

SUMMARY

There were 133 civilian casualties recorded in July, a 177 per cent increase from the low number of casualties in June, but in line with casualties reported in the previous five months. Most of the casualties (104) were recorded in Mogadishu, the majority (67) caused by complex attacks, shelling and attacks using explosives attributed to Al Shabaab (AS). AS was responsible for 65 per cent of the total number of casualties. Fifty individuals were arbitrarily arrested and/or held in prolonged detention. One TV cameraman was killed by police in Mogadishu, the first killing of media workers recorded in 2018. Four journalists and a civil society activist were arrested and released. Eight incidents of sexual violence were recorded, including three women and two girls reportedly raped in a single incident by non-AMISOM Kenyan security forces.

KEY FIGURES

CIVILIAN CASUALTIES AND OTHER PROTECTION CONCERNS¹

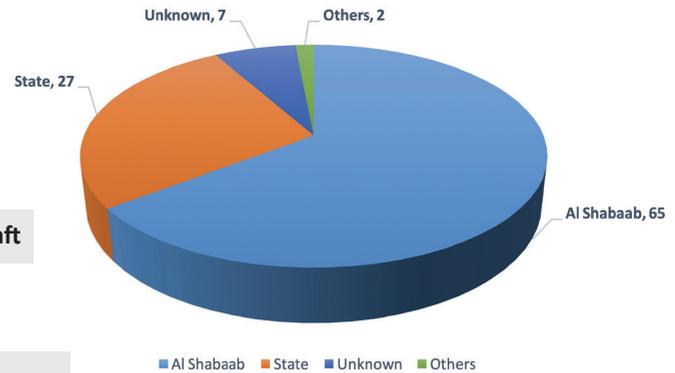


¹ Casualty figures are subject to change due to late reporting and/or additional information received by HRPg after publication of the brief.

HIGHLIGHTS

- AS:** **309%** increase from June
- State Actors:** **125%** increase from June
- Abductions:** **22** compared to one in June
- Arbitrary arrests and/or prolonged detention:** **117%** increase from June
- Airstrike:** one civilian injured in an airstrike conducted by unknown aircraft
- Death Sentences/Executions:** Three death sentences pronounced, one implemented
- Sexual violence:** Eight survivors of sexual violence, including four girls

PERCENTAGE OF CIVILIAN CASUALTIES BY MAIN PERPETRATOR - JULY 2018



CONCERNS

FREEDOM OF EXPRESSION



- **One TV cameraman** was killed by police in Mogadishu, the first killing of media workers recorded in 2018; the circumstances of the incident remain unclear. Police launched an investigation, but no arrest has been made.
- **Four journalists** and a human rights activist arrested and subsequently released:
 - Two journalists arrested by NISA in South Gaalkayo and Beledweyne;
 - A civil society activist arrested by Puntland Police in Garowe, following his Facebook post criticizing the Puntland government;
 - The chief of staff for Radio Wanlaweyn arrested by SNA Special Forces (Danab) at his home in Lower Shabelle
 - A journalist arrested by police in Borama, Somaliland, on order of the regional Governor, for asking sensitive questions during a meeting;
- On a positive note, the licenses of two media outlets that had been previously revoked were reinstated in Somaliland.

ARBITRARY ARREST AND/OR PROLONGED DETENTION



- **50 individuals** arbitrarily arrested and/or held in prolonged detention.
- **Among the incidents:**
 - **Puntland** - 26 arrests, including 24 individuals suspected of being affiliated with AS; two released, the others detained without charges or appearing in court
 - **HirShabelle** - 16 people arrested in connection with the killing of a 2016 electoral delegate in Beledweyne town; 14 released, while two remain in detention without charges or appearing in court
 - **South West State** - Five male civilians arrested by SNA in Bakool region, following the abduction of the brother of an SNA soldier by AS
 - **Jubbaland** - A woman arrested by police in Gedo region, for failure to pay debts. Reportedly released 15 days later, after her relatives reportedly paid her debts.

STRENGTHENING NATIONAL INSTITUTIONS



HUMAN RIGHTS DUE DILIGENCE POLICY

On 4 July, a technical meeting on the implications of UN Human Rights Due Diligence Policy (HRDDP) in the context of the Comprehensive Approach to Security (CAS) and the Transition Plan discussed the practical implementation of HRDDP mitigation measures. The measures included the need for clarity on command and control, screening for children and background checks of key appointment holders, establishing accountability mechanisms, and training. Advocacy for the integration process of regional forces to comply with HRDDP where UN support is provided was affirmed. UNMAS and HRPG organized an HRDDP interactive briefing on the policy for UNMAS personnel and agreed on how to ensure implementation of mitigation measures relevant to UNMAS support to security forces.



HUMAN RIGHTS INSTITUTIONS

On 3 July, the Somaliland President appointed seven members to the Somaliland National Human Rights Commission, including two females and one person from a minority clan (Gaboeye). The selection drew criticism from local NGOs, which stated that the process lacked transparency and disregarded the procedures and legal requirements in establishing membership for the commission, and from the opposition party, which accused the government of acting without transparency and that the selection process was based on affiliation to the ruling party rather than merit. HRPG noted that provisions contained in Article 8 of the Somaliland Human Rights Commission Act (Requirements for Commission Membership) were not respected regarding several of the candidates.



