



# IN THE LINE OF FIRE

SOMALIA'S CHILDREN UNDER ATTACK

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*Cover photo:* Children play in Ifo refugee camp as the sun goes down, Dadaab, Kenya, December 2008. The camps at Dadaab are home to more than 200,000 Somali refugees.

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# 1. INTRODUCTION

South and Central Somalia<sup>1</sup> has been the scene of armed conflict since the collapse of Siad Barre's government twenty years ago. Children born in 1991 in this part of Somalia and who are entering their 20<sup>th</sup> year have never known respect for human rights, peace, the rule of law and an effective government. While armed conflict has devastated Somali society as a whole, children, who represent more than half the estimated population of Somalia,<sup>2</sup> have been particularly vulnerable to its impact. As a 15 year-old Somali boy said to Amnesty International in March 2010: "Most of my life I have lived in fear". Somalia is one of only two states in the world - with the United States of America (USA) - that have not ratified the Convention on the Rights of the Child.

The last two decades, marked by conflict between warlords and clans competing for resources, have seen the disintegration of public services and have taken a massive toll on the provision of healthcare and education to the Somali population, their access to food, water and other basic amenities. According to the available indicators from United Nations (UN) agencies, the mortality rate for children under five in Somalia is estimated at 200/1,000<sup>3</sup> in 2011, an increase since 2010; there is one nurse or midwife and 0.5 medical doctor per 10,000 people.<sup>4</sup> According to the UN Children's Fund (UNICEF), only 23 per cent of children of primary school age are enrolled in or attend primary school in Somalia; the world primary school net enrolment/ attendance average ratio is 85 per cent.<sup>5</sup> The prevalence of female genital mutilation (FGM) in Somalia is estimated at 98 per cent,<sup>6</sup> and it is primarily girls aged between four and 11 who undergo the procedure.

The Somali people also face chronic humanitarian crises. Due to poor rains at the end of 2010 and a worsening drought, the UN estimates that the number of people in humanitarian and food crisis in Somalia increased from two million to 2.4 million, representing about 32 per cent of the Somali population in the first half of 2011. One in every four children is estimated to be acutely malnourished, approximately 241,000 children, the majority of them living in southern Somalia where humanitarian organisations have poor access.<sup>7</sup> The UN further reported in June 2011 that the number of people in food crisis in Somalia increased to 2.85 million.<sup>8</sup> The World Health Organization (WHO) has reported thousands of cases of acute watery disease or cholera, affecting mainly children under five years since the beginning of 2011.<sup>9</sup> The UN is warning that the current drought, increasing food prices and continuing conflict-related displacement are likely to bring more Somalis into humanitarian crisis.<sup>10</sup>

The intensification of armed conflict since the end of 2006 has shattered any semblance of normalcy that the Somali people had managed to build, against enormous odds. Despite the absence of an effective government, there were some functioning schools in cities, supported by civil society, diaspora groups and business actors and there was some scope to negotiate one's way through the dangers posed by warlords and clan militias. The entry of Ethiopian troops into Somalia, to help the then Transitional Federal Government (TFG) to oust the Islamic Courts Union, commenced a new phase of conflict, with indiscriminate attacks and targeted killings and human rights abuses becoming part of daily life for the civilian population. These continue today in the context of the armed conflict between pro-TFG forces and armed Islamist groups, particularly al-Shabab.

This report draws on more than 200 testimonies from Somali children, young people and adults collected by Amnesty International in March 2009 in Kenya and Djibouti, in Djibouti city and the Ali Adde refugee camp and in March and June 2010 in Kenya, in the Dadaab refugee camps in the north-east and in the capital Nairobi. Amnesty International delegates interviewed refugees who had recently fled Somalia, to get as much as possible, an up-to-date description of the situation in their country. Amnesty International continues to monitor the situation in Somalia through regular contacts with independent observers in and outside Somalia. The testimonies featured in this report illustrate the immense suffering of Somali children and the deepening human rights crisis in Somalia. The names of interviewees and other personal details have been kept confidential when these could lead to their identification and compromise their safety.

A child is any person less than 18 years of age, in accordance with the Convention on the Rights of the Child.

This report also includes testimonies from adults who suffered human rights abuses when they were children, or who shed light on children's experiences.

