Lower Shabelle, HirShabelle, and Jubbaland State.

“On 24 July 2017, four male civilians accused of being affiliated with Al Shabaab were taken from the Beled Xaawo police station and executed by Darawish forces. One of the victims was a Somali that had returned from Ethiopia and had been detained for seven months without being charged; two others had been arrested in March 2017, and the fourth was arrested on 23 July 2017. No links between the victims and Al Shabaab were confirmed, and on 25 July, the Jubbaland Minister of Security stated to the media that “in principle” their executions should have followed a determination of guilt by an established court of law. On 4 August, the Jubbaland Military Court of First Instance ordered the three officials responsible for their killing to pay blood compensation, known as Diya, equivalent to 100 camels to the families of two of the victims. These officers were released after they promised to pay the Diya.”

16. UNSOM documented six clashes between the SP and other security forces that resulted in 23 casualties (10 killed and 13 injuries), five of which involved clashes with SNA and one with NISA. No investigations were launched into these incidents and no arrests were made. Seven other casualties resulted from indiscriminate fire by the police to disperse crowds in Mogadishu and Jowhar (Middle Shabelle), and one killing by a police officer in Beled Xaawo, Gedo region.

17. Other human rights violations attributed to SP included arbitrary arrests and detention. UNSOM recorded 5,821 cases of police failing to follow due process while conducting arrests and detaining individuals beyond 48 hours without charge, in violation of Somalia’s Provisional Federal Constitution and applicable international human rights law. Since March 2016, a pattern of mass arbitrary arrests and detention has emerged in Puntland in which civilians, mainly males above the age of 15 coming through the Kontrolo checkpoint in southern Puntland, were arbitrarily arrested and detained from several days to a few months on suspicion of being members of Al Shabaab. The police routinely fail to prevent human rights violations or to pursue accountability for them by not investigating and arresting alleged perpetrators.

20 In two cases, the confrontation was reportedly triggered when SNA convoys attempted to pass police checkpoints by force in Mogadishu and in Jowhar (Middle Shabelle). The two other incidents occurred in Hodan district in Mogadishu, and included one incident in which police attempted to evict squatters, and another in a khat market. The confrontation with NISA involved also security guards of a local leader fighting alongside them in Jowhar town, Middle Shabelle.

21 On 8 April 2017, a policeman killed a civilian who had just been released from the police station in Beled Xaawo district, Gedo region. The policeman was convicted by a civil court and executed the same day without the opportunity to appeal, as required by the Somali Penal Code.

22 The mass arrests were conducted during security operations, house-to-house searches, and routine security screening at checkpoints. They targeted civilians perceived to be members of terrorist groups, and the majority were young males travelling in search of work in Puntland or abroad. Those kept in the custody of security agencies were almost always denied access to legal counsel or contact with their families, and were detained for months before being released due to lack of evidence. The Puntland Anti-Terrorism Act is used by the police and PSF to justify violations of due process that guarantee that citizens must appear in court within 48 hours.
4. Intelligence and Security Agencies

18. Three security intelligence agencies operate officially in Somalia, with different chains of command and capacity: NISA, the Puntland Security Forces (PSF), and the Jubbaland Intelligence and Security Agency (JISA).

19. NISA, which operates in Banaadir region, HirShabelle, Galmudug, and ISWA, was created by the FGS in January 2013, although it was not established by law or Presidential decree, and its powers and obligations are therefore not clearly defined. Nevertheless, as a security institution, NISA is bound by the Provisional Federal Constitution, which provides that the security services must be accountable, comply with the rule of law, and are subject to civilian control. However, arrests and detentions conducted by NISA routinely disregard these provisions as well as fundamental guarantees under international human rights law, including access to legal representation and to family visits, and the right to be brought promptly before judicial authorities. It is of particular concern that political leaders, activists, journalists and media owners arrested by NISA are detained without charges in the NISA Godka Jiliow detention centre in Mogadishu, where Al Shabaab suspects are also detained, with their rights to due process routinely violated, including access to judicial oversight or legal representation.

20. During the reporting period, UNSOM documented 63 human rights violations reportedly attributed to NISA, including extrajudicial executions, torture, arbitrary arrests and detention, restrictions of freedoms of expression, peaceful assembly and association. These include ten civilian casualties (seven deaths and three injured), mainly related to disputes or incidents of excessive use of force and indiscriminate fire in public places. Only one alleged perpetrator was arrested.

21. UNSOM documented the arbitrary arrest and detention by NISA of 53 male civilians, including 11 journalists and one female Al Shabaab suspect during the reporting period. All were arrested or detained without warrants ordered by a competent judicial authority. NISA systematically holds detainees for prolonged periods, either without due process or subjecting them to military court trials within NISA facilities, which allow no independent oversight. Thus, a journalist accused of being affiliated with Al Shabaab was in NISA custody for 15 months without a trial. In two cases, UNSOM received allegations of torture during the interrogation process. The allegedly coerced confessions of the detainees were used as the main sources of evidence in court, in violation of the prohibition under international law on the use of evidence obtained by torture.

23 The Somaliland Ministry of Interior denied that the police were responsible and attributed the incident to “football hooliganism,” see Annex.
24 Puntland uses the terms “Puntland Intelligence Services (PIS)” and “Puntland Security Forces (PSF)” interchangeably when referring to its intelligences service.
25 Provisional Federal Constitution, Art. 126 (1). The 2017 Security Pact acknowledges that the intelligence services are part of the National Security Architecture but no further details were provided.
27 International Covenant on Civil and Political Rights, Articles 9 and 14 and Provisional Federal Constitution, Art. 35 (6).
In three cases, NISA displayed four male suspects on national television and identified them as Al Shabaab. They were subsequently prosecuted, sentenced to death and executed. Three out of six media outlets closed in 2016 in Mogadishu were shut down by NISA without a court order, and was justified by NISA as necessary on grounds of national security.

PSF, formerly known as the Puntland Intelligence Services, function as Puntland’s counter-terrorism unit. They consist of 500 to 600 soldiers understood to be trained by the United States, and their mandate includes counter-terrorism activities (notably information gathering and engagement in military operations). PSF operates under the Puntland Anti-Terrorism Act, which does not define the PSF structure or jurisdiction, and the PSF commander reports directly to the President of Puntland. Accountability of PSF is further hindered by the fact that they carry out their own investigations, conduct security operations, make arrests, and manage detention facilities in Bossaso without effective, independent oversight.

JISA is part of the security forces established by the Jubbaland Constitution, although its mandate and jurisdiction are not defined. JISA falls under the command of the Jubbaland Ministry of Security. In the absence of functioning police, it conducts law enforcement activities but is restricted to the Kismaayo district, Lower Juba region. JISA maintains a number of detention centres in Kismaayo and other locations in Jubbaland. Amongst State actors, JISA is the main perpetrator of human rights violations in Kismaayo.

Between January 2016 and 14 October 2017, UNSOM documented 12 civilian casualties attributed to JISA. Six of the victims (three females, including a six-year old girl, and three men) were killed and six (two women and four men) were injured. Five of the victims had reportedly not complied with an order to stop; three were killed or injured due to a land dispute involving JISA officers; two were the victims of crossfire between JISA officers: and two were the victims of the use of excessive force. Alleged JISA perpetrators were arrested in eight of the incidents, and one of them was sentenced to death by a Military Court and executed on 20 January 2017. During the reporting period, UNSOM documented 73 civilians arrested and detained by JISA, including minors suspected of being affiliated with Al Shabaab.


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28 They are stationed in Bossaso, Garoowe and Gaalkayo.
29 PSF and Darawish Forces conducted joint operations against Al Shabaab, particularly in the Galgala Mountains, in 2016 and 2017.
30 Article 91 of the Jubbaland Constitution: Jubbaland security forces include the Police Custodial Corps, intelligence forces, Darawish forces, and the Coast Guard.
31 Article 91(2) of the Jubbaland Constitution mandates the Jubbaland Assembly to adopt a “law which will establish the structure, operating rules and the duties of the Jubbaland Security Forces”. This law has not been adopted and JISA’s role remains undefined.
32 One was struck by a stray bullet fired by a JISA soldier to clear a traffic jam in Kismaayo town and another was injured when a JISA officer opened fire on the victim’s house.
33 AMISOM replaced the Inter-Governmental Authority on Development (IGAD) Peace Support Mission to Somalia (November 2004-March 2006), whose mandate was to ensure free movement and safe passage of those involved in the peace dialogue, maintain and monitor security in Baidoa, protect members of the Transitional Federal Government (TFG) and infrastructure, and to train the TFG institutions to provide security and enable re-establishment of national security forces.
It comprises troops from Burundi, Djibouti, Ethiopia, Kenya and Uganda for its military operations, and police personnel from Ghana, Kenya, Nigeria, Sierra Leone and Uganda.

Separately, Ethiopia and Kenya have troops operating in Somalia outside the AMISOM command. One of the main challenges to documenting and attributing responsibility for allegations of violations allegedly committed by AMISOM is the blurring of identities between AMISOM and non-AMISOM forces, when troops of the same country operate under two different umbrellas. AMISOM and non-AMISOM troops are often located in the same camps and conduct joint military operations.

From January 2016 to 14 October 2017, 178 civilian casualties (95 killed and 83 injured) were attributed to AMISOM. The Ugandan contingent, representing the largest contingent in AMISOM with 28 per cent of the troops, was reportedly responsible for 34.81 per cent of the casualties (38 killed and 25 injured), followed by the Ethiopian contingent (25 killed, 15 injured, two rapes, and one attempted rape), the Burundian contingent (14 killed and 11 injured), the Kenyan contingent (four killed and five injured) and the Djiboutian contingent (one killed and 10 injured). Thirty other casualties were attributed to AMISOM with no specific contingent identified as responsible (13 killed and 17 injured). The majority of the civilian casualties resulted from indiscriminate fire from AMISOM troops when their convoys were attacked by IEDs, landmines, or grenades. Other violations include extrajudicial killings, ill-treatment during detention, and sexual assault. Two gang rapes, one attempted rape, and six cases of severe beatings were attributed to AMISOM Ethiopian forces, and five cases of ill-treatment, including one death in custody, were attributed to AMISOM Djiboutian forces.

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35 In 2017, AMISOM’s total troop strength is at 21,435 (Ugandan People’s Defence Force 6,022, Burundi National Defence Force 5,073, Kenya Defence Force 4,046, Ethiopian National Defence Force 4,323, Djibouti National Defence Force 1,872 and FHQ 119), and the mandated troop ceiling is 22,126, as set by Security Council Resolution 2232 (2015) and 2297 (2016). Security Council Resolution 2372 (30 August 2017) proposes a reduction of uniformed AMISOM personnel to a maximum level of 21,626 by 31 December 2017, to include a minimum of 1,040 AMISOM police personnel with five Formed Police Units. A further reduction of uniformed personnel to 20,626 by 31 October 2018 is also foreseen.
36 Sector 2 for Kenyan Defence Forces, and sectors 3 and 4 for Ethiopian National Defence Forces.
37 This figure does not include the three cases of sexual violence attributed to AMISOM ENDF during the reporting period. Two of these cases are documented as “incomplete investigations” in the 2017 Secretary General’s report on Special measures for protection from sexual exploitation and abuse: a new approach, A/71/818, pages 63-64 (2017).
38 Allegations against AMISOM troops are routinely communicated to AMISOM by the United Nations.
The highest civilian casualty figures in a single incident attributed to AMISOM occurred on 17 July 2016, when AMISOM reportedly killed 14 civilians and injured three in a dwelling in Wardinle town, Bay region. In a press release dated 19 July 2016, AMISOM acknowledged the incident, communicated its preliminary findings, and committed to investigating further. UNSOM’s investigations found that the victims were civilians who had gathered to pray for a man who had fallen ill and that there was no prior fighting in the area. AMISOM subsequently established a board of inquiry, which denied the involvement of its troops and stated that the casualties resulted from cross-fire between non-AMISOM Ethiopian National Defence Forces (ENDF) and Al Shabaab. The presence of non-AMISOM ENDF in the same area of operation as AMISOM ENDF blurs the lines and makes the attribution of responsibility difficult. While taking note of the conclusions of the AMISOM Board of Inquiry, it remains difficult to rule out the involvement of AMISOM troops in the Wardinle case.

AMISOM Related Prevention and Response Mechanisms

29. In resolution 2010 (2011), the Security Council made its first specific reference to AMISOM’s obligation to prevent civilian casualties during its operations, and called for the establishment of the Civilian Casualty Tracking, Analysis and Response Cell (CCTARC) to record and analyse the information gathered on civilian casualties. Subsequent resolutions encouraged AMISOM to ensure CCTARC operationalization with the support of the international community.

30. CCTARC was established in 2015 and has been operational, albeit with capacity challenges, particularly staffing shortages. Its core functions include analysing the information gathered on civilian casualties and supporting the planning process of AMISOM operations and decision-making. The analysis may also provide tactical guidance on minimizing civilian casualties, for example to ensure that the use of weapons is proportional to the target. Though UNSOM is informed of some analysis done by CCTARC, it is unclear how much the latter influences mission planning and tactics. The tracking of civilian casualties and responding to individual allegations is carried out through reports from sector commanders and complaints from the public or individual complaints from citizens. However, communication by CCTARC has been very limited. Within the framework of HRDDP, CCTARC and the United Nations – particularly UNSOM and the Civil-Military Working Group – share information on incidents that caused civilian casualties. The United Nations Support Office in Somalia (UNSOS) and UNSOM have also provided technical support to AMISOM with regard to the development of Standard Operating Procedures on making amends.

31. AMISOM has conducted preliminary investigations into alleged violations and, where it concluded that there was a prima facie case, established boards of inquiry to investigate violations of

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39 In its 19 July 2016 press release, AMISOM had noted that: “Preliminary investigations indicate that AMISOM forces received credible intelligence information of an Al-Shabaab’s radicalization exercise in the village and went to investigate. The troops were ambushed as they approached the village and intensive fighting ensued. The terrorist fighters were overpowered and fled, after sustaining casualties. It is not clear at this point in time, if the fighting occasioned civilian deaths.” AMISOM’s preliminary findings suggest that AMISOM troops were nearby Wardinle at the time of the incident. http://amisom-au.org/2016/07/amisom-investigates-claims-of-civilian-deaths-in-wardinle-bay-region/.

40 Human Rights Watch (HRW) found that the Ethiopian troops were reported to have directed their fire on the dwelling where the victims had gathered to pray. The victims were elders, religious leaders and Islamic school teachers https://www.hrw.org/sites/default/files/supporting_resources/hrw_letter_to_ambassador_madeira_re_wardinle.pdf.


42 CCTARC lacks relevant qualified staff to collect and analyse information.

43 Amends as defined in draft SOP on AMISOM civilian harm response: “the practice of warring parties providing recognition and assistance to civilians they harm within the lawful parameters of combat operations, despite having no legal obligation to do so. Making amends can take a variety of forms, including apologies, monetary payments, in-kind assistance, livelihood assistance programs, and other offerings within victims’ needs and preferences. It must be gender equitable and culturally appropriate.”
international human rights and humanitarian law as recommended in the HRDDP framework. However, these measures remain insufficient. Identifying dedicated investigators to participate in a board of inquiry is difficult, as officers with relevant expertise from Troop Contributing Countries (TCCs), other than those implicated, are often engaged in operations. Moreover, due to the limited feedback from AMISOM on actions it has taken in the framework of preliminary investigations and boards of inquiries, UNSOM cannot fully assess the reliability of AMISOM investigations.

32. AMISOM also faces the additional challenge of ensuring that the findings of their inquiries are accepted by troop and police contributing countries (TCCs/PCCs) and that the alleged perpetrators are promptly charged, prosecuted and, when found guilty, sentenced. In this respect, ensuring effective accountability for violations is ultimately dependent on the TCCs/PCCs, which are expected to conduct their own investigations and to take forward any recommendations from AMISOM’s investigations or boards of inquiries. TCCs/PCCs have the responsibility to ensure accountability through their own justice mechanisms. For example, Uganda’s Military Court sitting in Somalia has tried Ugandan troops involved in criminal activity, such as fuel scams and theft. However, prompt and transparent investigations or prosecution of alleged international human rights law or humanitarian law violations by all TCC/PCCs has been insufficient. AMISOM has also not communicated to the UN outcomes of any investigations or prosecutions carried out by TCCs. Ensuring the protection of victims and witnesses of international humanitarian and human rights law violations against reprisals also represents a concern as AMISOM has yet to put in place clear measures in that regard.

**Mitigation Measures Proposed by the United Nations**

33. The United Nations Human Rights Due Diligence Policy is the framework through which the United Nations exercises its due diligence to ensure that violations of international humanitarian law and international human rights law are not committed by non-United Nations security forces to which it provides support. The United Nations has established a Task Force to develop HRDDP risk assessments and identify mitigation measures in relation to its support to non-UN security forces, including AMISOM. The United Nations has thus far conducted four risk assessments related to AMISOM operations or other troops envisaged to come under its command and control in the framework of specific operations, and recommended prevention and response measures to violations, which are reviewed by the UN-AMISOM Joint Working Group on HRDDP.

34. UNSOM forwarded 50 cases of allegations of international human rights law and international humanitarian law violations to AMISOM, and received responses on 26 of these. AMISOM denied 14 incidents out of these 26; it acknowledged and/or referred seven to boards of inquiry it established to address these cases in particular or to CCTARC; and it acknowledged five incidents that they either attributed to others or for which they found no culpability.

35. AMISOM’s slow response to allegations remains a concern. Furthermore, responses seldom include information on the concrete actions taken to investigate, including whether interviews with victims, witnesses or local authorities have been conducted. Accountability and corrective measures are among the priority mitigation measures identified by the UN in the framework of HRDDP with

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44 In line with its 2014 Standard Operating Procedures on the implementation of HRDDP in Somalia, the HRDDP Task Force comprises all United Nations entities providing support to non-UN security forces.

45 The UN HRDDP Task Force, established in 2016, develops risk assessments and reviews measures to prevent and respond to violations. It met five times during the reporting period.

46 Risk assessments on non-AMISOM ENDF, non-AMISOM KDF and Jubaland Darwish Forces respectively.

47 In this case, reference to CCTARC related to follow-up for possible consideration in the framework of the SOPs on amends.
regard to support to AMISOM. Inadequate or lack of credible investigations into allegations may lead the United Nations to reconsider and/or suspend the support to individuals or contingents allegedly involved in violations.

6. Militia and Armed Groups Affiliated with National and International Security Forces

36. The conflict in Somalia and the ongoing military operations against Al Shabaab, as well as the areas in which law enforcement presence is limited, have attracted different actors associated with national and international security forces and involved in violations of international human rights law and international humanitarian law. The main actors are clan militia and the Ethiopian Liyu Police.

C. Airstrikes by International Forces

37. UNSOM documented 74 airstrikes by different forces during the period under review, resulting in 57 civilian casualties (41 killed and 16 injured). Non-AMISOM KDF is allegedly responsible for 42 civilian casualties (36 killed, six injured).

38. The number of civilian casualties caused by airstrikes is difficult to verify as most are conducted in Al Shabaab-controlled areas, to which the United Nations and others have limited or no access.

39. In December 2016, pursuant to the United Nations Security Council Resolution 2036 (2012), AMISOM leased three attack helicopters from Kenya that are operated by AMISOM-KDF under the command and control of the AMISOM Force Commander. In parallel and since 2016, the non-AMISOM KDF is reportedly using its own air assets. Therefore, attribution of responsibility for casualties caused by AMISOM-KDF and those caused by non-AMISOM KDF has become even more challenging.

40. The 74 airstrikes included 18 helicopter raids conducted jointly by a special SNA unit, referred to as Danab (Lightning) and the US (in 14 cases). A further four were conducted by the KDF alone. Nine US-supported raids reportedly occurred in Lower Shabelle, two in Bakool, and three in Lower Juba, while the four KDF airstrikes occurred in Lower Juba.

48 Not all reported airstrikes resulted in civilian casualties.
49 Please see Annex for the response of the Republic of Kenya, ref. no. KES/MGD/ADM.1/31/ (03) in which it is stated that KDF does not operate bilaterally.
50 For instance, see press releases issued by the Republic of Kenya’s Ministry of Defence on 2 and 27 March 2017, stating that KDF troops operating under AMISOM had successfully conducted air and ground operations against Al Shabaab. The communication emanating from the Kenyan Government on AMISOM operations was unusual, as AMISOM operations are normally reported by AMISOM. The Embassy of the Republic of Kenya stated that the media releases simply confirm information received from AMISOM and are in line with Kenyan law which requires the Government to update the Kenyan population on its military activities in Somalia.
51 Danab is a SNA unit of 500 well trained officers involved in security operations alongside international armed forces, mainly the USA. They reportedly take part in air attacks against Al Shabaab positions, and are based at an SNA airport in Lower Shabelle managed by US forces.
52 US President Donald Trump signed a directive on 29 March 2017 declaring parts of Somalia an “area of active hostilities,” giving commanders at the United States Africa Command (AFRICOM) greater latitude to carry out offensive airstrikes and raids by ground troops against militants perceived to be affiliated with al-Shabaab. The directive, which expands the military’s targeting authority by applying “warzone targeting rules” had immediate effect and is valid for 180 days. It lowers the standards imposed by former President Barack Obama’s 2013 “Presidential Policy Guidance,” which required a “near certainty” that no civilian deaths would occur as a result of a military operation (Procedures for Approving Direct Action against Terrorist Targets, 2013.) The 2017 directive allows AFRICOM to launch attacks against people suspected of being al-Shabaab fighters on that basis alone. The guidelines also allow for collateral civilian deaths that are deemed “necessary and proportionate.”
41. The airstrikes also caused destruction of houses and livestock, and displacement of pastoralists and others living in the targeted areas. Al Shabaab reportedly abducted five civilians whom they accused of guiding the air attacks to their bases. In 27 September 2016, a US airstrike targeted Galmudug security forces, mistaking them for Al Shabaab, which further increased tensions between the Galmudug and Puntland regional states. Heavy fighting erupted between Puntland and Galmudug forces in Gaalkayo and continued for more than two months, causing at least 25 deaths and 48 injuries. In several cases the United States issued press releases regarding drone or airstrikes, reporting no civilian casualties. However, it is unclear how the United States undertakes such verification.

42. With respect to violations attributed to state actors and international forces, UNSOM is not aware of the opened investigations. However, since 2016, FGS has appointed three committees to investigate three different incidents that were identified as serious protection of civilian cases. The alleged perpetrators in each of the incidents were either national security forces or foreign forces, such as KDF. In only one case did a committee issue its findings, but these were not made public. The publication of these findings would ensure transparency and accountability, which is necessary to build citizens’ trust in the Government.

D. Human Rights Violations and Abuses Attributed to Armed Groups

43. UNSOM has identified more than 40 armed groups in Somalia. The main actors involved in violations and abuses are Al Shabaab, Ahlu Sunna Waljama’a, and a plethora of militia mainly associated with their clans.

1. Al Shabaab

44. Al Shabaab originated from the Islamic Courts Union (ICU), which once controlled most of what was referred to as Southern and Central Somalia. Between 2007 and 2011, Al Shabaab controlled significant parts of Galmudug, HirShabelle, ISWA, Jubbaland and Banaadir, including the capital, Mogadishu, before security operations conducted by SNA and AMISOM restored control of major population centres to FGS authorities. Al Shabaab then retreated to rural areas and established military training camps and bases in their strongholds in Middle Juba. The districts of Bua’le, Sakow, and Jilib remain under the de facto control of Al Shabaab.

45. As Al Shabaab re-established itself in these areas it began employing tactics such as IEDs, suicide bombers, and targeted assassinations. Their primary targets include government officials, SNA, AMISOM and other international forces, as well as populated civilian areas such as markets, hotels and restaurants.

53 On 31 January 2016, the Prime Minister appointed a committee to investigate the impact of the airstrikes, led by the Minister of Defence. On 8 May 2016, Prime Minister nominated a committee of five members to investigate the allegations of the use of children as spies. On 26 May 2016, The Ministry of Security appointed a committee to investigate the allegations of NISA officers torturing a victim.


46. Al Shabaab’s troop strength was estimated to be between 7,000 and 9,000 in 2014, but the number has reportedly decreased as its control over major population centres has diminished. Nevertheless, at least 61 per cent of the civilian population (446,582) in Jubbaland, including internally displaced persons (IDPs) dwelling in rural areas, remain vulnerable to Al Shabaab attacks.56

47. Little information about the situation of the population living under the control of Al Shabaab is available, and verifying human rights violations and abuses in these zones remains a challenge due to the lack of access and fear of reprisals among people communicating information about human rights abuses by Al Shabaab. Al Shabaab has put in place a parallel justice system named the “Al Shabaab courts”, ordering amputations and executions. In April 2017, Al Shabaab published their first education curriculum, intended to indoctrinate on extremist ideologies, with Arabic as the language of study.57 Since then, Al Shabaab has been enforcing it in schools under its control and warned parents across Somalia not to enrol their children in schools that teach a “western” curriculum.58

2. Other Armed Groups

Islamic State Affiliated Group

48. The Islamic State affiliated group (ISAG), a rival group of Al Shabaab reportedly led by Abdul Qadir Mumin, the former spokesperson of Al Shabaab, operates in Bari region, in the north of Puntland. ISAG established its first military base in April 2016 in that region, and its troop strength was then estimated at 100.59 ISAG has since tried to expand its presence in Bay, Lower Shabelle and the two Juba regions, but they were defeated in December 2016 by Al Shabaab.

49. In April 2016, ISAG claimed responsibility for several grenade and IED attacks against AMISOM and Somali security forces that resulted in several civilian casualties, mostly in Banaadir region. In October 2016, ISAG captured Qandala town in Bari region, which caused the displacement of the local population. In December 2016, Puntland forces liberated the town from ISAG without a direct confrontation. ISAG has continued to conduct attacks against military positions in different parts of Bari region, but has also engaged in criminal activities affecting the population, such as looting food and supplies from farms and villages.

Ahlu Sunna Waljama’a

50. Ahlu Sunna Waljama’a (ASWJ) is a moderate Sufi militant organization in Somalia that became stronger after Al Shabaab’s rise. It is an armed group acting as a de facto administration in the Galgaduud region – in Guriceel town and Dhuusamarreb district. It claims Hiraan, Galgaduud, and Mudug as its territory, and has been opposing security forces and state authorities in areas under its control. It incorporates a political movement and a militia in Galmudug, and their troop strength is estimated at 3,000-4,500.60 That number fluctuates, as some ASWJ members are also part of SNA and ASWJ also calls up part-time volunteers when required.61 The group has no specific clan identity.

56 Apart from an estimated 282,003 people living in urban areas that are under Jubbaland administration in Gedo (109,142) and Lower Juba (172,861) regions, Somalia National Development Plan, 2017.
57 Subjects include: Geography, History, Science, Mathematics, Somali, Arabic, Fiqh (Islamic Jurisprudence), Tawheed (Oneness of God), Hadith (traditions of Prophet Mohamed), and Tajweed (rules governing pronunciation during recitation of the Qur’an).
59 UNSOM sources report that ISAG had no more than 100 fighters in Puntland, which is confirmed by the Somalia-Eritrea Monitoring Group. Other sources estimate the number of militants to be between 200 and 400.
60 The United Nations estimate of security actor strength in September 2016.
61 Some elements have been subsumed into SNA (2014) while the formal leadership of the group indicated a wish for ASWJ members to integrate into SNA in February 2017. On 11 February 2017, this was publicly supported by the Chief of Defence Forces of Somalia, but no further commitments have been made.
51. The clan dynamic is complex and most clans have their own militias, which have no basis in Somali law and do not operate within formal structures. Conflicts between clans are widespread and relate to the broader non-international armed conflict, and are particularly predominant in regions where FGS or state authorities are weak or non-existent. Historical grievances, political marginalization, land disputes, and access to resources are significant conflict drivers that are often resolved with violence, and these conflicts are exploited by Al Shabaab. Clan militias engage in targeted killings, sexual violence, and the destruction of civilian property.

“At 10:30 p.m., about 10-12 armed men, all male belonging to Habar-Gadir clan militias, a sub clan of Hawiye, attacked Essow, the village where we lived with other 14 pastoralist households, all close relatives and all from Biyomaal clan, sub clan of Dir. They started with gunshots in the air at 10:30. After hearing gunshots, my mother advised me to go away with my 13-year old son to a safer place. My mother believed that herself being old and the six kids being young, they would not be targeted by the militias. I refused to leave them behind but my mother insisted that I leave, as people would kill my oldest son and me. On her insistence, together with my son, we started to run away for safety and he is the only child of mine that survived. As I was running away, I had a chance to see and identify the assailants. They started by checking into the houses one by one. From where I was hiding and seeing, I would hear the children shouting because of the gunfire. When the perpetrators heard the voices of these children, they entered our house and killed all my six children and their grandmother. The house was also set ablaze and the already dead bodies were burnt.” – Victim of an attack by Habar-Gidir clan militia in Lower Shabelle region, on 18 April 2016, that resulted in the death of six of her children and the destruction of her home.
52. Clan dynamics are extremely fluid and subject to changes in migration patterns, political processes and displacement.\textsuperscript{62} Alliances between clans and support for Al Shabaab is often opportunistic and can change suddenly. Few (if any) clans are aligned with one party to the conflict, although SNA forces often include elements of clan militias. This can affect the chain of command within the force and amplify the clan-related conflicts. In 2014, the Somalia and Eritrea Monitoring Group (SEMG) reported allegations of the “active involvement of senior SNA officers and soldiers in clan violence [and] leakages of SNA arms to clan-based militias.”\textsuperscript{63} Other violations documented by “rogue” SNA or clan-based militia among SNA soldiers included “extortion, armed robberies, torture and arrest of locals accused of supporting Al Shabaab”.\textsuperscript{64} The SEMG 2014 and 2015 reports highlighted that “the political and military leadership of the federal system was also usurped to advance clan interests with the deployment of FGS security forces and assets in clan fighting.”

E. Types of Attacks and Violations and Abuses Attributed to Armed Groups

53. During the period under review, a total of 3,322 civilian casualties (1,484 killed and 1,838 injured) were attributed to armed groups fighting national and international actors, representing 72 per cent of the total casualties. The perpetrators were primarily Al Shabaab, but also ISAG operating in Puntland and the clan militias engaged in clan fighting in the context of the armed conflict. The civilian casualties attributed to Al Shabaab and ISAG represent 60 per cent of the total casualties. In addition, unidentified perpetrators resorted to tactics typically used by Al Shabaab, such as IEDs, mortars, and targeted killings. Therefore, approximately 10 per cent of civilian casualties could not be attributed.

54. The civilian casualties attributed to Al Shabaab were the result of the use of explosive weapons, ground confrontations, targeted assassinations and extrajudicial executions. The most affected regions were Banaadir, Lower Shabelle, Bay and Middle Shabelle.\textsuperscript{65} Among the civilian casualties attributed to Al Shabaab, 64 per cent were caused by VBIEDs and 15 per cent by IED attacks. Ground attacks represented 15 per cent of the causes of casualties, and the rest resulted from targeted assassination (4 per cent), executions (1.8 per cent) and corporal punishment, including amputations and lashings (0.2 per cent). The majority of the VBIED and IED attacks took place in Mogadishu, while most of the ground attacks occurred in Lower Shabelle, Lower Juba and Bay regions.

55. While Al Shabaab usually claimed responsibility for attacks against Government forces and other military targets such as checkpoints and training camps, and other locations including hotels, restaurants and markets frequented by officials, it is not always clear that they did in fact carry out the attacks that they claimed. However, in some instances Al Shabaab has declined to claim responsibility for operations that may significantly damage its public image among the Somali

\textsuperscript{62} Somalia and Eritrea Monitoring Group report 2015, S/2015/801: “9. In Lower Shabelle, for example, the Monitoring Group continues to investigate individual responsibility for a series of attacks on civilians in Qoryoley district, in particular on the villages of Buulo Sheikh, Hadoman and Farhano in early January, February and March 2015. Conducted by a combination of SNA personnel (with SNA assets), clan militia and elements of Al-Shabaab, the attacks demonstrate the complexity of alliances and cross cutting interests emerging between Somalia’s conflict parties at the local level. The violations unfolded against the backdrop of an ongoing conflict between the Salaax militia and Hawiye (primarily Haber Gedir, but also Hawadle and Murosade) militia in the area and the broader conflict with Al-Shabaab. The Salaax militia are a defensive militia created by the Bantu community and led by a Bantu Digil-Mirifle/Dube, Sheik Shalax.”

\textsuperscript{63} S/2014/726, Annex 3.2. Threats to peace and security in Lower and Middle Shabelle, para. 18.

\textsuperscript{64} Ibid. at para. 24.

\textsuperscript{65} The IED attacks occurred primarily in south Somalia, especially in Lower Shabelle (135) and Banaadir (129). The numbers of attacks by states and region during the reporting period were as follows: 210 in ISWA (135 in Lower Shabelle, 67 in Bay and eight in Bakool), 125 in Banaadir, 84 in Jubbaland (50 in Lower Juba and 34 in Gedo), 63 in HirShabelle (36 in Middle Shabelle and 27 in Hiraan), and three in Galgaduud.
population. For example, the group has not claimed the attack of 14 October, when two VBIEDs exploded in a populated and urban area of Hodan and Wadajir Districts, in Mogadishu, causing at least 512 dead and 316 injured, according to a committee established by the FGS, and destroying hotels, restaurants and NGO and private offices. This was the deadliest terrorist attack in Somalia to date, and while Al Shabaab has not claimed responsibility, it has launched similar attacks on civilian targets in Mogadishu.66

56. From January 2016 to 14 October 2017, eight complex attacks attributed to Al Shabaab took place in Mogadishu (seven) and Baidoa (one), which resulted in 363 civilian casualties (93 killed and 270 injured).67 In Jubbaland, 10 IEDs and eight hand grenade incidents were attributed to Al Shabaab in Gedo and Lower Juba regions, which resulted in 76 civilian casualties (19 killed and 57 injured).

57. Somali civil society organizations face multiple challenges and risks while they continue to play a pivotal role in the country’s development and in addressing protection issues. Only a few civil society organizations work in the areas controlled by Al Shabaab, and maintain a low profile. There is little information available on whether they have been specifically targeted, but Al Shabaab explicitly targets locations where government officials and their counterparts work and reside. For example, the Executive Director of the Organization for Somalis Protection and Development (OSPAD) was killed and three civil society activists from three different organizations were injured in a complex attack on the Ambassador Hotel in Mogadishu by Al Shabaab in June 2016.

“On 20 December 2016, in the morning, five people (two elderly men and three young boys aged 9, 12 and 13 years) were killed. They were all pastoralists. They were tending our camels in the bush when armed men attacked them, brought all the five to one place, tied them together and shot them. They also took all the camels. All were from same clan of mine (Cowrmale) and one of them was my younger brother. Al Shabaab are targeting our people because the elders refused to give them camels as ‘Zakat’”. – Witness to an attack by Al Shabaab in Silow, Lower Juba, on 20 December 2016.

58. A total of 594 civilian casualties (251 killed and 343 injured) were attributed to militia in the context of the armed conflict, representing 13 per cent of the total casualties. The drought has intensified clan conflict due to competition over resources, with 144 civilian casualties caused by clashes among clans in the second quarter of 2017, compared to 77 in the previous quarter. Two main conflicts, between Gaaljecel and Jejele clan militias in HirShabelle, and between the Duduble and Ayr clans in Galgaduud, caused 79 and 14 civilian casualties, respectively.

59. In Somaliland, inter-clan conflicts were the principal cause of civilian casualties. More specifically, clan fighting in the Sool region (a disputed area between Somaliland and Puntland) between Qayaad

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67 Four suicide and complex attacks took place in Jubbaland and resulted in nine civilian casualties (three killed, six injured). On 31 March 2016, four civilians, including two children aged 10 to 13 years, and two businessmen, were injured when a suicide-bomber detonated an explosive belt, reportedly targeting the Puntland Director of finance in Mudug region, in Gaalkayo. On 23 May 2017, three civilians were killed and five were injured when an Islamic State suicide bomber detonated explosives at a security checkpoint in Bossaso, Bari region.
PROTECTION OF CIVILIANS

and Bahararsame sub-clans of Dhulbahante (Daarood) in Laascaanood, resulted in the killing of 78 people68 (including three women) since the eruption of hostilities in 2016.69

1. Other Methods of Attack

60. Al Shabaab and ISAG conducted ground attacks against military positions that resulted in 383 civilian casualties (132 killed and 251 injured). Civilians are often caught in crossfire between Al Shabaab and security forces. Civilians living near military bases are particularly vulnerable, as illustrated by an incident that occurred on 8 June 2017, during which three female civilians were killed and three others injured when Al Shabaab attacked a military camp in Bari region. The victims were living beside the camp and supplying goods to the troops.

61. Several incidents involving land mines planted by armed groups were also documented. Landmines were usually placed on roads used by security convoys, AMISOM in particular. On 6 April 2017, six women were killed and four people injured when a land mine exploded near a minibus in Goweyn village, Marka district, in Lower Shabelle region. In Puntland, a roadside bomb killed two civilians in the Galgala Mountains, 37 kilometres south of Bossaso, Bari region, on 30 May 2017.

62. Al Shabaab was responsible for 86 targeted assassinations and executed 46 persons during the reporting period. Civilians were targeted by Al Shabaab because of their affiliation to state authorities, their social and political activities,70 or involvement in activities banned by Al Shabaab, such as the trade of charcoal.71 Victims included elected officials, civil servants, clan elders and other prominent people. Such attacks occurred mostly in Mogadishu and in the other main population centres of Somalia.

63. UNSOM documented the execution by Al Shabaab of 32 people who had been “sentenced” through its parallel justice system,72 reportedly for spying and providing information to state authorities or national and international security forces, as well as Al Shabaab members suspected of defecting. The methods of execution included firing squad and decapitation.73 Most of the executions were conducted in public and the population was compelled to attend.