CHILD PROTECTION

The Country Task Force on Monitoring and Reporting (CTFMR) documented a total of **272 incidents** of grave violations affecting **271 children (227 boys and 44 girls)** in July. The children were victims of **killing and maiming (69), abduction (89), recruitment and use (85), rape (28) and attacks on schools (1)**. AS was responsible for most of the violations (67%), SNA (12%) and unknown armed elements (11%), while the remaining violations were attributed to regional member state forces, bilateral forces and clan militias. During the same period, the CTFMR documented 11 cases of detention on security charges affecting **15 children (14 boys:1 girl)** mainly by NISA, SNA and Somali police.

Joint training: The Child Protection Unit of the Somali Ministry of Defence and CP conducted a training on child rights and child protection in Beledweyne for **44 SNA officers**.



WOMEN'S PROTECTION (WP)

Legislative developments: On 29 July, the Somaliland Lower House of the Parliament approved the Sexual Offences Bill. The President expressed his support for the law in January and is expected to approve it.

Joint UNSOM and AMISOM Training of Trainers on Conflict-Related Sexual Violence: HRPG WP and AMISOM carried out a joint training on the prevention of conflict-related sexual violence from 9-12 July in Mogadishu, which included segments on human rights and child protection. Twenty-six focal points within the Somali National Defence Forces (including eight women) participated, representing SNA, NISA and the National Police Women and Children Protection Units.



HUMAN RIGHTS TRAINING

Capacity building: Training of trainers on international human rights law, international humanitarian law, the Human Rights Due Diligence Policy, children in armed conflict, and conflict related sexual violence for **33 SNA officers** in Beledweyne, HirShabelle State.

Training on human rights and rule of law benefiting **16 members (including five women)** of the South West State Parliamentary Committees of Women and Human Rights Committee and Justice Committee in Baidoa. Civil Society Forum in Mogadishu attended by 21 civil society organisations.

Support to National Union of Somali Journalists (NUSOJ) for a one-day consultative meeting on the draft Media Bill with the Federal Parliamentary Committee on Media and Communication.

STRENGTHENING NATIONAL INSTITUTIONS

PRISON MONITORING



Visit to the Garowe Central Prison to assess conditions of detention and respect of the rights of detainees. The prison holds 253 inmates, of whom 158 convicted (including four women, three of whom are held for “family disobedience”) and 95 on remand. A pre-trial detainee accused of being affiliated with AS reportedly has been in prison since June 2016 without being charged or taken before a court, and three others have been in the prison for five months in a similar situation. HRPG received complaints regarding the lack of a medical officer in the prison and shortage of water due to a breakdown of a water-pump.

IN FOCUS

Sexual Offences Legislation: On 30 May 2018, the Federal Government of Somalia Cabinet passed the Sexual Offences Bill. Whilst this Bill still must undergo a parliamentary process for it to be enacted into law, the passing of the Bill by the Council of Ministers is welcomed as it demonstrates a commitment to address the need to strengthen the legal framework and increase support to survivors of sexual violence.

The Record to Date: Puntland passed its Sexual Offences Act in August 2016. The law strengthened the legal framework for the protection of women and girls from sexual crimes by clearly defining what these are and strengthened the support for survivors. In January 2018, the Puntland Office of the Attorney General presented the rape cases perpetrated in 2017, comprising 80 cases among which 35 were prosecuted and sentenced between 2 and 15 years imprisonment. While 15 cases were resolved by traditional elders out of the courtroom, 18 cases were dropped due to lack of evidence-based Sharia law principles and the remaining 12 cases were being investigated. Five of the cases were conflict-related sexual violence perpetrated by State security forces.

Similarly, on 27 March, Puntland Office of the Attorney General presented 18 rape cases that were perpetrated in the first quarter of 2018 in Puntland. Ten cases were resolved by traditional elders outside courtroom, four were adjudicated through courts with varying sentences and the remaining four are under process.

Challenges: The new law strengthens the legal framework and is a significant step forward towards ending impunity for sexual crimes and ensuring that survivors obtain justice. While efforts have been made to use the law, clan elders continue to intervene in the judicial process, which impacts survivors accessing justice and perpetuates impunity. There has been inconsistency in the application of the law from region to region within Puntland. For instance, the police in north Gaalkayo had arrested a perpetrator for sexual assault but released him without charges after the families resolved the case out of court. While in the case of an 18-year-old mentally disabled girl who was raped at a gunpoint allegedly by four perpetrators in Bossaso. Conversely, the regional prosecutor presented the defendants’ confessions that were obtained during the elders’ deliberation as evidence, resulting in a conviction and sentencing of the four of them to seven years in prison and the payment of USD 6,000 each as compensation to the victim.

While the passage of the legislation is a positive development, additional effort is required to ensure that the law is implemented and that it has a positive impact on the lives of survivors.

**International Day for the
Elimination of Sexual Violence in Conflict**

19 JUNE 2018

**STOP RAPE
IN CONFLICT:**
PROTECT THE MOST VULNERABLE



**JOOJI KUFSIGA
XILIGA COLAADAHA:
ILALI XAQUUQDA DADKA AADKA U NUGUL**