Somali refugees have described horrific human rights abuses to Amnesty International, including many killings and wounding of civilians including children, in indiscriminate attacks and when caught in crossfire, and homes, schools and hospitals hit by weapons. The recruitment of children into armed groups is rife, and Somali refugees have described cases of individuals who have been killed, captured or threatened with death and forced to flee for opposing recruitment. Armed groups have also attacked schools, school children and teachers and restricted the right to education, particularly for girls. Children have also been punished with floggings under al-Shabab's interpretation of Shari'a (Islamic law) and have witnessed summary or public killings, amputations and stoning to death. Armed groups have in many areas deliberately denied humanitarian aid to the civilian population and imposed taxes on them, even where drought is threatening the survival of children. Most of these abuses constitute war crimes or other serious violations of international humanitarian law.

Amnesty International believes that the real scale of the human rights abuses taking place in South and Central Somalia is under reported, because of increasing difficulties in accessing detailed information about the situation. Many of those who have contact with the outside world have been killed, abducted, silenced by death threats or have fled the country. International observers, including journalists, cannot safely access vast areas of South and Central Somalia. It is shocking that the international community has not put in place a mechanism to systematically investigate war crimes and other serious abuses in Somalia, as a first step towards accountability. The Somali people have been effectively left on their own in a deadly cycle of violence and impunity. Repeated calls by Somali and international human rights organizations for the establishment of an independent and impartial Commission of Inquiry, or similar mechanism, to investigate present and past crimes under international law committed in Somalia are yet to be acted upon.

The failure to address the long-standing impunity for war crimes and other violations of international law committed in Somalia, which have affected millions of children and young people, contrasts sharply with the huge amount of international financial and political resources devoted to the fight against piracy off the coast of Somalia. The UN Security Council is examining proposals to strengthen universal jurisdiction and national legislations

and to establish tribunals in the region to bring suspected pirates to justice. No such initiative is forthcoming to bring suspected war criminals to book.

Further, few international financial resources are dedicated to adequately address the lasting scars of armed conflict on Somali society, including an ever rising number of family separations and unaccompanied children, the trauma resulting from experiencing and witnessing such horrific abuses, and the lack of education and livelihood opportunities for an entire generation, even in areas where it is safe to bring such support, such as refugee camps in countries neighbouring Somalia. A 19 year-old girl who took refuge in the Dadaab camps in Kenya expressed the frustration of Somalia's youth:

*"We want a durable solution but we know that we cannot get one. Now all we have is some security but we have nothing else. What else can the new arrivals be given? The youth are the people who can build peace in our country. We just need a chance."*

## 2. BACKGROUND

Since the overthrow of Siad Barre's government in 1991, Somalia has been torn by conflict. After 13 failed peace conferences to resolve a situation of state collapse, a Transitional Federal Charter (TFC) was adopted and 275 persons were selected as members of Transitional Federal Parliament (TFP) to form a Transitional Federal Government (TFG). In October 2004, Abdullahi Yusuf Ahmed was selected president of the TFG. The TFG has international recognition and support, including by the UN, the USA and other countries in the International Contact Group on Somalia, and international donors.

Armed conflict has grown worse in intensity, complexity and in its impact on civilians, since the end of 2006 when Ethiopian armed forces militarily intervened in Somalia to support the TFG in ousting the Islamic Courts Union (ICU), a coalition of local Somali courts, from which several armed groups opposed to the TFG subsequently emerged. The ICU was at the time in control of the capital Mogadishu and other parts of southern and central Somalia and was credited by some among the civilian population with restoring some security against violent crimes by warlords' militia. In 2007 and 2008, there was a major increase in indiscriminate shelling of civilian-populated areas, resulting in killings and injuries of tens of thousands of civilians, other indiscriminate attacks and targeted killings of journalists, civil society activists, humanitarian workers and other civilians perceived to support one or the other party to the internal armed conflict.<sup>11</sup> According to UN estimates, 600,000 people were displaced by conflict in 2007 and 800,000 in 2008. Somali civil society groups estimate that some 16,000 people were killed in the conflict in 2007 and 2008.<sup>12</sup>