64. Al Shabaab also inflicted corporal punishment and amputated limbs in accordance with its interpretation of Sharia Law. Seven amputations were reported, allegedly as punishment for robbery, and five individuals (including one woman) were lashed publicly after being accused of immoral or improper behaviour.

68 The Somaliland Ministry of Interior denies that the areas in Sool are “disputed territory,” and believes that the number of civilian casualties is “exaggerated” (see Annex).

69 On 1 June 2016, following a decision of the Sharia Court and mediation committee to end the clan fighting in South Laascaanood, negotiations between the two parties started, in the presence of Somaliland Minister of Interior. https://www.youtube.com/watch?v=w54mrxQj_0g


71 In Jubbaland, 29 charcoal traders were injured or killed by Al Shabaab, 80 per cent of them in Badhadhe district, Lower Juba region. In March 2016, Al Shabaab killed eight and injured 13 charcoal workers in Burgabo town, Badhadhe district.


73 On 19 January 2016, Al Shabaab executed a 65-year old pastoralist in Gedo region whom they had accused of providing shelter to four AMISOM KDF soldiers after an attack on a KDF military base in El Adde. On 22 April 2016, Al Shabaab executed five newly-married women in Jilib district for allegedly spying for foreign forces and the Jubbaland administration. In October and November 2016, six men, including a Kenyan and a Tanzanian, were executed in Jilib and Saakow districts, Middle Juba. On 5 February 2017, in Jamaame town, Lower Juba region, Al Shabaab publicly beheaded four civilian men who they accused of collaborating with the Jubbaland administration.
2. Conflict-Related Abduction of Civilians

65. UNSOM documented 729 abductions of civilians by Al Shabaab between 1 January 2016 and 14 October 2017. The motive for abductions was typically for contravening Al Shabaab instructions or rules, such as during its taxation (Zakat) campaign when people who could not afford to pay were held until the tax was paid by the family or the clan, or abductions of children for recruitment into Al-Shabaab. In July 2017, Al Shabaab abducted 412 people, mostly children. In 2016, 86 charcoal workers were abducted in Lower Juba for being involved in the charcoal trade banned by Al Shabaab. People suspected of collaborating with the government or international forces or members of their families or community were targeted. For example, between July and December 2016, Al Shabaab accused the Awrmale community of collaborating with the Jubbaland administration and killed 14 pastoralists in reprisal, while abducting eight others.

66. Of the 729 people abducted by Al-Shabaab, 403 were reportedly released, usually after negotiation by clan elders and likely in exchange for money or weapons. On 3 April 2016, after negotiations with clan elders in Jubbaland, Al Shabaab released 50 charcoal workers they had abducted 10 days earlier. In 2017, Al Shabaab abducted 35 workers providing humanitarian assistance to drought victims in Gedo and Hiraan regions, all of whom were subsequently released.

3. Amnesties

67. As part of its fight against Al Shabaab, the Government of Somalia has resorted to offers of amnesty as a tool to encourage defections within the group. However, there is no legal framework or clarity around the modalities of the amnesties. Records indicate that the first official amnesty offer was granted on 3 January 2011 by the former Transitional Federal Government Cabinet that was chaired by then Prime Minister and current President Mohamed Abdullahi Farmajo. In April 2017, the President renewed, via the media, his offer of amnesty for a period of three months. Federal Member States have also offered amnesties.

68. A comprehensive policy on amnesty does not exist, although there is a National Programme on Disengaged Combatants aimed at low-risk disengaged Al Shabaab fighters. In June 2016, the Federal Cabinet approved an “amnesty policy”, prepared by the Minister of Justice, an important element of which is the exclusion of “war crimes, crimes against humanity, crimes of genocide, crimes of sexual violence, and gross violations of human rights and humanitarian law from the scope of application of the amnesty.” However, it appears that the verbal offers of amnesty, including those issued through the media before the adoption of this policy, were not grounded in this framework. For example, the Federal Government granted amnesty to at least four former prominent Al Shabaab members who have not yet been prosecuted, although they are all alleged to have committed serious violations of international human rights law and international humanitarian law, including...
The following high-ranking Al Shabaab operatives have received amnesties: Hassan Dahir Aweys (Chief of Hizbullah Islam) on 30 June 2013; Zakaria Ismail Hersi (Chief of Intelligence), on December 2014; Mohamed Said Atom (Head of Al-Shabaab in Puntland), in June 2014; and Muktar Robow (Deputy Leader of Al Shabaab), on 13 August 2017. SEMG report 2016, S/2016/919, annex 1.5. Abdullahi Abdi Haji, Al Shabaab member since 2006, was arrested in August 2015 and released as part of a general amnesty granted by the Puntland President Abdiwell Mohamed Ali "Gass". It was an example of the Puntland administration’s policy of “catch-and-release” of the Al Shabaab suspects, documented by the Monitoring Group since 2014 (see S/2014/726, annex 1.4 and S/2016/919, annex 1.5).
II. Sexual Violence and Violations Affecting Children in the Conflict-Affected Areas of Somalia

A. Sexual Violence

69. The protracted conflict in Somalia has resulted in the prevalence of sexual violence against women, men, boys and girls, with women and girls particularly affected. Continued insecurity, weak rule of law and lack of humanitarian access have aggravated sexual violence. Gender inequality, power imbalances, slow progress in fulfilling Somalia’s obligations under international human rights treaties, displacement of large populations as a result of both the conflict and the drought, as well as the return of refugees from Kenya to mainly Baidoa, Luuq and Kismayo, all contribute to an environment in which women and girls are especially vulnerable to gender-based violence, including conflict-related sexual violence and sexual exploitation and abuse. Women and girls who are displaced or from marginalized groups suffer the most due to inadequate protection mechanisms, lack of or limited access to available formal and informal justice mechanisms, and weak clan protection.

70. The Monitoring, Analysis, Reporting Arrangements (MARA) received reports of Conflict Related Sexual Violence (CRSV) from UNSOM and the Country Task Force on the Monitoring and Reporting on Children and Armed Conflict (CTFMRM). During the reporting period, UNSOM documented 35 victims of CRSV comprising 32 females and three males, 14 of whom were children (11 girls and three boys). Perpetrators included AMISOM ENDF, South West State Darawish forces, SP, unidentified armed men in uniform, SNA elements and Al Shabaab. By contrast, the CTFMRM documented 228 incidents of rape and other forms of sexual violence constituting CRSV affecting 230 girls. Half of the rapes recorded by CTFMRM were attributed to unidentified armed elements.

71. The practice of forced marriage remains of concern. MRM reported 18 forced marriage cases that involved SNA elements (three), Al Shabaab (13), and ASWJ (two). For instance, on 14 September 2017, heavily armed Al Shabaab members abducted a 15-year-old girl from her home in Waberi village, Elbur district, Galgaduud region, and took her to an unknown location after her father rejected a marriage proposal from one of the men. Before the abduction, the case of a proposed marriage was referred to an Al Shabaab “tribunal” before which the girl’s father rejected the marriage proposal.

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79 The UNPFA-Gender Based Violence information management system collects additional information that is incorporated into MARA for informative purposes and programmatic response.

80 The differences in the CRSV figures between MARA, UNSOM and CTFMRM is due to the ways each mechanism operates in Somalia depending on security and access. Information captured by CTFMRM is obtained from a network of monitors deployed in conflict areas. They have a much larger reach and are within the communities, which allows the most comprehensive information. The information collected by UNSOM and MARA is gathered mostly from reports from various sources that come to the United Nations. Efforts are underway to consolidate the data.

81 UNSOM started documenting CRSV cases in September 2016 following the implementation of the consolidation of protection functions within its human rights component.

82 On 22 July 2016, a boy was raped by two Al Shabaab members near Afgooye town, Lower Shabelle region. He was accused of possessing videos containing homosexual pornography. One of the perpetrators was stoned to death by Al Shabaab while his accomplice was put in Al Shabaab custody. On 10 January 2017, Al Shabaab publicly raped and executed two males, aged 15 and 20 years, for homosexual conduct, in Lower Juba region. On 14 October, three SNA soldiers raped an 11-year-old boy in Hawo tako neighbourhood, in Beledweyne, Hiraan region. SNA commander arrested the soldiers who were identified by the survivor.

83 From 1 January to 30 September 2017.

84 On 10 July 2016, the MRM reported that a 15-year old girl was forced to marry an SNA soldier in Busul village, Gedo region, after the soldier threatened her mother. The Jubbaland Ministry of Gender, Family Affairs, and Human Rights investigated the incident and concluded that the story as initially reported is not credible (see Annex).
marriage proposal on grounds that his daughter was underage. The father was subsequently arrested and the girl was abducted soon after.

72. Government authorities subjected wives of Al Shabaab to collective punishment, arbitrary arrests, and forced displacement. They justified such treatment on the grounds that Al Shabaab relatives support insurgent activity, thereby constituting a security threat. This is a recurrent issue, as such incidents had already been recorded in 2015.85 In September and October 2016,86 the Jubbaland Administration ordered Al Shabaab wives to leave all areas under its control and threatened to forcibly remove them if they failed to leave voluntarily.

73. On 7 May 2013, the FGS and the United Nations signed a Joint Communique to End Sexual Violence in Conflict in Somalia. Subsequently in May 2014, the FGS adopted the National Action Plan on Ending Sexual Violence in Conflict (NAP/SVC) and a comprehensive strategy to prevent and fight against sexual violence and conflict related sexual violence (CRSV).87 The National Action Plan’s activities include free legal services to CRSV victims, Sexual and Gender Based Violence (SGBV) units under the Attorney General to prosecute CRSV cases, mobile courts in rural and remote areas to provide justice services to communities, as well as legal awareness campaigns.88

74. The main protection challenges for victims of sexual violence are related to the limited capacity of the police to address such cases as well as the lack of political will, primarily by police leadership, to use the formal justice system to address cases of sexual violence.89 In November 2016, a Women and Child Protection Unit was established at the Police Force headquarters in Mogadishu90 with plans to increase the number of female police officers on the ground, but resources and skills to investigate and report on sexual violence crimes are still lacking. Using traditional justice mechanisms is seen as an easy way for traditional elders to maintain their influence in communities and to influence policing services. Obtaining comprehensive and accurate data on CRSV cases in Somalia also remains a major challenge due to limited or no access to large parts of the country and the unavailability of services for survivors, as well as the vulnerability of survivors to possible reprisals from perpetrators.

B. Children and Armed Conflict

75. Children continued to be disproportionately affected by the prolonged conflict. In July and August 2012, the FGS signed two Action Plans: one to end the recruitment and use of children, and another to end the killing and maiming of children. Specific policies91 have been adopted and structures and

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85 Several incidents took place in 2015 when 65 suspected Al Shabaab wives were forcibly removed from the towns of Kismaayo and Afmadow in Lower Juba region and transported by the Jubbaland Administration to Al Shabaab-controlled areas.
86 In Gedo region, the Baardheere district administration of Jubbaland state issued a seven-day ultimatum for Al Shabaab wives to leave the town. Engagement between clan elders and the district administration prevented the planned expulsion and led to the ultimatum being lifted on 21 October 2016.
88 Support to survivors is a crucial part of the National Plan; 71 centres across the country provide support to GBV survivors and their families, including temporary accommodation for the protection of survivors and five safe houses across the country; 61 survivors benefited from temporary protection in safe houses in the first eight months of 2016.
89 Addressing conflict-related sexual violence requires that three critical issues be addressed: physical access to large parts of the country; underreporting of sexual violence exacerbated by threats to survivors; and the insufficient legal and institutional framework for addressing sexual violence.
90 In line with the New Policing Model which aims at building the capacity of the police and improving gender balance within the police. In Jubbaland, Gender Desks were established in four police stations in Kismaayo district, including two within IDP camps.
91 2014 SOP for the reception and handover of children formerly associated with armed groups; standard check-list for age determination; 2016 General Staff Command Order on recruitment policy prohibiting underage recruitment.
mechanisms have been put in place to build capacity, create awareness and support the efforts of the authorities. In addition, UNSOM supported SNA to sensitize and screen troops to ensure they are child-free. This includes monitoring the integration of regional forces into the SNA, as well as work with regional forces that are yet to be formalized.93

76. Most of the data presented in this chapter was documented and verified by the Country Task-force on Monitoring and Reporting (CTFMRM). The majority of the cases involved Al-Shabaab, ASWJ, and SNA, with Al Shabaab being responsible for 60 per cent of the violations.94

77. All parties to the conflict recruited children. The number of children recruited and used doubled (1,915) compared with 2015, a result of a twofold increase in cases attributed to Al-Shabaab (1,206).95 As such, Al-Shabaab is listed in the Annexes of the 2016 Secretary-General’s annual report on children and armed conflict for the recruitment, use, killing maiming, and abduction of children. SNA remains listed for the recruitment, use, and killing and maiming of children, while ASWJ is listed for the recruitment and use of children. In addition, children are victimized by their exposure to other grave violations during military operations, including killing and maiming, and arrest and detention by Somalia security forces during military or search operations. Reports of recruitment of children increased by 269 per cent from 2015 (903 cases) to 2017 (3,335). In 2017, 71.5 per cent of the recruitment was attributed to Al Shabaab, 14.6 per cent to clan militia, and 7.4 per cent to SNA.96

78. An Al Shabaab recruitment campaign took place in 2016 in Galmudug State and in Lower Juba region, and in Galmudug in 2017. In the latter case, Al Shabaab compelled elders from different villages to provide children to join the group and be trained in military camps.97 Al Shabaab recruited children primarily in rural areas of southern and central Somalia from schools, madrasas, mosques, and religious events. Poverty and lack of opportunities provide a platform to recruit children into the group.98

79. Notwithstanding the standard operating procedures for the reception and handover of children formerly associated with armed groups, the arbitrary deprivation of liberty of children by security forces and Al-Shabaab remains a major concern. Out of 581 children detained in 2016 (including 21 girls), 70.9 per cent were held by SNA and 14.9 per cent by Al Shabaab.99 In total, 110 of these

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92 These achievements included: i) functional joint FGS/UN steering committee that oversees the implementation of the Action Plans, ii) establishment of the Child Protection Unit at the Ministry of Defence with the nomination of military focal points, ii) the establishment of the joint FGS/CPU and United Nation mobile screening team.
93 As an example, 235 out of 310 members of the South West Special Police Force (SWSPF) were screened, of which two boys aged about 16 were identified and separated on 17 May.
94 Al-Shabaab is listed in the Annexes of the 2016 Secretary-General’s annual report on children and armed conflict for the recruitment, use, killing maiming, and abduction of children. SNA remains listed for the recruitment and use and killing and maiming of children, while ASWJ is listed for the recruitment and use of children.
96 In 2016 and 2017, 258 children were recruited by SNA. ASWJ (3.8 per cent); Galmudug, Jubbaland and ISWA represented less than 1 per cent each (CTFMRM data).
97 In March 216, Al Shabaab reportedly enrolled 60 children at an Al Shabaab training camp in Jilib, Middle Juba region. In July 2016, the group pressured elders of the Cowrmale sub-clan of Hawiye in Lower Juba to provide boys aged between 10 and 17 years. The elders refused and were reportedly ordered to provide 360 camels and 120 youths. In September 2016, Al Shabaab compelled elders in Galmudug region to provide 100 boys, who were transferred to the Khalid Bin Walid military training camp in the Ceel Buur district. In June 2017, Al Shabaab was reportedly forcibly enrolling children in Al Shabaab-managed schools in Galmudug.
98 Children associated with Al Shabaab and captured in March 2016 by Puntland authorities reported that Al Shabaab promised them education and livelihoods to recruit, while in other cases children were used to pressure their peers to join.
99 Breakdown of detention by SNA (405 boys, seven girls); Al Shabaab (76 boys, 11 girls); clan militia (15 boys, two girls); ASWJ (13 boys); Somali Police (31 boys); AMISOM (seven boys); Jubbaland forces (nine boys); and ISWA forces (two boys, one girl).
children were captured during security operations against Al Shabaab in Puntland. They were initially tried and convicted as adults and nine were sentenced to death by a military court before their sentences were commuted to 10-20 years prison terms, while 27 others, aged between 15 and 17, were sentenced by a military court to 10 to 20 years of imprisonment. All of the children were subsequently transferred to rehabilitation centres in Mogadishu and Garoowe.

80. In 2016, CTFMRM verified the killing and maiming of 1,847 children, attributed mainly to unidentified armed elements (44.1 per cent), Al Shabaab (24.3 per cent), SNA (11.2 per cent), and clan militia (10.7 per cent). Most casualties resulted from crossfire between parties engaged in hostilities. Mortar attacks, IED attacks, and incidents involving explosive remnants of war equally contributed to child casualties. Children were also victims of airstrikes allegedly attributed to the US forces, KDF, and unidentified forces.

81. CTFMRM documented the rape of 535 children (533 girls and two boys) and, in 35.8 per cent of the cases, the perpetrators were unidentified armed elements. The remaining were attributed to clan militia (20.7 per cent), SNA (21.1 per cent), Al Shabaab (15.8 per cent), State forces (8.9 per cent), ASWJ (0.7 per cent), AMISOM (0.7 per cent) and ENDF (0.1 per cent).

82. CTFMRM also documented 76 incidents of attacks on schools and 20 incidents of attacks on hospitals. Moreover, schools were destroyed and looted during confrontations between parties to the conflict. Al Shabaab was responsible for 54 attacks on schools, followed by SNA (12), ASWJ (three) and clan militia (three), while AMISOM, KDF, South West Armed Forces, and unidentified armed groups were responsible for one each.

83. CTFMRM documented the abduction of 2,265 children, mainly attributed to Al Shabaab (1,991), clan militia (119) and SNA (108). As previously stated, abduction was used primarily as a tactic for

100 In Puntland, the definition of a child remains unclear despite the adoption of the Juvenile Justice Law, as both the Puntland Constitution and the Juvenile Justice Law define a child as a person below the age of 15 years, contrary to the Federal Constitution and international standards.

101 44 from Galmudug and 66 from Puntland.

102 Unidentified armed elements (816), Al Shabaab (449), SNA (207) clan militia (198), AMISOM (60), KDF (17), states forces (18 in Southwest, 13 in Jubbaland and three in Galmudug), Somali Police (11), ASWJ (one) and the United States Armed Forces (one).

103 On 1 June 2016, two boys (aged 16 and 17) were killed and three others injured when Al Shabaab launched a suicide attack on the Ambassador Hotel in Mogadishu. On 14 October 2017, 25 children (15 boys and 10 girls) were killed while 15 others (10 boys and five girls) were wounded. The incident occurred following a VBIED attack in Mogadishu.

104 On 24 March 2016, a boy was killed and five children (aged between three and 14 years) were maimed in a KDF airstrike in Lower Juba. KDF claimed that they were targeting an Al Shabaab military camp. On 15 May 2016, a 16-year-old boy was killed in Afgooye district due to an airstrike in the Lower Shabelle. On 22 June 2016, four children were killed in a KDF airstrike in Ceel-Waaj district, Gedo region. These findings were shared with the Permanent Mission of the Republic of Kenya to the United Nations in New York, within the framework of the Secretary General’s report on Children and Armed Conflict. The Government of Kenya responded and rejected the findings. See further response from the Embassy of the Republic of Kenya in the Annex.

105 UNSOM documented 29 children casualties (12 killed, 17 injured) in Jubbaland; 11 were attributed to either ground operations or airstrikes conducted by foreign forces, nine to Al Shabaab, and one to Jubbaland security forces. Six casualties were related to ERW and two others to IEDs detonated by unidentified attackers.

106 The scale of sexual violence affecting children is believed to be underreported due to fear of stigmatization, reprisals, and the lack of adequate support services for survivors.

107 Breakdown by perpetrators: unidentified armed elements (192 victims), clan militia (111), SNA (113), Al Shabaab (83), Jubbaland forces (19), Southwest armed forces (19), ASWJ (four), Puntland forces (two), Galmudug forces (three), AMISOM Ethiopian contingent (three), AMISOM Djiboutian contingent (one) and ENDF (one).

108 On 15 April 2016, a primary school was partially destroyed by a rocket fired by Al Shabaab in Lower Shabelle region. On 28 August 2016, a health centre in Hobyo district, Mudug region, was closed after the staff received death threats from Al Shabaab following clashes between Al Shabaab and Galmudug forces.

109 Others include unidentified armed groups (22), ASWJ (four), AMISOM (one), South West Armed Forces (three) and police forces (17).
recruitment by Al Shabaab. In 2016, 548 children were abducted by Al Shabaab\textsuperscript{110} for recruitment. One case of abduction was related to CRSV.\textsuperscript{111}

84. Between January 2016 and September 2017, the CTFMR verified 53 incidents of denial of humanitarian access. The incidents were attributed to AS (29), Clan militia (16), SNA (four), Unknown (two), Puntland Armed Forces and Southwest Armed Forces (one each). The number of children affected by these incidents could not be established due to security challenges.

\textsuperscript{110} In July 2016, Al Shabaab abducted 123 boys below the age of 17 from Ceel Buur and Ceel Dheer districts, Galgaduud region, and took them to Al Shabaab training camps.

\textsuperscript{111} In July 2016, a 16-year old boy was abducted and raped by two Al Shabaab members in Lower Shabelle region.
III. Recommendations

85. FGS, FMS and international forces should develop, implement and share operational policies and practical measures to enhance respect for international human rights law and international humanitarian law and avoid harm to civilians, with particular attention to the conduct of military operations in urban areas.

86. Parties to the conflict, including AMISOM TCCs/PCCs should:
   (a) Comply with and ensure respect of international human rights and humanitarian law, including orders or directives, and hold accountable those who target, kill or injure civilians;
   (b) Take all possible precautions to protect civilians, particularly women and children, from the effects of military operations;
   (c) Avoid locating military objectives within and near civilian-populated areas;
   (d) Cease the use of irregular forces, militia and armed groups in operations of SNA and AMISOM, and disband and disarm all unlawful armed groups and militia;
   (e) Adequately support the systematic collection and analysis of information on the protection of civilians, including data disaggregated by sex and age and gender analysis, and ensure that it feeds into conflict analysis, prevention and response;
   (f) Ensure prompt, independent, impartial, thorough and effective investigations and judicial proceedings concerning serious allegations attributed to AMISOM and other international troops, hold perpetrators accountable and provide adequate assistance and effective remedies for victims;
   (g) Develop and implement effective policies for casualty mitigation, including guidance to decide on targeting.

87. Non-state actors should also:
   (a) Cease the use of all IEDs and complex attacks, and cease firing all explosive weapons causing wide-area effects, including mortars, rockets and grenades, from and into civilian-populated areas;
   (b) Cease the deliberate targeting of civilians (including government officials, civil servants, journalists, civil society actors, clan elders and aid workers) and civilian objects.

88. In addition, FGS and FMS should:
   (a) Join the global effort to promote greater respect of and compliance with international humanitarian law and international human rights law to enhance the protection of the civilians;
   (b) Take concrete measures to end violence against women and girls by effectively implementing the National Action Plan to End Sexual Violence in Conflict, including through frequent meetings of the Steering Committee and by investigating and prosecuting alleged violations, including when perpetrated by military and security personnel, in accordance with international law;
   (c) Support the systematic collection and analysis of information on the protection of civilians, including data disaggregated by sex, age, and gender, and ensure that it feeds into conflict analysis, prevention and response;
   (d) Adopt the legislative, policy and law enforcement measures necessary to ensure the prompt, independent, thorough and effective investigation and prosecution of violations of international humanitarian law and international human rights law, including those amounting to serious crimes;
   (e) Investigate in a prompt, independent, effective, transparent and impartial manner allegations of violations of international humanitarian law and international human rights law by security forces and armed groups and, when required, prosecute alleged perpetrators;
(f) Establish clear vetting procedures to identify and prosecute individuals responsible for serious violations of human rights, in particular with respect to women and children;

(g) Share the findings of bodies appointed to investigate incidents and implement their recommendations;

(h) Ratify international instruments aimed at protecting civilians, including international and regional human rights instruments, and the Arms Trade Treaty and similar regional instruments, and ensure that national legislation and policies are in line with international obligations;

(i) Accelerate the process of establishing the National Human Rights Commission which should act as an independent body that would, inter alia, investigate human rights violations committed in the context of the conflict;

(j) Develop a comprehensive public policy on criminal accountability for gross human rights violations and other international crimes so that those who may be responsible for serious violations of international human rights law and international humanitarian law, including war crimes and crimes against humanity are held accountable, in compliance with the commitment made at the London Conference not to support blanket amnesties for grave human rights violations;

(k) Ensure accountability for crimes committed against the people of Somalia, including by reviewing legislation and enacting new legislation to reinforce the protection of civilians;

(l) Work towards developing/strengthening national reconciliation in order to extirpate the country from violence;

(m) Step up existing efforts to implement the two Action Plans of 2012 on Children and Armed Conflict, including through the criminalization of child recruitment and use, the systematization of troops screening and the implementation of the SNA Chief of Defence’s Force Command Order 1 prohibiting and sanctioning child recruitment and other grave violations against children;

(n) Ensure that victims, including of sexual and gender-based violence, receive reparations, including, medical and social support;

(o) Work with international and local partners to strengthen protection mechanisms and ensure compliance with international human rights law, including through the implementation of Somalia’s 2016 National Action Strategy and Action Plan for Preventing and Countering Violent Extremism, and other non-military approaches as part of the coordinated comprehensive approach to security;

(p) Ensure that national security reform shall be pursued in full compliance with international human rights obligations and establish relevant oversight mechanisms;

(q) Ensure that military campaigns are synchronized with national security reform efforts as part of the restoration and extension of state authority to enhance the effective protection of civilians, and prevent and deter the recruitment and abduction of children and other grave violations by Al Shabaab.

AMISOM:

(a) Strengthen cooperation with all relevant United Nations and other humanitarian actors with the view to enhancing protection of civilians, and enhance the capacity of AMISOM forces to carry out their mandate in full compliance with participating states’ obligations under international humanitarian law and international human rights law;

(b) Implement the Force Command Directives on the protection of civilians, including the directive on protection of children’s rights, and comply with Somalia’s standard operating procedures on the reception and handover of children formerly associated with armed groups; and alert the United Nations whenever its forces capture children in operations to enable adequate follow-up and ensure their protection;

(c) Investigate all allegations of violations and abuses of international human rights law and violations of international humanitarian law, and provide reports of each investigation and outcome;
(d) Cooperate with TCCs/PCCs to ensure all AMISOM military and police personnel are adequately trained on international human rights law and international humanitarian law obligations, and consequences of violations before deployment;

(e) Move forward with efforts to review the framework and implementation of boards of inquiry, with an emphasis on processes related to violations and abuses of international human rights law and international humanitarian law; request United Nations support, as relevant;

(f) Strengthen the CCTARC to make it more robust in tracking and documenting civilian casualties and enhance its capacity and resources to respond to incidents.

African Union:

(a) Enhance AMISOM’s human rights component staffing in line with Security Council Resolution 2723 with a view to increasing its capacity to monitor and strengthen respect for international humanitarian law and international human rights law, and to immediately respond to cases of violations and abuses, including allegations of violations and abuses against children;

(b) Finalise the review and adoption of the African Union policies on Conduct and Discipline and on the Prevention of Sexual Exploitation and Abuse; pending their formal adoption, support implementation of these policies within AMISOM ad interim;

(c) Ensure that AMISOM mission-specific documents reflect mandates adopted by the Peace and Security Council and the United Nations Security Council, including with regard to human rights and humanitarian law compliance. In particular, strengthen cooperation on the implementation of HRDDP through mainstreaming of mitigatory measures into Status of Mission Agreements, the Memoranda of Understanding between the African Union Commission and TCCs/PCCs, the Rules of Engagement, AMISOM mission-specific guidelines of the protection of civilians, Standards Operating Procedures relating to AMISOM’s boards of inquiry, and various directives of the Special Representative of the Chairperson of the Commission and the Force Commander or Police Commissioner in the Mission;

(d) Consider developing human rights-compliant guidelines on HRDDP in the support and joint operations of non-African Union forces, building on lessons learnt from AMISOM mentorship of SNA;

(e) Ensure that all TCCS/PCCs have conducted training on international human rights law and international humanitarian law obligations and consequences of violations for all troops to be deployed in Somalia.

Humanitarian Actors:

(a) Factor in equal access to humanitarian assistance and services, which requires paying special attention to individuals and groups who may be particularly vulnerable or have difficulty accessing such assistance;

(b) Challenge any deliberate attempts to exclude parts of the affected population and on the basis of need and refrain from any form of direct or indirect discrimination.

International Community:

(a) Continue to encourage and strengthen the support to FGS and FMS on the implementation of the Security Pact, and ensure that the National Security Architecture is grounded in international human rights law and international humanitarian law;

(b) The Support FGS and FMS to strengthen the police and other rule of law institutions to guarantee protection and access to fair and affordable justice.
Legal Framework

1. UNSOM takes the position that the armed conflict in Somalia is a non-international armed conflict between the Government of Somalia and its armed forces (Somali national security forces supported by international military forces) and non-state armed groups. All parties to the conflict – Somali armed forces, international military forces, and non-state armed groups – have clear obligations under international law to protect civilians.

International Legal Framework: Obligations under International Humanitarian Law and International Human Rights Law

Obligations under International Humanitarian Law

2. The obligation of states to respect international humanitarian law is part of their general obligation to respect international law, as outlined in the 1929 and 1949 Geneva Conventions.\(^{112}\) While Somalia is a party to the four Geneva Conventions of 1949, it is not a party to either Additional Protocol I or Additional Protocol II of 1977, the latter of which addresses the protection of civilians in a non-international armed conflict and, inter alia, prohibits attacks against civilians and civilian objects (defined as indispensable to the survival of the civilian population). However, in the context of the non-international armed conflict, Somalia remains bound by the provisions of common Article 3 of the Geneva Conventions and Article 4 of Additional Protocol II, which have attained the status of customary international law.\(^{113}\) Moreover, Somalia is bound by the provisions of the four Geneva Conventions of 1949 and the other rules in the Additional Protocols that are part of customary international humanitarian law applicable to non-international armed conflicts.\(^{114}\) Non-state armed groups also have obligations under international humanitarian law as parties to a conflict.

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\(^{112}\) The 1929 Geneva Convention for the Protection of the Wounded and Sick, Article 25 (cited in Vol. II, Ch. 40, § 1); the 1929 Geneva Convention Relative to the Treatment of Prisoners of War, Article 82 (ibid. § 2); the 1949 Geneva Conventions, common Article 1 (ibid. § 3). Common Article 1 of the 1949 Geneva Conventions has enlarged the formulation of this requirement to incorporate an obligation to ensure respect for international humanitarian law. This obligation to respect and ensure respect is also found in Additional Protocol I. A state’s obligation pursuant to this rule is not limited to ensuring respect for international humanitarian law by its own armed forces but extends to ensuring respect by other persons or groups acting in fact on its instructions, or under its direction or control. This is a corollary of Rule 149, according to which states incur responsibility for the acts of such persons or groups, and is supported by international case-law. This is particularly relevant to the conflict in Somalia, as AMISOM is composed of troops from Uganda, Burundi, Djibouti, Kenya, and Ethiopia. Under the standard agreement between the United Nations and the troop-contributing state, the behaviour and punishment of military personnel are under the exclusive control of the troop-contributing state.

\(^{113}\) Common Article 3 prohibits “violence to life and person,” “cruel treatment,” or other “outrages upon personal dignity.” Article 4 of Additional Protocol II protects civilians in an internal armed conflict from “outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault.” Uganda, Burundi, Djibouti, Kenya, and Ethiopia are contributing troops to AMISOM’s military component, and all are parties to Additional Protocol II. Article 3 common to the four Geneva Conventions of 1949 establishes minimum standards that parties, including state and non-state actors, shall respect in non-international armed conflict. Common Article 3 explicitly prohibits violence to life and person, including murder, mutilation, cruel treatment and torture, as well as outrages against personal dignity and extrajudicial executions, at any time and in any place.

\(^{114}\) The following are among the most relevant principles that apply to the conduct of all the parties to Somalia’s non-international armed conflict: (a) Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack. (b) Proportionality: “an attack against a military objective which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated is prohibited.”; (c) Precautions in attack: “...civilians shall enjoy general protection against the dangers arising from military operations”. “In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects” and all feasible precautions must be taken with the “view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.”
3. All states contributing to the international military forces in Somalia or intervening in Somalia are signatories to the four Geneva Conventions of 1949. While not all of AMISOM’s troop-contributing countries are signatories to Additional Protocol II of 1977, they and other states intervening in Somalia are still bound by the relevant rules of customary international humanitarian law applicable in non-international armed conflicts. Finally, AMISOM adopted a mission-wide protection of civilians strategy in May 2013, which “provides a comprehensive Mission-wide approach towards mainstreaming protection considerations into all aspects of AMISOM operations.”

4. Obligations under International Human Rights Law

4. International human rights law applies both in peace and during armed conflict. In the latter case, international human rights law and international humanitarian law afford protection in a complementary and mutually reinforcing manner. Somalia is a party to numerous international and regional human rights treaties, including the International Covenant on Civil and Political Rights and the African Charter of Human and Peoples’ Rights. All these instruments notably protect the right to life. They obligate the Government to provide basic human rights protections to all persons within the territory or jurisdiction of the state.

5. While they cannot become parties to international human rights treaties, non-state actors, including non-state armed groups exercising government-like functions and control over a territory, such as Al Shabaab, are obliged to respect customary international human rights norms when their conduct affects the human rights of the individuals under their control. It can be stressed that the human rights obligations of non-state armed groups operating in Somalia (see below) does not affect the obligation of Somalia to uphold international human rights law in relation to their territory and other places under their jurisdiction. The State is obliged to exercise due diligence and do everything in its capacity to protect all persons within its territory and all persons subject to its jurisdiction against threats to the enjoyment of human rights posed by non-state actors, including de facto authorities and armed groups. Somalia must seek to hold perpetrators of human rights violations accountable and guarantee the rights of victims, including their right to an effective remedy and reparation.

5. Obligations under International Criminal Law

6. International criminal law exists to repress and punish individuals who have committed certain egregious acts, and Somalia has the primary responsibility to investigate and prosecute international crimes, i.e., war crimes, crimes against humanity, and genocide, within its jurisdiction. The Rome Statute obliges states parties to cooperate with the International Criminal Court in the investigation and prosecution of crimes, including the arrest and surrender of suspects. While Somalia is not a party to the Rome Statute, it has stated that it “fully supports the principles’ enshrined in the Statute of the International Criminal Court and ‘is committed to ending the persisting culture of impunity and ensuring that perpetrators of violations of international human rights and international humanitarian law are held accountable for their actions and that justice is done.’


116 Under international human rights law, states must investigate the use of lethal force by their agents, particularly those involved in law enforcement. This duty, together with potential liability for failure to comply, flows from the obligation to protect the right to life. For state investigations to be effective, they must be as prompt as possible, exhaustive, impartial, independent and open to public scrutiny. A state’s duty to investigate applies to all law enforcement contexts, including those arising during armed conflict. See also Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and serious violations of International Humanitarian Law; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; Code of Conduct for Law Enforcement Officials.

7. States whose military forces are among the international military forces party to the conflict in Somalia also have a responsibility to investigate and prosecute alleged crimes that may have been committed by their nationals in Somalia. For example, these states have an obligation to investigate and prosecute violations of Article 8(2)(e)(i) of the Statute of the International Criminal Court, which stipulates that “intentionally directing attacks against the civilian population as such, or against individual civilians not taking direct part in hostilities” constitutes a war crime in non-international armed conflict.

National Legal Framework, Institutions and Action Plans

8. Somalia’s Provisional Federal Constitution protects the rights to life, liberty, security, and the freedoms to assemble, associate, and demonstrate, among others. The legal system in Somalia is a mixed system of the common law, Sharia law, and customary law practices (the Xeer in Somali).

9. The capacity of the formal justice system to process cases is yet to be fully restored after collapsing during the civil war that began in 1991. New Federal Member States are beginning to establish their own justice institutions, although most justice personnel lack formal training. There are no oversight mechanisms and courts lack the ability to enforce decisions. Combined with a deep-rooted perception of corruption, this negatively impacts public confidence in the formal justice system. Many communities do not have access to the formal system and take their disputes to traditional justice mechanisms, including “courts” operated by Al Shabaab in some areas.

National Framework to Address Sexual Violence

10. The Somali legal system addressing sexual violence comprises the Sharia, the traditional justice system (Xeer), and the formal justice system, although most cases are dealt with under the Xeer and the Sharia law. As currently practiced, these systems often result in further victimization of women and girls, with no justice for survivors and impunity for perpetrators.

11. Puntland is currently the only Federal Member State (FMS) with specific legislation to address sexual violence – the Puntland Sexual Offences Act – enacted on 20 August 2016. Legislation addressing sexual offences is pending at the federal level and in Somaliland. Forensic laboratories were established in Mogadishu and Garoowe to provide the necessary medical documentation that survivors can use as evidence in criminal proceedings concerning sexual violence.

National Framework to Address Child Protection

12. Somalia’s 2012 Provisional Federal Constitution provides specific provisions that protect children’s rights in the context of on-going armed conflict, in particular in its article 29, which states ‘every child has the right to be protected from armed conflict, and not to be used in armed conflict’. The same article also defines a child as ‘a person under 18 years of age’.

118 Provisional Constitution of Somalia art. 126: “The Federal Government shall guarantee peace, sovereignty and national security of the Federal Republic of Somalia and the safety of its people through its security forces...”

119 The traditional justice involves clan mediation of disputes, and compensation is typically paid to the clan rather than to the survivor of sexual violence. The perpetrator is then free from further punishment and the case is closed. UNSOM received reports of women or girls forced to marry the perpetrator. This traditional system is widely respected and many families and clans rely on it. The United Nations had developed a traditional dispute resolution policy that seeks to address and remedy these practices.