The Ethiopian army left Somalia in January 2009, under the terms of the UN sponsored Djibouti peace agreement, signed in August 2008 between the TFG and one Somali armed opposition group, the Djibouti group of the Alliance for the Restoration of Democracy in Somalia (ARS-Djibouti). Following the enlargement of the Transitional Federal Parliament to include members of the ARS-Djibouti, and the resignation of Abdullahi Yusuf as TFG president on 29 December 2008, Sheikh Sharif Sheikh Ahmed, leader of the ARS-Djibouti and a former leader of the ICU, was voted in as the new president. Despite these political developments, armed opposition groups, including al-Shabab, vowed to continue fighting against the TFG and against the African Union Mission in Somalia (AMISOM), an African Union peace support force based in Mogadishu.

AMISOM was created by the African Union Peace and Security Council in January 2007 with an initial six month mandate. The deployment of AMISOM was endorsed by UN Security Council Resolution 1744, adopted in February 2007. AMISOM's main function is to provide military protection to the TFG and its institutions.<sup>13</sup> Under the ceasefire arrangements agreed in Djibouti between the TFG and the ARS-Djibouti, AMISOM is also tasked with ensuring security in the areas vacated by Ethiopian troops. Since the withdrawal of the Ethiopian army from Somalia, armed groups opposed to the TFG have increasingly attacked AMISOM troops, demanding their departure from the country, and AMISOM has as a result been drawn into the armed conflict. In July 2010, following bombings in Kampala which killed at least 76 people and for which al-Shabab claimed responsibility, the African Union reportedly requested a change in AMISOM's mandate, to allow it to attack al-Shabab rather



than just defend itself and the TFG against attacks. The UN reportedly ruled this out, considering AMISOM's scope sufficiently wide.<sup>14</sup> AMISOM was composed of some 8,000 Ugandan and Burundian troops at the end of 2010. In December 2010, following an African Union Peace and Security Council request, the UN Security Council extended AMISOM's authorized troop strength from 8,000 to 12,000.<sup>15</sup> The same resolution authorized AMISOM to "take all necessary measures to carry out its existing mandate" and asked the UN Secretary-General to continue to provide advice on the AMISOM revised Concept of Operations. In March 2011, the Burundian authorities announced they were sending an additional 1,000 soldiers to Mogadishu.<sup>16</sup> In late March, the Ugandan and Burundian authorities announced that they would send a further 2,000 additional soldiers from each country to boost AMISOM.<sup>17</sup>

After the withdrawal of the Ethiopian army, armed Islamist groups continued fighting in Mogadishu against TFG forces backed by AMISOM troops, and launched several military offensives which proved deadly for the capital's residents, for instance in May 2009 and in August 2010. Al-Shabab also claimed responsibility for several suicide attacks against the TFG and AMISOM, some of which reportedly killed and injured civilians as well. Sporadic clashes continued to occur in other areas of southern and central Somalia, including in Kismayo and Dobley in October 2009, in the Galgadud region in early 2010, and in Beletweyne in November 2010. Meanwhile, since mid-2008 al-Shabab armed factions have taken control over most of southern and central Somalia where they have imposed strict rules on residents, some aimed at crushing any perceived dissent, others based on the group's interpretation of Shari'a (Islamic law).

In February 2011, AMISOM and TFG troops launched a military offensive in Mogadishu to dislodge al-Shabab from the capital. At the same time, armed groups loosely allied with the TFG and reportedly backed by Ethiopia and Kenya, attacked al-Shabab controlled towns in southern Somalia, near the border with Kenya, such as Belet Hawo, Luuq and Dobley. Fighting continues today as both sides to the conflict claim military victories.

The continuation of armed conflict combined with a precarious humanitarian situation has fuelled massive civilian displacement in the past four years, inside and outside the country. As of June 2011, some 1.46 million people were internally displaced within Somalia and about 750,000 were registered as refugees in neighbouring countries.<sup>18</sup> The real number of refugees is probably much higher, as many do not register. According to the UN, an estimated 33,000 people were displaced by fighting between February and April 2011, during the course of the TFG military offensive.<sup>19</sup> Internally displaced persons (IDPs) in South and Central Somalia, and among them, children, are particularly vulnerable, as they have little to no access to aid and live in settlements where violence from other civilians is more common.

## DOMESTIC PARTIES TO THE CONFLICT

The presence and behaviour of Ethiopian troops in Somalia catalyzed armed opposition to the TFG, despite the ICU's initial military defeat. Remnants of the ICU regrouped in the Al Harakat Al Mujahidin Al-Shabaab, or al-Shabab (Youth Movement), and other armed opposition groups, including the Hizbul Islam coalition formed in early 2009.

The **al-Shabab** armed Islamist group is currently the most powerful faction opposed to the TFG.<sup>20</sup> Since mid-2008, armed factions affiliated to al-Shabab have gradually gained control of most of southern and central Somalia, including major cities, for instance Merka and Kismayo on the Somali coast, Baidoa, where the Transitional Federal Parliament used to sit, Beletweyne near the border with Ethiopia, and Belet Hawo and Doblely on the border with Kenya. Al-Shabab and allied armed groups also control several districts of the capital Mogadishu and areas in the outskirts of the same city, including the Afgoye corridor where an estimated 410,000 people displaced by the past few years of fighting live.<sup>21</sup>

Al-Shabab gained control of some areas after defeating pro-TFG forces or other armed opposition groups and gained control of other areas through negotiations with local clans and clan militias. Some of the leaders appointed by al-Shabab are from the areas they control. One farmer from a village near Jamame, in the Lower Juba region said to Amnesty International: "The local al-Shabab leader is from the area, he used to be a farmer." In other localities, al-Shabab has reportedly appointed leaders from other areas or clans, apparently to avoid local leaders favouring their own clansmen and softening the group's control over the local population.

Al-Shabab's political agenda for Somalia, as articulated by some of its spokespeople, is to oust the TFG and AMISOM from Somalia and to impose its interpretation of Shari'a in the country. Some of its leaders have claimed allegiance to al-Qa'ida. Al-Shabab reportedly includes foreign fighters and recruits Somalis from the diaspora to come and fight in Somalia. Al-Shabab has claimed responsibility for several suicide attacks in Somalia and for the July 2010 bomb attacks in Kampala, the Ugandan capital, saying it was in retaliation for AMISOM's role in Mogadishu.

**Hizbul Islam**, formed in early 2009 as a coalition of several armed opposition groups, is led by Sheikh Hassan Dahir Aweys, a former ICU leader who fell out with Sheikh Sharif Sheikh Ahmed over the Djibouti peace process. He came back to Somalia from exile in Eritrea in 2009. Hizbul Islam and al-Shabab joined forces to launch the May 2009 offensive against the TFG and AMISOM, but in the latter part of 2009, the two armed groups fought each other for control of Kismayo city and port, and other territory in southern Somalia. Hizbul Islam merged with al-Shabab in December 2010.

The **TFG security forces** are nominally composed of members of the previous TFG military, police and intelligence forces, and members of the armed group (the ARS-Djibouti) formerly led by Sheikh Sharif Sheikh Ahmed. Other militia groups associated with clans and former warlords also operate in Somalia on the side of the TFG. One of the main challenges for the TFG remains to establish unified command and control and discipline over its disparate security forces and militia. The TFG has made public commitments to respect human rights. However, it has had no effective control over territory over the past two years, apart from some districts in Mogadishu, and has not been able to put in place concrete measures to alleviate the suffering of the Somali population.

**Ahlu Sunna Wal Jamaa (ASWJ)** is a Sufi group which took up arms against al-Shabab in late 2008 following al-Shabab's desecration of Sufi graves in central Somalia. On 15 March 2010, the TFG and ASWJ signed a "Framework for Cooperation" agreement, formalising a military alliance and recognising the armed group's de facto authority in parts of central

Somalia. Under the agreement, ASWJ got posts within the government and agreed to integrate its forces in the TFG security forces. However, some ASWJ leaders later accused the TFG of not fulfilling the agreement. ASWJ forces are present in the Galgadud and Hiran regions, in Mogadishu and reportedly around Belet Hawo in southern Somalia. The militia reportedly receives military support from Ethiopia.