120 As part of the Clinical Management of Rape Protocol to enhance the quality of care and service delivery for the survivors.
13. Concurrent to the adoption of the Provisional Constitution in 2012, the Federal Government and the United Nations signed two Action Plans aimed at ending the recruitment and use and killing of children by its forces in military operations with the view to implement its obligations under international law.\textsuperscript{121}

14. The Federal Government is achieving progress in implementing both Action Plans and, through the support of UNSOM Child Protection and the CTFMR, has adopted specific policies\textsuperscript{122} and established structures and mechanisms to build capacity, create awareness and support efforts of the authorities.\textsuperscript{123} In addition, support has been provided for the sensitization and screening of troops to ensure SNA units are child-free. This includes monitoring integration of regional forces into the SNA as well as work with the yet to be formalized regional forces.\textsuperscript{124}

15. A landmark achievement was Somalia becoming party to the Convention on the Rights of the Child in October 2015, as well as its ratification of the ILO Convention No. 182 on the Worst Forms of Child Labour on 20 March 2014.\textsuperscript{125} International Humanitarian Law also provides for the protection of children.\textsuperscript{126}

16. A key challenge is the harmonization of the Federal Government’s definition of a child with FMS jurisdictions. For example, the Puntland Constitution defines a child as under 15.\textsuperscript{127} Following the capture of approximately 100 children by Puntland and Galmudug authorities in 2016, the release of all children was eventually achieved, though charges still remain against 40 of them.

\textsuperscript{121} Children are covered by fundamental guarantees for persons not taking direct part in hostilities in a context of non-international armed conflict (Art. 3 common to GC and Art. 4 Additional Protocol II). Special protection is extended to children and limits their participation in hostilities, including on detention and prohibition of the death penalty (Additional Protocol II, Art. 4 para 3c.; 3d. GCIV Art. 68 and Additional Protocol II Art. 6). Rules 135, 136 and 137 encompass a series of specific provisions protecting children in armed conflict.

\textsuperscript{122} 2014 SOP for the reception and handover of children formerly associated with armed groups; standard check-list for age determination; 2016 General Staff Command Order on recruitment policy prohibiting underage recruitment.

\textsuperscript{123} These achievements included: i) functional joint FGS/UN steering committee that oversees the implementation of the Action Plans, ii) establishment of the Child Protection Unit at the Ministry of Defence with the nomination of military focal points, iii) the establishment of the joint FGS/CPU and UN mobile screening team.

\textsuperscript{124} For example, 235 out of 310 members of the South West Special Police Force (SWSPF) were screened, of which two boys aged about 16 years were identified and separated on 17 May 2017.

\textsuperscript{125} Significant gaps remain and efforts need to be sustained to fully domesticate provisions of these instruments in order to strengthen the existing legal framework. At the time of this report, the Ministry of Women and Human Rights Development (MoWHRD) is preparing Somalia’s first state party report for submission to the Committee on the Rights of the Child, following wide consultations with Federal Member States (FMS). The Ministry also launched on 17 November, with the support of UNICEF, the process of drafting the Child Rights Bill, an important milestone in the domestication of the Convention on the Rights of the Child.

\textsuperscript{126} The International Committee for the Red Cross database, rule 135: \textit{Children affected by armed conflict are entitled to special respect and protection}.

\textsuperscript{127} The domestication of the Convention on the Rights of the Child will likely resolve the legal ambiguities that persist regarding the definition of a child and thus enhance the manner in which children’s issues are dealt with by societal actors.
Responses Received

Somaliland

Comments on the UNSOM Report:

- The reference to parts of Sool, Sanaag and Buhoodle as “Disputed Territory” is provocative and undermines the spirit of dialogue between Somaliland and Somalia. It is a well known fact that the former Italian Protectorate of Somalia and the Former British Protectorate of Somali had distinct borders recognized by the AU and UN. For your information the Political grievances of Sool and Buhoole areas has been settled that is why their leaders Ali Khalif and Dr. Saleban Hagla Tosiye (Minister of Helath) are in Hargeisa. UNSOM is mandate to bring peace and governance back to the Somali but not as an agent that prolongs suffering through political destabilization.

- The Incident at Hargeisa football stadium was act of “Football Hooliganism” in which both innocent civilians and Police were victims that suffered death and injury at the hands of football gangs who could not accept defeat of their team. Any attempt to blame that situation on the police is tantamount to tarnishing our country’s image through deliberate misinformation and the presence of UNSOM in Hargeisa will perceived as a spoiler and partisan.

- What is the use of mentioning the clan identities of the dead as Daarood, Bahararsame and Qayaad etc.? The publishing the names of victims of the inter clan fighting could be more sufficient information that could be useful to all concerned unless UNSOM has a hidden agenda of prolonging the enmity and clan fighting in Sool region. How sure are you of the number of dead as being 78 persons as MOI believes this an exaggeration and should be able to provide the real list of the dead if requested.

Mr Yasseir Arish Kalinle
Republic of Somaliland
Ministry of Interior.
Internal Security Coordinator & Senior Adviser to Minister
Tell +252634241116. Tell +252659104440
Email:ibnuarish@gmail.com
In reference to the consultation meeting of public report of the protection of the civilian date on 29th November, 2017 the Ministries of Jubaland State of Somalia appreciates for been concern to uphold the dignity of Jubaland state of Somalia. We are pleased to share with our concern regarding the public reports.

Paragraph 24:

Jubaland Intelligence service agency does not control any detention centers since the Jubaland police force were trained. As far as our concern the JISA does not perpetrate any human right violation and are not completely allowed to operate in Kismayo town. The police forces are currently operational and are entitled to administration. No other forces are allowed to operate parallel with them. Jubaland Intelligence security agency is another wing of the army who fights against the terrorist group Al shabaab and collects information of the terrorist group.

Paragraph: 70

Ministry of gender, family affairs and human rights is strongly committed in the protection of returnees from Kenya to uphold the dignity of every citizen and more so the returnees. The ministry continuously makes awareness in the protection of women, girls and children at large to sexual and gender based violence. The Ministry strongly campaigns for the women political participation to address matters of power difference. The issues of poor clan protection of marginalized people do completely exist. In Jubaland all communities have equal rights no community marginalized by another community. Women and girls who are displaced are adequately protected in the areas controlled by Jubaland and no is dare to violate their rights. The Ministry takes lead to advocate for the rights any abused persons but challenge is some survivor doesn’t need to share their issues and hold themselves.

Paragraph 72:

The Ministry gender, family affairs and Human rights up on receiving the report communicated with the family of the girl who confirmed to them that their daughter was not taken away by force. They also confirmed such information as false information. The Ministry also made communication with independent persons living in Busar village they as well confirmed that
they never heard such an incident of a girl married by force. Another source confirmed to the Ministry that Busar village are inhabited by people of same sub clan hence their girl cannot be taken using force. After following up the matter critically the Ministry had known that the girl and the soldier were in relationship and agreed to get married. The soldier has gone the family of the girl but father claimed to paid to a dowry worth ten camels and the man said I cannot afford to pay such a huge dowry later on the lady and the man agreed to run away with each other as an alternative solution to their marriage. The marriage agreement was made in the absence of the father up on bring the girl back home to prepare the wedding the father insisted with his decision the boycotted the decision of her father and joined husband. The father decided not share with us this information but got from other source hence that is the why they are claiming their daughter was taken away by force to suit interest. The marriage was because the girl never wanted to sold as a slave as marriage is her right

Minister Qamar Dek Khalif

Ministry of Gender, family affairs and Human rights

Signature: 

Minister Abdinor Ali Aden

Minister of information, communication and Technology

Signature: 

Excellency,

My attention has been drawn to a report titled ‘Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia’ (the Report) which has been jointly prepared by UNSOM Human Rights and Protection Group (HRPG) and the United Nations High Commission for Human Rights (OHCHR). The Report covers atrocities and violations that allegedly occurred from January 1 2016 and 14 October 2017. It outlines allegations on all parties to the Somali conflict including violations supposedly committed by AMISOM troops. We have considered the Report and whilst we recognize the prerogative of the UN to draft such, we are of the view that this particular Report contains significant misrepresentations of certain incidents that took place in Somalia as they pertain to AMISOM operations and that expected good faith may not have been exercised in some of the deductions that were made in the Report.

The Allegations against AMISOM

The broad allegations against AMISOM can be found under paragraph 28 of the Report. The allegations here are that:

I. During the period under review, 178 civilian casualties (95 killed and 83 injured) were attributed to AMISOM forces;

II. That two gang rapes and one attempted rape was also attributed to AMISOM;

III. That majority of civilian casualties involving AMISOM occurred in the context of AMISOM troops responding to attacks on its convoys by way of landmines, IEDs and/or coming under grenade attacks. According to the Report, in these circumstances, AMISOM troops fired indiscriminately and extra-judicially killed civilians;
IV. In addition to the specific incidents mentioned above, the Report seeks to undermine the credibility of the AMISOM investigative mechanism particularly its Board of Inquiry regime and therefore discredits the Bol the Mission undertook with regards to specific allegations;

V. Finally, the Report expresses concern over the blurring of line of accountability regarding the activities of countries who are in Somalia on bilateral agreements with the Federal Government of Somalia (FGS).

A. The Rape and Attempted Rape allegations-
The Report contains allegation that ‘from January 2016 to 14 October 2017...two gang rapes and one attempted rape were attributed to AMISOM’. This allegation was repeated several times in the report. Although full details of the specific rape allegations are not expressly mentioned in the Report, the Mission is indeed aware of three allegations of sexual nature against AMISOM in the period under consideration. We have therefore assumed that the Report refers to these same allegations. Allow me to therefore briefly outline what the Mission has done with regards to each of the allegations.

I. The Ceelbuur (Elbur) Incident of 7 May 2016
On 14 May 2016, you sent me a letter in which you raised the allegation that two minors, aged fifteen (15) and seventeen (17) years, were raped by fourteen (14) members of the Ethiopian military contingent of AMISOM. Given the seriousness AMISOM attached to such allegations, I established a team to investigate the allegation. The team comprised of three civilians (two Human Rights officers and a Gender officer) together with an officer from CCTARC and CIMIC office of AMISOM. The team visited Baidoa, Elbur, Elshil and Elqoxle and spoke with 39 witnesses who were residents of those towns. After its investigation and appraisal of all the evidence, the team concluded that the incident never took place. It is important to note that in
your letter to me regarding the allegation, you had indicated that the alleged victims were treated at the ‘Halaane Hospital’ in Elqoxle town after the alleged rape incident. However, after extensive consultations, the team established that there was no single hospital or even a pharmacy in the town. The findings of the investigative team were communicated to you and I personally discussed these findings with UNICEF officials.

Allow me to reiterate the fact that the investigation was conducted despite the heightened security concern in the area. Yet despite the thoroughness of the investigation and the fact that the findings of the team were passed on to your office, the Report proceeds to treat the Elbur incident as a proven allegation against AMISOM. For the purpose of fairness and completeness, it will be helpful if those who drafted the report provide AMISOM with the following information:

a. What independent investigation did the UN conduct that persuade the drafters of the report to come to the conclusion that the rape did take place?

b. This incident supposedly took place in May 2016 and the findings of my investigative team was also forwarded to you in May 2016, why had the UN not provided AMISOM with the details of any investigations of its own it conducted and the findings of such investigation, especially as it contradicts AMISOM’s own findings? This would have been consistent with the letters and spirit of the AMISON-UNSOM-UNSOS HRDDP Working Group, which as you know is a standing mechanism to address issues like this.

II. The Bulo-Burto incident of April 2016

You may recall that on the 26 April 2017 you wrote to me stating that an AMISOM soldier from the Djiboutian contingent raped a 16-year-old girl who was working as a cook for troops in an AMISOM camp in the Bulo-Burto district. Upon receipt of your letter, I set up a preliminary
investigative team which established beyond any reasonable doubt the fact that whilst a rape incident did take place, the perpetrator was a prospective Somali recruit to the SNA and not an AMISOM soldier. The facts that were established were that the SNA was having a recruitment exercise at the AMISOM Base Camp during the period. The perpetrator was a Somali citizen who was a prospective recruit. He was arrested and handed over to the Police for further action and possible prosecution. Indeed, the perpetrator’s photograph and police report were sent to your office. Yet the Report continues to refer to the incident as a proven rape allegation against AMISOM. As with the Elbur incident, it is important for the UN to provide details of whatever investigation it conducted which led its contrary conclusion to the one AMISOM reached.

III. The Garastan incident of 18 June 2017

It is alleged that on the 18 June 2017, a 35-years old woman from Garastan village in the Baidoa area reported to police that she was herding camels in the bush when a group of Ethiopian soldiers arrived to collect firewood. It is alleged that one of the soldiers walked to her, grabbed her and attempted to rape her but she raised an alarm, which attracted other soldiers. In the process, her assailant let her off after stabbing her on the leg. The victim was allegedly treated and discharged at the Bay Hospital. She then reported the incident to the police in Baidoa. On the 7th July 2017, I had written to you to indicate that a preliminary investigation of the allegation would be conducted. The preliminary investigation has since been conducted but given the very serious nature of the allegation, I have subsequently set up an all-female BoI to investigate the allegations. Indeed, the Board will be contacting the relevant UNSOM colleague to provide information that may assist it to reach a fair conclusion. In this regard, since the drafters of the Report appear to have conclusive proof of AMISOM troop’s culpability in this allegation, they should hopefully be willing to present the same to the Board as it seeks to get to the bottom of this allegation.
B. Allegations of unlawful killings-

The Report makes a broad assertion that between January 2016 and 14 October 2017, AMISOM, in the course of responding to IED, landmines and grenade attacks, indiscriminately opened fire on civilians killing and maiming one hundred and seventy-eight (178) of them. The Report also states that AMISOM troops were responsible for various extrajudicial killings and ill-treatment during detention. Yet, other than the Wardinle incident, the Report fails to provide any single details to support or justify these extraordinary allegations. In the period under consideration, your office forwarded to me a number of incidents in which AMISOM was allegedly involved. Other than ones currently under investigation by AMISOM, majority of the allegations were responded to by the Mission. The Mission is therefore unaware of incidents where its troops used indiscriminate fire against civilians or extra judicially executed civilians. AMISOM will therefore be grateful for further information that may be in possession of the drafters of the Report which support the allegations contained in the Report. It is against the spirit of the AMISOM-UNSOM-UNOS HRDDP Working Group for such allegations to be made without provision of proofs to support the same.

C. The activities of non-AMISOM TCCs in Somalia and blurring of lines of attribution of responsibility.

One of the few incidents involving AMISOM which the Report specifically mentioned is the incident that took place in Wardinle allegedly involving AMISOM. In the Report, the UN states that:

‘The presence of non-AMISOM ENDF in the same area of operation as AMISOM ENDF blurs the lines and makes the attribution of responsibilities difficult. Whilst taking note of the conclusion of the AMISOM Board of Inquiries, it remains difficult to rule out the involvement of AMISOM troops in the Wardinle case’
Excellency, allow me to make the following observations on this specific point:

I. Immediately I received confirmation that there was prima facie evidence to further investigate the Wardinle incident, I established a Board of Inquiry to do so. The Board visited Baidoa, Wardinle and Awdinle and interviewed a number of interested parties in the case including Minister in the South West government, District Commissioner, Community Elders, Victims, family members of deceased, AMISOM troops and Ethiopian contingent in the area. What became clear was that the incident took place in an area where AMISOM troops were not present. Indeed, in the course of its investigation, the Board confirmed from UNSOS that they (UNSOS) were unaware of any AMISOM location in the area and weren’t making any logistical provisions to the area.

II. Whilst theoretically the concern of blurring of lines of attribution of responsibility is a possibility, however in practice, this has not been the case within AMISOM operations in Somalia. The incident in Wardinle is the only instance in which AMISOM denied responsibility and attributed the occurrence of the incident to non-AMISOM TCC force operating in the area. It is of critical importance to note that in coming to this conclusion, extensive investigation was conducted, including confirmation from UNSOS that they do not provide logistical supports to the area because AMISOM troops are not present.

III. Bearing the above in mind, we strongly dispute the conclusion reached in the Report that AMISOM troops were somewhat involved in the Wardinle case. The presence of non- SNSF, non-AMISOM forces in Somalia is a matter within the prerogative of the Somali State to which AMISOM has no control. Rather than seeking to apportion
responsibility to AMISOM troops in circumstances like this, we submit that the useful course of action is for the UN to take up the matter with the individual TCC that we have indicated is responsible for the incident.

**D. Criticism of AMISOM Investigation Regime**

Excellency, allow me to also state here that I notice with concern the statement in paragraph 36 of the Report which states that:

‘AMISOM’s slow response to allegations remains a concern. Furthermore, responses seldom include information on the concrete actions taken to investigate, including whether interviews with victims, witnesses or local authorities have been conducted. Accountability and corrective measures are among the priority mitigations measures identified by the UN in the framework of HRDDP with regard to support to AMISOM. Inadequate or lack of credible investigations into allegations may lead the United Nations to reconsider and/or suspend the support to individuals or contingents allegedly involved in violations’

Excellency, allow me to make the following responses to the points raised in this paragraph:

i. Firstly, we are baffled by the allegations contained in the paragraph. In all the investigations carried out by way of Board of Inquiry, we met with pertinent witnesses. For example, as indicated above, in the Elbur case, we spoke with 39 individuals who included government officials, religious leaders, Somali Police Force officials, SNA officials and elders. In the Wardinle incident, we took statements from Minister in the South West government, District Commissioner, Community Elders, Victims, family members of deceased, AMISOM troops and Ethiopian contingent in the area, etc. The findings of these investigations were subsequently passed on to your office. The assertion that we are not taking steps to interview victims, witnesses and local government officials is simply baffling.
ii. Secondly, the Report states that AMISOM’s response and investigations are slow. What does the UN consider as ‘fast’ in the context of an operational environment like Somalia where incidents may have taken place in areas of heightened insecurity? Investigations of serious allegations take time and demand thoroughness so that conclusions reached can stand the test of further scrutiny.

iii. Thirdly, some of our investigations have reached clear conclusions that some victims of AMISOM operations should be provided with some ex gratia payments. We have in place now a Policy and SoP for CCTARC that will assist us to meet these obligations. We submitted the costs implication of this to the UN in time for the Donor Conference held earlier in October this year. This is one of practical ways the UN can assist in supporting the Mission.

iv. We also note the point made in the concluding sentence of the paragraph quoted above. Our understanding is that the HRDDP is not intended to be punitive or a mechanism for wilful disengagement. AMISOM understands it as a mechanism for human rights engagement that require the UN to intervene with and advise the benefitting entity when there are grounds to believe that forces of such non-UN entity may be committing grave violations that are systematic and widespread in nature. Revocation of support may only be invoked, as a last resort, where such gross violations occur and there is no evidence of any corrective and mitigatory measures taken despite UN observations. We are of the view that none of these can be said to apply to AMISOM.
Excellency allow me to conclude by reiterating AMISOM’s commitment to carrying out its operations in Somalia in compliance with all applicable IHL and IHR laws. The operational environment is a difficult one bearing in mind the tactics of Al-Shabab. However, our troops have been trained and under clear instruction to ensure compliance with all the applicable laws. To this extent, AMISOM has put in place various policies and practical measures to guide its troops in Somalia. We invite UNSOM to support the Mission in strengthening the existing mechanisms within AMISOM in order to continue to discharge its operations in compliance with all applicable rules.

Accept, Excellency, the assurances of my highest consideration.

Ambassador Francisco C. Madeira
Special Representative of the Chairperson of the
African Union Commission (SRCC) for Somalia and Head of AMISOM

H. E. Michael Keating
Special Representative of UN Secretary General,
SRSG, Mogadishu, Somalia
5th December, 2017


(Attn: Kirsten Young)

KENYA GOVERNMENT RESPONSE TO THE DRAFT UNSOM (SOMALIA) REPORT ON THE PROTECTION OF CIVILIANS: BUILDING THE FOUNDATION FOR PEACE, SECURITY AND HUMAN RIGHTS OF DECEMBER, 2017

We refer to the above mentioned document forwarded to us via email on 28th November, 2017. In the document, accusations on violations of International Humanitarian and Human Rights Law are levelled against the AMISOM Kenya Defence Forces operating in Somalia and what the report terms as non-AMISOM KDF. Upfront, we wish to state that, the Kenya Government finds this report extremely sensational, and carries unqualified allegations which have serious implications on the Kenya Defence Forces (KDF) as a professional force. For the purposes of clarity, our response, here below, will therefore be in bold and italics. It will focus on paragraphs 28, 29, 38, 40, 41, 43, 78, and 81 of the report in which KDF is adversely mentioned. It will also include general observations on the report as follows:

1

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ACCUSATIONS AGAINST AMISOM AND KDF IN SOMALIA

Paragraph 27: That Ethiopia and Kenya have troops in Somalia operating outside the AMISOM Command with the consent of Somalia

Response: The Republic of Kenya does not have non-AMISOM troops in the Federal Republic of Somalia. For a UN report to insinuate that Kenya has an occupational force in Somalia is not only incorrect, but very unfortunate, hence, need for this part of the report to be deleted forthwith.

Paragraph 28: All AMISOM contingents have been involved in violations – Killings, gang rapes, attempted rape. Kenyan contingent killing 4 and 5 injured. The majority of the Civilian casualties resulted from indiscriminate fire by AMISOM troops when their convoys were attacked by IED, landmines or grenades. Other violations include extra judicial killings, ill-treatment during detention and sexual assault.

Response: This general statement does not apply to KDF which relies on best practices in the conduct of operations. In circumstances where there are civilian casualties or complaints of any nature, the procedure is to report and investigate, yet none of these procedures have been carried out, Kenya has never received any complaint of civilian deaths against KDF during the period under review. Otherwise they would have been swiftly investigated and necessary action taken. The serious allegation against KDF is not justified beyond doubt and therefore should not be retained in this report. Further, IEDs targeting convoys are augmented by ambushes by Al-Shabaab usually along the Main Supply Routes, it is improbable that the ambushes are mounted by civilians. The only possible scenario in this report is that, the combatant plays the role of a victim. The Kenya
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Defence Forces in AMISOM strictly comply with the principles of necessity, distinction and proportionality while conducting operations against Al-Shabaab. As mentioned earlier, attacks by Al Shabaab using IEDs, and landmines are always covered by fire. The standard anti-ambush procedure is the quick suppression of the covering fire. Any response by KDF contingent under these circumstances are primarily directed to Al Shabaab terrorists and not civilians. Further, KDF has never been implicated in any proven incidents of extra-judicial killings, rape or ill treatment of detainees. Indeed, KDF has never taken any detainees in Somalia.

The Kenya Defence Forces is therefore not aware of any specific allegations of extra judicial killings, ill treatment or sexual assault committed by its members in Somalia. Aware of the imperative for civilian protection and securing their support, KDF conducts CIMICS in areas of responsibilities (AOR) in an effort to win hearts and minds of the general populace. For instance, the Weekly Medical Camps across the KDF area of responsibility, Construction of Madrassa Classrooms in Busaar, Tabda, Hoosingo and also provided Public Address systems, provided desks in schools in Hoosingo, sunk Bore holes in Asmadhaw, Bellis Qowqani, Taraka and Dhooley. We therefore seek the removal of the unqualified allegations against KDF from this report.

Paragraph 29: Non-AMISOM KDF were responsible for 64 civilian casualties (32 deaths and 32 injuries) in 2016. In Jubbaland most of the violations attributed to KDF resulted from airstrikes, reportedly conducted with intelligence from AMISOM – KDF.

Response: There are multiplicity of intelligence sources in Somalia beyond Troop Contributing Countries. To suggest airstrikes are conducted using intelligence from AMISOM-KDF is presumptuous and needs to be proven beyond doubt. The
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report is saddening as it seems to suggest that the AMISON – KDF directs fire on civilians, Pursuant to Security Council Resolution 2036 (2012) the Kenya Defence Forces operates three attack helicopters under the Command and Control of the AMISOM Force Commander. The attack helicopters are the only air assets deployed in situations where Al Shabaab employ or are likely to employ overwhelming force against AMISOM Contingents. It is to be noted that Al Shabaab terrorists have and employ significant weapon systems such as VBIED ‘Technicals’, Artillery and mortars, which necessitates the employment of the attack helicopters.

ACCUSATIONS ON AIRSTRIKES BY INTERNATIONAL FORCES

Paragraph 38: 74 airstrikes during the period resulting in 57 casualties (23 killed and 34 injuries). 26 airstrikes by Non-AMISOM KDF resulting in 48 civilian casualties (19 killed and 29 injuries). Airstrikes were reported targeting Al Shabaab positions after the attack on the AMISOM – KDF Base in Gedo in January 2016.

Response: There is no non-AMISOM KDF operating in Somalia, this allegation is factually incorrect. Deployment of Kenya Defence forces is based on legal framework in accordance with the UN charter.

Paragraph 40: In December 2016, AMISOM leased three attack Helicopters from Kenya. They are operated by AMISOM KDF under the command and control of the AMISOM Force Commander. However, KDF used its own air assets which make attribution of responsibility for casualties challenging.

Response: See response to paragraphs 29 and 38. Seemingly, the HRPG report has invoked press releases by Kenya Ministry of Defence as evidence of airstrikes. It should be noted that within the Kenyan legal framework, there is a requirement for the Ministry of Defence to communicate to the public on regular basis the
progress of KDF operations in Somalia. The information contained in the Kenya Ministry of Defence echoes AMISOM and Other International media reports. The Kenya Defence Forces contingent, though serving under AMISOM, remains accountable to the citizens and institutions of the Republic of Kenya. Consequently, it is the responsibility of the Ministry of Defence to inform the citizens of any significant developments relating to KDF operations in Somalia. In any case, it is the Kenyan citizens through their government who sent KDF to assist their brothers and sisters in Somalia and have a right to know.

Paragraph 41: The 74 airstrikes in 38 above include 4 by KDF with Danaaab forces in Lower Juba. One civilian was killed and two injured in KDF airstrikes in Badhadhe in Lower Juba. Note 45 – Danaaab operating alongside US and KDF to conduct airstrikes against Al Shabaab.

Response: KDF has never conducted any joint operations with DANAAB who are trained and operate with other forces. Joint operations must have a legal framework with clear lines of responsibility on which operations are executed to avoid ambiguity in the event of allegations like those advanced by this report. We also wish to confirm that KDF never conducted any airstrikes in Baadhadhe as alleged. Therefore the allegations levelled against KDF in this Paragraph are not factual and should be struck off from the report.

Paragraph 43: Violations by state actors and international forces especially by KDF not investigated.

Response: Kenya and in particular, KDF is not aware of any pending or on-going investigations related to protection of civilians in Somalia or violations of any nature.
ACCUSATIONS AGAINST VIOLATIONS TO CHILDREN

Paragraph 81: Children were victims of airstrikes allegedly attributed to US, KDF and unidentified forces. Note 95 – On 24th March 2016, a boy was killed and 5 were maimed by KDF airstrikes in Lower Juba. KDF claimed they were targeting an Al Shabaab military camp. On 22nd June 2016, 4 children were killed in a KDF airstrike in El Wak in Gedo region.

Response: KDF never conducted any airstrikes in the Federal Republic of Somalia on the alleged dates. However, as indicated in the report paragraph 78, various actors including Al-shabaab recruit children as combatants. It is therefore inconceivable that the report refers to children casualties, the children casualties in the report are likely to be members of the combatant groups, for instance, those involved in the raid in some parts of Puntland in paragraph 80 of this report. These allegations are therefore not factual.
It should be noted that El Wak is in Kenya and not in Gedo region of Somalia hence geographically incorrect.

Paragraph 83: 76 incidents of attacks on schools and 20 on hospitals. KDF responsible for an attack on one school.

Response: KDF is not aware of an attack on any school in the Federal Republic of Somalia by its members. As far as schools, hospitals and social amenities are concerned, KDF has rehabilitated many schools, madrassas, dispensaries and mosques in their area of responsibility. It is therefore inconceivable that KDF destroys the same infrastructure which they have improved to secure the confidence and support of the population. The report hence is inaccurate. Further, KDF is versant with the International Humanitarian Law/ Law of Armed Conflict.
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hence is able to determine the legitimacy of the targets. Though Al Shabaab terrorists regularly hide and operate within the community settlement areas such as schools, hospitals, and residential areas, KDF deliberately avoids conducting operations in areas such as schools and hospitals to avoid collateral damage. It must also be noted that KDF is properly trained on International Humanitarian Law and general humanitarian aspects. Troops undergo refresher training on these aspects before deployment, in the Peace Support Operations Centres in Embakasi and Karen in Kenya. In the military training programmes, these aspects have been included since 1999. The pre-deployment and in-mission training on International Rules governing military operations is carried out by the International Committee of the Red Cross (ICRC). For example, the in-mission training was conducted by ICRC in Dobley in September 2017. Besides, many commanders and KDF legal officers have received such training in Italy, Australia, and Ghana organised by ICRC.

GENERAL OBSERVATIONS ON THE REPORT

The environment in Somalia is characterized by many players with disparate objectives, but dominated by violations of International Human Rights Laws mainly by Al Shabaab. The HRPG report appears not to distinguish between combatants, civilians, and victims. The report may be construed to advance Al Shabaab and other terrorist groups’ agenda by demonizing counter-terrorism operations while vocalizing Al Shabaab propaganda. Such constant accusations without facts are detrimental to the achievement of the UN/AU mandate as it demotivates Peacekeepers.

As a matter of policy, all operations by KDF comply with IHR and Humanitarian law. The Government of the Republic of Kenya in fulfilment of its international obligations, will not hesitate to subject any person suspected of violating International Humanitarian Law and International Human Rights to the
applicable due process. Further, the Government of Kenya takes the necessary precaution to protect civilians in all its operations.

In particular, the process of targeting is highly controlled and is constrained by International Humanitarian Law and International Human Rights law. It is a continuous and comprehensive evaluation process, highly supported by human intelligence and technical reconnaissance, intelligence surveillance, and target acquisition assets. Collaboration and confirmation is also through shared intelligence with the wider intelligence community. This process is intended to ensure that operations are directed against Al Shabaab while protecting civilians.

The Government of Kenya is of the considered view that the focus and emphasis of the report should be on the violations of International Humanitarian Law by Al Shabaab who claim to be civilians/victims at will after causing atrocities given the asymmetric tactics they employ. Obviously, Al Shabaab and their sympathisers use these violations as a propaganda tool. The Government of Kenya is also concerned that serious allegations levelled against KDF are generalized and unsubstantiated.

Finally, we wish to point out that Kenya Government and the people of Kenya uphold the rule of Law, and do not condone violations of International Humanitarian and Human rights law anywhere in the world, and therefore take this report seriously. The allegations levelled against KDF have serious implications on them, their families and the people of Kenya who through their government have made huge sacrifices in pursuit of regional and international obligations. Kenya Government has been steadfast in supporting the international peace and security initiatives and the international institutions behind these initiatives such as the United Nations and its field agencies, in particular, UNSOM/OHCHR. It is therefore hoped that the allegations will be dropped forthwith.

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The Embassy of the Republic of Kenya in Mogadishu, Somalia avails itself of this opportunity to renew to the United Nations Assistance Mission in Somalia, in particular the Office of the High Commissioner for Human Rights, the assurances of the highest consideration.

Lucas K. Tumbo, CBS
AMBASSADOR
Kenya Embassy in Mogadishu - Somalia
BADBAADINTA DADKA RAYIDKA AH:
Dhisidda Aasaaska Nabadda, Amniga iyo Xuquuqda Aadanaha ee Soomaaliya

Diseembar 2017

Kooxda HRPG ee UNSOM ayaa warbixintan diyaarisay iyadoo raacaysa waajibaadka saaran UNSOM eek u qeexan Qaraarka Golaha Amanaanka ee Qaramada Midoobay ee tirsigiisu yahay 2158 (2014), qaraarkaas oo dalbanaya in UNSOM “ay dusha kala socoto, gacan ka geysato baaritaanada, isla markaasina Golaha Amanaanka warbixin ka siso kuna caawiso sidii looga hortegi lahaa gabood-fallada ama xadgudubyada ka dhanka ah xuluqul insaanka ama xadgudubyada ka dhaca Soomaaliya ee ka dhanka ah sharqiga caalamiga ah ee xilliyada colaadaha”. Qaraarka Golaha Amanaanka ee Qaramada Midoobay ee tirsigiisu yahay 2358 (2017) wuxuu xoogga saarayaa muhiimadda ay leedahay in “la ixtiraamo sharqiga caalamiga ah ee xilliyada colaadaha iyo badbaadinta dadka rayidka ah, gaar ahaan haweenka iyo caruurta, [oo badbaadintooda ay isku xil-saaraan] dhamaan dhinacyada qaybta ka ah colaadda.”

Kooxda HRPG ee UNSOM waxay qabataa hawlo loogu talo galay sidii lagu yarayn lahaa saamaynta ay colaadda hubeysan ku reebeyso dadka rayidka ah, waxaana hawlahaas kamid ah kor-jogteynta iyo ka-warbixinta dhacdooyinka ay ka dhashaan khasaaro dhimasho iyo dhaawac leh oo ku dhaca dadka rayidka ah; u-doodidda iyo tayo-dhisidda si loo xoogiyadii badbaadinta dadka rayidka ah ee saamayntu kasoo gaartay colaadaha hubeysan; dadaallo kor loogu qaadayo u-hogaansanaanta ay dhinacyada colaaddaha ku lugta leh ay u hogaansamaan sharqiga caalamiga ah ee xilliyada colaadaha iyo sharqiga caalamiga ah ee xuluqul insaanka; iyo taageero farsamo oo loo fidiyo Dowladda si Soomaaliya ay u gudato waajibaadka ka saaran xuluqul insaanka.

Waarbixintan waxaa si wadajir ah u daabacay UNSOM iyo Xafiiska Ergeyga Sare ee Qaramada Midoobay u qaabilsan Xuluqul Insaanka (OHCHR).
Tusmada

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Warbixinta oo Kooban

Warbixintan waxay diiradda saareysaa xadgudubayda sharciga caalamiga ee baniaadanimada xilliyada dagaallada iyo xuquuqul insaanka ee lagu geysto colaadda hubeysan ee muuddada dheer ka jirta Soomaaliya. Natiijoyinka iyo falangeeynta ku jirta warbixintan waxay waa isku dayga kowaad ee ay UNSOM ku tirinayso dhimashada iyo dhaawacay yaridka ah (dadka rayidka ah ee lagu dilo ama lagu dhaawaco colaadda hubeysan) ayna ku qiimeynayso khasaaraha ay u geysatay dadka rayidka ah muuddadu u dheexeysay 1dii Janaayo 2016 ilaajii 14kii Oktoobar 2017. Intii muuddadan lagu jiray, weerarrada ay geysteen dhinacyada dowladda iyo kuwa aan dowladda ahayn ayaay khasaare aad u badan oo isugu jira dhimasho iyo dhaawacay u geystay dadka rayidka ah, sababaya burburka kaabayaal ay dowladdu leedahay iyo kuwo gaar loo leeyahay, isla markaaana laayoy xoolo nool, carqaladeeyayna in bulshada baahan ay helaan gargaarka baniaadanimo. Warbixinta waxaana loola danleeeyahay inay noqoto xog billow ah oo falangeyn dheerahaad ah oo ku saabsan saameynayso ay colaaddu ku leedahay dadka rayidka ah lagu diiwaangelin karo waxaana ku jira talooyin loo soo jeediyay si loo yareeyo loogana hortago khasaaraha dadka rayidka ah, kuwaasoo la kormeerii karo si loo hirgeliyo.

Laga soo billaabo 1dii Janaayo 2016 ilaajii 14kii Oktoobar 2017, UNSOM waxay diiwaangelisay tiro wadanteedu gaareysoo 4,585 oo khasaare loo geystay dad rayid ah (2,078 oo la dilay iyo 2,507 la dhaawacay), boqolkiiba 60 ka mid ah dhimashadaas iyo dhaawacaas waxaa loo aaneeyay Al-Shabaab, boqolkiiba 13 waxaa loo aaneeyay maleeshiyaadka, boqolkiiba 11 waxaa loo aaneeyay dhinacyada Dowladda, boqolkiiba afaar waxaa loo aaneeyay Hawlgalka Midowga Afrika ee Soomaaliya (AMISOM), boqolkiiba 12 waxaa loo aaneeyay dhinacyo kale oo aan haddii u qeexiyo ama aan la aqoonsan. Intaa waxaana dhexeysay in 729 dad rayid ah ay Al-Shabaab afdhuueen, oo 403 ka mid ah la sheegay in in la soo daayay. Sidoo kale, Al-Shabaab waxay mas’tuul ka ahaa aayeen 86 oo dilal qorsheysan ah oo dad rayid ah lala beegsaday, waxayna dil ku fuliyeen 46 qof inta lagu jiray muuddada warbixinta.

Sida lagu soo xigtay Hay’adda Qaramada Midoobay ee Adeegga Hawlaha Miinadanka (UNMAS), dadka rayidka ah waxay noqonayaan boqolkiiba 54 ka mid ah khasaare ah oo wadarta tiradeedu gaareyo 2298 (748 dhiimasho iyo 1550 dhaawac) oo ay sabaaban daraynta loo adegsgaow waxaana tiro qarqee aan macmalka ah (IEDs). Ka hor weerarkii halagaagaa ahayn ee ka dhexeeb magaalada Muqdisho 14kii bishii Oktoobar 2017 ee lagu dilay 512 dad rayid ah, laguna dhaawacay 316, tirada ugu badan ee ah khasaare loo geystay dad rayid ah waxay dhacday biliihii Juun 2016 iyo Janaayo 2017, waxayna inta badan ka dhexeen gobollada Banaadir, Baay iyo Shabeellaha Hoose), waxayna kala dhexeen bishii Ramadaan iyo muuddadu ahaan xocotay doorashada.