Parties to the conflict and other armed groups not detailed here, such as clan militia in specific areas or armed criminal gangs, have often overlapped, forged or shifted alliances, or suffered divisions over the past few years. There have been regular reports of defections between the main parties to the conflict, the TFG and al-Shabab. Defections have included members of the TFG security forces allegedly joining armed opposition groups after not being paid salaries, or factions of armed groups joining the TFG following grudges against their former allies.<sup>22</sup>



Weapons for sale at Bakara market, Mogadishu. May 2004 © REUTERS/STR

The TFG has political and financial support from the UN, the AU and the International Contact Group on Somalia, although there has been growing impatience at its internal divisions and its inability to advance the goals set out in the Djibouti peace process and in the transitional period.<sup>23</sup> The June 2011 Kampala Agreement provides for an extension of the transitional period from August 2011 to August 2012, the resignation of the Prime Minister and a reshuffle of the TFG Cabinet.<sup>24</sup> The USA transferred weapons to the TFG in 2009, including mortar ammunition. France and Germany have trained TFG selected military recruits in the past two years and the European Union started training TFG security forces in Uganda in 2010. A UN arms embargo on Somalia, in place since 1992, allows exemptions for

supplies of weapons and military equipment and technical assistance intended solely for the purpose of helping develop TFG security sector institutions, as long as the UN Sanctions Committee is notified in advance and does not object to such requests.

Amnesty International has been calling on all states to end the supplies of arms and financing for the purchase of weapons to Somalia until effective safeguards are established to ensure these are not used to commit violations of international human rights and humanitarian law.<sup>25</sup>

### **3. CHILDREN CAUGHT UP IN INDISCRIMINATE AND OTHER UNLAWFUL ATTACKS**

**“Children are innocent yet they are caught up by stray bullets when they are eating, sleeping, walking around, or going to school.”**

A 14 year-old Somali boy interviewed by Amnesty International in March 2010

Constant insecurity and unpredictable outbreaks of fighting in South and Central Somalia impact on every aspect of children's lives. Children face extreme threats to their lives and livelihoods, often losing parents, carers and homes in the fighting, which increases their vulnerability.

#### **CHILDREN KILLED AND INJURED IN INDISCRIMINATE ATTACKS**

Civilians of all ages in South and Central Somalia have borne the brunt of the armed conflict and worsening indiscriminate attacks and insecurity in the past four years. Among them, children have continued to be killed and seriously injured in the fighting between armed groups and pro-TFG forces.

Mogadishu residents have particularly suffered, as the capital continues to be the main battleground between the TFG and armed Islamist groups. According to WHO, children in Mogadishu accounted for almost one-fifth of all weapons-related casualties between January and October 2010.<sup>26</sup> The International Committee of the Red Cross (ICRC) reported that in 2010, some 2,300 women and children with war injuries were admitted to the two hospitals it supports in Mogadishu, almost 40 per cent of all their patients.<sup>27</sup> The ICRC also said that the number of war-wounded patients received at both hospitals in 2010 had risen compared to those received in 2009.

During May 2011, there was a sharp rise in the number of recorded war-related casualties among children aged under five in Mogadishu, illustrating the high price paid by children in the unrelenting conflict in Somalia. According to WHO, between 1 and 15 May 2011, 933 patients bearing weapons-related injuries were treated in three hospitals in Mogadishu; of these 398 were children under the age of five.<sup>28</sup> In the second half of May 2011, the number of war-wounded children aged under five was also very high; WHO reported that “of

the 1590-reported weapon-related injuries in May alone, 735 cases or 46 per cent were children under the age of five, compared to only 3.5% in April".<sup>29</sup> The jump in the number of recorded casualties among children aged under five in May 2011 could be explained by increased and sustained fighting occurring around Bakara market in Mogadishu, in an urban area highly populated by civilians.<sup>30</sup> WHO previously reported that between 3 January and 15 May 2011, 3237 war-wounded patients, including 613 children under the age of five were treated in three hospitals of Mogadishu. 51 of these died of their injuries, including four children under the age of five.<sup>31</sup>

Insecurity or restrictions by parties to the conflict to independent investigations on site into reported killings of civilians make it difficult to ascertain whether all the incidents reported below constitute indiscriminate or disproportionate attacks, which violate international humanitarian law. However, the high number of civilian casualties received by hospitals in Mogadishu, which do not include some deaths on site or injured civilians not brought to hospital, is indicative of the disproportionate effect of the fighting on civilians. Moreover, all armed groups and forces have used mortars, rockets and other heavy artillery when fighting in urban areas. Parties to the conflict do not appear to take the necessary precautions to avoid loss of civilian life and injury, despite their obligations to do so under international humanitarian law. It is therefore likely that many fighting incidents amount to indiscriminate or disproportionate attacks.