Dhinacyada Dowladda iyo kuwa aan dowladda ahayn ayaay geystay dilal sharciga ka baxsan, tacaddiyo galmo iyo kuwo jinsiga ku saleysan, qabqabasho iyo xarig aadan oo loo meeldayn, afduub, iyo jirildi. Tusaale ahaan, qabqabashada iyo xarigayga ay Hay’adda Sirdoonka iyo Nabadsugida (NISA) sameeyaan ayaan sii loo jeed tiro u xog qarqee ah ugu xadguduba sharciga caalamiga ee xuquuqul insaanka, waxaana welwel gaar ah leh in aalaaba la soo qabto/xiro saxafiyinta iyo dadka lagu tuhmo inay Al-Shabaab ka tirsan yihiin iyagoo wuxuu wax eedeyn ah lagu soo oogin. Carruurta Soomaaliyeed ugu xadgudubyo xog galmo iyo khasaaraha ayaa uu jeedoo kale ka dhashay tacaddiyo baahsan oo xagga qarqee ah iyo kuwo jinsiga ku saleysan ee ka dhanka ah haweenka, raga, wilaasha iyo gabdhaha, iyagoo si gaar ah u sameeyo haweenka iyo gabdhaha.
Tiro badan oo ka mid ah khasaaraha gaaray dadka rayidha ah ee la diiwaan-geliyay ayaa waxaa loo aaneynayaa maleeshiyi beeleeedyada ka qeybqata colaada hubeysan ee aan caalamiga ahayn ee ka dhaca meelaha aanay ku sugneyn ciidamada amniga ee heer federal iyo heer maamul goboleed. Waxyaababaha ugu waaweyn ee horseeda colaad beeleeedka ayaa ah khilaaf ka dhasa is–qabqabsi dhuuleed iyo mid kheyraad, waxaana sii huriya aarqoosi soo noqnoqda. Abaaraha ayaa sii huriyay colaada h transporting激光器的光束从左到右

Sii socoshada weerrarada lala beegsanyo dadka rayidka ah iyo weerrarada aan loo meel dayin ee ay geysanaya xogaggag aan Dowliga aheyn – iyagoo si gaar ah u adeegsanyo Waxa Qarxaha ee Macmalka ah iyo weerrarada is-miidaaminta ah ee ay ka geystaan goobaha ay ku badanyihiin dadka rayidka ah – ayaa ah falal mamnuuc ku ah sharciga caalamiga ah ee xilliyaada dagaalka iyadoo inta badan noqda dembiyo dagaal. Waxaa lagama maarmaan ah in kuwa geysta falalkaas la aqoonsado oo lala xisaabtamo.

Iyaddoo khasaaroyinkaa ugu badan ee soo garay dadka rayidka ah intii lagu guda jiray muddada warbixintaan, ay geysteen Al-Shabaab iyo xogog kale oo aan dowliga aheyn, ayaa tiro yar oo kamid ah khasaarahaas waxaa loo aaneeyay ciidamada amniga ee Dowladda iyo kuwa AMISOM. Kuwan ayaa ah walaaca ugu weyn maadaama ay wiiqayaan kalsoonida dadka Soomaaliyeed ay ku qabaan Dowladda iyo beeshaa caalamka, taas oo naatiijedeed oo noqnoqso inay siyadda baaxadda ay ku hawligalaan xogaggaga kasoo horjeeda dowladda.

Qaar ka mid ah tallaabooyin ay qaadeen Dowladda Federaalka ah iyo Baarlamaanka, sida dhismaha guudiyi baaritaan oo marka ay wax dhacaan baaritaan ku sameeyi xadgudubyada waaweyn ayaa waxay ka marqaati kacayaan inay jiraan dadaallo wax looga qabanayo xadgudubyada inkasoo aanay kasoo bixin wax naatiijiyin ah. Hirgelinta heshiiska siyaasadeed ee ku aaddan Hab-dhismeedka Amniga Qaran ee ay wada gaareen Dowladda Federaalka ah iyo Dowlad Goboleedyada Xubnaha ka ah Dowladda Federaalka ah bishii Abriil 2017 ayaa udub dheexad u ah xaqiijinta dib-u-habayn waarka oo lagu sameeyo waxa da amniga. Waxay siineysaa fursad lagu xaqiijinayo in hay’ad oo amniga oo ay hogaaminayaan dadka Soomaaliyeed ay yihiin kuwo lagala xisaabtamo isla markaasin leh awood ay ku sugaan amniga kuna ilaaliyaa muwaadiniinta, si waafaqsan sharciga caalamiga ah ee xuquuquq insanka iyo sharciga caalamiga ah ee xilliyaada dagaalka. Dhismaha Guudaga Qaran ee Madaxabanaan ee Xuquuquq Insanka oo awood u leh in uu baaro xadgudubyada ka dhanka ah xuquuqul insanka uuna la xisaabtamo kuwa dhibka geysta, gaar ahaan dembiyada ay geystaan ciidamada amniga, guudigaas oo hawshiisuu ay socoto ayaa muhiim u ah arrimahan.

Horumarinta xuquuquq insanka iyo badbaadinta dadka rayidka ah, oo ah kuwo aasaas u ah Dowlad sharciyad leh, ayaa ka ah Soomaaliya caqabad aad u weyn sababoo la xiriira xaaladda amniga ee aadka u adag iyo ku dhacaanka sharciyo oo fiita amaba aan jirin. Si loo taageero dadkaadaan la queeyeenay dadka wanaajinayo badbaadinta dadka rayidka ah iyo u hogaanjooyinaya waajibaadka Xuquuquq Insanka, ayaa UNSOM waxay soo jeedinaasay in dhammaan dhinacayadu ku lugta leh colaadda ay qaadaan tallaabooyin kast oo suurto gal ah oo lagu ilaaliyeyo dadka rayidka ah marka la fulinayo hawligallada ciidan, taas oo loo marayo in la joogayeebeegsiga ku talagalaha ee ee la beegsanyo dadka rayidka ah iyo goobohooda/ hantidooda, in lasoo ajarro adeegsiga Waxa Qarxaha Qarxaha ee Macmalka ah, iyo in la joogayeebeegsiga la dhiibka dembiyaha, gantaalaha iyo bambaanooyinka lagu tuuro ama lagasoo tuuro goobaha ay joogaa dadka rayidka ah.

DHISIDDA AASASKA NABADDAA, AMNIGA IYO XUQUUQDA AADANAYA EE SOOMAALIYA vii
Dowladda Federaalka ah ee Soomaaliya iyo Dowald Goboleedyada Xubernaha ka ah Dowladda Federaalka ah waxaa lagu dhiiri-gelinayaa inay meel mariyaan siyaasad iyo tallaaboojin sharciyadeed oo lagu dhaqan geliyo shardiga kuwaas oo lagama maarmaan u ah xaqijinta baaritaan wax ku ool ah iyo shardi hor-keenista dembiyada iyo xadgudubiyada halista ah ee ka dhanka ah shardiga caalamiga ah ee xuquuqul insanka iyo shardiga caalamiga ah ee xilliyyada dagaalka. Dhinaca AMISOM – na fulinta qaar kamid ah tallaaboojinka lasoo jeediyay ee ku xusan qaab-samaynta Siyaasadda Qaramada midoobay ee Ka-taxaddarka Xad-gudubiyada Xuquuqul Insaanka (HRDDP), sida soo saarista Amaroo kasoo baxa Taliyeyaasha Ciidamada [AMISOM] oo ku aaddan ilaalinta dadka rayidka ah iyo u hogaansanaanta shardiga caalamiga ah ee xilliyyada dagaallada, tababarrada iyo faafinta xuquuqul insanka iyo Xeerarka Ka-qaybgalka ee Shardiga Caalamiga ah Xilliyyada Dagaallada ayaa waxay muujinayaan horumar. Si kastaba ha ahaateex, waxaa AMISOM lagu dhiiri-gelinayaa inay xoojiso tallaaboojinka isla-xisaabtanka ee dhaqdooyinka la xiriira dadka rayidka ah iyadoo loo marayo baaritaanno si degdegismiyo leh loo sameeyo iyo in laiso gudbiyo natijyooyinka, waana in ay wada-shaqayn la yeeshana dhaamaan Qaramada Midoobay iyo hawl-wadeennada samafalka/gargaarka si loo xoojiyo awoodda gudashada waajibaadkeeda iyadoo si buuxda loogu hogaansamayo waajibaadka Dowladaha ka-qaybqadaanayo [hawlaha nabadaynta] ka saaran shardiga caalamiga ah ee xilliyyada dagaalka iyo shardiga caalamiga ah ee xuquuqul insanka.
Habka Cilmi Baarista

Qaybta Ilaalinta Xusuququl Insaanka ee UNSOM (HRPG) waxay diiwaangelisaa khasaaraha soo gaara dadka rayidka ah taasoo ku salaysan habka ugu wanaagsan ee caalamiga ah, habka kormeerka xusuquqda aadanaha, habraaca habka Kormeerka iyo Warbixinta ee Qaramada Midoobay (MRM)), iyo buug-hawleedka Qaramada Midoobay ee ku saabsan xadgudubayda waaweyn ee carruurta kjiira coladaaha hubaysan. Warbixinta waxay ulaa jeedaa khasaaraha soo gaara dadka rayidka ah jiritanka sableb macquul ah oo loo rumeysanayo in dhihanayaashu ay ahaaeyn rayid, loona diley ama loo dhaawacay si toos ah oo la xiriiraha hawlaha dagaal iyo falalka, go’aamada iyo / ama ujeeddooyinka si dhow ula xiriira colaadaha.

Ujeeddooyinka warbixintan darteed, UNSOM waxay raacaysaa habka ay ogol yihiin sharciga caalamiga ah ee bani’aadannimada iyo sharciyadii caalamiga ah ee xusuquqda aadanaha, ama habka “ku saleysan xusuquqda”. Tanina waxay waaafaqsan tahay waajibbaadkeeda ilaalinta xusuquqda dadka rayidka ah oo ay ka mid tahay ilaalinta, baarista iyo ka warbixinta badbaadinta rayidka iyo ka caawinta ka hortagga kusifiga iyagoo u doodayo, iyo taageerida mas’uuliyyinta Soomaaliya si ay u gutaan waajibaadkooda xusuquqda aadanaha ee caalamiga ah. ¹

 UNSOM waxay kormeerłaa eedaymaha ka dhanka ah dhannamaa dhinhacadda isku haysa colaadaha iyo warbixinnaadu saabsan xadgudubayda iyadood loo eegin ciddi geysatay. Waxay sameeyaa wareysiyo, boqasho goobeed, iyo habab kale oo lagu ururu yihiin macluumaadaha, iyadoo la raacayo sharciyadii adag si loo ilaaliyo sirmimada/qarsoonida ilaha xogta loogana fogaado in howsha dhibaato ta timedo, iyo sugida sumcadha Qaramada Midoobay. Inkastoo warbixintan ay isku dayayso inay hesho tirada guud ee khasaaroyinka waxay daagaw dadka rayidka ah ee la diiwaan gelihey muddada warbixintan, haddan waa in la xususnaadaa in dhannamaa khasaaroyinka soo gaara dadka rayidka ahi aysan ahayn xadgudub sharciga caalamiga ee xusuquqda bani’aadanka iyo sharciga caalamiga ah ee xusuquqda aadanaha. Sharciga caalamiga ah ee xusuquqda aadanaha waxaa uu ugu qabaan in dhinhacadda dagaalka qeybta ka ah ay mar walba kala sooqaan dadka rayidka ah iyo dagaalyahannada, Alaaabaha/waxyaalaha/hantida rayidka iyo ujeeddooyinka milatari, waana inay qaadaan dhannamaa tallaboooyinka la fudan karo si looga hortago khasaaraha rayidka, haddana dhimashada ama dhaawacaya dhaawacaya ah marka aysan ahaan xad gudub sharciga caalamiga ee xusuquqda aadanaha. ² UNSOM waxay aqoonsantahay in dhimashada dadka rayidka ah iyo xusuquqda hantida rayidka ah inta lagu jiro colaad hubaysan, si kastaba dhibka ha weynaad, in laga yaabo in aysan sidooda iyo keligooda noqon karin xad-gudub loo geystay sharci caalami ah, isla markaama waxay sameeyno doontaa dadaal kastaba oo lagu aqoonsado sida u saxon ee suura galka ah cidda mas’uul kha ahaa xususnaadaa ah oo aysan ahayn xadgudub sharciga caalamiga ee xusuquqda aadanaha. ¹

¹ UNSOM waxay u heysataa erayga khasaaraha dadka rayidka ah (dhimasho iyo dhaawac) marka sharciigga caalamiga ah ee bani’aadannimada uu khusueey laha erayga dhidanaha loo celinaya sharciigga caalamiga ah ee xusuquqda aadanaha.

² Diiwaangelinta khasaare (dhimasho iyo dhaawac rayid) oo gaar ah maahaa had iyo jeer mid qeexaysa ama mujinijeya in lagu xad gudub sharciigga caalamiga ah (inkastoo tiro badan oo khasaare ah ay tilmaami karaan xadgudubay ayna mujinijeyan fikradda ‘qaabanka waxeyelleeda’). UNSOM waxay diiwaangelisaa khasaaraha rayidka (dhimasho iyo dhaawac) marka ay jiraan xaalad colaaadeed kuwaasa oo ay jiraan tiro aad u sareeyso oo dhacdooyin ah, kuwaasoo ka dhacayaa meelo aysan u uu ragaleyn in la gaaro amni daro darteed. Taas ay adeeg, isla markaama waa uu qeyb oo la u qoysan suurtagal maaha in la aqoonsado ogaamiyaaduuna kasta (tusaale ahaan, marka uu weerar xiridha kuwaas oo loo kelleeyo markaanaan oo xususnaadaa ah oo aysan ahaan xadgudub sharciga caalamiga ee xusuquqda aadanaha.)
Ilaha xogta loo isticmaalay si loo soo ururiso macluumaadka way kala duwan yiihiin waxaana ku jira dhibbanayaasha, markhaatiyaasha, iyo xubnaha qoyska, iyo uurrrada aan dawliga ahayn (NGOs) iyo kuwa caalamiga ah. UNSOM waxay sidoo kale ka ururisay macluumaadka saraakiisha maxalliga ah, hoggamiiyeaasha bulshada, boiliska, millateriga, saxafiyiinta iyo hay’adaha Qaramada Midoobay. UNSOM waxay sidoo kale dib u eegtay macluumaadka dokumantiyada oo ay ku jiraan dukumiintiyada rasmiga ah, diwaanadda ay hayaan hay’adaha dowladda iyo / hay’ado kale, sawirro, muuqaallada fiidiyowga, iyo cajalado, iyo warar laga helay ilo furan ay ku jiraan warbaahinta, internetka, warbaahinta bulshada, iyo warbixinno ka socda ururrada aan dawliga ahayn (NGOs). Ilaha waxay ahaayeey kuwo asaasi ah (toos) ama ilo labaad (si dadban).

UNSOM waxay u baahan tahay ugu yaraan saddex ilood oo kala madax banaan si loo xaqiijiyo dhimashada dadka rayidka ah. Meel walba oo suurtagal ah, macluumaadka waxaa laga helaa ilaha koowaad oo ah dhibbanayaasha iyo / ama markhaatiyaasha, inkasta oo nabadgelyo-xumada jirta ay si weyn u xaddido gaaritaanka UNSOM. UNSOM kuma aysan darin macluumaadka aan la baarin ama la xaqiijin warbixintan. Sidaa darteed, tirada dhabta ah ee khasaaraha rayidka (dhimasho iyo dhaawac) waxay u badan tahay inay intaas ka sareeyo. UNSOM waxay soo sameysay habab kala duwan, oo ay ka mid tahay in la dhisoo awoodda (dhinaca aqoonta) ilaeheeda macmuulaadka si ay ula socdaan kana soo warbixiyaan xuquuqda aanadanahaa. Dhacdooyinka qaarkood, xaaladda rayidnimo ee dhibbanayaasha la soo shegeey si dhamaystiran looma xaqiijin. Xogta loo saaro ayaan weli la helin, laakiin marar dhowr ah, macluumaadka la xaqiijiyay waxaa ka mid ah xogta jinsiga iyo da’dha.

Eedehyma ah ay ku lug leeyihiin ciidama AMISOM ayaa waxaahay si joogto ah lagalaa xiriirka AMISOM iyadoo loo raacsiiyiyo talababooqin lagula talinayo ama coidsiyo looga codsanayo xog ku saabsan talababooqin ay qaadeen. Marka ay dhacaaan dhacdooyinka la xariiri duqeymo loo adeegsaday diyaaradano, UNSOM waxay dib-u-eges ku sameysaa warbixinada ku saabsan adeegsiga AMISOM ee diyaaradano dagaal si go’aan looga gaaroo in diyaaradaha qumaatiga u kaca (helicopters) ay duulimaad ka sameeyeen goobta dhacdada isla taariikhdaas.

UNSOM waxay bixisay [la wadaagtay] nuqulo hordhac ah oo ku saabsan warbixintan si loo hubiyo khaladaadka dhabta ah, jawaabihii laga helayna waxaax laugi fiiqayxay warbixinta. Faalooyinka qaarkood waxaa si toos ah loogaga jawaabay warbixintan dhexdeedaa.
1. Natiijooyinkii soo baxay

A. Dulmar guud oo ku saabsan xadgudubyada iyo gabood-fallada

1. Natiijooyinkii soo baxay

dad rayid ah ayaa afduubyo ay u geysteen Al Shabaab, iyadoo sida la sheegay 403 oo dadkaas ka mid ahayn lasii daayay.

**KUWA GEYSTAY KHASAARARHA RAYIDKA (DHIMASHO IYO DHAAWAC) INTII U DHAXEYSAAY JANAAYO 2016 ILAA 14 OCTOBER 2017**

5. Sida ay dhigayso xog-ururinta ay Samaysay UNMAS⁷ oo ku ekayd illaa iyo dhammaadkii bishii September 2017, dadka rayidka ah ee ay waxyeellooyinka kasoo gaadheen Walxaha Qarxa waxay ahaayeen 54 boqolkiiba kuwaasi oo ay wadartoooda guud noqonayso 2,298 qof (748 dhimasho ah iyo 1,550 dhaawac ah)


**B. Xadgudbyada ka dhanka Xuquuqda Aadamaha ee loo tirinayo Laamaha Dawladda ama Kooxaha Gacansaarka la leh**

1. Ciidamada Amniga Qaranka iyo kuwa Caalamiga ah

7. Ciidamada dowladda ayaan loo aaneynayaa inay geysteen khasaaraha soo gaaray dadka rayidka ah oo dhan 522 (234 dhimasho ah iyo 288 dhaawac ah), taas oo u dhiganta 11.6 boqolkiiba khasaaraha ay diiwaan gelisay Kooxda Badbaadinta Xuquuqul Insaanka ee UNSOM. Qaybaha Dowladda waxay ka koobnaayeen Ciidanka Xooga Dalka, Booliska Soomaaliyeed, ciidamada amaanka ee Dowlad

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⁸ Qarax kaliya oo ka dhashay Walxaha Qarxa ee Macmalka ah iyadoo la isticmaalyo dhowr hab oo sida loo dhigo ah (dhinaca wadada, wadada dhexdeeda, garsoori, meel sareeysa, iwm)
⁹ Weerarkii Oktoober 14keedii 2017 wuxuu si aada kor ugu qaaday tirada khasaaraha rayidka soo gaaray ee loo aaneeyay Al Shabaab.
Goboleedyada (inta badan Puntland iyo Jubbaland), iyo weliba sidoo kale ciidanka nabadsugidda qaranka iyo hay’adaha amniga.

2. Ciidanka Xoogga Dalka ee Soomaaliya


10. Dhacdooyinka loo tirinayo CXD ayaa inaad badan ka dhacay Mogadisho (34.1 boqolkiiba), waxana wadartoodu tahay 51 khasaare oo soo garay dad rayid ah, Shabeellaha Hoose (25.6 boqolkiiba), waana 37 khasaare. Afartan-iyiyo-labo khasaare ah waxaa lala xiriirinayaa jid-gooyoyin sharci darro ah iyo lacag baad ah, 25 waxaa lala xiriirinayaa rasaas aan loo aaba yeelin, sidoo kale, 26 ka dhahay iska-hor-imaad yihiin CXD dhexoodoo ah, ama u dheexeyay CXD iyo ciidamada kale ee amniga, sida nabadsugidda. Sagaal qof oo faham ah iyooyu ayaa la dilyay markii ay socdeeyo hawl-gallo amno oo la sameeyey iyadoo xiladaay shakhiyay in ay tirsaan yihiin Al Shabaab, warbixin ayaa la ogoomay ee loo gudhihiyo Maxkamadda Ciidamada Qalabka Sida, oo iyooyu wuxuu u leh maxkamadaynta xubnaha CXD ah. Kiisaska la ogyahay ee loo gudhihiyo Maxkamadda Ciidamada ayaanan cigaabtooda si joogto ah loo fulin, iyooyu kiisasku isku wada mid 145 khami oo isku jira 65 dhacdooyin keenay 85 dhimasho ah iyo 50 boqol.

11. 65 dhacdo oo ay ku lug lahaayeeyeen CXD, ayaa 13 khamid ah ee dhexdooda ayaa la bixiyay. Waxa kale oo ay leedahay jaqooday xaaladaha CXD, halka 52 dhacdo ee kale (oo noqonaya 80 boqolka kiisaqaa) ee dhexdooda ayaa la ogoomay ee loo gudhihiyo Maxkamadda Ciidamada Qalabka Sida, oo iyooyu wuxuu u leh maxkamadaynta xubnaha CXD ah. Kiisaska la ogyahay ee loo gudhihiyo Maxkamadda Ciidamada ayaanan cigaabtooda si joogto ah loo fulin, iyooyu kiisasku isku wada mid

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10 Ciidama Xooga ee Somalida waxay joogaan caasimadda, Muqdisho, iyo siddeed gobol oo ku yalla Soomaaliya (Shabeelada Hoose, Baay, Bakool, Gedo, Jubbada Hoose, Hiiraan iyo Shabeelada dhexe). Waxaa kale oo ay leedahay jaqooday xaaladaha CXD, halka 52 dhacdo ee kale (oo noqonaya 80 boqolka kiisaqaa) ee dhexdooda ayaa la ogoomay ee loo gudhihiyo Maxkamadda Ciidamada Qalabka Sida, oo iyooyu wuxuu u leh maxkamadaynta xubnaha CXD ah. Kiisaska la ogyahay ee loo gudhihiyo Maxkamadda Ciidamada ayaanan cigaabtooda si joogto ah loo fulin, iyooyu kiisasku isku wada mid

11 Shakhsiyaadka ayaa si joogta ah u xiran dharka SNA (gaar ahaan midabka iyo qaababka iyo calanka Soomaaliyeed ee garabka bidix) iyooyu oo aan ka tirsaanayn Ciidanka Xooga Dalka Somalia, sidoo kale askarta CXD had iyo jeer ma xirtadka diraynta waxa ay xidhanayn la ogaado. UNSOM way u suurto suurto gelli wayday inay xaqiijiso in dhamaan kiisaskaasi loo gudbiyay Maxkamadda Ciidamada Qalabka Sida, oo iyooyu wuxuu u leh maxkamadaynta xubnaha CXD ah. Kiisaska la ogyahay ee loo gudbiyay Maxkamadda Ciidamada ayaanan cigaabtooda si joogto ah loo fulin, iyooyu kiisasku isku wada mid

12 Tirada dhacdooyinka ee gobol kasta: Muqdisho waxay ka dhacday 20 dhacdo(gobolka Banaadir) waxaana ka dhahay 29 dhimasho ah iyo 22 dhaawac ah; 19 dhacdana Shabeelaha Hoose, 30 dhimasho ah iyo 7 dhaawac ah; sideed dhacdana Bakool, sagaal dhimasho ah iyo labo dhaawac ah; lix dhacdo HirShabelle, todobo dhimasho ah iyo far dhaawac ah; shan Hiiraan, shan dhimasho ah; afar dhaacana gobolka Bay, saddex dhimasho ah iyo far dhaawac ah, labo dhacdana Gedo, labo dhimasho ah iyo saddex dhaawac ah; hal dhacdo oo waxaa jirtay iyaduna ka dhacday Jubbada Hoose ayaa sababtay dhaawacda hal qof.
ka ahaayeene xadgudubayda la geystay oo lagu muteysanayay xukuno u dhaxeeya bixinta lacag magdhow ah oo la siyo qoysaska ilaa cigaab diil ah.

12. Dagaallo dheemaray ciidamada amaanka ee dawladda ayaa iyaguna geystay tiro badan oo dhimasho iyo dhaawac iskugу jira, iyo sidoo kale xadgudubyo ka dhan ah xuquuqul insaanka. Dhacaddii ugu weyneys waxay dhacday bishii Oktoobar 2016, halkaasi oo 25 qofood ay ku dhinteens, 63 kalena ay ku dhaawacmeen dagaalladii Gaalkacyo ku dheemaray ciidamada Puntland iyo Galmudug, dagaalladasas oo uga sii daray colaadab beeleeedadii horay u jiray, waxaana ku barakacay 180,000 oo qofood. Labada ciidan ayaa sidoo kale mas’uul ka ahaa iska-hur-imaadayo toos ah oo la isku adeegsaday hoobiyeyaal, kana dacyay gooboo dadku aad ugu badanyahay uyo meelo dad ay degganyiiyo intii u socday dagaalka.

3. Booliska Somaaliyeed

13. Qaab-samayska Amniga Qaran, ee lagu caddeeyay Heshiiiskii Amniga (Security Pact) ee 11-kii May, 2017, ayaa lagu qorsheeyay tiro 32,000 oo boolis ah oo hoos imaanaya nidaamka federalka ah ee arrimaha booliska. Waxay la rajeynayaa in la asaaso ciidan boolis oo “isku-dhafan” oo ay ku jiraa kuwa nuqadda qabta hawlaha joogtada ah ee “booliska” iyo kuwa qabta hawlaha ciidanka Daraawishto (hawlaha waaweyn ee ciidanka booliska ah ee u tababaran sida militariga oo kale) waxaana la hoos-gheyneyaaa nidaam boolis oo ka kooban labo lakoob oo is-dul saaran. Dowlaaddu waxay hadda ka baaraan-degeysaa habkiid booliska hadda qaabta hawlaha booliska loogu biirin lahaa nidaamka cusub ee booliska federalka ah.


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13 4ti Agoosto 2016, Maxkammadda millatariga ee Ciidamada Qalabka Sida ayaa ku xukuntay hal xubin oo ka tirsan CXD dii ka dib markuu dilay qof rayid ah oo ku nool gobolka Hiiraan. Kiis kalena, 4ti Agoosto 2016, maxkammad millatar oo ku taal magaalada Beledweyne, ayaa kumaraya laba askar oo CXD ah in aya bixiyaan magdhow, oo loo yaqaan diya, (50 geel ah midkibka ), oo la siinayoo qoyskiy ninka rayid ay ahaya ku dileen laabada askari. 19kii Juun 2017, Maxkammadda millatariga ee Muqdisho waxay su'aal zeed oo kuu xukuntay askar waxa la sheegayn ay uu dhiinaysid oo la mid ugu yiraan la-Dolaar 30kii May 2017.

14 Ereyga Ciidanka Booliska Soomaaliyeed waxay lagu isticmaalay heshiisyada siyaasadeed ee 2016/2017 oo ku saabsan Habka Cusub ee Booliska, oo la dabaqay Juun 2016, kaas oo dejiyey qaabka loogu talagalay horumarinta nidaam boolis oo laba-heer dheexda xaad ah. Booliska Soomaaliyeed hadda waa haa fiican bixisteyn boiliska oo ah oo ku yaallada Banaadir, halka tiro yar oo ka mid ah shaqaalalooda loo dirdo dawalaha xubinah ka ah federaalka Somaliala. Ereyga “Ciidanka Booliska Soomaaliyeed” ayaa sidoo kale loo adeegsadeey macnaha ereyadan, ujeeddooyinka tururdii booliska ee rasmi ah ee ka shaqeyya Soomaaliya, waxaana kuwaan ah ee kuwaan ah Ciidanka Booliska Soomaaliyeed, Booliska Puntland, iyo hay’aduuna dowladda uu sidoo kale waaweyn oo heer ugu adeegyo boliska waxa kuwa u noqonayn sida hawlaha bixis ah ee ku shaqeyya Soomaaliya sida Daraawishto (Ciidamada Amniga ama Ciidamada Nabadgelyada ee hawlaha boooliska ee ku sugan maamul goboleedada, oo ay ku jiraa maleeshiyo ay aqoonsan yihiin maamul maamul goboleedada).

15 3di Disambar 2017, Gollaha Amniga Qaranka ayaa su'aal raacaay in 32,000 ee ciidamada booliska loo kala qooneeyo sida soocasta 4,571 ayuu yeelanayaa Maamul Goboleed kasta, 9145 waxay noqonaysid oo Boolsi Federal ah oo ku dhex shaqeyye iyo Maamul Gobolka Banadir

16 SP wuxuu 17ka degmo ee Muqdisho ku leeyahay saldhigyo boolis oo shaqeyye, inkasta oo aanay ka sinnayn xagga qalabka


18 Ciidanka Booliska Soomaaliyeed waxay joogaa Maamulka HirShabelle oo ay ku sugan yihiin saldhigyo booliska ee Jawhar iyo Beledweyne


16. UNSOM waxay diiwaan gelisay isku-dhacyo dhex maray Booliska Soomaaliyeed iyo ciidamo kale oo amniga qabilsan waxaana ka dhashay [khasaarahay] 23 dhibbane (10 dhimasho ah iyo 13 dhaawac ah), oo shan ka mid ah ay isku-dhac la galeen CXD iyaddoo hal qof oo kamid ahna ay isku-dhac la galeen NISA. Ma jiraan wax baadhitaano ah oo dhacdooyinkaas lagu sameeyay iyo cid loo sool qabtay toona. Todoba kale ayuu iyaguna khasaare kusoog gaadhay markii ay boolisku fureen rasaas

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20 Laba ka mid ah kisaakaa, isku dhec hubeysan ayaa yimid markay CXD is ku dayeen in ay xog ku marayay bar kontoroool oo booliska ay ilaalinayeen oo ku kala yaa Muqdisho iyo Jowhar (Shabeellaha Dhexe). Labada dhacdooyin ee kale ayaa ka dhacay degmada Hodan ee magaalada Muqdisho, waxaana ku jira dhecay ay boqoliska isku dayeen in ay ka saaraan dad dhiil qasabday, halka mid kale oo ka mid ah dhacdooyinkan uu ka dhacay suuqa qaadka. Isku dhexmaray booliska iyo NISA waxa uu ku lahaa ilaalda hogaamiye maxali ah oo iyaga ka barbar dagaalamaamey magaalada Jowhar, Shabeellaha Dhexe.
aan loo meel dayin iyagoo kala ceyrinate daqiiqda ugu alladintii Muqdisho iyo Jowhar (Shabeellaha Dhaxey), waxaan kaa siinaysid hal loo helay yeelay cameray. Ka badan 48 saacadood iyagoo aan wax dac wad ah lagusoo oogin. Taasi oo jabinaysa Dasturka Federaalka ku waa Kumeelgaarka ah oo xeerarka Ciyaaraha ay ee Muqdisho, waxayna sidoo kale hal qof ayboolisku kuu dileen Beled Xaawo, oo ka tirsan gobolka Gedo.

17. Xadgudubyada kale ee ka dhanka oo Xuuquuqda Aadamaha ee loo aanaynayo Booliska Somaaliyeed (SP) waxaa kamlad ah xadgudahay xadguduhaha iyo xadgudahada ay xadguduhaha iyo xadda ugu horarayo. UNSOM waxay diiwaandheliyo 5,821 kiisi oo boolisku ku gudareeyeen inay u maraan hab sharciya markii ay fulinayeen hawlgal loogu u fahmiyeyeen kala ceyrinaya dad ku kala sugnaa Muqdisho iyo Jowhar (Shabeellaha Dhaxey), waxayna sidoo kale hal qof ay boolisku ku dileen Beled Xaawo, oo ka tirsan gobolka Gedo.

18. Saddleex hay'adood oo Diriyo ayaa si rasiyey uga hawlgala Soomaaliya, kuwaasi oo ay kala duwanta hay'adooda jirayaada xadguduweynaha oo xadguduweynaha oo ku qalbaan xadgudubyada kale oo loo aanaynayo Shabeellaha Dhaxey, waxayna sidoo kale hal qof ay boolisku ku dileen Beled Xaawo, oo ka tirsan gobolka Gedo.

19. NISA oo ka hawlgasha Gobollada Banaadir, Hirshabeelle, Galgumud, iyo Koonfur Galbeed, waxaas asaastay Dowladda Federaalka Soomaaliya bishii Janaayo 2013-kii, inkasta oo aan lagu asasinti xeer ama wareegto Madaxweyne, awoodooyinka iyo waajibaadkeedma ama wadeegta oo buuxda ahaan u hesho xuquuqdaas ay la haalaray dhowr biloodoo ha ahaan.

4. Hay'adaha Sirdoonka iyo Amniga

18. Saddex hay'adood oo Diriyo ayaa si rasiyey uga hawlgala Soomaaliya, kuwaasi oo ay kala duwanta hay'adooda jirayaada xadguduweynaha oo xadguduweynaha oo ku qalbaan xadgudubyada kale oo loo aanaynayo Shabeellaha Dhaxey, waxayna sidoo kale hal qof ay boolisku ku dileen Beled Xaawo, oo ka tirsan gobolka Gedo.
Sidaas oo ay tahay, NISA oo ah hay’ad amni, waxaa waajib ka saaranyahay oo awoodaheeda xakamaynaya Dastuurka Federaalka Kumeelgaarka ah, kaasi oo sheegaya in kuwa u xilsaan adeegyada amniga ay noqdaan kuwa lala xisaabtami karo, oo u hogaansamaya ku dhaqanka sharciga, isla markaana arrimahooda loo maaraynayo hannaan rayad ah. Si kastaba ha ahaatee, qaabka ay NISA wax u soo xir-xirto ama yaxbisia ugu hayso dadka ayaa ah qaab si joogto ah iskaga dhega tiraya qodobadaa iyo qodob kale oo uu damaanad-qaaday sharciga caalamiga ah ee xuquququl insanka, oo ay ku jiraan xaqaa qofku u leeyahay in uu helo qareen iyo in qoyskiisu ay boogaan karaan, iyo xaqa ah in si degdeg ah lagu horgeeyo hay’adaha garsoorka. 27 Waxaa walaac gaara ah in hogaamiiyeyaa siyaasadeed, dad u olooleeya arrimaha bulshada, joornaalisteyaal iyo milkiileyaan xarumo warbaahin ay soo xirto NISA kadbina geliso xabsi iyadoo aan wax dembi ah lagusoo oogin, waxayna ku heysaa xarunta Godka Jilacow ee Muqdisho, halkaas oo sidoo kale lagu xiro dad lagu tuhunsanyahay inay xiriir la leeyihiin Al Shabaab, iyadoo si joogto ah loogu xagudbo xaqii ay dadkaasi u lahaayeey marinta hab sharci, oo ay ku jiraan helitaanka kor-joogteynta garsoor ama helitaanka qareen matala.

20. Xilli warbixineedkan, UNSOM waxay dhiisay-galisaad 63 kiis, oo xagudub xuquuqda aadnaha ah oo loo aanaynayo NISA. Xadgudubayadaasi ayaa iskugu jira, dilal bilaar garsoor ah, jidh-dil, xadhig iyo xabsi-ku-hayn aan sharciga loo marin, iyo iyadoo la xakameeyay xorriyadda aragti-cabibirista, iyo xorriyadda ururo-yeelashada iyo isku-imaanshaha (kulan-qabashada). Xadgudubayadaasi waxaa ka mid ah kuwo sababab khasaarooyin (toddobo dhiimasho ah iyo saddex dhaawac ah), waxaana intooda badan lala xiriiriyay khilaaf iyo xadhacdooyin loo adeegsaday awood xad-dhaaf ah iyo rasaas aan loo aaba yeelin oo lagu furay goobo dadweyne. Waxaa lasoo xiray oo kaliya hal qof oo loo aaneeyay fal dembeeyeyad.

21. Xilli warbixineedka, UNSOM waxay dhiisay-galisa xarig iyo xabsi-ku-hayn sharci darro ah oo NISA kula kacaday 53 rag ah oo rayid ah iyo 11 joornaaliste oo mida tahay gabar lagu tuhmay inay tahay Al Shabaab. Dhammaantood waa lasoo xidhay ama xabsi ayaa lagu hayay iyadoo aanay jirin ogolaanshoo maxkamadeed oo leh hagaagto maxkamad awood u leh. NISA si joogto ah ayay waqtii dheer u heysaa maxaabiistii, iyadoo mararka qaar aan marsiinii waddo sharci ah, mararka qaarna ku wareejiisa maxkamad ciidan oo ku dhex-taal dhismyaasha NISA, taas oo aan saamaynii in la helo kor-joogtaan madaxbanaada. Sidaas darteed, wariyaha lagusoo eedeeyay xiriir la yeelashada Al Shabaab ayaa muudo 15 bilood ah ku jiray xabsiga NISA iyadoo aan wax dacwad ah lagusoo oogin. Waxaax jira labo kiis oo UNSOM ay heshay [warbixin] eedeey oo ku saabsan jir-dil oo dhacday intii ay socdeen su’aalo weydiinta. Qiraalka khasabka ah ee lagu khasab xaqabistii ayaa loo adeegsaday inay yihiin caddeymaha ugu muhiimsan ee maxkamaddu adeegsataay, taas oo xagudub ku ah sharciga caalamiga ah ee mamnuucaya adeegsiga caddeymo lagu keenay jir-dil.

22. Waxa jira saddex kiis oo NISA ay kusoo bandhigtaay afar rag ah oo la-tuhunsanayaal ah ayna kusoo bandhigtaay telefishinka qaranka iyadoo ku tilmaantay inay yihiin Al Shabaab. Markaa kadib waxaa lagu soo oogay dambi, dil ayaa lagu xukumay waana la toogtay. Saddex kamid ah lixda xarumo warbaahineed ee lagu xiray Muqdisho sanadkii 2016, ayaa saddex kamid ah waxaa albaabada u

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26 Dastuurka Federaalka Ku-meelgaarka ah, Qodobka. 126 (1). Heshiiska Nabagdelyada ee 2017 ayaa qiray in adeegga sirdoonku uu ka mid yahay Qorshaha Qaranka ee Nabagdelyada Qaranka laakiin wax faahfaahin ah lama bixin.

27 Heshiiska Caalamiga ah ee Xuquuqda Madaniga ah iyo tan Siyaasadeed, Qodobadiisa 9aad iyo 14aad iyo Dastuurka Federaalka Kumeelgaarka, Qodobiiska 35 (6)
laabay NISA iyadoo aan heysanin amar maxkamadeed, NISA ayaa waxay taas qiil uga dhigtay inay muhiim ahayd sabalo la xiriira amniga qaranka.

23. Ciidamada Amniga ee Puntland ee loo yaqaan Adeegga Sirdoonka ee Puntland, ayaa u hawl-gala sida waxa la-dagaallanta argagixisada. 28 Waxay ka kooban yihiin 500 illaa 600 askari oo la fahamsanyahay in Mereykanka tababar, waxaana waajibkooda kamid ah hawlaha la-dagaallanka argagixisada (inta badan xog-ururin, iyo hawlgallo ciidam). Ciidamada Amniga ee Puntland waxay fulinta hawlballada oo maraam Xeerka La-dagaallanka Argagixisada ee Puntland, kaas oo aan qeexayn qaab-dhismeedka hay’adeed ee Ciidamada Amniga ee Puntland ama hawlaha ay qaabilsanyihiin, waxaana taliyohoodu si toos ah warbixinnada u siiyaa Madaxweynaha Puntland. Li-xibaabanka Ciidamada Amniga ee Puntland waxaa caqabad ku xillayaa xaqiiqada jirta ee ah inay dembi-baarista kiisaskoogu ay iyagu sameeyaan, oo ay fuliyaan hawl-gallo amni 29 oo ay dad kusoob qaab-qabtaan, isla iyaguna ay maamulaan xabsiyada ku yaal Boosaaso iyadoo aanay jirin la-socod madax banana oo wax ku ool ah.


25. Intii u dhaxaysay Janaayo 2016 illaa 14-kii Oktoobar 2017, UNSOM waxay diiwaan-galisay 12 qof oo rayid ah khasaare loo qeexayn, iyadoo falalkaasina loo aaneeyay JISA. Waxaana la dilay lix qof oo ka mid ahuu daddkaas oo kala ahaa (saddex haween ah, oo ay ku jirtay gabar lix sano jir ah iyo siddex rag ah), waxaana la dhaawacay lix qofaad (oo kala ah labo haween ah iyoo afar rag ah). Waxaa laqo warbixiayn in shan ka mid ah oo dhibanayaashaas ay u hogaamsami waayeen amar lagu jooinayay, halka siddex kale loo dilay amo loo dhaawacay sababo la xiriira muran dhiileed oo ay qayb ka ahaayeensa saraa dii taal JISA; laboo waxa qabsabda rasaastii la is weydhaansanay ee u dheyesay saraakiisaha JISA; labana waxa loo adeegsaday awood dheeraad ah.32 Saraakiishii ka tsirnana JISA ee falalkaasi loo aaneeyay inay ka keceen, ayaa loo soo xiray sideed dhaqdo oo kamid ahaa dhardhoo yinkaas, mid kamid ahna waxaa maxkamadda ciidamadu ay ku xukuntay dil toogasho ah waxaana la toogtay 20kii Janaayo 2017. Xilli warbixineedkan, waxay UNSOM xaqiijisay

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28 Waxay xarun ku leeyihiin Boosaaso, Garoowe iyo Gaalkacyo.
30 Qodobka 91aad ee dastuurka Jubaladda: Ciidamada ammaanka Jubaladda waxaa ka mid ah Ciidanka Booliska ee maxabista, Ciidamada Sirdoonka, Ciidamada Daraawiishta, iyo illaalada Xeebta.
31 Qodobka 91aad (2) ee Dastuurka Jubaladdan waxaa xarunta xilsaaray Golaha Jubaladdan in ay sameeyaan “sharciga qaab dhismeedka iyo shaqada iyo waajibbaadka Ciidamada Jubaladdan”. Sharicigan lama dhaqan gelin well, kaalinta JISA well walla lama yaqaan.
32 Mid ka mid ah ugu wasayo ku dacay hadabe ah oo uu soo ridayn askari ka tirsan JISA si uu u baneeyo gwaaradda oo isku xirmay wadiga maaladada Kismaayo, mid kaleena waa la dhaawacay markii sarkaalka JISA ahi oo rasaas ku furay guriga dhibbanaha.
Hawlalka Midowga Afrika ee Soomaaliya


27. Waxa kale oo jira ciidamo Itoobiyaan iyo kuwo Kenyay ah oo aan hoos iman Taliska Guud ee AMISOM, kuwaas oo goonidooda uga hawlgalaa Soomaaliya. Caqabadaha ugu waaweyn ee hortaagan in la diiwaan geliyaa lana ogaado cidda iska leh eeddha xagudubayada ay geystaan AMISOM ayaa ah inay adagtahay in la kala aqoonsada ciidamada ka-tirsan AMISOM iyo kuwa aan ka tirsanayn, marka ciidan ka wada socda hal dal, haddana ka amar qaadanayo labo talis oo kala duwan. Inta badan, ciidamo ka tirsan AMISOM iyo kuwo aan ka tirsanayn ayaa wada deggan hal xero, waxaynay fulyaan hawlgallo ciidan oo wadajir ah36.

28. Laga soo bilaabo Janaayo 2016 ilaay October 2017, 178 khasaare oo soo gaaray dad rayidka ah37 (95 dhimasho ah iyo 83 dhaawac ah) ayaa loo aaneeyay AMISOM.38 Guutada Uganda, oo ah guutada ugu ballarada ciidamada AMISOM una dhiganta 28 boqolkiiba tirada guud ee ciidamada, ayaa sida la sheegay waxay mas’uul ka ahaayeey 34.81 boqolkiiba khasaraara (38 dhimasho ah iyo 25 dhaawac ah), waxaa ku soo xiga guutada Itoobiyaanka (25 dhimasho ah iyo 15 dhaawac ah, labo kufsi ah, iyo mid isku-day kufsi ah), guutada Burundi (14 dhimasho ah iyo 11 dhaawac ah), guutada Kenya (afar dhimasho ah iyo shan dhaawac ah) iyo guutada Djibouti (hal dhimasho ah iyo 10 dhaawac ah). Sodon kii oo kale oo khasaare ah ayaa loo tiiriyaay AMISOM iyadoo aan la garan guuto si gaar ah mas’uul uga ahayd (23 dhimasho ah iyo 17 dhaawac ah) khasaraara soo gaaray dadka rayidka ah wuxuu inta badan ka dhashay rasaas aan loo meel dayin oo ay furaan ciidamada AMISOM marka kolonyadooda lagu weydarto Wixii Qarana, miinooyinka dhulka lagu ugu aamloomama bamboo gaacmeedeyo. Xadgudubayada kale waxaa kamid ah dilal aan sharbiga waafaqsanayn, hab-dhaqan aan wanaagsanayn oo lala kulmo inta xabsiga lagu jiro, iyo xadgudub jinsi. Labi kii oo kufsi wadareed ah, hal kii oo isku-day kufsi ah, iyo liy kii oo garacis daran ah ayaa loo aaneeyay ciidamada Itoobiya ee ka tirsan AMISOM, wuxuu kale oo jira raarka ah oo xadii heysta waa jiray AMISOM iyo 21,626 ilaa 31 Disember 2018.

33 AMISOM waxay beddeeshay Howlgalka Taagerada Nabada Soomaaliya ee urur goboleedka IGAD (Nofeembar 2004-Maarso 2006), kaasoo waaajibka ahayaa inay hubiyaan in kuwa ku lahaa wadahadalada nabada ay helaan dhakhtarxaar xar ah iyo muu’iinin (jid) nabad ah, ilaalinta iyo ilaalinta amaanka Baydhabo, ilaalinta xubnaha Dawladda Federalka Ku-meel-gaarka ah (TFG) iyo kaabayaasha, iyo inay tababaraan hay’adhaa dhaladda ku meel gaarka ah si ay u bixiyaan amniga ayna awood ugu ujeedho shadaabda ah isku-waaweyn oo daqooneyn oo k hal loo ahaa jaameysanayn. Waxayna qofka qabtay haddii aad u leedahay xadgudubka, hab cusub, A / 71/818, bogagga 63-64 (2017).


36 Qaybta 2aad ee Ciidamada Difaaca Kenya, iyo qaybaha 3 iyo 4 ee Ciidamada Difaaca Itoobiya.

37 Tiradani kuma jiraan sadexda kii iska xagudubka galmada ee loo aaneeyay Ciidamada AMISOM ee Ethiopia in tilii lagu jiray warbixinta. Laba ka mid ah kaaxdaaskaa waxaa la fahmiyey “baaritaan aad dhammeystirneen” warbixinta Xoghayaha Guud ee 2017 ee ku saabsan tallaabooyinka khaaaska ah ee loogu horay galmada dhiig-mirashada ah iyo xadgudubka: hab cusub, A / 71/818, bogagga 63-64 (2017).

38 Daacwad ka dhan ah ciidamada AMISOM waxaa si joogta ah loogu wargeliyay AMISOM oo ay soo saartey Qaramada Midoonay.
uu ku jiro hal dhimasho ah oo ka dhacday xabsiga dhexdiisaa ayaa loo aaneeyay ciidamada Djibouti ee ka tirsan AMISOM.

“Dhacdada qudha ee ay khasaaraha ugu banad geysteen Ciidamada AMISOM waxay ahayd 17-kii Luulyo 2016, markaa oo sida lasoo sheegay AMISOM ay 14 qof ku dileen, saddex kalana ku dhaawaceen guri dhexdiis, guurigaas oo ka yaal magaalada Wardiinle ee gobolka Bay. War Saxaafadeed ku taariikhkeysan 19kii Luulyo 2016, ayaa AMISOM ku qirtay dhacada, waxayna soo gudbisay natiijoo hordhac ah oo ku saabsan baaritaanadeeda, waxayna ballan qaaday inay baaritaano dheeraad ah ku samayn doonto. Baaritaano ay samaysay UNSOM ay ku ogaatay in dhibbanayaashu ahayeen dad rayid ah oo meel iskugu tegay si ay ugu duceeyaan qof rag ah oo xanuunsanana, mana jirin wax dagaallo ah oo ka dhacay meeshaas ka-hor musiibada lagu laayay dadaask. AMISOM waxay si dhab ah arrinka uga saartay guddi baaritaan, kaas oo diiday in ciidamadoonoo ay ku lug lahaayeendhaccadaas, waxayna sheegeen in khasaaruhu ka dhashay rasaas ay is-weydaarsadeen Ciidamada Difaaca Qaranka Itoobiya ee ka tirsanayn AMISOM (ENDF) iyo Al Shabaab. Joogtaan ciidamo ENDF ka socda oo aan ka tirsaanayn AMISOM ee markaasi ku sugnaa goobta halku ka dhacay ayaa ah hadal mugdi sii gelinaya warbixinta uu soo saaray guddiga waxaana adkaanaysa in la xaqiijyo cidda iska leh mas’uuliyadda. Iyadoo Guddiga AMISOM u saartay arrinta uu soo saaray warbixintisa, ayay hadadeen adagtahay in meeshala laga saaro in ciidamada AMISOM aanay ku lug lahayn kaasiga Wardiinle.”

Hababka ay AMISOM ay u ga Hortagto uga Jawaabto (Khasaaraha Rayidka)


30. Unugga (CUCTARC) waxa la asaasay 2015kii, waana la hawlgaliyay, walow ay jiraan caqabado xagga tayada ah, gaar ahaan shaqaale yaraan. Shaqada ugu muhiimsan ee Unuggi u xillsanahay waa lafaqurista xogaha lasoo ururiyoo ku saabsan khasaarayaasha soo gaadhada dadka rayidka ah iyo inuu ka caawiyiyo AMISOM hababka ay u qorsheeyan, ugu ga’aan gaadhada hawlgalladdooda. Lofoguristaasi [aama falanqayntaasi] waxaa kasoob baxaya talooyin iyo tabo lagu yaraynay hawlgala ugu iskuulada Islaamiga ah, tusale ahaan, in laaxadka hubka la adeegsanayo iyo waxa la bartilmaameedsanayo ay isu dhigmah. Inkasta oo UNSOM lau war-geliyay inay jiraan falanqayn ugu Diyaariyay unugga CCTARC, haddana ma cadda illaa heerka ay gaarsiisantahay saamayn ugu baariti sano ka buuxda qeybta la xalalatay. 42


40 Human Rights Watch (HRW) waxay ogaayay in lafahaan in ciidamada AMISOM ee hadalkaada hawlgalladda oo la soo sheegay in ay faa’iila ugu fureen xogta lagas oo hawlgalyay ugu horeysay. 44


42 CCTARC waxa ahaa ku maqan shaqaale xirfad u leh inay soo ururirayn oo ay falanqeyeyn macluumaadka.
iyi qorsheynta hawlgalka AMISOM. Qaabka looga daba-tago khasaraaraha dadka rayidka ah loogana jawaab celiyo eedeymaha ay soo jeediyaa shakhsiyadii ayaa ku yimaada warbixin laga helo taliye qaybeed, cabasho dadweyne, iyo mid shaqsiyeeeed oo muwaadiniinta soo gudbiyaan. Si kastaba ha ahaatee xidhiidhada laga helo CCTARC ayaa aad u kooban. Iyadii lagu dhex-shaqaynayo hab-samaynta Siyaasadda Ka-taxaddarka Xad-gudubayda Xuuquuq Insanka (HRDDP), CCTARC iyo Qaramada Midobob – gaar ahaan UNSOM iyo Kooxda qaabislsan Wadashaqaeynta Ciidamada iyo Shacabka, ayaa waxaa la wadaaga xogaha ku saabsan khasaraaraasha rayidka ah [ee ka dhasha hawlgalada AMISOM]. Xafiiska Taakulada Qaramada Midobob ee Soomaaliya (UNSOS) iyo UNSOM ayaa taageero farsamo fariisa u fidiyo AMISOM iyadda la eegayo horumarinta Halbeegga Habraaayda Hawlgaldha iyo wax ka beddeloodooyaa 43.

31. AMISOM waxay baaritaano asaasi ah ku samaysaa xadgudubayda lagusoo eedeeyo, kuwaasii uu haddii la ogaado inay jiraan, la asaaso guddi xaqiiqo raadin ah oo baaritaan ku sameeyaa xadgudubayda ka dhanka ah sharciga caalamiga ah ee xuquuqul insanka iyo sharciga caalamiga ah ee xilliyada dagaallada iyaddo la raacayo talooyinka ku xusan Siyaasadda Ka-taxaddarka Xad-gudubayda Xuuquuq Insanka (HRDDP). Si kastaba ha ahaatee, tallaabboooyinkasi ma aha kuwo ku filan. Waxaa adag in la helo dembiyaarayaal u jajaban hawshoooda oo ka mid noqda guudiga baaritaanka, iyaddo khubarada aqoonta u leh arrimahaa ee ka socda Dalalka Ciidamadu Ka-joogaa halkan (TCCs), ee aan ahayn kuwo wax laga tirsanayo, inta badan hawsha iyaga loo dhiibo. Waxa intaas sii dheer, iyaddo ay yartahay wercelinta laga helo tallaabboooyinka baadhitaan ee ay AMISOM qaaddo, ha noqdaan baadhiitaano hordhac ah, ama kuwo guudiiyo xaqiiqo-raadin ah loo saaray, UNSOM si buuxda uma qiimayn karto illaa inta lagu kalsoonaan karo baadhitaannada ay sameeyaan AMISOM.

32. Waxaa sidoo kale jira qaabado dheeraad ah oo AMISOM ka heysta xaqiijinta in natiijooyniinka baaritaanaddooyaa ee aqbaalaan dalalka Ciidamada iyo booliska ku deeqay (TCCs/PPCs), iyo in daka loo aaneeyay inay galeen dembiyadda si degdeg ah dacwad maxkamad loo soo saaro, dacwad lagusoo oogo, haddii dembi loo helana la xukumo. Hadaba si loo hirgaliyo in si wax ku ool ah loola xisaabtamo kuwo xadgudubaydaagaysi geystaw, waxay ku xidhantahay Dalalka Ciidamada ku Deeqay (TCCs/PPCs), kuwaasi oo laga filayo inay iskood u baadhaan iyo inay tixgaliyaan talo-soojeedimaha kasoo baxa baadhitaannada ay sameeyaan AMISOM ama guudiiyada loo xil-saaro baaritaanada. Dalalka Ciidamada iyo booliska ku deeqay (TCCs/PPCs) waxaa mas’uuliyad ka saarantahay xaqiijinta isla-xisaabtanka iyagoo u maraya hababka cadaaladda ee iyagay ay leeyihiin. Tusaale ahaan, Maxkamadda Ciid dunida Ee Uganda ee fadhiga ku leh Soomaaliya ayaa dacwad ku qaadday askar ku lug yeelelatay falal dembiyedeyo, sida khiymooyin lagu dhiicay shidaal iyo tuuganimo. Hadaba si loo xasigtay, in la helo baadhitaan deg-deg ah, oo ay si daahfuray ay dalalka Ciidamada ku deeqay ay sameeyaan ama dacwado ay kusoo oogaan kuwa loo hawsto inay geysteyn xadgudubyo ka dhan xuquuqda aadamaha iyo xeerarka caalamiga ahi, ma ahayn hawlasi waa ah loo qabtab. AMISOM sidoo kale lama wadaagin Qaramada Midobob, natiijooyniinka kasoo baxay baadhitaannada iyo dambi-koo-eegista ay sameeyeen dalalka Ciidamada soo diray. Sidoo kale, waxaa walaal laga muujiyay sidii loo xaqiijin lahaa, in falal aagroosi ah laga ilaaliyo dhibbanayaasha iyo markhaatiyaalka ku markhaati fura xadgudubyo ka dhan ah sharciga caalamiga ah ee xilliyada dagaallada iyo sharciga 43 Wax ka beddeladda sida lagu qeexay qoraalka nidaamka hawlgalka caadiga ah ee AMISOM ee ku saabsan ka jawaabda waxyeellada rayidka: “Dhaqanka dhinacyada geysta ka ah dagaalka oo siinaya aqoonsi iyo garqar dadka rayidka ah ee ku waxyeeloo baya hawlgalada dagaalka inta uu sharciga ogol yahay, inkasta oo aysan jirin waajibaad sharciyeyd si loo sameeyo. Sameynta wax ka beddelid waxay qaan kartaa noocyo kala duwan, oo ay ka mid yihiin raali-gelin, bixin ta magdhaw lacageed, kaalmo caynsan, barnaamijyada gargaarka nolol- maalmeedka, iyo waxyaabo kale oo loogu talagalay baahida iyo rabitaanka dhibbanayaasha. Waa inay noqotaad mid caddaalad ah oo dhaqan ahaan ku haboon.”
caalamiga ah ee xuquuqul insaanka, maadaama AMISOM aanay weli diyaarinin tallaaboozin cad cad oo arrinkaas wax looga qabto.

Tallaabooyin lagu yaraynayo khasaaraha oo ay soo jeedisay Qaramada Midoobay

33. Siyaasadda Qaramada Midoobay ee Ka-taxaddarka Xad-gudubyada Xuquuqul Insaanka (HRDDP) waa qaab-samays ay Qaramada Midoobay u adeegsato fulinta taxaddarka lagama maarmanka ah si loo xaqiijiyo in ciidamada aan ahayn kuwa Qaramada Midoobay balse taageerada ka hela Qaramada Midoobay aanay u geysan xadgudubyo ka dhan ah sharciga caalamiga ah ee xilliayada dagaallada iyo sharciga caalamiga ah ee xuquuqul insaanka. Qaramada Midooboy waxay aasaastay Guddi Hawl-wadeen ah 44 oo soo diyaariya qiimeyni khatara hadal doono AMISOM 44 marka ay fulinayaan hawlgallo gaar ah, wuxuuna Guddigaasi soo jeediyay talooyin looga hortgagay iyo tallaaboozin loogaga jawaabayo xadgudubyada, talooyinkaas oo ay dib-u-eegis ku sameeynaan Koox Hawleedka Isku-dhafan ee UN-AMISOM ee ku hawlan arrimaha (HRDDP).

34. UNSOM waxay 50 dacwadood oo eedeymo ku saabsan xadgudubyo ka dhan xeerka caalamiga ah ee xuquuqda aadamaana iyo xeerrarka caalamiga ah ee xilliyada dagaallada u gudbisay AMISOM, waxayna kasoo jawaabeen 26 dacwadood oo kaliya. AMISOM waxay dafirtay 14 dhaaco oo kamid ah 26 dhaaco; waxay qiratay iyo/ama ay guddi u saartay todobo dhaaco waxayna si gaar ah ugalah hadashay unugga CCTARC, 47 waxayna qiratay shan dhaaco oo ay u aansays qolyo kale ama ay u weysay cid qaadda mas’uuliyadda.

35. Waxa kale oo walaaq ka jirirada sida gaabiska ah ee AMISOM uga soo jawaabo eedamaynha loo soo jeediyo. Waxa kale oo naadir ah in la helo jawaabceelin kaa wabixinayo tallaaboojin cad-cad oo la qaadad markii baadhiitanka la samaynay, sida waraysiyo laga qaaday dhibanayaasha, markhaatiyaasha ama maamullada hoose. In la qaad tallaaboojin la isku-xisaabiyo oo la iskusaxo waxay kamid ah tallaabooinkaa muudanta leh ee lagu yaraynayo khasaaraha, sida laguso bandhigay qaab-samayska QM ee ku aaddan HRDDP, kaas oo lagu kaalmaynayo AMISOM. Markii ay dhaaco in aanay waafi noqon ama la waa qaar ka baritaan la aaminsanaa oo la qaadad waa xilliyada eedeymada, aya taasi waxay horeedeed kartaa in Qaramada Midoobay ay dib uga fiirsato 2014 ama ay haksiga taageerada ay siiso shakhsiyadda iyo guutooyinka ku lug yeesha xadgudubyada.

6. Maleeshiyaad iyo Kooxo Hubaysan oo Gacansara la leh Ciidamo Ammaan oo Qaran ama Caalami ah

36. Dagaallada Soomaaliya ka jira iyo hawlqadda ciidan ee socda ee ka dhanka ah Al Shabaab, iyo weliba meelaha ay ku yaribiihi ciidamada/hay’adaha sharci fulinta, ayaa soo jiityay dhinacyo kaladuwan oo xiriir la leh ciidamo amnii oo heer qaran ama caalami ah oo ku lug yeesha tacadiyada ka dhanka ah sharciga caalamiga ah ee xuquuqul insaanka iyo sharciga caalamiga ah ee xilliayada

44. Iyadoo la raacayo qoraalka nidaamka hawlqalka ee caadiga ah (SOP) ee 2014 hiirgelinta Siyaasadda HRDDP ee Soomaaliya, ayaa Guddi Hawleedku wuxuu ka kooban yihiin hawlgalada hay’adaha Qaramada Midoobay ee taageerada siya ciidamada amniga ee aanayn kuwa Qaramada Midoobay
45. Kooxda HRDDP ee Qaramada Midoobay, oo la asaasay sannadkii 2016, waxay xaaladda ciidaan ee ciidamada oo kaxoo wuxuu ay ku jiraan la xiriira hawlgallada ciidamada, ama aad u keentay AMISOM oo ay ku jiraan la xiriira hawlgallada ciidamada.
46. Qiimeyni khataraa ee ciidamada Ethiopia (ENDF) si loogu wakadada dhaqanka iyo kuwa Qaramada Midoobay ee taageerada siya ciidamada amniga ee aanayn kuwa Qaramada Midoobay.
47. Xaaladdan, tixraac CCTARC oo la xidhiidhka adagaynta ciidamada suurtagallana ahaan ay ee qaaraynta SOP yada oo wax looga beddelayo.
coloadaaha. Tacaddiyadaas waxaa intooda badan geysta maleeshiyo beeleeedyo iyo ciidamada loo yaqaan Liyu Boolis ee Itoobiya.

C. Duqaymaha Hawada ee Ciidamada Caalamiga ahi fuliyaan

37. UNSOM waxay diiwaagnalisay 74 duqaymood oo ay fuliyeen ciidamo kala-duwan intii lagu guda jiray diyaarinta warbixinta, waxana ka dhashay khasaare soo gaaray dad rayid ah oo tiradoodu tahay 57 (41 dhimasho ah iyo 16 dhaawcyo ah). Ciidamada Difaaca Kenya ee aan ka tirsanayn AMISOM ayaa iyaguna lagu eedaynayaan inay masuul ka yihii khasaare soo gaadhay 42 qofood oo rayid ah (36 dhimasho ah, iyo lix dhaawac ah).

38. Tirada dadka rayidka ah ay waxyeellooyinku kasoo gaadhayne weerrarada cirka waan kuwa ay adagtahay in la xaqiijiyo maadaama ay duqaymahaasi intooda badani ka dhacaan meelaha ay gaacanta ku hayso Alshabaab. Meelahaasi oo Qaramada Midoobay iyo hay’adaha kaleba ay ku adagtahay inay gaaraan ama aanay gaari karinba.


40. Waxa la fuliyay 74 duqaymood oo cirka ah, oo ay ku jiraan 18 weerar oo lagu fuliyay diyaaradahaa qumaatiga u kaca oo ay si wadajir ah u fuliyeen cutubka gaarka ah ee CXD ee loo yaqaan Danab iyo Ciidamada Maraykanka oo loo aaneeyay (14 kiis). Waxaax jira afar weeerar cir ee kale ee ay fuliyeen Ciidanka Difaaca Kenya kelígood. Sagaal weerar oo ay taageerayso Dowladda Mareykanka...
ayaa sida lasoo weiriyya ka dhacay Shabeellaha Hoose, labo kale ayaa ka dhacday Bakool, saddex ayaa ka dhacday Jubbada Hoose.


42. Marka laga hadlayo xadgudubiyada loo aaneeyo inay geysteen hay’ado dawladda ka tirsaan iyo ciidamada caalami ah, UNSOM wax war ah kama hayso baadhitaannada arrimahaasi laga furry ah. Si kastaba ha ahaatee, lagasoo bilaabo 2016kii, DFS ayaa magacawday saddex guddi oo soo baadha sedex dhacdo oo kala duwan oo loo arkaay inay halis ku yihiin xaaladaha badbaadinta dadka rayidka ah. Eeedsanayaashii falal dembiyeyeyda ee dhacdo kasta oo kamid ahayd saddexdaas dhacdo waxay ahayeen ciidamada dowladdu leedahay ama ciidamo shisheeye, sida Ciidamdada Difaaca Kenya. Hal kaas oo kaliya ayaa guddigga natiijyo kasoo saaray, laakiini natiijyoinkaas lama shaacii. In la daabaco natiijyoinkaas ayaa lagu jiriij in lahayn ka daash-furnaan iyo isla-xisaabta oo labaddoo lagama maarmaan u ah abuurista kalsooniidu muwaadininta ay ku qabaan Dowladda.

43. UNSOM waxay aqoonsatay in ka badan 40 kooxoood oo hubeyso oo Soomaaliya jooga. Kuwa ugu muhiimsan ee ku lug leh xadgudubiyada waa Al-Shabaab, Ahlu Sunna Waljamaaca, iyo kooxo kale oo hubeyso oo inta badan lala xiriiriyiyo qaba’a’illaddooda.

1. Al Shabaab


53 31-kii Janaayo 2016, Ra’isul Wasaaruhu wuxuu wargujo waxayn magacaabay guddi baaritaan ku sameeyaa saameynata weerarada cirka, taasoo uu hoggoomiinaya Wasirka Difaaca. 8 May 2016, Ra’isul Wasaaruhu wuxuu magacaabay guddi shan xubnood oo baaritaan ku sameeyaa eedeymaha isticmaalka carruurta sida basaasinta. 26-kii Maajo 2016, Wasaarada Ammaanka ayaa loo doortay guddi baadhitaan ku sameeyaa eedeymaha saraakiisha NISA ee jirid loo qayb. 265-
HirShabelle, Koonfur Galbeed, Jubbaland iyo Banaadir, oo ay ku jirto caasimadda, Muqdisho, ka-hor intii aanay hawlgallada amnii qaadin CXD iyo AMISOM, hawlgalladaas oo gacanta maamulka DFS dib ugu soo celiyay warumaha/magaaloyinka waaweyn ee bulshadu ku nooshahay. Al-Shabaab ayaa markaa door-bidday degaanada miyiga ah waxayna dhiseen xeryo tababar oo ciidan iyo salthigay ay ka hirgeliyey meelaha ay ku xoogan yiihii ee Jubbada Dhexe, Degmoomoyinka Bu’aale, Saakow, iyo Jilib ayaa weli ku jira gacanta Al-Shabaab oo ay heysatooyin 54.

45. Markii Al-Shabaab ay saaldhigatay degaanadaas waxay bilowday adeegsiga xeelado sida Walxaha Qarxa ee Macmalka ah, ismiidaamiyeyal, iyo dilal qorsheysi. Bartilmaameedkooda koowaad waxaa ka mid ah saraakiisha dhowladda, CXD, AMISOM iyo ciidamada kale ee caalamiga ah, iyo sidoo kale goobaha ay ku badanyiihiin dadka rayidka ah sida suucyada, hoteelada iyo makhayadaha.55

46. Awoodda ama tirada ciidan ee Al-Shabaab ayaa lagu qiyaasay in ay u dheexeyso 7,000 iyo 9,000 sanadkii 2014, laakiin tiradaas ayaa la sheegay u kaxoo saheeno oo uka baahantahay sida ugu horreeyay ka dhisato kala duwan sida ugu dheexeyso 5,000 iyo 7,000 sanadkii 2014. Waa la qeybto xoddo xubnaha bulshadaan si ay ugu horreeyay oo u baahan kala duwan sida ugu heysto ka dhisato 1,000 iyo 2,000 sanadkii 2014.56

47. Macluumaad yar ayaa laga hayaa xaaladda dadka ku nool deegaanada gacanta ugu jira Al-Shabaab, waxaana caqabad ka taagantahay sida lagu hubinayo xadgubudubada xuquuqul insanka iyo gacantaaduus kaas oo xiriira caaan ka dib Macluumadda dhaqanka Al-Shabaab, waxayna kooxdaasi aan soo sheegnay ay ka hawl-gashay gobolka Bari ee waaqooyiga Punland. ISAG waxay saaldhiggeedii ciidan ugu jira ugu horreeyay ka dhisato goobaha ay ku jiraan gobolka ay xiriira caaan ka dib gacanta 57.

48. Kooxda Xiriirka la leh Dowladda Islaamiga ah (ISAG), oo ah koox dagaalayaannoo ah oo xifaaltan kala dheexeyo Al-Shabaab baayn markii ugu jiraan ilaa isu soo sheegnaa ay ka hawl-gashay goobolka Bari ee waaqooyiga Punland. ISAG waxay saaldhiggeedii ciidan ugo jira ugu horreeyay ka dhisato goobolka 58.

54 Qiyaasta dadweynaha 362,921, Qorshaha Horumarinta Qaranka Soomaaliya, 2017.
56 Markii laga reebo qiyaasti 282,003 oo qof oo ku nool maalgaloyinka hoos yimaada maamulka Jubbaland ee Gudaha 109,142 iyo goobolada Jubbada Hoose (172,861), Qorshaha Horumarinta Qaranka ee Soomaaliya, 2017.
bishii April 2016, waxaaana tirada ciidankeeda markaas lagu qiyaasayay 100\(^{59}\). ISAG ayaa markaas wixii ka dambeeyay isku dayday inay isku sii ballaariso gobolada Bay, Shabeellaha Hoose iyo labada Jubba, laakiin waxaa jebiyay Al Shabaab bishii Disembar 2016.


Ahlu Sunna Waljamaaca


Maleeshiyo Beeladegyo

51. Xiriirka iyo isla macaamilka beelaha waa mid adag oo beelaha badankood owaax leeyihiin maleeshiyaad u gaar ah, oo aan sal ku lahayn sharciga Soomaaliya, mana aha maleeshiyaadkaasi kuwo ku shaqeyya hab-dhismeed rasmi ah. Colaadaha ka dheexeyya beelaha ayaa ah kuwo baahsana waxayna la xiriiraan guud ahaan colaad hubeysan oo aan ahayn caalamo, waxayna coladahaasi si gaar ah ugu badanihiyinka golladaan aanay ka jirin ama ku awood yariihiin DFS ama maamulada

\(^{59}\) Ilaha UNSOM ayaa sheegay in ISAG aysan laheyn wax ka badan 100 dagaalyahan oo ka tirsan Puntland, taas oo ay xaqiijiyeyeen Kooxda Kormeerka Soomaaliya iyo Eritrea. Ilaha kale ayaa qiyaasaya tirada xagjiriintu inay yihin inta u dhaxaysa 200 ilaa 400.

\(^{60}\) Qiyaasta Qaramada Midoobay ee tirada/awoodda jilaaasha amniga, bishii Sptember 2016.

\(^{61}\) Qoraal loo gudbiyay y CXD (2014) iyadoo madaxda rasmiga ah ee kooxdo ay sheegay inay diyaar u yihiin in xubnaha ASWJ kusoo biiraan CXD, bishii Febrayo 2017. 11kii Febrayo 2017, arrinkan waxa xeydahay in cad u taageeray Taliyaha Cidanka Xoogga ee Soomaaliya, laakiin ma jiraan wax ballan-qaadyo dheeraad ah oo la sameeyay.
dhowladda. Dhibaatooyin soo jireen ah oo la kala tabanayay, faquuqid siyaasadeed, muran dhuleed iyo helidda kheyraadka iyadoo inta badanna colaadda xalkeeda lagu raadiyo colaad kale, waxaana colaadahaas ka faa’iideysta Al Shabaab. Maleeshiyi beeleeedyadu waxay ku kacaan dilal qorsheysan, xadgudub jinsi, iyo burburin ay kula dhaqaqan hantida dadka rayidka ah.


52. Dabeecada isla dhaqanka iyo xiriirkaa macaamil ee ka dhaxeeya qabillada ayaa ah mid aan deganayn isla markaana ay soo foodsaaraan isbedbelede marka la eego qaababka socdaalka, hababka siyaasadeed iyo barakaca62. Isba-haysiyada dhex-mara beelaha iyo taageerada loo fidiyo Al Shabaab ayaa inta badan ku yimaada fursado waxaana is-bedel ugu dhacaa si lama filaan ah. Beelo aan tiro badnayn (waaba haddii ay jiraan) ayaa la safta dhinac kamid ah dhinacayada colaadda qaybta ka ah, inkasta oo ciidamada CXD ay ku dhex jiraan xubno maleeshiyi beeleedyo ah. Tani waxay saamayn ku yeelan kartaa isku-xirka amarka iyo kalkan-dambaynta ee ciidamada waxayna siin hurin kartaa colaadaha laga xiriira beelaha. Sanadkii 2014ki, Koodeeda La-socodka [Cuna-qabataynta] Soomaaliya iyo Eretrea (SEMG) ayaa soo tebisay inay jiraan caawimad ah in “saraakiil sare oo ka tirsan CXD oo si toos ah uga qayb-qaatay colaadaha beeleedyada [iyo] hubka CXD oo si qarsoodii ah loogu gudbiyay maleeshiyi beeleedyo.”63 Xadgudubayda kale ee la diiwaan-geliyay ee ay ku keecen xubno “amar diidayaal” oo ka tirsan CXD ama maleeshiyi beeleedyo ka tirsan askarta CXD waxaam kamid ah “qaadashada lacago baad ah, dhac hubeysan, jir-dil iyo xarig lagu kaco dadka deegaanka ee


laguso ee eedeeyo inay gacaan siiyaan Al Shabaab”.

Warbixinnada Kooxda SEMG ee 2014 iyo 2015 waxay iftiimiyeen in “hogaanka ciidan iyo kan siyaasadeed ee nidaamka federaalka ah la af-duubtay si loogu horumariyo dano beeleed iyadoo ciidamada amniga ee DFS iyo agabkoodaba la geeyo goobaha dagaalka si ay uga qayb-qataan dagaal beeleedyada.”

E. Noocyada Weerarada iyo Xadgudubadya iyo Gabood-fallada loo Aaneeyo Kooxaha Hubeysan


54. Khasaaraha loo geystay dadka rayidka ah, loona aaneeyay Al Shabaab ayaa ka dhasha adeegsiga hubka qarxa, iska-hor-imaad toos ah, khaarijin qorsheysan iyo dilal aan sharciga waafaqsanayn. Gobollada ay khasaarrooyinkaas aadka u sameeyeen waa Banaadir, Shabeellaha Hoose, Bay iyo Shabeellada Dhexe.65 64 boqolkiiba khasaaraha rayidka ee loo aaneeyay Al Shabaab waxaa uu ka dhashay Qaraxyada loo adeegsado Gawarida (VBIEDs) halka 15 boqolkiiba loo adeegsaday WaaXaha Qarxa ee Macmalka ah. Weerarada iska-hor-imaadka ah waxay sababeen 15 boqolkiiba qasaaraha, inta kale ee soo hartay ee khasaaraha waxay ka dhasheen khaarijin qorsheysan (waxaynaya u dhigantaa 4 boqolkiiba), toogasho (1.8 boqolkiiba) iyo ciqaabta jirka, oo ay kamid iyini xubnaha jirka oo qaybo laga gooyo iyo karbaash/tacziir (oo noqonaya 0.2 boqolkiiba). Inta badan Qaraxyada loo adeegsaday Gawarida iyo WaaXaha Qarxa ee Macmalka ah waxay ka dhecceen Muqdisho, iyadoo dagaallada dhulka ah ay badankood ka dheceen gobollada Shabeellad Hoose, Jubbadada Hoose iyo Bay.

55. Inkasta oo Al Shabaab ay caadiyan sheegato mas’uuliyadda weeraarada ka dhanka ah ciidamada Dowladda iyo bartilmaameedyada kale ee ciidan sida baraha ciidamadu wax ku baaraan (checkpoints) iyo xeraya tababarada, iyo goobaha kale ee ay ku midka yihiin hoteelada, makhayadaha iyo suuqyada ay sida joogtada ah u tagaan madaxda/saraakiisha, ayaa haddana mar kasta aanay caddeyn in dhab ahaan ay iyagu fuliyeen weeraarada ay sheegtaan. Si kastaba ha ahaatee, Al Shabaab ayaa ka aamustay inay sheegato mas’uuliyadda hawlgalo geystay dhibaatay iyo burbur weyn, waxayna taa u yeelayaa inay ku ilaalayn sawirkooda ay ku dhex leeyihiin bulshada. Tusaale ahaan, kooxdu ma sheegin waxa xiriirka 14kii Oktoobbar, markaas oo labo qarax oo loo adeegsaday gawaarii goob dadku ku badan yahay oo faras-magaalo ah oo ka tirsan degmawiyoqo Hodan iyo Wadajir ee magaalada Muqdisho, qaraxayaadaas oo sababay dhimashada ugu yaraan 512 ruux iyo dhaawacay 316 qofaad, sida ay sheegeen guddi ay dhibayarios DFS, waxaanu hankaas ku burburay hoteelo, maqayado iyo xafiisoyi.
ay leeyihiin Hay’ado aan Dowli ahayn iyo ganacsiiyo gaar loo leeyahay. Dhacaddaasi waxay ahayd dhacdo argagixiso tii ugu dhimashada badnayd ee ka dhacda Soomaaliya ilaa waqtigan, haddana inkasta oo Al Shabaab aanay sheeganin mas’uuliyaaddeeda, waxay horay u geyratiyey weeraro kaas lamid ah oo ay la beegsatay goobaha dadka rayidka ah ee Muqdisho ku yaal.66


56. Lagasoo billaaboo Janaayo 2016 ilaa 14kii Oktoobar 2017, sideed weerar oo dhinacyo badan oo loo aaneeyay Al Shabaab ayaa la dhashay Muqdisho (tobodo ayaa ka dhacday) iyo Baydhaba (hal), waxanaa ka dhashay xasaroo soo gaartay 363 dad rayid ah (93 dhimasho ah iyo 270 dhaawac ah).67 Jubbaland, waxaa Al Shabaab loo aaneeyay 10 Qaraxyo loo adeegsaday walxaha qarxa iyo sideed bambaanooyinka gacmaha laga tuuro ah waxayna ka kala dheecen gobollada Gedo iyo Jubbada Hoose, waxaana ka dhashay xasaroo soo gaaray 76 dad raad ah (19 dhimasho iyo 57 dhaawac ah).

57. Ururada bulshada ee Soomaaliyeed waxay wajahayaan caqabado fara badan iyo khataro iyago dowr muhiim ah ka cayaraayaa horumarka dalka iyo wax ka qabashada arrimahaa badbaadinta. Ururu bulsho oo aan tiro badnayn ayaa ka hawl-gala goobaha ay gaacanta ku heysyo Al Shabaab, waxaynaa ururadaasi u hawlgaalan si is-muujin la’aan ah. War badan lagama hayo in Al Shabaab ay beegsato ururadaas, laakiin Al Shabaab waxayn wuxuu si weyn u beegsataa goobaha ay ka hawl-galaan ama ay deganyihiin saraakiishaa badan oo yaray xolka. Tusaale ahaan, Agaasimaha Fulinta ee Ururka Badbaadinta iyo Horumarinta [dadka] Soomaaliyeed ee loo soo gaaray 9,12, iyo 13 sanadood, isku dhacday leh ee ugu haysato uu uga ama rifooyinka ugu haysato ku xiran xillada, iyadood isku xiyiriyaan ku xiran waxa uu isku dhacday leh ee ugu haysato uu uga ama rifooyinka ugu haysato ku xiran xillada.57

58. Wadarta ugu yaraan 594 ayaa ahayn khasaare gaaray dad rayid ah (251 dhimasho iyo 343 dhaawac ah) waxana loo aaneeyay maleeshiyadaad u dhex mareen colaado hubeysan, taas oo boloqiiiba 13 ka noqonaysa wadarta khasaara. Abaarntii ayaa sii hurisay colaado beealeyda maadama lagu kala tartamayay kheyraadka, iyadooy isku xiyiriyaan ku xiran waxa uu isku dhacday leh ee ugu haysato uu uga ama rifooyinka ugu haysato ku xiran xillada. Isku dhacayn dhaq-dhaqaaqa arrimaha bulshada oo ka kala tirsanaa saddex urur oo kala duwan, dhibtaas oo ka dhalatay weerar dhinaciyadaa badan oo Al Shabaab ku qaadday Hotel Ambassador ee magaalada Muqdisho bishii Juun ee sanadkii 2016.

sabaday khasaaraha 79 dad rayid ah, halka isku dhacyo kale oo beelaha Duduble iyo Ceyr ku dhex maray deegaanada Galguduud, ay sababeen khasaaraha 14 dad rayid ah.

59. Somaliland gudeheeda, isku-dhacyada beelaha ayaa ah sababta ugu weyn ee khasaaraha dadka rayidka ah. Gaar ahaan, dagaal beeleeedka gobolka Sool (deegaan ay ku muransanyihiin Somaliland iyo Puntland) una dhexeeyay jufuuyinka Qayaad iyo Bahararsame ee beesha Dhubbahante (Daarood) ee ka dhacay Laascanood, ayaa lagu dilay 78 qofood" (oo ay ku jireen saddex haween ah) ilaa iyo markii ay colaaddu bilaabatay sanadkii 2016.69

1. Hababka kale ee ay ku dhacaan weerarada


62. Al Shabaab waxay mas’uul ka ahayd 86 dilal qorsheysan ah iyo khaariijinta 46 qofood muddada warbixintan. Al Shabaab waxay u beegsataa dadka rayidka ah sababo la xiriira mucoomka sida rayidka ah kala dhaxeeyaa hay’adaha dowladda, iyo dhaqhaaqaqooba bulsho iyo kan siyaasadaw.70 ama in dadka rayidka ah ay ka qayb-qaatay hawlo ay mamnuuceen Al Shabaab, sida ka-ganacsiga dhuxusha.71 Dhibaanaasha waxayn ka mid ah aad ilaa waxa aad doonayso, shaqaale dowladeed, madax lahaa Isaba。“
63. UNSOM waxay diiwaan-gelisay toogasho ay Al Shabaab kula dhaqaaqeen 32 qofood oo ay ku rideen "xukun" ay usoo mareen nidaamkooda garsoor ee is-bar-bar yaalla, waxana sida lasoo weriyay ay ku eedeeeyeen basaasid iyo xog-siinta hadba sida ay u fasirtaan Qaanununka Shareecadda. Toddobo dhaqdo oo jar-jarid sidaan ama ah ay lasoo weriyay, oo sida loo badan lahaa qofda qaranka lahaa falal dhac ah, waxaa sidoo kale dadweynaha hortooda lagu karbaashay shan qofood (oo ay ku jirtay hal haween ah) kadib markii lagusoo eeddeeyay dhaqan xumo ama dhaqan aqoonsa sida la dhexaalo. 73

64. Al Shabaab ayaa sidoo kale fulisa ciqaab jirka bani’aadamka loo geysto iyo jar-jaridda xubnaha bani’aadamka iyadow u egeyda hadba sida ay u fasirtaan Qaanununka Shareecadda. Toddobo dhaqdo oo jar-jarid sidaan ama ah ay lasoo weriyay, oo sida loo badan lahaa qofda qaranka lahaa falal dhac ah, waxaa sidoo kale dadweynaha hortooda lagu karbaashay shan qofood (oo ay ku jirtay hal haween ah) kadib markii lagusoo eeddeeyay dhaqan xumo ama dhaqan aqoonsa sida la dhexaalo. 73

3. Cafiska Guud

67. Iyadoo qayb ka ah dagaalka ay kula jirto Al Shabaab, ayaa Dowladda Soomaaliya waxay kuu dhaqaalday inay cafis fidsid, taas oo looga daan leeyahay in la diri-geliyo basaa waxay isku horreeyay ee rasmiya ah la bixiyay 3di Janaayo ee sanadkii 2011 waxaana cafiskaas fidiyay Golihi Wasiirrada ee Dowladdii Federaalka Kumeelgaarka ahayd oo uu markaa Ra’isul Wasaare ka ahaa Madaxweynahay hadda talada haa ee Maxamed Cabdullahi Faarax. Bishii April 2017, Madaxweynahay ayaa mar kale cusboonaysiyi, isagoo soo mara saximooyinaya oo ku tirsanayaa cafiska ku wuxuu u muuqataa waxaanta loo maro cafiska [guud].

68. Ma jirto siyaasad dhamays-tiran oo lagu maareeyo cafiska, inkasta oo uu jiro Baraamiji Qaran oo loogu talo galay Dagaalamayaasha Ka-tanaazul hawlaha ay ku jireen, barnaamijkaas oo loo fidaa’ideeyo dagaallamaasha xortalood oo hoo saameyay ee ku sugnaa goboladda Gedo iyo Hiraan, kuwaa dhamaantoo lasii daayay markii dambe.75

75 UNSOM waxay diiwaan gelisay afduub loo geystay 36 shaqaale gargaar, 35 kamid ah waxa waxaad fududrata ugu yaraan Al Shabaab, mid kamid ahna waxa aad fududrata ugu yaraan Al Shabaab.

76. Wasiirki hore ee Gaashaandhigga ee Dowladda Federaalka ayaa warbaahinta u sheegay in muddada la kordhin doono.

77. Tusaale ahaan, Madaxweynaha Koonfur Galbeed ayaa xilliyo kala duwan ku dhawaaqay cafiska kuwaan sababta oo kaal ahaan oo haddii xubin kale ugu quraastay xillayda caanka ah. Haddii xubin kale ugu quraastay xillayda caanka ah, waxaana xadgudubyo xillayda Galbeed kuwaan warbaahinta ugu qoraalaya oo aan weliyo xillayda, wuxuu uu qoraalaya oo aan weliyo xillayda!

II. Xadgudubka Jinsiga Iyo Xadgudubyada Saameeya Caruurta Ku Nool Meelaha Colaaddu Ka Jirto Ee Soomaaliya

A. Xadgudubyada Jinsiga

69. Khilaafka joogtada ah ee ka socda Soomaaliya wuxuu dhaliyey baahsanaanta xadgudubyada jinsiga ee ka dhanka ah haweenka, ragga, wiilasha iyo gabdhaha, haweenka iyo gabdhaha oo uu si gaar ah u saameeyey. Amni-darrada sii socota, sarreynta sharciga oo liidata iyo helitaan la’aanta gargaarka bini’aadiminimo ayaa sii xumeyey xadgudubyada jinsiga. Sinnan la’aanta jinsiga, [ama arrimaha dhedig-labka],isu-dheeli-tirnaanta awoodaha, horumarka gaabis ah xagga fulinta waajibadka Soomaaliya ka saaran heshiyada caalamiga ah ee xuquuqda aadanaha, barakicinti tiro badan oo dad ah sababo la xiriira coladda iyo abaraah, iyo weliba soo celinta xoqotiga ka maanayna Kenya ee intooda badan ay kusoo noqonayaan magaaloyinka Baydhaha, Luuq iyo Kismayo, arrimahaas oo dhan ayaa waxay gacan ka geysanayaan abuurista jawi dumarka iyo gabdhaha ay si gaar ah ugu nugul yiihiin xadgudubka jinsiga ku salaysan jinsiga, oo ay ku jiraan rabshada xadgudubka xadgudubka jinsi galmda iyo ka faa’ideysiga galmda iyo ku-takri-falka Haaweenka iyo gabdhaha barakacayaasha ah ama ka soo jeeda beelaha laga awooda badan yahay ayay soo gaaranta dhibaataada ugu badan, waxaana taas ugu wacan hababkii badbaadinta oo aan ahayn kuwo waafi ah oo ku filan, in aanay jirin amay yartahay sida lagu helo hababka cadaaladda ee rasmiga ah iyo kuwa aan rasmiga ahayn, iyo in ay yartahay badbaadadii ay ka heli lahaayeeyn beelaha.

70. Hababkor Koor-jogtaynta, Falanqaynta, iyo Ka-warbixinta (MARA)79 waxay heshay warbixininno ku saabsan Rabshadaha Galmada ee La-Xiriira Colaada (CRSV) oo ay ka heshay UNSOM iyo Koox-Hawleedka Dalka u Qaabilsan Koor-jogtaynta iyo Ka-warbixinta Caruurta iyo Colaadda Hubeysan (CTFMRM)80. Muddaddii la diyaarinayey warbixintani, UNSOM waxay diwaankaalisay 35 kamaad ah dhibbanayaasha CRSV oo ka kooban 32 dumar ah iyo saddex rag ah, 14 ka mid ahi waxay xahayeen carruur (11 gabdhood iyo saddex wiil)81. Kuwa dhib geysta waxaa ka mid ahaayeen Ciidanka Difaaca Qaranka Itoobiya ee teerkan AMISOM, Ciidamada Darawishiinta ee Dowlad Goboleedka Koonfur Galbeed, SP, rag hubaysan oo xiran dhar ciidan, oo aan heyttooda la garan, xubno ka tirsan CXD iyo Al Shabaab82. Taas barbar-dhigeeda, CTFMRM waxay diwaan gelisay 228 dhacdooyin kufsi iyo noocyoo kale oo xadgudub jinsi ah oo miisaankoodu gaarsiisanyahay CRSV, oo saameeyay 230

79 Nidaamka Maaraaynta Macluumaadka Xadgudubeya Jinsiga ku salaysan ee UNPFA wuxuu ururiyaa macluumaad dheeraad ah oo lagu daro MARA ujeedooyin wargelineed iyo jawaab-celinta barnaaqoobta dartood.
80 Farqiga u dhexeeya tirooyinka CRSV, MARA, UNSOM iyaa CTFMRM waxay ku xiran tahay siyaababaha farsamo mid kasta uga shaqeyyo Soomaaliya iyada oo ka xiran ammaanka iyo helitaanka. Macluumaadka ay qabteen CTFMRM waxaa laga helay kooxo kormeerka ka shaqeya goobaha coladduuhu saameeyeen. Waxay awood u leeyihiin inay gaaraan bulshooyinka dhuulkaas taasi oo u suuragelinaysa helitaanka xog aad u badan. Macluumaadka ay soo ururisay UNSOM iyaa MARA waxaa badanayaa laga soo ururiyaa warbixininno laga helay ilo kala duwan oo u yimaad Qaramada Midoosay. Waxana socda dadaalo lagu midayno xogahaas.
81 UNSOM waxay billaabatatay diiwaangeliinta xisaskaa CRSV bishii Seetember 2016 ka dib markii la hirgeloyaaxo qaxinta hawlaha ilaaqinta ee qaybta xuquqda aadanaha.
gabdhood. Kala badh ku fiyaadahay ay diiwaangelisay CTFMRM waxaa geystay xubno hubaysan oo aan la heyttooda la garan.


Laga bilaabo 1da Jannaayo ila 30 Sebtembar 2017.

83 Laga bilaabo 1da Jannaayo ila 30 Sebtembar 2017.
84 10kii July 2016, MRM waxay soo warisay in gabdhay yar oo 15-jir ah lagu khasbay in ay guursadaan askari SNA ah tuulada Busul ee gobolka Gedo, kadiib markii askarigu u hanjabay hooyeed. Wasaaradda Jubbland ee Jinsiga, Arrimaha Qoyska, iyo Xusuqda Aadanaha ayaa baartay dhaqan dixi waa ay ka sog gabagabaysay in sheekada sida horay loogu soo warriyay aysan ahayn mid xaqiyo ah (eeg lifaaqa).
85 Dhexdooyin dhowr ah ayaa dhacay sanadkii 2015-ka kadiib markii 65 looga shakiyay in ay yihiin xasaska Al-Shabaab laga mastaafuriyay magalooyinka Kismaayo iyo Afmadoow ee gobolka Jubblada Hoose ee jubblad loona mastaafuriyay deegaanada ay maamulaan Al-Shabaab.
74. Caqabadaha ugu waaweyn ee badbaadinta dhibanayaasha rabshadaha galmada la kulma waxay la xiriiraan awooddaha xadidan ee booliiska si ay wax uga qabtaan kiisaska noocaas ah iyo sidoo kale rabitaan la’aan, oo uu ugu horreeyo hogganka booliiska, oo aan u diyaar ahayn inuu adeegsado nidaamka caddalaadeed ee rasmiga ah ah si wax looga qabto kiisaska xadgudubayda galmada. Bishii Nofeembar 2016, Qaybta Badbaadinta Haweenka iyo Carruurta waxaa laga dhex ahaa waxa uu u qabto dhibanayaasha barashada galmada la xiriiraan awooddaha xadidan ee booliska si ugu qabto ka noocaas ah iyo sidoo kale rabitaan la’aan, oo uu ugu horreeyo hoggaanka booliska oo aan u diyaar ahayn inuu adeegsado nidaamka cadaaladeed ee rasmiga ah ah si wax looga qabto kiisaska xadgudubayda galmada.

75. Carruurta iyo Colaadaha Hubeysan

76. Dhamaan dhinacyada ku lugta leh colaada waxay qorteen carruur. Tirada carruurta la qortay ee la adeegsaday ayaa laba-laabantay (1,915) marka loo barbardhigo sannadkii 2015-kii, taas oo keentay
koror laba laab ah kisaska loo aaneeynayo Al Shabaab (1,206). Sidaa daraadeed, Al-Shabaab ayaa ku qoran liiska warbixinta sannadlaha ah ee Xog-hayaha Guud ee sannadkii 2016 ee ku saabsanayd carruurta iyo coladaasha hubaysan, qorista, adeegsiga, dhihka, dhaawiciddooda, iyo afdubka carruurta. CXD ayaa weyi kii jira liiska dhinacyada loo aaneeyo qorista caruurta, adeegsigooda, dilkooda iyo dhaawiciddooda, iyaddo ASWJ ay ku jirto liiska dhinacyada loo aaneeyo qorista iyo adeegsiga caruurta. Intaa waxaa si dhee, carruurta waxaa soo gaara waxyeellada xadgdubyo culus inta lagu guda jiro hawlgladda ciidan, oo ay ku jiraan dil iyo dhaawicid, iyo xarig iyo xabsi gelin ay kula dhaqaqaan ciidamada amaanka ee Soomaaliya marka ay socdaan hawl-gallo iyo baaritaanka ciidan. Warbixinnada ku saabsan qorista carruurta ayaa korortay 269 boqolkiiba iyadoo sanadkii 2015 aya ahayd (903 kiisas) ilaa 2017 (3,335). Sanadkii 2017, 71.5 boqolkiiba qorista waxaa loo aaneeyey Al Shabaab, 14.6 boqolkiiba waxaa loo aaneeyey maleeshiyo bee-leedeyo, halka 7.4 boqolkiiba loo aaneeyay CXD.

78. Al Shabaab waxay olole caruur qorasho ah ka samaysay deegaanada Dowlad Goboedka Galmudug iyo gobolka Jubbada Hoose sanadkii 2016 markalena Galmudug sanadka 2017ka. Xaaladda dambe, Al Shabaab waxay ax ku khasabtay odayaal ka kala yimid tuuloyin kala dwana inay keenaan caruur ku biirta kooxda oo lagu tababaro xeroy ciidan. Al Shabaab waxay ax caruurta inta badan ka qortaa degaanada miyiga ah ee koonfurta iyo barmaamaha Soomaaliya waxayna kasoo qorataa dugsiyada waxbarasho, malcamadaha, masaajidaha, iyo xafiidaha dhaawicidda. CXD ayaa weli ku jira liiska dhinacyada loo aaneeyo qorista, adeegsiga, dilkooda iyo dhaawicidda, iyadoo ASWJ ay ku jirto liiska dhinacyada loo aaneeyey Al Shabaab. Intaa waxaa sii dheer, carruurta waxaa soo gaara waxyeellada xadgdubyo culus inta lagu guda jiro hawlgladda ciidan, oo ay ku jiraan dil iyo dhaawicid, iyo xarig iyo xabsi gelin ay kula dhaqaqaan ciidamada amaanka ee Soomaaliya marka ay socdaan hawl-gallo iyo baaritaanka ciidan.

79. Si kastaba ha ahaatee, waxaa weli walaac weyn ka jiraa halbeegga habracyada hawlgladada ee loogu talay la-wareegidda iyo si gudbinta carruurta horay uga midka ahayd kooxaha hubeyxan, iyo in ciidamada amniga iyo Al Shabaab ay si sharci darro ah caruurta uga qaadaan xorriyaddooda. Tiro caruur ah oo gaareysay S81 oo lo xiray sanadkii 2016 (oo ay ku jireen 21 gabdhood), ayaa 70.9 boqolkiiba waxaa hayey CXD, halka 14.9% ay hayeen Al-Shabaab. Wadar ahaan, 110 carruurtaas ayaa waxaa lagusoo qab-qabtay hawlgal oo amniga in kooxda oo ahayd kooxaha hubeysan oo aan haybtooda luuqadda uu caan waxaa soo qortay CXD. ASWJ (3.8 boqolkiiba); Galmudug, Jubbaland iyo ISWA waxay ka muuqdeeyo xarig oo ahayd

80. Sannadkii 2016, CTFMRM waxay xaqiijisay dil iyo dhaawicid loo aaneeyay kooxo hubeysan oo aan haybtooda la garan (44.1

95 Warbixinta Sanadlaha ah ee Xog-hayaha Guud ee ku saabsan Carruurta iyo Coladaasha Hubeyxan - 2016, S / 2017/821, para. 134
96 Sanadka 2016 iyo 2017, 258 carruur ah ayaa waxaa soo qortay CXD. ASWJ (3.8 boqolkiiba); Galmudug, Jubbaland iyo ISWA waxay ku muqdeen wax ka yar 1 boqolkiiba mid kasta (xogta CTFMRM).


98 Carruurta la xiriirta Al-Shabaab oo la qabtay bishii March 2016-kii, maamulka Puntland ayaan sheegay in Al-Shabaab ay u ballan-qaadday waxbarasho iyo hab-nololeed si ay u qortaan, halka xaalada kale carruurto loo isticmaalaysay inay qalilasha waa inay ka biiran.

99 Tiraada maamul ka 200 sanadkii oo ku saabsan qorista carruurta la xiriirta Al-Shabaab oo ka qabtay bishii March 2016-kii, maamulka Puntland ayaan shaygeej ah in Al-Shabaab ay u ballan-qaadday waxbarasho iyo hab-nololeed si ay u qortaan, halka xaaladaha kale carruurto loo isticmaalaysay inay qalilasha waa inay ka biiran.

100 Puntland si cad uma aqsin cunug ama ilmo yar yagoo xitaa ay meel mariyey xerka nidaamka garsorxan caruurta, dastuurka dawlad goboleedka Puntland iyo xeerka nidaamka garsorxan caruurta wuxuu ku qeexaysa cunug ama ilmo yar, qofkasta oo ka hooseeyey da’ada 15 iyo 17 ay u qorayso caruurta dugsiyada Al-Shabaab ee Galmudug.

101 44 Galmudug, 66 Puntland.
Dhibaatooyinka badankood waxay ka dhasheen rasaas ah ay is-woydaarsanayeen dhinacyo ay dirir ka dhexeysay. Weerarada loo adeegsado hoobiyeyaasha, weerarada loo adeegsado Walxaha Qarxa, iyo dhacdooyin ku lug leh harada badan waxo ka faraxsanayaa ayaa is-waadka waan u dhashay. 

81. CTFMRM waxay diiwaangelisay kufsiya 535 carruur ah (533 gabadhood iyo laba will) iyaddoo boqolkiiba 35.8 kuwa geystay kisaskasi ay ahaayeenee kooxoo hubeyso oo aan heythoolda la garanin. Tiraada kasoo xarada ayaa loo aamey eyeen maleeshiyo beeleydo (20.7 boqolkiiba), CFXD (21.1 boqolkiiba), Al Shabaab (15.8 boqolkiiba), Ciidamada Dowlad Goboleediyada (8.9 boqolkiiba), ASWJ (0.7 boqolkiiba), AMISOM (0.7 boqolkiiba), iyo Ciidanka Difaaca Qarkanka ee Itoobiya (0.1 boqolkiiba).

82. CTFMRM waxay diiwaangelisay 76 dhacdo oo ah weeraro loo geystay dugsiiyo waxbarasho iyo 20 dhacdo oo ah weeraro loo geystay isbitaal. Intaa waxaas sii dheer, dugsiyadii waxbarasho ayaa la burlabiyey lana billiigeystay intii ay soccedeen iska-hor-imaad u dhexeeya haddii aad u badan la xiriira walxaha qarxa. Al Shabaab waxay mas’uul ka ahayd 54 weerar oo loo geystay dugsiyo waxbarasho, waxaana kusoo xiga CFXD (12), ASWJ (saddex) iyo maleeshiyo beeleydo (saddex), halka AMISOM, Ciidamada Difaaca Kenya, Ciidamada Qalabka sida ee Koonfur Galbeed iyo kooxo hubaysan oo aan heyttoolda la garan uu midkiya mas’uul ka ahayn min haddii weerar oo lagu qaaday dugsi waxbarasho.

83. CTFMRM waxay diiwaangelisay afduubka 2,265 carruur ah, oo badankood loo aameeyey in ay geystay Al Shabaab (1,991), maleeshiyo beeleydo (119) iyo CFXD (108). Sidii hore loo soo sheegay, afduubka waa taa ahaan ay diiwaangelisay 76 dhacdo oo ah weeraro loo geystay dugsiiyo waxbarasho, iyo 20 dhacdo oo ah weeraro loo geystay isbitaal. Intaa waxaas sii dheer, dugsiyadii waxbarasho ayaa la burlabiyey lana billiigeystay intii ay soccedeen iska-hor-imaad u dhexeeya haddii aad u badan la xiriira walxaha qarxa. Al Shabaab waxay mas’uul ka ahayd 54 weerar oo loo geystay dugsiyo waxbarasho, waxaana kusoo xiga CFXD (12), ASWJ (saddex) iyo maleeshiyo beeleydo (saddex), halka AMISOM, Ciidamada Difaaca Kenya, Ciidamada Qalabka sida ee Koonfur Galbeed iyo kooxo hubaysan oo aan heyttoolda la garan uu midkiya mas’uul ka ahayn min haddii weerar oo lagu qaaday dugsi waxbarasho.

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102 Kooxaha hubaysan ee aan la aqoon (816), Alshabaab (449), Ciidanka Qaranka (207), Maleeshiyo beeleyeyada (198), AMISOM (60), KDF (17), Ciidamada dawlad goboleediyada (18 Koonfur galbeed 13 Jubbaland, 10 Puntland ah iyo 3 Galmudug ah), Ciidanka booliska (11), ASWJ (1) iyo ciidanka maraykanka ee hubaysan oo ah (1).

103 dii Juun 2016, laba will (16 jir iyo 17 jir) ayaa la dilet saddex kalena waa ay dhaawacmeen markii Al Shabaab ay weerar ku qaadeen hotelka Ambassador ee magaalada Muqdisho. 14kii Oktoobar 2017, 25 carruur ah (15 wiil iyo 10 gabdhood) ayaa la dilay halka 15 kale (10 will iyo shan gabdhood) la dhaawacay. Dhacdaydadan ayaa dhacday ka dib markii weerar baabuur walxaha qarxa laga laga soo kuwiyeyn ka dhacay Muqdisho.


105 UNSOM waxa ay diiwaان-гalisay 29 dhacdo ah (12 qof, 12 qof waxa – ah) oo ka dhacay Jubballand; 11 ayaa loo aameeyeynayn ha w predicted dhacdo ayaa lagu dilay dhaawacmeen markii Al Shabaab ay weerar ku QAADDEEN hotelka Ambassador ee magaalada Muqdisho. Xarunta Qaybalka ayaa la dilet markii ka dib markii weerar  baabuur walxaha qarxa ayaa lagu dhaawacay ayaa la dilet markii Al Shabaab ay weerar ku QAADDEEN hotelka Ambassador ee magaalada Muqdisho.
2016kii, 548 caruur ah ayaa waxaa afduubtay Al Shabaab\textsuperscript{110} si ay u askareeyaan. Kiisaskaas mid kamid ah waxaa lala xiriiriyay rabshadaha galmada ee oo La-xiriira Colaadda (CRSV).\textsuperscript{111}

84. Intii u dhaxaysay Jannaayo 2016 iyo September 2017, CTFMR ayaa xaqiijisay 53 dhacdooyin ah oo is-hortaag lagu sameeyay helitaanka gargaar bani’aadanimo. Dhacdooyinkaas waxaa loo aaneeyay Al Shabaab (29), maleeshiyo beeleedyo (16), CXD (afar), kooxo aan la aqoon (laba), Ciidanka Qalabka Sida ee Puntland iyo Ciidanka Qalabka Sida ee Koonful Galbeed (hal midkiiba). Caqabado amni dartood ayaa waxaa suurto geli weysay in la ogaado tirada caruurta ah ee ay saameeyeen dhacdooyinkaas

\textsuperscript{110}Bishii Luulyo 2016, Al-Shabaab ayaa 123 wiil oo da’oodu ka yartahay 17 jir oo ka soo jeeda deegaanada Ceel Buur iyo Ceel Dheer, gobolka Galgaduud, waxay u qaateen xerooyinka tababarka Al-Shabaab.

\textsuperscript{111}Bishii Luulyo 2016, labo xubnood oo ka tirsan Al- Shabaab ee ku sugan gobalka Gedo ayaa wiil 16 jir ah afdubbatay waa ayna kufsadeen.
III. Talo soo jeedin

85. Dowladda Federaalka Soomaaliyo, Dowlad Goboleedyada Federaalka iyo ciidamada caalamiga ah waa inay horumariyaan, hirgeliyaan, dhinacyada kalena la wadaagaan siyaasadaha hawlqalka iyo talaabooxoon wax ku ool ah si loo xoqjooyi uxtaaraanka sharciga caalamiga ah ee xuquuqda aadanaha iyo sharciga caalamiga ah ee bini’aadanimada xilliyada colaadaaha, kana fogaadaan waxyeellada dadka rayidka ah, iyada oo si dareen gaar ah la siinayo fulinta hawlqallada ciidan ee magaaloooyinka. Gaar ahaan,

86. Dhinacyada colaadadda isku haya, oo ay ku jiraan dalalka AMISOM ciidamada/booliska u soo diray waa inay:

(a) U hoggaansamaan oo xaqijjiyaan uxtaaraanka sharciga caalamiga ee xuquuqda aadanaha iyo sharciga caalamiga ee bini’aadanimada xilliyada colaadaaha, oo ay ku jiraan amarrada ama jiheyni, iyo inay la xisaabtamaan kuwa kala ogaada ama dhaawacayaa dadka rayidka ah;

(b) Qadaan dhammaan talaabooxinka taxadarka ee suurtagalka ah ee lagu ilaalinayo dadka rayidka, gaar ahaan haweenska iyo carraynta, lagana ilaaliyo saameynta hawlqallada ciidamada;

(c) Iska ilaaliyaan inay yoolalka/usjeeddooyinka ciidamada dhexdhigaan gudaha iyo meel u dhow goobaha dadka rayidka deganyihiin;

(d) Inay joogiyiyaan ciidamada aan caadiga ahayn, milishiiyooyinka iyo kooxaha hubysan u adeegsadaan hawlqallada CXDS iyo AMISOM, ay kala diraan hub ka dhigisna ku sameeyaan dhammaan kooxaha iyo maleeshiyada sharc-darrada ah ee hubeyesan;

(e) Taageero ku filan siyaan ururinta nidaamsan iyo falanqaynta macluumaadka ku saabsan ilaaliinta dadka rayidka ah, oo ay ka mid tahay xogta oo loo kala sooqay jinsiga iyo da’da iyo falanqaynta jinsiga, ayna xaqijjiyaan inay u adeegto oo ay ka mid noqoto falanqaynta, ka hortagga iyo ka jawaabidda colaadda;

(f) Xaqijjiyaan in baaritaan wax ku ool ah deg-deg ah, oo madax-bannaan, dhexdhexaad ah, dhameystiran iyo maxkamadeyn lagu sameeyo arrimaha la xiriira eedeymaha qaarta ah ee loo aaneeyo AMISOM iyo ciidamada kale ee caalamiga ah, la xisaabtamaan kuwa geystay xadgudubadya, isla markaana siyaan kaalam iyo garan ku filan dhibanayaasha.

(g) Dejiyaan, ayna hirgeliyaan siyaasado wax ku ool ah oo lagu yareeyo khasaarahaa, oo ay ka mid yihiin tilmaamo hagid oo lagu go’aamiyo bartilmaameedka.

87. Dhinacyada aan Dowladda ahayn sidoo kale waa inay:

(a) Joojiyaan isticmaalka dhammaan waqoobaha qarxa ee macmalka ah (IEDs), iyo weerrarrada isku jirka ah, ayna joogiyiynan rididda dhammaan hubista qarxa ee saamaynta ballaar ku leh, oo ay ku jiraan hooxbiyeyaasha, gantaalada iyo bambo gacmeedyada, oo laga soo rido loona rido meelaha ay dadka rayidka ah deganyihiin;

(b) Joojiyaan bartilmaameedsiga ula kaca ah ee dadka rayidka ah (oo ay ku jiraan saraakiisho Dowladda, shaqaalaha rayidka, suxufiyiinta, ururrada bulshada rayidka ah, oday dhaqameedyada beelaha iyo shaqaalaha gargaarka) iyo waxyaabaha/agabka rayidka ah;

88. Intaas waxaa dheer, DFS iyo Dowlad Goboleedyada waa inay:

(a) Ku biiraan dadaalka caalamiga ah ee sare loogu qaadayo uxtaaraanka iyo u hoggaansanaanta sharciga caalamiga ee xuquuqda bani’aadamka xilliyada dagaallada iyo sharciga caalamiga ah ee xuquuqda aadanaha si kor loogu qaad doona ilaaliinta dadka rayidka;

(b) Qadaan talaabooxoon dhab ah oo lagu jooginyo nobshadaa ka dhanka ah haweenka iyo gabdhaha iyagoo si wax ku ool ah u fuliya Qorshe Hawleedka Qaran ee lagu Dhameynayo.
rabshadaha Galmada waqtiga Colaadaha oo ay ka mid tahay shirar soo noqnoqda oo uu yeesho Guddiga Qabanqaabada iyo iyagoo baaritaan ku sameynaya dacwadna ku soo oogaya kuwa lagu eedeeyo inay ka dambeeyaa xadgudubyada, oo ay ku jiraan xadgudubyada ay geystaan saraakiisha ciidanka xooga iyo kuwa nabadgelyada, si waafaqsan sharciga caalamiga ah.

(c) Taageeraan ururinta nidaamsan iyo falanqaynta macluumaadka ku saabsan ilaalinta dadka rayidka ah, oo ay ka mid tahay xogta oo loo kala soocay jinsiga iyo da’da, ayna xaqiijiyaan inay u adeegto oo ay ka mid noqoto falanqaynta, ka hortagga iyo ka jawaab-celinta colaadda;

(d) Qaatana tallaabooyinka sharci dejin, siyaasadeed iyo sharci fulineed ee lagama maarmaanka u ah si loo xaqiijiyo in in baaritaan deg-deg ah, maxad-bannana, dhammeystiran oo wax ku ool ah lagu sameeyo dacwadna lagu soo oog kuwa geysta xadgudubyada sharciga caalamiga ee bani’aadanka ee xilliyada dagaalka iyo sharciga caalamiga ah ee xuquuqda aadanaha ee ay geystaan ciidamada amniga iyo kooxahubaysan iyo, marka loo baahdo, dacwad lagu soo oog kuwa lagu eedeeyo dembiyada;

(e) Si dhakhs ah, madaxbannaan, wax ku ool leh, hufan oo aan eexasho lahayn baaritaan ugu sameeyaa eedeymaha xadgudubyada sharciga caalamiga ee bani’aadamnimada xilliga dagaalka iyo sharciga caalamiga ah ee xuquuqda aadanaha ee ay geystaan ciidamada amniga iyo kooxu hubaysan iyo, marka loo baahdo, dacwad lagu soo oog kuwa lagu eedeeyo dembiyada;

(f) Sameeyaa habraacyo cadcad oo baaritaan oo lagu aqoonsanayo laguna maxkamadmayno shakhshiyada mas’uulka ka ah xadgudubyada halista ah ee xuquuqda aadanaha, gaar ahaan marka la eego haweenka iyo carrurutta ah;

(g) Dadka la wadaagaan natiijoyinka hay’adaha loo xilsaaray inay baaraan dhadcooyinka ayna fuliyaan talooyinkooda;

(h) Ansixiyaan heshiisyada caalamiga ah oo loogu talagalay ilaalinta dadka rayidka, oo ay ku jiraan heshiisyada caalamiga ah iyo heshiis gobolyada xuquuqda aadanaha, iyo Heshiiska Ka Ganacsiga Hubka iyo heshiis goboleedeya la midka ah, ayna xaqiijiyaan in sharciyada qaranka iyo siyaasaduhu ah waafaqsan yihiin waajibaadka caalamiga ah;

(i) Dardargeliyaan hannaanka sameynta Guddiga Qaran ee Xuquuqda Aadanaha kaas oo ah inuu u shaqeeyo sidii hay’ad madax-bannaan oo waxyaabaha ay qabanayso ay ka mid yihiin, inuu baaritaan ku sameeyaa xadgudubyada halista ee xuquuqda aadanaha ee dagaalka dhexdiisa lagu geysto;

(j) Dejiyaan siyaasad guud oo dhammeystiran oo ku saabsan bixinta cafis la siyo dadka ka qayb qaataay colaadada, geystayna dembiyada ka dhan ah dadka rayidka, iyagoo maxkamadmayno kuwa laga yaabo inay musuul ka yihiin xadgudubyada daran ee sharciga caalamiga ah ee xuquuqda aadanaha iyo sharciga caalamiga ee xuquuqda dadka xilliyada dagaalka, oo ay ku jiraan dembiyada dagaalka iyo dembiyada ka dhan ah aadanaha; xaqiijiyaan in cafis wadiba oo loo fidiyo xubnii hore ee Al-Shabaab ama ciidamada amniga ee federaalka uu buuxiyo waa jira dowladda ee ku aadan sharciga caalamiga ah ee xuquuqda aadanaha, sharciga caalamiga ah ee bini’aadinimo ee xilliga dagaalka iyo sharciga caalamiga ah ee qaxoottiga, una hoggaaanso ballan-qaadeedii ay ku sameysay Shirkii London oo ah ahaa in aysan taageerin cafis isku duuban oo loo fidiyo kuwa geysto xadgudubyada daran ee xuquuqda aadanaha;

(k) Xaqiijiyaan la xisaabtanka dembiyada laga galay dadka Soomaaliyeed, oo ay ka mid tahay dib-u-eegista sharciga iyo meelmarinta sharcigii cusub si loo xoojiyo ilaalinta dadka rayidka ah;

(l) Ka shaqeeyaan horumarinta/xoojinta dib-u-heshiisiin qaran si rabshadaha dalka looga ciriibtiro;

(m) Dardargeliyaan dadaallada hadda jira ee lagu hirgelinayo labada Qorshe Hawleed ee sannadkii 2012kii ee ku saabsan Carruurta iyo Colaadada Hubaysan, oo ay ku jirto in dembi laga diiyo ciidan ka qorista carruurta iyo adeegsigooda, nidaaminta kala soocidda/baaritaanka askarta iyo fulinta Amarka Taliska 1 ee Taliyaha Ciidamada XDS, ee mamnuucaya oo ciqaabaya ciidan ka qorista carruurta iyo xadgudubyada kale ee halista ah ee ka dhan ah carrurutta.

(n) Xaqiijiyaan in dhibbanayaasha, oo ay ka mid yihiin kuwa loo geystay tacaddiyada galmada iyo rabshadaha jinsiga ku saleysan, ay helaan magdhow, oo ay ku jirto taageero caafimaad iyo mid bulsho;
La shaqeeyaan hay’adaha caalamiga ah iyo kuwa maxaliga ah si loo xoojiyo farsamoooyinka ilaaliinta loona xaqiijiyii u hoggaaansomada sharciga caalamiga ah ee xuquuqda aadanaha, oo ay ku jirto hirgelinta Istaraattijiyada Hawsha Qaran ee Soomaaliya ee sannadkii 2016kii iyo Qorsho Hawleedka Ka Hortagga iyo La-Dagaallanka Xagijinmaadaha Rabshadaa wata, iyo hababka kale ee aan militariga ahayn oo qayb ka ah hab isku-xiran oo dhammeystiran oo amniga lagula tacaalo;

Xaqiijiyaa in dib-u-habeeynta amniga qaranka loo fuliyo si waafaqsan waajibaadka xuquuqda aadanaha ee caalamiga ah, ayna sameeyaan habab kormeer ah oo ku haboon;

Xaqiijiyaa in oloolaha millatari ay la jaanqadaan dadaallada dib-u-habeeynta amniga qaran taasoo qayb ka ah dib-u-soo-celinta iyo fidinta Awoodda Dowladda si sare loogu qaado ilaalin wuxtart leh oo loo sameeyo dadka rayidka ah, ay ka hortagaan, kana joogadaan askar ka qorista iyo afdubidda iyo xadgudubyada kale ee halista ah ee ay geysato Al-Shabaab.

AMISOM:

Xooji iskaashiga idin kala dhaxeeya hdammaan hay’adaha Qaramada Midoobey ee ay arrintu khuseyso iyo hay’adaha kale ee bani’aadamnimada iyadoo loola danleeyahay in sare loo qaado tayada ciidamada AMISOM si ay u gutaan waajibaadkooda iyagoo si buuxda ugu hoggaaansan waajibaadka Dowladda ka qeybgalaya ee sharciga caalamiga ee xuquuqda aadanaha ee xilliga dagaalka iyo sharciga caalamiga ah ee xuquuqda aadanaha.

Hirgeli Amarrada Taliska Ciidamada ee ilaaliinta dadka rayidka ah, oo ay ku jirto Amarka ilaaliinta xuquuqda carruurta iyo una hoggaaansen halbeegyada habraacyada howlgalka AMISOM ee ku saabsan soo dhoweynta iyo u gudbinta carruurta horey loola xiriiriyay kooxaha hubaysan; ogeyeenta Qaramada Midoobay mar kasta oo ciidamadeed uyu carruurta ku qabtaan howgallgo si ay u sameeyan dabaagal ku filan una xaqiijiyaa ilaaliintooda.

Baaritaan ka sameeyo dhammaan eedeymaha ku saabsan xadgudubyada iyo ku takrifalka sharciga caalamiga ah ee xuquuqda aadanaha iyo xadgudubyada sharciga caalamiga ee xilliyada dagaalka, warbixina ka bixi baaritaan waliba iyo xaqiijiyaa ilaaliintooda.

Iskasha la yeelo Dowladda ciidamada iyo boomka ku deeqay (TCCs / PCCs) si loo xaqiijiyiyo in hdammaan saraakiisha ciidamadda iyo boomiska AMISOM ay si ku filan ugu tababaran yihiin sharciga caalamiga ah ee xuquuqda aadanaha iyo waajibaadka sharciga caalamiga ee ee xilliga dagaalka, iyo cawaaqibta ka dhalanaysa xadgudubyada ka hor inta aan dalka la keenin.

Sii wad dadaallada dib-u-eegista hanaanka iyo hirgelinta guddiyada baaritaanka, iyoada oo xogga la saarayo hababka la xiriirka xadgudubyada iyo takrifalka sharciga caalamiga ah ee xuquuqda aadanaha iyo xadgudubyada sharciga caalamiga ee xilliga dagaalka; taageero ka codso Qaramada Midoobay, hadba sida ku haboon.

Xooji Cutubka Raad-raaca, Baaritaanka iyo Jawaab ka bixinta Khasaaraha Dadka Rayidka (CCTARC) si looga dhigo uu u noqdo mid xoog leh awoodna u leh raadraaca iyo diiwaangelinta khasaaraha dadka rayidka ah isla maraana sere u qaadi tayada iyo dhaqaalaha oo dhaqo qubto ugu qaybo ay ka hortagaan.

Midowga Afrika:

Sare u qaad shaqaalaha qaybto xuquuqda aadanaha ee AMISOM si waafaqsan Qaraarka Golaha Amaanka 2723 iyada oo loola danleeyahay kordhinta tayadeeda si ay u kormeerto unna xoojiso istiraamka sharciga caalamiga ee xilliyada dagaalka iyo sharciga caalamiga ah ee xuquuqul insanka, isla markaana si deg deg ah ugu jawaabto kiisaska xadgudubyada iyo takrifalka, oo ay ku jiraa eenayeyaa xadgudubyada iyo takrifalka loo greysto carruurta;

Dhameystir dib-u-eegista iyo ansixinta siyaasadada Midowga Afrika ee ku saabsan Anshaxa iyo Anshaxmarinta iyo Ka-hortagga Ka Fa’aneyesiga iyo xadgubka Galmada; inta sida rasmiga ah looga ansaxinayo, taageer in siyaasadahan gudaha AMISOM si ku meelgaar ah looga hirgeliyo.

Xaqiijii in dukumiintiyada gaarka u ah hawlgalka AMISOM ay ka tarjumayaan awoodaana u ansaxiyay Golaha Nabadda iyo Amniga ee Midowga Africa iyo Golaha Amaanka ee Qaramada
Midoobay, oo ay ka mid tahay marka la eego u hoggaansamidda xuquuqda aadanaha iyo sharciga bani’aad-mmimada ee xilligga dagaalka. Gaar ahaan, xooji iskaashiga ee hirgelinta Siyaasadda Taxadirka Waajibka ah ee Xuquuqul Insanka (HRDDP) iyada oo loo marayo in tallaabooyinka yareynata dhibaatooyinka lagu ballaariyo Heshiisyyada Xaaladda Hawlgalka, Heshiiska Isfahamka ee u dhexeeya Guddiga Midawga Afrika iyo dalalka ciidamada keenay (TCCs/PCCs), Xeerarka Hawlgalka, Tilmaamaha Gaarka ah ee AMISOM ee ilaalinta dadka rayidka, Halbeegyada Habraaca Hawlgalinta ee la xiriira guddiyada baaritaanka AMISOM, iyo awaaamirta kala duwan ee Ergeyga Gaarka ah ee Guudoomiyaha Guddiga iyo Taliyaha Ciidamada ama Taliyaha Booliska ee Hawlgalka.

(d) Tixgeli dejinta hage/tilmaame waafaqsan xuquuqda aadanaha ee Siyaasadda HRDDP ee ku saabsan taageerada iyo hawlgallada wadajirka ah ee ciidamada aan Midowga Afrika ahayn, in laga ambaaqado casharadii laga bartey tababarka ay AMISOM siiyaan CXDS.

(e) Xaqiiji in dhammaan dalalka TCCS/PCCs ay tababaro ku qaateen sharciga caalamiga ah ee xuquuqda aadanaha iyo waajibaadyada sharciga caalamiga ah ee bini’aadanimada ee xilliga dagaalka iyo cawaaqibta xadgudubyada uga dhalan karta dhammaan ciidamada la keeni doono Soomaaliya.

Hay’adaha/dhinacyada Bani’aad-mmimada:

(a) Ku xisaabtan in si siman loo gaarsiiyo helitaanka gargaarka bini’aadianimo iyo adeegyadooda, taasoo u baahan in fiirro gaar ah loo yeesho shakhsiyaadka iyo kooxaha laga yaabo inay si gaar ah u nugul yihiin ama ay ku adagtahay helitaanka gargaarkaas.

(b) Ka hor tag isku day kasta oo si ula kac ah meesha uga saara qaybo ka mid ah dadka ay dhibaatadu sameysay iyo iyada oo ku saleysan baahida iyo in laga fogaado nooc kasta oo ah takoorid toos ah ama dadban.

Beesha Caalamka:

(a) Inay sii wadaan dhiirigelinta iyo xoojinta taageerada Dowladda Federaalka Soomaaliya iyo Dowlad Goboleedeyda sidii loo hirgelinta lahaa Heshiiska Amniga, iyo inay xaqiijiyaan in Qaab-dhismeedka Amniga Qaran uu ku salaysanyahay sharciga caalamiga ah ee xuquuqda aadanaha iyo sharciga caalamiga ee xilliyada dagaallada;

(b) Dowladda Federaalka Soomaaliya iyo Dowlad Goboleedeyda ku taageeraya xoojinta booliska iyo hay’adaha kale ee fulinta sharciga si loo damaanad qaado ilaalinta iyo helitaanka garsoor caddaalad ah oo la awoodi karo.
1. UNSOM mowqifkeedu waa in colaadaha hubaysan ee ka jira Soomaaliya ay yihiin colao aan ahayn caalami unu dheexeyaa Dowladda Soomaaliya iyo ciidamadeeda qalabka sida (ciidamada anniga qaranka Soomaaliya oo ay taageerayaan ciidamo military oo caalami ah) iyo kooxoo hubaysan oo aan ka tirsanayn Dowladda. Dhamaan dhinacyada qaybta ka ah colaadada - Ciidamada qalabka sida ee Soomaaliyeyey, ciidamada militari oo caalamiga ah, iyo kooxaha hubaysan ee aan ka tirsanayn Dowladda – waxaa waa jibaal cad ka saaranyahay sharciga caalamiga ah ee ilaaliinta dadka rayidka ah.

2. Waajibaadka dawlada dawladda ee xurmeynta sharciga caalamiga ah ee xilliyada colaadaha ayaa qayb ka ah waajibaadkooda guud ee xurmeynta sharciga caalamiga ah, sida ku cad Heshiishkii Geneva ee 1929 iyo 1949. In kastoo Soomaaliya ay qayb ka tahay Heshiisiyaddii afarta ahayn ee Geneva ee 1949,112 ayaa Soomaaliya aanaay qayb ka ahayn Heshiiska Dheeraadka ah ee kowad ka iyo Heshiiska Dheeraadka ah ee lebaad ee 1977 toona, iyoado Heshiiska dambe ee lebaad uu wax ka qabanayo badbaadinta dadka rayidka ah ee xilliyada ay jiraan colaadaha aad caalamiga ahayn, iyoado sharcigu waxyaabo kale uu wax ka qabanayo ayaa wuxuu maamnuyeyna weeraaray in khan ah dadka rayidka ah iyo hantidooda (waxaa lagu queexin in uu lagamaga maarman oo u yahay samatta-bixinta dadka rayidka ah). Si kastaba ha ahaatee, marka ay jiraan colaado hubaysan oo aan caalami ahayn, Soomaaliya waxaa waa jibaal ee uu qodoboda uu hoos qoran qodobka guud ee 3aad ee Heshiisyadii Geneva iyo Qodobka 4aad ee Heshiiska Dheeraadka ah ee II kuwaas oo loo asteeyay inay noqdaan xeer dheeqameedka caalamiga ah.113 Waxaaintaas dheer, in Soomaaliya ay waajib jiraan colaadaha hubaysan oo aan caalami ahayn, Soomaaliya waxaa waa jibaal ee uu qodoboda uu hoos qoran qodobka guud ee 3aad ee Heshiisyadii Geneva iyo Qodobka 4aad ee Heshiiska Dheeraadka ah ee II kuwaas oo loo asteeyay inay noqdaan xeer dheeqameedka caalamiga ah.113 Waxaaintaas dheer, in Soomaaliya ay waajib jiraan colaadaha hubaysan oo aan caalami ahayn, Soomaaliya waxaa waa jibaal ee uu qodoboda uu hoos qoran qodobka guud ee 3aad ee Heshiisyadii Geneva iyo Qodobka 4aad ee Heshiiska Dheeraadka ah ee II kuwaas oo loo asteeyay inay noqdaan xeer dheeqameedka caalamiga ah.
dhaqanka caalamiga ah ee xilliyyada colaadaha xeerkaas oo la adeegsado xilliyyada ay jiraa colaado hubeyesan oo aan caalami ahayn.114 Kooxaha aan hoos imaanin dowladda waxaa iyaga xataa waajib uu ka saaranyahay sharciga caalamiga ah ee xilliyyada colaadaha madaama ay kooxahaasi qayb ka yiihiin colaadda.


4. Xeerka caalamiga ah ee xuquuqul insaanka waa mid dhaqan gal ah xilliyyada ay jiraan colaadaha hubaysan. Marka ay jiraan colaadaha hubaysan, sharciga caalamiga ah ee xuquuqul insaanka iyo sharciga caalamiga ah ee xilliyyada dagaalalada ayaa is-kaabaya oo midka kale uu ku xoojinayaa badbaadinta [rayidka]. Soomaaliya waxay qayb ka tahay heshiisyo xuquuqul insaan oo heer caalami iyo heer goboleedka leh, waxaana kamid ah Heshiiska Caalamiga ee Xuuquqda Madaniga iyo Kuwa Siyaasadda iyo Heshiiska Afrikaan ee Xuuququl Insaanka iyo Xuuquqda Dadyowga. Dhammaan xeerarkani si gaar ah ayay u ilaalinayn axaa nooloha. Waxay ku waajibinayaan dowladaa inay ilaaliyaan xuququl insanka asaasiga ah ee dadka ku nool dhulka iyo maamulada aya ahaan ka taliyaa.

5. In kastoo aynan qayb ka noqon heshiisyyada caalamiga ah ee xuquuqul insaanka, jilayaasha aan dowliga ahayn, oo ay ku jiraan kooxaha hubeyesan ee aan dowlad ka amar qaadanin ee fulinaya hawlo u eg hawlaha dowladda isla markaasina gacanta ku haya dhul, sida Al Shabaab, waxaa waajib ku ah inay xitiraamay xeer dhaqameedaya caalamiga ah ee xuquuqul insaanka haddii hawsha ay fulinayaan ay saamayn ku yeelanayo xuquuqul insanka dadka ku hoos nool maamuladooda. Waxaa hooosta laga xariiqi karaa in waajibaadka xuquuqul insanka ee saaran kooxaha hubeysan ee aan ka amar qaadanin dowlad eek a hawl-gala Soomaaliya (hoos ka eeg) aysan saameyn ku

114 Kuwan soo socdaa waa maabaa’diida ugu haboon ee qafta dhaqamadaha dhamaan xubnaha ujooja coolesta oo xilliyada Soomaaliya: (a) Yoolka: dadka iyo shaqsiyaad shacab ahayn waa inaanay badhtilmaameed u noqon weererka. (b) Saamiga: “weerar ka dhan ah ciidan militari kasoo laflaan karo in khasaaro nooleed u gysan karo shacabka, ama dhaawac, ama waxyeelo u gysan karo shacabka ama isku dirka intaas waa la mamnuucay.”(c) Difaaca dagaal...” Dadka shacabka ah waa inay helaan gabaad guud oo kaga gashto mandaara karaan khatara haga kuma karaan hawlgalada milatari.” “Haadhaqanka hawlgalada milatari, waa in taxadarka xog leh laga noojiyaa sidoo loo baadbaadna lahaa shacabka iyo hantidooda” sidee kalana waa in dhammaan la sameeyo xaywabaatala lagaga hortagay karayo iyadoo ujeedku yahay “in laga fogaado iyo in la yareeyo khasaraaraha nooleed ee dadka shacabka ah, dhaawacaa iyo waxyeelada hantidooda shacabka.”


116 Xeerka caalamiga ah ee xuquuqul insaanka, dawladdu huu waa inay baadhaan adeegsiga xooga daran ee hayadahooda, gaar ahaan kuwa kushhaqada leh kooxaha sharciga. Waajibkii, iyo sidoo kale in la bul xiriirada in lagu dhaqimo, ayaa wuxuu kama inaanay waajibaadka ah in la ilaaliyo xaqi nooloha. Si loo xoojiyo baadhintaanada dawlada, waa inay sida ugu macquulnusan ugu dadajiyaa, u dhamaystirraan, dhexdhexeexaad ka noqdaan, madax banana yahay una furen yahay dadka inay waxay dhaan. Waajibkii dawlada ee baadhiitaanka waxa uu ku shaqeeyo dhammaan goobaha sharciga laga dhaqan galiyay. Sidoo kale fiiri mabaa’diida aasaasiya ah ee xaqi dawontaa iyo magdhawga ee diinayaasha sii ay kooxaha calaamiga ee xuquuqul insaanka iyo tacadiyada daran ee sharqiga caalamiga ee bani’aadanka; Maabaa’diida aasaasiya ah ee adeegsiga awooda iyo hubka fudud ee hayadaha sharci dajinta, xeerka anshaxmarinta saraakiisha hayadaha sharci fulinta.
lahayn waajibaadka Soomaaliya ka saaran ilaalinta sharciga caalamiga ah ee xuquuqda aadanaha ee la xidhiidha dhulkooda iyo meelaha kale ee ay maamusho. Dawladdu waxay ku qasban tahay in ay ku dadaasho siyaasadda taxadarika ayna samayso wax kasta oo ay awood u leedahay si ay u ilaaliso dhamaan dadka ku nool dhulkeeda iyo dadyowga ku hoos nool xukunkeeda ayna ka ilaliso halista dhanka ah ku naaloonta xuquuqul insaanka, halistas oo ka imaan karta jilayaasha aan dowliga ahayn, oo ay ku jiraan maamululaha waagqaca ama dhab ahaan u jira (de facto) iyo kooxaha hubeynsan. Soomaaliya waa in la raadisaa sida iyo qabto ahayn oo u xirad ah waa waqitiga ama dhab ahaan u jira (de facto) iyo kooxaha hubeysan. Soomaaliya waa inay raadisaa sidi ay [sharciga hortiisa] xisaabtamo lahayd kuwa geysta xadgudubka ka dhanka ah xuquuqul insaanka waana inay xaqiijisaa xuquuqda dhibanayaasha, oo uu ku jiray xaqiijiyaa oo xaqiijiyada dhibanayaasha waa la xigaanta xaal mar wax ku ool ah.

Waajibaadka ku xusan Sharciga Dembiyada ee Caalamiga ah

6. Sharciga caalamiga ah ee denbiyada waxaa uu u taagin yahay xakamaynta iyo cicaabista shakhsiyaadka geysta falal aad u xun, Soomaaliiyada waxaa mas'uuliyad muhiim ah ay ku saarantahay inay baarto oo dacwad kusoogagta dembiyada caalamiga ah siid da dembiyada dagaal, dembiyada ka dhanka ah aadanaha, iyo xasuuqa, eek a dhaca deegaanada ay leedahay. Heshiiska/Sharciga Rome waxuu dowladaha xubnaha ka ah ku waa ajabinayaan inay la shaqeeyaan Maxkamadda Caalamiga ah ee Dembiyada oo ay kale shaqeeyaan baaritaanka iyo dacwad-ku-qaadista dembiyada, oo ay ku jiraan sii xiritaanka iyo isasoo dhiibista la-tuhunsanayaasha. Inkostoo Soomaaliya aysan qayb ka ahayn Sharciga Rome, waxay caddaysay in ay “si buuxda u taageersan tahay mabaadi’da ku xusan Sharciga Maxkamadda Caalamiga ah ee Dembiyada “oo ay ku ga’antahay in la soo afjaro dhaqanka joogta ah ee cicaabid la’aanta dembiyada iyo in la shaqiijiyo in kuwa geysta xadgudub yada ka dhanka ah sharciga caalamiga ah ee dhibanayaan insaanka iyo sharciga caalamiga ah ee xilliyada caalamiga ah ee xilliyada colaadaha lagu xisaabtamo falalkooda oo padaaladdu dhaqan gasho.”

7. Dowladaha ciidamoodoodu ay ka mid yihii ciidamada milatariga ee caalamiga ah ee ku lugta leh [wax-kha-qabashada] colaadaha Soomaaliya ayaa sidoo kale mas'uuliiyad ka saarantahay inay baaraan oo ay maaxmadadeeyaan dembiyada ay muwaadinishoodu ku galaan Soomaaliya. Tusaale ahaan, dowladaha waxaa waa jiray ku ah in ay baaritaan ku sameeyaan ayna dacwad kusoogaa xadgudub yada ku xusan Qodobka 8 (2) (e) (i) ee Sharciga Maxkamadda Caalamiga ah ee Dembiyada, sharcigaas oo tilmaamayaa haddii “si ula kac ah weerar loogu geysto dad rayid ah, ama shakhsiyaad rayid ah oo aan ka qayb-kaadanayn colaadaha” ay ka dhigantahay dembi dagaal oo ka dhacay colaado hubeynsan oo aan caalam ahayn.

Qaab-dhismeedka Sharciga Qaran, Hay’adaha iyo Qorshe-Hawleedyada


117 Jawaabta Somaaliya ee talooyinka laga siiyay Dib-u-eegista Caalamiga ah ee Mudeysan §98.1.
118 Dastuurka kulmeedhgaadhka ah ee Somaaliya 124: “Waxay dawlada federaalka damaanad qaadaysaa nabada, madaxbanaanida iyo amniga qaranka ee Jamhuuriyada Federaalka Soomaaliya iyo badqabka dadkeeda iyadoo u adeegsanasa taas ciidamadeeda amniga.”

DHISSIDA AASAASKA NABADDA, AMNIGA IYO XUQUUQDA AADANAAH EE SOOMAALIYA
Iyadoo ay ku larantahay aragtida xididdeysatay ee laga qabo musuqmaasuqa, ayaa tani waxay si xun u saameynaysaa kalsonida dadweynahu ku qaaban nidaamka cadaaladda ee rasmiga ah. Dadkow badan ayaan gaari karin [hele karin] nidaamka rasmiga ah waxaynaa door iyo khilaafaadkooda ula tagaanka haddaba dhaqameedka cadaaladeed, oo ay kamid yihiin “maxkamadaha” ay maamulahan Al Shabaab ee ku yaal deegaanada ay maamusho [Al Shabaab].

Qaab-samaynta Qaran ee Wax ka Qabashada Rabshadaha Galmada

10. Nidaamka sharcigeed ee Soomaaliya ee wax ka qabashada rabshadaha galmada wuxuu ka kooban yahay Shareecada, nidaamka caddaaladda ee dhaqanka (Xeer), iyo nidaamka garsoorka rasmiga ah, inkasta oo kii qabaa in xilliyada ayaa hawshoodu u socotaa dowladda dadweynaha ah. Dadkow badan ugu hogaan, nidaamka rabshadaha galmada wuxuu xiriirtoon kalsoonida cadaaladaha oo ka xiriirtay taagta dhaqameedka cadaaladeed, oo ay kamid yihiin “maxkamadaha” ay maamulahan Al Shabaab ee ku yaal deegaanada ay maamusho [Al Shabaab].

11. Puntland ayuu hadda ayaa Duulad Goboleedka kaliya ee lehe sharcigeed ka gaar u ah wax ka qabashada xadgudubka jinsiga - Xeerka Xadgudubbyada Galmada ee Puntland - oo la sanaxiyo 20kii Agoosto 2016. Dejinta xeerar wax looga qabanayso xadgudubbyada galmada ayaa hawshoodu u socotaa dowladda federaalka ah iyo Somaliland. Sheybaarro casri ah (forensic laboratories) ayaa leh hirgeliiyo Muqdisho iyo Garowe si ay u sameeyaan diiwaan-gelin iyo qoraal aad caafimaado oo raasi ah, qoraaladaha oo dadka soo badbaaday ay ka dhigan karaan cadeeyo marka ay maxkamadda la tiigsadaan fal dembiyeedka khuseeyo xadgudubka galmada.

Qaab-samaynta Qaran ee Wax ka Qabashada Iilaalinta/Badbaadinta Caruurta

12. Dastuurka Federaalka Ku-meelgaarka ah ee 2012 ayaa caddeynaya qodobo gaar ah oo ilaalinaya xuquuqda carruurta ee xilliyada ay socdaan caalada hubyesan, gaar ahaan qodobkiiisa 29aad, oo qeexaya ‘ ILmo kasta wuxuu xaq u leeyahay in laga ilaaliyo, oo aan loo adeegsan dagaalladda hubaysan’. Isla qodobkaas ayaa sidoo kale wuxuu ereyga caruur ku qeexayaa ‘ qof kasta oo da’disu ka yar tahay 18-jir ‘.

13. Iyadoo ku beegneyd waqtigii la ansixinayay Dastuurka Kumeelgaarka ah sanadkii 2012kii, ayaa Dowladda Federaalka ah iyo Qaramada Midoobay waxay saxiixeen labo Qorshe-Hawleedyo oo loogu talagalay inay soo afjaraan qorista iyo adeegsiga iyo dilka carruurta ee ay geystaan ciidamadeeda marka ay fulinayaan hawlqallada ciidan iyadoo diiradda lagu saarayso fulinta waajibadka ka saaran sharciga caalamiga ah.

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119 Nidaamka cadaaladha dhaqanku waxay la xidhiidhna dhexdhaxaadinta isku dhacyada qabilada iyo magdhawga oo socdaan ku dhacda qabantka ugu hogaan qisteen siin waxay leeyahay waxay kaddibnaanayso in ku xiriirta waxay loo xiriirtoon yahay stabahaha caalamiga ah. Nidaamka dhaqanka aad ugu hogaan ayaa loo xiriirtoon yahay stabahaha caalamiga ah.

121 Caruurta waxay la xidhiidhna farsamadaan taariikhda waxay la xiriirtoon yahay stabahaha caalamiga ah. Caruurta waxay la xidhiidhna farsamadaan taariikhda waxay la xiriirtoon yahay stabahaha caalamiga ah.
14. Dowladda Federaalku waxay horumar ka gaareysaa hirgellinta labada Qorshe-Hawleedyo, iyadoo taageero ka heleysa Xafiiska Badbaadinta Caruurta ee UNSOM iyo Koox Hawleedka Dalka u qaabilan Kor-joogteynta iyo Ka-war-bixinta (CTFMFR), ayay ansixisay siyaasad oo gaar ah waxayna dhiistay qaab-dhismeed iyo habab lagu horumaraynayaa tayada iyo awoodda, lagu abuurayo wacyi laguna taageerayoo dadaallada maamuladda dowladda. Waxaa intaa dhiiray, taageero la siyay dhiri-gelinta iyo baarista (screening) ciidamada si loo hubiyo in aanay jirin caruur ka tirsan CXD, iyadoo somoo kale lala shaqaynayo ciidimo goboleedyada aan weli la sharciyaynin.124

15. Guul taariikhii ah ayay ahayd in bishii Oktoobar ee sanadkii 2015ki Soomaaliya ay xubin ka noqotay Heshiiska Xuquuqda Caruurta, oo weliba bishii Maarso ee sanadkii 2014ki ay dhquan gelisay Heshiiska Jr. 182 ee Uururka Shaqaalaha ee Caalamiga ah kuna saabsan Hababka ugu Xun ee Shaqaaleyninta Caruurta,125 Sidoo kale, Sharciga Caalamiga ah ee Xilliyaada Coloadaaha ayaa hadlaya badbaadinta caruurta.126


122 Nidaamka Hawlgalka Caadiga ah (SOP) ee 2014 ee qaabiilaada iyo wareejinta caruurta ee la xiriira kooxaha hubaysan; nidaam lagu go'aaminayaa da'da; 2016 Amarka guud ee ciidamada lagaga mabnuucayo in la shaqo geliyo dad aan qaangadaahn.

123 Guulahan waxaa ku jira: i) Gudi isku dhaf ah oo ka booban DFS/Qaramada Midoobay oo shaqaynaysa taasoo dusha kala socota dhaqan galinta qorshayaasha, ii) In Wasaarada Difaaca laga dhiso gudida ilaalinta caruurta iyadoo loo magacaabayo xubno milatariga ah oo arintan qaabilisna, iii) In la dihso gudi isku dhaf ah oo ka kooban FGS/CPF iyo kooxaya waregta ee Qaramada Midoobay.124 Tusaale ahaan, 235 oo ka midaa 310 xubnood ee booliska gaarka ah ee konfur galbeed ayaa la waraystay, halkaasoo laba wiil oo da’doodu tahay 16 jirro laga helay lagana saaray 17 bishii May 2017kii.125 Wali waxaa jira caqabado iyo galdaloo waaweyn waxana loo baahan yahay in dadaalada la si wado si si buuxda loogu kantaroool qodobadan si loo xoojiyo qaadsimadaha sharciga ah ee hada jira. Waqtiiga warbixintaan, Wasaarada Haweenka iyo Horumarinta Xuuqoada Bani’aadamu (MoWHRD) waxay diiyaarinsayaa warbixintii ugu horaysay ee dawlad Soomaaliya si loogu gudbiyo Guudida Xuuqoda Caruurta, iyadoo wadatashii balaadhan la yeelanaysa Dowlad goboleedyada xuuqada xubnaha ka ah federaalka(FMS). Wasaaradu waxay sidoo kale bilowday 17kii bishii November iyadoo taagero ka helaysa UNICEF, Geedi socodka lagu curinayo Xeerka Xuuqoda Caruurta, hawl aad u muhiim ah oo lagu dhaqan galinayo Heshiishka Xuuqoda Cruurta. 126 Keydka Macluumaadka ee Guudida Caalamiga ah ee laanqeerta cas, rule 135: Caruurta ay saamayeen colaadaha hubaysani waxay leeyihiin ictiraam iyo ilaalin gaar ah.

127 Dhaqan galinta heshiishka xuuqoda caruurta ayaa siday u badan tahay xalin doonta madmadawga sharci ee ku aadan qeexitaanka ilmaha yar, waxaa sidoo kale kor loo qaadi doonaa siyaabaha arimaha caruurta ay ule dhaqmaan qaybaha bulshadu.
Badbaadinta Daddka Rayidka Ah

Jawaabaha La helay

Somaliland

Faal-looyinka ku saabsan Warbixinta UNSOM:

- Marka la tixraaco qaybaha ka hadlaya Sool, Sanag iyo Buhoodle ee lagu tilmaamayo “Dhul lagu muransan yahay” waa arrin dareen-kinin leh oo wax u dhimaysa wadahadalka u dhexeeya Somaliland iyo Soomaaliya. Waxa xaqiiqo la wada ogyahay ah in Maxmiyaddii Talyaaniga ee Soomaaliya iyo Maxmiyaddii Ingiriiska (Britishka) ee Soomaali ay lahaaeyeen xududde kala soo kan oo ay aqoonsanaaeyeen Midowga Afrika iyo Qaramada Afrika iyo Dhalinyarada Adduugood oo ay aqoonsanaayeen Midowga Afrika iyo Soomaaliya. Waxa xaqiiqo la wada ogyahay ah in Maxmiyaddii Talyaaniga ee Soomaaliya iyo Maxmiyaddii Ingiriiska (Britishka) ee Soomaali ay lahaaeyeen xulul ay u dhimaysa wadahadalka u dhexeeya Somaliland iyo Soomaaliya. Si aan kuula socodsiino xaaladda jirta, cabashooyinkii siyaasadeed ee deegaannada Sool iyo Buhoodle waa la xalliay wanaa taas midda keentay in madaxdii deegaannadaas ee kala ah Cali Khalif iyo Dr. Saleban Xagla Toosiy (Wasiirka Caaftayda) ay joogan Hargaysa. UNSOM waxaa waajibkeeda shaqo uu yahay inay nabad iyo maamul dowladeed kusoo celiso Soomaaliya ee ma aha inay noqoto wakiil sii dheereeya dhibaatada oo u maraya xasilooni darri siyaasadeed.

- Dhacadda ka dhacday garoonka kubadda cagta ee Hargeysa wuxuu ahaa fowdo iyo isku-dhac u dhexeeya taageeyayaal kooxo kuubadda cagta ah “Football Hooliganism” oo ay dad rayid ah oo aan waxba galabsan iyo Booliska labaduba ay dhibbanayaal u noqdeen oo ay soo gaareen dhimasho iyo dhaawac intaba, waxana dhiibatadaas geystay qas-wadaa ala taageerayaal u ahaa [kooxaha] kubadda cagta kuwaas oo aqbal waxay guul darrada kooxdooda. Isku-day kasta oo la isku dayo in xaaladdaas lagu eedeeyo booliska waa in lagu dilo sumcadda dalkeena iyadoo loo marayo warbixinno khaladan oo bareer ah, waxaana joogitaanka UNSOM ee Hargeysa loo arki doonaa qas iyo dhinac u xaglin.

- Maxaa keenay in la adeegsado oo carrabaabo dadkii dhintay oo lagu kala sheegoo Daroood, Bahararsame iyo Qayaad iwm? Soo daabicida magacyada dhibbanayaashii dagaallada jufuoyinka ayaa ku-filnayd muhiimna u ahayd dhamaan dadka danaynay ee arrintu khusaysay, haddii aanay UNSOM lahayn ujeeddo qasroon oo ay kusii daba-dheeraynayso colaadda iyo dirirta beelaha gobolka Sool. Sidee ayaad ku hubiseen in tirada dadkii dhintay ay ahayd 78 qofood, maadaama Wasaaradda Arrimaha Gudaha ay aaminsantahay in laga bad-badiyay, Wasaaradduna waxay soo bandhigi kartaa liiska saxda ah ee dadkii dhintay, haddii loo baahdo.

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5ta Disembar, 2017


Faqradda 24aad:


Faqradda 70aad


Faqradda 72aad:

Wasarda Xuquuqda Aadanaha, Arrimaha Qoyska iyo Jinsiga, markii ay heshay warbixinta, waxay la xiriirtay qoyska gabadha oo xaqiijiyay in gabadhhooda aan xoog lagu kawsanaya. Sidoo kale, waxay xaqiijiyey in wararkaasi ay been abuur yiihiin. Sidoo kale, Wasaaraddu waxay xiriir la sameysad dad madaxbanaan oo ku nool tuulada Busar, iyaguna waxay sidoo kale xaqiijiyey in aanay marnaba maqlin dhacdo noocaas oo kale ah oo ku saabsan gabaar si khasab ah lagu guursaday. Ilo wareedyo kale ayaa Wasaaradda u xaqiijiyay in tuulada Busar ay ku nool yiihiin dad kasoo wada jeeda hal beel, taas oo ka dhigan in gabadhhooda aan xoog lagu wadan karin. Kadib markii la dabagalay oo loo kuur galay arrinta, Wasaaraddu waxay ogaatay in gabadha iyo askariga uu ka dhexeeyo xiriir ayaa ku heshiyeeye inay is guursadaan. Askarigii wuxuu gabadhii ka doontay qosykeeda laakiin aabaha dhalay gabadha aya sheegtay in la siyoo yarad ama sooryo qiimeheedu dhanayay toban neef oo geel ah, ninkii gabadha doontay ayaa isna sheegay in aanu awoodin sooryada sidaas u badan. Markii dambe, gabadhii iyo ninkii waxay ku heshiyeen inay isla fakadaan si ay xal ugu helaan guurkooda. Heshiiska guurka [ama

Wasiir Qamar Dek Khaliif
Wasaaradda Xuququl Insaanka, Arrimaha Qoyska iyo Jinsiga
Saxiix: =saxiixday

Wasiir Cabdiniuur Cali Adan
Wasaaradda Warfaafinta, Isgaarsiinta iyo Teknooliyadda
Saxiix: =saxiixay
Mudane,

Waxaan ka fal-celinayaa warbixinta cinwaankeedu yahay ‘Badbaadinta Dadka Rayidka ah: Dhisida Asaaska Nabadda, Amniga iyo Xuquuqul insaanka Soomaaliya’ taas oo ay si wadajir ah u diyaariyeen Kooxda Badbaadinta iyo Xuquuqul Insaanka (HRPG) ee UNSOM iyo Guddiga Sare ee Qaramada Midoobay u qaabilsan Xuquuqul Insaanka (OHCHR). Warbixintu waxay ka hadlaysaa falal waxashnimo leh iyo tacadiyo lagu soo waramay inay dheeceen lagasso billaaboo 1dii Janaayo 2016 ilaa 14kii Oktoobar 2017. Waxay eedaymo usoo jeedinsayso dhamaan dhinacyada qaybta ka ah colaadda Soomaaliya oo ay ku jiraan tacadiyo lagu soo waramay inay gaysteen ciidamada AMISOM. Waxaanu daraasadeynay warbixinta iyadoo ayaa leh iyo tacadiyo lagu soo waramay inay dhacdooyin ah oo si qaldan loo dhigay kana dhacay gudaha Somaliya kuwaas oo lala xiriiriyo hawlgalada AMISOM. Waxaa sidii la filayay aan laga dheegan niyad wanaag qaybo ka mid ah warbixinta.

Eedaymaha loo soo jeediyay AMISOM

Eedaymaha culucus ee loo soo jeediyay AMISOM waxaa laga hela karaa faqradadda 28aad ee Warbixinta. Eedaymaha halkaas ku xusan ayaa ah:

(i) Muddada ay warbixintu ka hadlayso, 178 khasaare oo soo garay dad rayidka ah (95 dhimasho ah iyo 83 dhawac ah) ayaa loo aaneeyay AMISOM;

(ii) Laba kiis oo kufsi wadareed ah iyo hal kiis oo ikuday kufsi ah ayaa sidoo kale loo aaneeyay AMISOM;

(iii) Inta badan khasaaraha dadka rayidka ah kasoo garay AMISOM wuxu dhaqay xilli ay ciidamada AMISOM iska difacayeen weeraro ka dhan ah gaadiddooda/kolonyadoooda oo loo adeegsaday miinooqanka waddada la dhigo, Walxaha Qarxa iyo ama iyadoo weerer lagu soo qaaday. Marka loo fiiriyo Warbixintaan, ciidamada AMISOM waxay si ahan loo meel dayin u toogteyn dad rayid ah si sharciga ka baxsan;

(iv) Dhacdooyinka gaarka ah ee kor ku xusan waxa aad dheer, in Warbixintu ay sidoo kale curyaaminayso kaloonida lagu qabo nidaamka baarista ee AMISOM gaar ahaan Guddigeeda Xaqiiqo Raadinta, iyadoo taasi ay wax kama-jiraan ka dhigeyso baaritaannada Hawlgalka AMISOM ku sameeyay eedeymaaga gaarka ah.

(v) Ugu danbayntii, Warbixintu waxay walaac ka muujisay mad-madow ku aadan isla-xisaabtanka la xiriira hawlaha ay qabtaan dalalka ku jooga Soomaaliya heshiis laba-geesood ah oo ay la galeen Dowladda Federaalka Soomaaliya (DFS).

A. Eedaymaha kufsiya iyo isku dayga kufsi

Warbixinta waxaa ku jira eedaymo dhacdooyin dhacay laga soo bilaabo bishii ‘Janaayo 2016 ilaa 14 Oktoobar 2017”….Laba dhaqdo oo kufsi iyo hal isku day kufsi ah oo lalal xiriiriyo AMISOM’. Eedeyntan ayaa dhowr jeer lagu xusay warbixinta. Inkastoo faahfaahin dhamaystiran aan si cad loogu xusin Warbixinta, wuxuu hawlgalku ka warqabaa saddex eedaymo oo galmo la xidhiidha laguuna soo eedeeyay AMISOM mudada ay warbixinta ku hadlayso. Sidaas darteed, waxaan u qaadannay in warbixintu ay ka...
hadlayso isla eedaymahaas. Sidaas darteed, ii ogolow hadaba in aan si kooban uga warbixiyo waxaa uu hawlgaalku ku qabtay eedamayahaas.

I. **Dhacaddii Ceelbuur ee 7dii May 2016kii.**

14kii bishii May 2016 kii, waxaad ii soo dirtay warqad taas oo aad uga hadashay eedayn ku saabsan labo caruur ah oo kala jiray da’da 15 iyo 17 sanno kuwaas oo ay kufsadeen 14 ka mid ah ciidamada milatariga Ethiopia ee ka mid ah hawlgaalka AMISOM. Iyadoo la fiirinayo halista ay ku yeelanayso AMISOM, ayaan waxaana magacabay koox siyo ku saabsan labo caruur ah oo kala jiray da’da 15 iyo 17 sanno kuwaas oo ay kufsadeen 14 ka mid ah ciidamada AMISOM. Kooxdu waxay ka bixin qeexiido Baydhabo, Ceelbuur, Ceelshiil iyo Ceelqoxle iyagoo waraystay 39 qofood oo markhaati ah oo deeganaa magaaloooyinkaas. Baaritaankeeda kadib, iyo qiimeyninta ay ku samaysay caddeymaha, kooxdu waxay kusoo guunaanaday in dhacadaadu aana kaba dhicin halkaas. Waxa xusid mudan, in warqaddii aad isoo qortay ee ku saabsanayd eedeymaha aad koo xustay in dhibanayaasha la sheegay lagu daweyey isbitalka Xalaane ee ku yaala magaalada Ceelqoxle kadib dhacaddi la sheegay ee kufsiyaha. Si kastaba ha ahaatee, kadib wadadisayiyo qoto dheer, waxay kooxdu soo ogaatay in aan wax isbitaali ah ama xitaan farmashi aanu ku oolin magaalada. Natiijoyinkii kooxda baarinaanka waan kala wadaagoo waxaana isla natiijada si shakhsi ah aan kala hadlay saraakiisha hayada UNICEF.

Li ogolow inaan mar kale ku celiyo xaqiiqada ah in baadhitaankan lasoo sameeyay iyadoo ay deeganadaa ka jirto walaac aad u sarreeya oo dhinaca amniga ah. Hadana iyadoo baaritaanka la dhamaystiray, wixii kasoo baxayna lasoo gaarsiyya xafiiskaaga, ayaa warbixintu waxay ka dhigaysaa dhacaddii Ceelbuur eedaydo lasoo cabeeyay oo ka dhan ah AMISOM. Iyadoo la eegayo padaaladda/dhexdhexaadnimada lana dhowrwey dhamaystinnaanta, waxaana wanaagsanaa ahaan in kuwii soo qoray warbixintoo waxaa ka siiyada AMISOM arrimaha soo socdoo:

(a) Waa kee baaritaanka madaxabanaan ee QM sameysay kaas oo ku qanciyay kooxda soo qortay warbixinta inay gaaraan gunaanadaha ah in kufsi dhacay?

(b) Dhacaddan waxaa la sheegay inay dhacday bishii May 2016, warbixintii kooydada baadhitaanka waxay kusoo gaartay isla bishii May 2016, maxay QM ay AMISOM u siin weysay faahfaahin ku saabsan baaritaanka ay samaysay iyo warbixinta waxay ka dhigaysaa baaritaannota, gaar ahaan maadama oo ay ka hor imanayso warbixintii AMISOM? Tani waxay qayb ka noqonaysaa heshiisheetyi kooxda wada shaqaynta ee AMISOM-UNSOM-UNSOS-HRDDP, taas oo sida aad ogtahay ah koo xoojtoog ah oo wax ka qabata arrimahaas oo kale.

II. **Dhacaddii Buulo-Burte ee bishii April 2016kii**

Waxaa laga yaabaa inaad xasuusato in 26kii bishii April 2017ka aad isoo dirtay qoraal sheegaya in askari ka tirsan guutada Jabuuti ee AMISOM uu ku fsaday gabadda 16 jir ah oo cuntada u karin jirtay askara ku sugan xerada AMISOM ee degmada Bulo-Burto. Markii aan helay warqaddaada, waxaan magacabay koox baaritaanka hordhac ah soo samaysaa, iyagoo siid usoo ogadaay xaqiiqada ah in dhabco kufsi ay dhacday balse eedaysanuuhu uu ahaa askari loo tobobaray ciidanka Xooga Dalka ee Soomaaliya (SNA) ee aana ahayn askari ka tirsan ciidamada AMISOM. Xogta lasoo ogaaday waxay ahayd in hawlo lagu qorayay askar ay ku socotay Xerada AMISOM waqtigaas. Eedaysanuuhu wuxuu ahaa muwaaddin Soomaaliyeyd oo camid ahaa kuwa la tababarayay. Waa la xiray waxaana lagu wareejiyay booliska si ay tallaaboooyinka xiga iyo dambi oogis ugu qaadaana. Dabcan, waxaa loo soo diray xafiiskaaga sawirkii eedaysanaha iyo warbixintii ciidanka booliska. Wali waxay warbixantu ka dhigaysaas dhacaddan eedaymo kufsi oo lagu soo cadeeyay AMISOM. Sidii dhacaddii Ceelbuur, waxaa muhiim ah in QM ay faahfaahin
ka bixiso baaritaan kasta oo ay samaysay kaas oo horseeday gunaanad ka hor imaanaya warbixinta ay soo saartay AMISOM.

III. Dhacdadii Garastaan ee 18kii June 2017

Waxaa la sheegay in 18kii bishii Juun 2017ka gabar 35 jir ah oo ku nool tuulada Gaarastaan ee deegaanka Baydhabo oo la joogtgo geel kaynta halkaas oo ay soo gaareen noo koox taas oo gaaray markii uu xaggaan oo xaalcluucda XOO oo ay ugu luuqayso. Xaalcluucda ahaan waxa uu soo jeeday in ay ugu haramayso kaas oo warbixinta ay u muuqdaan in cadayn u haysan masuuliyada eedymahan in ay leedahay AMISOM, waa inay in lamid usoo gudbiyaa guddiga maadaama la rabo in laga garaa eedymahan.

B. Eedymaha ku saabsan dilalka sharci daradda ah.

Mudane, ii ogolow in aan caddeeyo qodobadan soo socda:


(ii) Inkastoo aragti ahaan ay dhici karto inay masuuliyadaha lalka leeyahay ay isku milmaan oo uu mugdi soo galo, haddana ma aha dhib ama culays uu la kulmo hawlgalka AMISOM ee Soomaaliyiga. Dhacadii ka dhacday Wardinle waa dhacadada kaliya ee AMISOM iska diidday mas’uuliyaddeeda una tiirisay ciidamo aan kamid ahayn AMISOM, kana hawlqalaa aaggaas ee ka socda Dalalka Ku-deeqay Ciidamada. Waxaa muhiimada gaar ah leh in leeyahay leh ugu baahan kaas oo aanay ku sugan ka aad u sameeyay.N\n
(iii) Iyado maskaxda lagu hayo arrimahaas, waxaan si adag dood uga qabnaa gunaanadka warbixinta ee sheegeysa in askarta AMISOM ay si uun ugu lug lahaayeey isku ku soo daabasho, arrinta ku saabsan joogitaanka ciidamo aan ka tirsanayn Ciidamada Qalabka Sida ee Soomaaliyeyd iyo ciidamo kale oo aan hoos in tegna AMISOM, ayaa ah arrin waajibkeeda saaranyahay Dowladda Soomaaliyeyd, oo AMISOM aanay awood u lahaayn. Bedelkii loo hawlqalaa la lahaa in mas’uuliyadda loo kala qaybiyo oo loo saariyo AMISOM marka xaaladahaan oo kale ay yimaadaan, waxaan ku talinaynay in talaabta wabtanka waxa leh ah ay tahay in Mega ah ay arinta naxariis ah oo ku qabnaa arrinta ku xusan faqradda xaqiijyada.

D. Dhaalisha loo soo jeediya habka baarista ee AMISOM

Mudane, ii ogolow in aan halkan ka sheego walaaca aan ka qabo Faqrad 36aad ee Warbixitan taas oo qorysa:

‘Waxa kale oo walaac ka jiraa sida gaabiska ah ee AMISOM uga soo jawaabta eedaymaha loo soo jeediyo. Waxa kale oo naadir ah in la helo jawaabbel in ka wabixinayo tallaaboojin cad-cad oo la qaaday markii baaritaanka la samaynayay, sida waraysiyoo laga qaaday dhibanayaasha, markhaatiyaaasha ama maamuladda maamul. In la qaado tallaaboojin la isku-xisaabiyoo oo la isku-saxo waxay kmaid ah tallaabooynka mudnaanto leh ee lafe yar ayxuunyaha xasaraa, sida lagu soo bandhigyo qaba-samaykka QM ee ku aadan HRDDP, kaas oo lagu kaalmaayn AMISOM. Markii ay dhacdo in aanay waafi noqon ama la waayo baaritaano la aamini karo oo lagu sameeyo eedeymaha, aya taasi waxay horseedi kartaa in Qaramada Midoobay ay dib uga fiirsato ugu amyo ama ay haksiga taageerada ay siiso shakhsiyada iyo guutooyinka ku luq yeeshada xadgudubada’

Mudane, ii ogolow in aan jawaabahaan ka bixiyo arrimaha ku xusan faqradda kore:

(i) Marka hore, waxaa nala goob dheeyeeye eedaymaha ku xusan faqraddan. Dhamaan baaritaanada uu sameeyay Guudiga Baaritaanka, waxaan la kulmeynay markhaatiyabka xog-ogaal ah. Tusaale ahaan, sida dhacadada kor ku xusan ee kixiis Ceelbuur ka dhexay, waxaan wareysannay 39 qof oo ay ka mid yihiin madaxda dhashada, hogaamiyoosha diinta, madaxda Ciidanka Booliska Somaaliyeed, madaxda CXD iyo madax dhaqameedqada. Dhacadi Wardinle ka dhacday, waxan warbixinno ka ururinay Wasiir ka tirsan Dowlad Goboleeda Koonfur Galbeed, Guudoomiye Degmo, Odayaal Dhaqameedyo, Dhibanayaasha, xubno kamid ah qoysaska dadkii geriiyooday,
askarta AMISOM iyo guudtada Itoobiya eek u sugan deegaankaas, iwm. Dhamaan natiijada baaritaanadaasi waxaa loo soo gudbiyay xafiiskaada. Wararka sheegaya in aanan wax talaboo ah u qaadin in aan wareysano dhibanayaasha, markhaatiyada iyo dowladda hoose ayaa ah mid marin hababbin ah.

(ii) Midda labaad, Warbixinta waxaa ku xusan in jawaab-celinta AMISOM iyo baaritaanadeeda ay yihiin kuwo gaabis ah. Waa maxay fasiraadda ay QM u heysa ereyga “dhakhso” marka laga hadlayo jawiga hawlgeel ee sida Soomaaliya oo kale ah, halkaa os oo dhacdooyinku ay ka dhacaaan meelo ay ka jirto xaalad amni darro oo sarreesa? Baaritaannada lagu sameynayo eeeymaha halista ah waxay qaadanaanaa waqtii waxayna u baahanyihiin in la geliyo maskax si guunaanadka la sameeyo loogu si sameeyiibin hubin iyo turux-turux dherraad ah.

(iii) Midda saddexaad, qaar kamid ah baaritaanada aan sameynay waxaan ku gaarnay gunaanad cad oo ah in qaar kamid ah dhibbanayaasha dhibaatable ku saabsan waqti waxayna u baahanyihiin in la geliyo maskax si guunaanadka la sameeyo loogu si sameeyo hubin iyo turux-turux dherraad ah. Wararka sheegaya in aan wax talaabo ah u qaadin in aan wareysano dhibanayaasha, markhaatiyada iyo dowladda hoose ayaa ah mid marin hababbin ah.

(iv) Sidoo kale, waxaan ogsoonahay qodobka ku xusan jumladda lagusoo gabagabeeeyay faqradda kor ku xusan. Sida aan u fahamsannahay ayaa ah in hanaanka HRDDP aanu ahayn hanaan ciqaab marin ama hanaan hadba sidii la reeco looga tanaasuli karo. AMISOM waxay u fahamsantahay in uu yahay hanaan fulineed oo xuququq insanka lagu hago kaasoo u baahan in QM ay hagto ayna ka raad siiso jihada ama hay’adda loogu adeegayo marka ay jiraan sababo lagu rumaysan karo in ciidamo aan ka tirsanayn QM ay geysteen xad-gudubyo ba’an kuwaas oo ah kuwo lasoo qorshheeyay oo baasann. Joojinta iyo la-noqoshada taageerada waa xalka ugu dambeeya, marka xadgudubyadaas oo kale ay dhacaan loona waayo caddeyn ah in la qaaday wax talaabooyin ah oo lagu saxayo laguna yaraynayo saameyninta, marka laga reeo indha-indheynqa QM. Waxaan u aragnaa in aanu jirin qodob kamid ah qodobbadaas oo la dhihi karo wuq qabanayaama waan waa lagu qabsan karaa AMISOM.

Mudane, ii ogolow in aan soo gunaanado hadalkayga anigoo markale ku celinaya sida AMISOM ay uga go’ontahay in fulinta hawlgalladeeda ee Soomaaliya ay waafajiso dhmaan sharciyada dhaqan-galka ah. AMISOM waxay soo saartay siyaasadda kale duwan iyo talaabooyin muhiim ah si aay u hagaan ciidamaddoo ku sugan Soomaaliya. Waxaan kuuso dhoweynaynka UNSOM inay Hawlgalka ku taakulayso sidii loo xoojin laaha hababka hadda jira ee ay adeegsato AMISOM si ay u sii wadato fulinta hawlgalladeeda iyadoo u hogaansan dhamaan xeerkii degsan.

Iga guddoon, Mudane, tixgeliinta qadarinteyda ugu sarreysa.

Danjire Francisco C. Madeira
Ergayga Gaarka ah ee Gudoomiyaha Gudiggiga
Midowga Afrika u qaabilsan Soomaaliya, ahna Madaxa AMISOM
Hawlanka Kaalmaynta Qaramada Midoobay ee Soomaaliya – Xafiiska Ergeyga Sare ee Qaabilisan Xuuquuqul Insaanka Muqdisho

(Ku: Kirsten Young)

Jawaabta Dowladda Kenya ee ku aaddan warbixinta qabya qoraalka UNSOM (Soomaaliya) ee ku saabsan Badbaadinta Dadka Rayidka ah:

Dhisidda Aasaaska Nabadda, Amniga iyo Xuuquuqda Aadaanaha Diseembar, 2017


EEDEYMAHA LOOSOO JEEDIYAY AMISOM IYO CIIDANKA DIFAACA KENYA EE KU SUGAN SOOMALIYA

Faqradda 27aad: Ee lagu sheegay in Kenya iyo Itoobiya ay Soomaaliya ka joogaan ciidamo u hawl gala si maadaxbanaanaa Taliska Guud ee AMISOM, ciidamadaas oo ay ogolaatay Soomaaliya.

Jawaab: Jamhuuriyadda Kenya ma laha aaskar aan ka tirsanayn AMISOM ee ka jooga Jamhuuriyadda Federaalka Soomaaliya. In warbixinta QM ay ku tilmaanto in Kenya ay leedahay ciidamo kusoo duulay Soomaaliga, ayaanaan ahayn oo kaliya hadal aan sax ahayn, balse waa ah hadal aad nasil darro u ah, sidaas darteed, waxaa loo baaahanyahay in qaybtaas ka mid ah warbixinta si degdeg ah looga tiro.

Faqradda 28aad: Dhamaan guutooyinka AMISOM waxay ku lug leeyihiin xadgububyo – dilal, kufsi wadareed, isku-day kufsi. Guutada Kenya oo disay 4 qof oo rayid ah dhaawadahay 5 kale. Khasaaraha soo gaaray dadka rayidka ah wuxuu inta badan ka dhashay rasas aan loo meel dayin oo ay furuuna ciidamada AMISOM marka kolonyadoo duguu weero Wuxaha Quraxa, minooyinka dhuulka lagu aaso ama bamboo gacmeedho. Xadgububdaya kale waxaa kamid ah dilal aan sharciga waafaqsanayn, hab-dhaqan aan wanaagsanayn oo lala kulmo inta xabsiga lagu jiro, iyo xadgubud jinsi.
Jawaab: Hadal qoraaleedkan guud ka khuseeyo Ciidanka Difaaca Kenya oo iyagu ku dhaqma hab-dhaqanka ugu wanaagsan ee hawligallada. Xaalad kasta ee ay dhacaan khasaare soo gaara dadka rayidka ah ama ay jiraan cabashooyin noocii ay doonaa ha ahaadaanee, habraaca ayaa ah in lagusoo wargeliyo kadibna la baaro, laakiin habraacayadaas mid kamid ah ma lama marin. Kenya weli ma soo gaarin cabasho ku saabsan dhismahay dad rayid ah oo lagusoo eedeeyay CDK intii lagu guda jirey dadka xoolo dadkii dib-u-eegista. Hadlii ay sooo garo lahaa yihiin cabashooyin si dhakhsyo leh ayaa loo baari laaha, waxaanu qofu kastaba oo ugu duwan dhibbanayaal ama cabashooyin noocii ah doonaa haddii aad xoolo, habraaca ayaa in lagu la baaro, laakiin habraacayadaas mid kamid ah ma lama marin. Xaaladda iyo sawirka suurto-galka ka ah warbixinta ahaay ah in dagaallamayaashu ay iska dhigayaan dhibbanayaal. Ciidanka Difaaca Kenya ee ka tirsan AMISOM waxay si sax ah u raacaan mabaadi”da dhigaysa in tallaabooyinka la qaadayo ay noqdaan kuwa lagamama maarmaanka ah [principles of necessity], kale-soonidda, iyo isku-dhiganka marka ay fulinayaan hawlgal ku xiran ah Al-Shabaab. Sida horay loosoo sheegay, weerarada Al Shabaab ay u adeegsato waxaha qarxa iyo miinooyinka dhulka lagu aaso ayaa waxaa ku xigadsan ama dabooli rasaas. Jawaab kasta oo guutada CDK ay ka bixiyaan xaaladahaas oo kale ayaa sida asalka ah lala beegdadii ay xaaladaha溜 Al Shabaab ee laalama eegto dad rayid ah. Intaas waxa xuu dheeer, CDK weligood kama qayb qaadanin xaaladdaas oo loo xilaalayaahay CDK ayaa loo xilaalayaahay wax xaqiijiyey oo loo xilaalayaahay wax xaqiijiyey oo loo xilaalayaahay. Sidaas darteed, waxaas darteed, Ciidanka Difaaca Kenya kama war hayo ee dhaqmo gaar ah oo ku saabsan dilal sharci darro ah, hab-la-dhaqan xun ama xadgudub galmood oo ay geysteen xubnaha ciidanka ee jooga Soomaaliya. Iyagoo ka warqaba inay waajib tahay in la ilaaliiyo dadka rayidka ah, lana xaa.xiiyo taageeriddooda, ayaa CDK waxay goobaha ah ay mas’uulka ka yihiin ka fuliyan wada-shaqaynta Rayidka iyo Ciidamada (CIMIC) si looqo jirto guulubta iyaha dareenka bulshada guud. Tusaale ahaan (waxaa kamid ah), Goobo caafimaad oo toddobaad kasta Dadka lahaa Dawaeyey oo laga hirgeliiyey dhaman goobaha ay CDK waxay goobaha ka yihiin, Dhismaha dugsiyo waxbarsho (Madrasooyin) oo laga dhisay deegaa aanaynaya Busaar, Taabta, Hoosingo, waxaa kale oo ay ku dhexeen qalabka cod-baahiyaha ah ee lagul hadlo dawweynaha, miisaa ayu u qeybiyey dugsiyo waxbarasho oo ku yaal Hoosingo, waxay xaalay biyoo aduun ka qodeen Afmadow, Billis Qoqaaani, Taraka iyo Dhibley. Sidaas darteed, waxaan dalbanaynay in ee dhaqmo maalinta oo sida oo xanuunaynay ah ay ka dhanka ah CDK laga saaro warbixinta.

Faqradda 29aad: CDK ee aan ka tirsanayn AMISOM waxay mas’uul ka ahaayeen 64 khasaarooyin soo garay dadka rayidka ah (32 dhimasho ah iyo 32 dhaawac ah) sanadkii 2016. Deegaanadu Jubaalbard, xadgudubayda badankood waxaa loo aneynaya inay ka dhasheen duqeymo cirka ah oo ay geysteen CDK, oo sida lasoo weyriyay loola kaashadcan waray sidooran oo laga helay CDK ee AMISOM.

Jawaab: Ilaha sirdoon ee ka jira Soomaaliya ayaa tiradoodu badantahay weyna ka ballaaran yihiin ilala sirdoon ee Dalalka Ku-deeqay Ciidamada. In la yiraahdo duqeymaha cirka ah waxaa la fuliyan iyadoon la adeegsanaay waray sidooroon oo laga helay CDK ee AMISM, ayaa ah wax xushmo la’aan waxayna u baahanaatahay in loo caddeyey si aan shakay lahayeen. Warbixintan waa wax laga xumada waxayna u muuqataa inay tilmaameysa in CDK ee ka tirsan AMISOM ay rasays ku furaan dadka rayidka ah. Iyadoon la raacayta Qaraarka Golaha Amaanka ee tirsiguu yahay 2036 (2012), Ciidanka Difaaca Kenya waxay ku hawl-galaan sadex diyaaradaha qumataagaa u kaca ah oo ka amar qaatana kana dambeynta Taliyaha Ciidamada AMISOM. Diyaaradaha qumataagaa u kaca ee weerarada geysta waa agabka kaliya ee duqeymaha cirka lana adeegsado marka Al Shabaab ay geysato ama ay
geysan rabto weerraro aad u ballaaran oo ka dhan ah Guutooyinka AMISOM. Waxaa xusid mudan in argagixisada Al Shabaab ay adeegsadeen hub cul-culus sida “Tiknikada” lagu xiro gawaarida, Madaaafiic iyo hoobiyeyaal, taas oo khasab ka dhigeyso in la adeegsado diyaaradaha qumaatiga u kaca ee wax duqeeya.

Eedeymaha khuseeya duqeymaha cirka ee ay geysteen ciidamada caalamiga ah


Jawaab: Ma jiraan CDK oo ka halwagala Soomaaliya oo aan ka tirsanayn AMISOM. Run ahaantii, eedeyntaasi waa waa mid aan sax ahayn. Marka meel la geynayo Ciidamada Difaaca Kenya, waxaa lagu saleeyaa qaab-samayska sharci waxaana loo maraa Axdiga ama Dastuurka Qaramada Midoobay.

Faqradda 40aad: Bishii Disembar 2016, AMISOM waxay soo kireysatay saddex diyaaradood oo nooca qumaatiga u kaca ah, waxaana ay kasoo kireysteen Kenya, waxaana diyaaradahaas duuliyaa oo ku shaqeyda Ciidamada Difaaca Kenya ka ahaan oo taas oo kireysteen AMISOM kana amar qaata Taliyaha Ciidamada AMISOM. Si kastaba ha ahaatee, CDK ee hoostaga AMISOM waxay adeegsanayeen qalabkooda dagaalka cirka ee iyaga u gaarka ah, taas oo asteynta cidda qaadaysa mas’uuliyada haddaaraha ka dhigeyesa mid cakiran.


Faqradda 41aad: 74-ta duqeymood ee cirka ah eek u xusan faqradda 38aad, waxaa kamid ah 4 duqeymood oo CDK iyo Danab ay ka wada fuliyeen Jubbada Hoose. Hal qof oo rayid ah ayaa lagu dilay, labo kalena waa lagu dhaawacay duqeymo cirka ah oo CDK ka fuliyeen deegaanka Badhaadhe ee gobolka Jubbada Hoose. Xusid 45 – Danab waxay wada hawlqallada Ciidamada Mareykanka iyo CDK si ay u wada fuliyeen duqeymo cirka ah oo ka dhan ah Al Shabaab.

Jawaab: CDK weligood ma fulin hawlqalloo wadajir ah oo ay la fuliyeen DANAB. Danab waa la tababaraa waxayna la hawlqallada ciidamo kale. Hawlqallada wadajirka ah waa inay lahaadaan qaab-samayn sharciyadeed oo leh tilmaamo iyo ma’suuliyo cad-cad oo lagu fuliyo hawlqallada si looga dheeraado mugdiga ku imaan kara haddii lasoo jeediyo eedeymo, sida kuwa ay soo bandhigtay warbixinta. Waxaana kale oo aan caddeynaynaa in CDK aanay weligood duqeymo cirka ah ka geysanin
deegaanka Badhaadhe sida lagusoo edeeyay. Sidaas darteed, eedeymaha looso jeediyaq CDK eek u xusan faqradadan ma aha kuwo xaqiiqo ah waana in laga tiro warbixinta.

Faqradda 43: Xadgudubyada ay geystaan hay’adaha dowladeed iyo ciidamada caalamiga ah, gaar ahaan CDK laguma sameeyo baaritaan.

Jawaab: Kenya, gaar ahaan CDK kama war-hayo wax baaritaano ah oo socda ama hakad ku jira oo la xiriira badbaadinta dadka rayidka ah ee [ku saabsan xaaladda] Soomaaliya, amaba wax xadgudubyo ah, noocii ay doonaan ha ahaadaane.

Eedeymaha ku aaddan xadgudubyo loo geystay caruur


Faqradda 83aad: 76 dhacdooyin lagu weerase caruur iyo 20 kale oo lagu weerase caruur isbitaallo, ayaa CDK waxay mas'uuq ka ahaa ayeen weerase loo geystay hal dugsi waxbarasho.

daray barnaamijyada tababarrada ciidan. Tababarrada la bixiyo ka-hor inta aan ciidanka la qaadin iyo weliba inta ay qaybta ka yihiin hawlalalka, tababarraddas oo ku saabsan Keerarka Caalamiga ah ee lagu maamulo hawlallada ciidan ayaa waxaa tababarradaas fuliya Gudugga Caalamiga ah ee Bisha Cas (ICRC), waxaana tusaale ahaan kamid ah tababarki hawlalka lagu dhex qaattay bishii September 2017 ee ka dhacay Dhobley. Waxaa intaas dheer, in taliyyeela badan iyo saraakiil sharci yaaqanno ah oo ka tirsan CDK ay tababarradaas oo kale kuso qaateen dalalka Talyaaniga, Australia, iyo Ghana waxaana soo qabanqaabiyay ICRC.

Indha-Indhayn Guud

Saaxada Soomaaliya waxaa ka hawlalal dhinaciyoo badan oo leh ujeedoodin kala-duwan, lugahanaa la galay xagudubxyo ka dhan ah Sharciga Caalamiyada Caalamiga ah ee Xuquuqul Insaanka, haba ugu tun weynaadaan Al Shabaab. Kooxda Badbaadada iyo Xuquuqul Insaanka (HRPG) waxay u muuqataan in aanay kala saarin dagaallayaal, dad rayid ah iyo dhibbanayyaal. Warbixinta ayaba la moomaada in loo diyaariiyay si loo kobicyo agendaha kooxda argagixisada ah maadaama sawir xun laga baxshay hawlallada la-dagaallanka argagixisada iyadoo lagu buun-buuniyay dacaayadaha [burbogabaandada] Al Shabaab. Eedeymahaas joogtada ah oo ka oo aan loo haynin wax qaatiyo ah ayaa waxay dhibaato ku noqonayaan sidii looga guul gaari lahaa waajibaadka shaqo ee September 2017 ee ka dhacay Dhobley. Waxaa intaas dheer, in taliyyeela badan iyo saraakiil sharci yaaqanno ah oo ka tirsan CDK ay tababarradaas oo kale kuso qaateen dalalka Talyaaniga, Australia, iyo Ghana waxaana soo qabanqaabiyay ICRC.

Ka siyaasad ahaan, dhamaan hawlallada CDK waxay waafaqan yihiin Sharciga Caalamiga ah ee Xuquuqul Insaanka iyo Sharciga Caalamiga ah ee Xilliyada Colaadaha. Dowladda Jamhuuriyadda Kenya, iyadoo fulineysa waajibaadkeeda caalamiga ah, kama gaabin doonto inay marsiiso hababka iyo tallaabbooyinka ku habboon qof kasta ee lagu tuxmo ku-xadgudubka Sharciga Caalamiga ah ee Xilliyada Colaadaha iyo Sharciga Caalamiga ah ee Xuquuqul Insaanka. Intaas waxaa sii dheer, Dowladda Kenya, marka laga hadlaya dhamaan hawlalladeedha, waxay qaaddaa tallaabbooyin kasta oo taxaddar ah si loo ilaaliiyo dadka rayidka ah.

Gaar ahaan, geedi-socodka beegsiga waxaa si sarreysa ula socda oo xakameeya Sharciga Caalamiga ah ee Xilliyada Colaadaha iyo Xuquuqul Insaanka. Waa geedi-socod qimeyn oo joogto ah isla markaasina dhamayystiran, waxaana si sare loola kaashadaha xogoo sirdoon oo laga helo dad iyo sahan farsumso, kor kala socod xog raadin, iyo xog buuxda oo laga helo halka bar-tlimaameedka ah. Wada-shaqaqynta iyo hubinta waxay ku timaadaa oo kale in xogaha sirdoon lala wadaago bahda sirdoonka. Geedi-socodkan waxaa laa loogu doonaan qaybtaanka sidaa iyo xog ee wuxuu si xogta ah oo xidhigooda horumar oo warbixinta la xumahay in la xaqiijiyahay in la xaaladaha ah. Wuxuu ka soo bixiyay in loogu qabto xadgudubdaada iyo markaasida dhulka. Sharciga Caalamiga ah ee Xuquuqul Insaanka iyo Xilliyada Colaadaha ee ay geystaan Al Shabaab oo markii ay doonaan sheegta inay yihiin rayid/dhibbanayyaal kadib markii ay geystaan falal waxashnimo ah marka loo fiiriyo xoolka isu-dhigana luulo ah ee ay adeegsadaan. Sida iska cad, Al Shabaab iyo taageerayaashooda ayaa adeegsada xadgudubdaadaas si aay u sameeyaya dacaayado (burbogaban). Dowladda Kenya ayaa badan oo loo baahnaayaa cabilaha Soomaaliya ah ugu muuqaato in la xaaladaha ah oo xoo jiraaynaan xadgudubda dabeedka ee uu ka dhismu Sharciga Caalamiga ah ee Xuquuqul Insaanka iyo Xilliyada Colaadaha ee ay qeexdaan Al Shabaab oo markii ay qeexdaan falal waxashnimo ah marka loo fiiriyo xoolka isu-dhigana luulo ah ee ay adeegsadaan. Sida iska cad, Al Shabaab iyo taageerayaashooda ayaa adeegsada xadgudubdaadaas si aay u sameeyaya dacaayado (burbogaban). Dowladda Kenya ayaa badan oo loo baahnaayaa cabilaha Soomaaliya ah ugu muuqaato in la xaaladaha ah oo xoo jiraaynaan xadgudubda dabeedka ee uu ka dhismu Sharciga Caalamiga ah ee Xuquuqul Insaanka iyo Xilliyada Colaadaha ee ay qeexdaan Al Shabaab oo markii ay qeexdaan falal waxashnimo ah marka loo fiiriyo xoolka isu-dhigana luulo ah ee ay adeegsadaan. Sida iska cad, Al Shabaab iyo taageerayaashhooda ayaa adeegsada xadgudubdaadaas si aay u sameeyaya dacaayado (burbogaban). Dowladda Kenya ayaa badan oo loo baahnaayaa cabilaha Soomaaliya ah ugu muuqaato in la xaaladaha ah oo xoo jiraaynaan xadgudubda dabeedka ee uu ka dhismu Sharciga Caalamiga ah ee Xuquuqul Insaanka iyo Xilliyada Colaadaha ee ay qeexdaan Al Shabaab oo markii ay qeexdaan falal waxashnimo ah marka loo fiiriyo xoolka isu-dhigana luulo ah ee ay adeegsadaan. Sida iska cad, Al Shabaab iyo taageerayaashhooda ayaa adeegsada xadgudubdaadaas si aay u sameeyaya dacaayado (burbogaban). Dowladda Kenya ayaa badan oo loo baahnaayaa cabilaha Soomaaliya ah ugu muuqaato in la xaaladaha ah oo xoo jiraaynaan xadgudubda dabeedka ee uu ka dhismu Sharciga Caalamiga ah ee Xuquuqul Insaanka iyo Xilliyada Colaadaha ee ay qeexdaan Al Shabaab oo markii ay qeexdaan falal waxashnimo ah marka loo fiiriyo xoolka isu-dhigana luulo ah ee ay adeegsadaan.
heer gobol. Dowladda Kenya waxaa [mar kasta] ka go’an inay taageerto dadaallada nabadda iyo amniga ee caalamiga ah iyo hay’adaha caalamiga ah ee ku hawlan dadaalladaas sida Qaramada Midoobay iyo hay’adeheeda hawsha wada, gaar ahaan, UNSOM/OHCHR. Sidaas darteed, waxaa la rajeynayaa in si dhakhso leh looga laabto eedeymaha.

Safaaradda Jamhuuriyadda Kenya ee ku taal Muqdisho, Soomaaliya oo fursaddan ka faa’iideysanaysa waxay mar kale qaddarinteyda ugu sarreysa u xaqiijinaysaa Hawlgalka Kaalmaynta Qaramada Midoobay ee Soomaaliya, gaar ahaan Xafiiska Ergeyga Saree e Xuquuqul Insaanka.

Lucas K. Tumbo, CBS
DANJIRE
Safaaradda Kenya ee Muqdisho-Soomaaliya