#### A PATTERN OF INDISCRIMINATE SHELLING IN MOGADISHU

A 15 year-old boy from Mogadishu, told Amnesty International:

*"I arrived [in Kenya] in March 2010. I fled with my family because of the fighting. The war was getting worse. My three brothers were killed. It was shortly before we fled. They were coming from the market by bicycle and they were caught in cross fire. They were hit by a "bomb". One died on the spot and the two others died later, while we were on our way to Kenya. Their names were Ahmed, who was 10, Abdikadir, who was 12, and Yusuf, who was eight years-old."*

Armed Islamist groups often fire mortars, rockets and other artillery weapons in the direction of TFG and AMISOM bases, which are located near areas populated by civilians. TFG and AMISOM forces have been repeatedly accused of responding by also firing mortars and other artillery weapons in the direction of the attackers, present in civilian areas. Mortars and other artillery weapons are inherently indiscriminate when used in densely populated urban areas.

Armed Islamist groups often launch attacks from areas inhabited or frequented by civilians in Mogadishu, endangering the lives of civilians and putting them at risk of retaliation by pro-TFG forces. However, this does not relieve TFG and AMISOM forces from their obligations under international law to distinguish at all times civilians from military targets. One man told Amnesty International that he had fled the country precisely because his house in Mogadishu was being used by al-Shabab in 2008 as a "launching pad" for attacks against the Ethiopian and TFG forces. He described how members of the armed group had come to his home, intending to fire from there, and had shot at him when he refused to let them use his house. He was forced to move to a relative's house in another area of Mogadishu with some of his children, while his wife and small children stayed in his house. He said that

when al-Shabab militia came back to launch military operations from his home, he decided to leave Somalia with his whole family in December 2008.

Another boy, also from Mogadishu, told Amnesty International how his two brothers were killed in cross-fire in February 2010:

*“Two of my brothers were killed in February 2010. One day they were going to Bakara market and war broke out. They got caught in the cross-fire. Their names were Abdullahi, who was 18 and Ahmed, who was 14. When the fighting stopped we had to run to the market to pick up their bodies.”*

Bakara market is one of the main business and commercial centres of Mogadishu, and has been under the control of al-Shabab in the past few years. Civilians told Amnesty International that, despite the fighting, even many of those displaced by conflict to the outskirts of the capital came to Bakara market to buy food and other basic amenities, and work during the day. Access to Bakara market has recently been restricted by fighting, in the context of the February 2011 military offensive by the TFG and AMISOM. Bakara market has regularly been hit by mortars and artillery in the past few years, reportedly by AMISOM forces. AMISOM has denied this, including in a meeting with Amnesty International delegates in March 2010.<sup>32</sup> Yet many people living in the TFG and AMISOM-controlled areas of Mogadishu have reported seeing mortars being launched from TFG and AMISOM bases after attacks by armed opposition groups. A 12 year-old Somali boy told Amnesty International in March 2010:

*“If you are in the market together with lots of people al-Shabab will shoot at the Ugandan peacekeepers, who will retaliate with bombings. There are so many people who die as a result.”*

Two brothers, aged 10 and 13, and who were living in Karan, a district in northern Mogadishu controlled by al-Shabab, said that their main reason for fleeing was the constant fighting and bombing of their district by forces opposed to al-Shabab. One of them said:

*“We came here with our mother and five other people. We came from Karan district in Mogadishu. We left because of the bullets. We had to run away from the big bombs. Our village was constantly being bombarded from the other side. We couldn't even get home sometimes.”*



Somalis help wounded children to health facility after they were wounded by mortar shell that landed in their house in Mogadishu, Somalia, 29 July 2009 © AP/ PA Photo/Farah Abdi Warsameh

A woman from the Medina district of Mogadishu, who left Somalia in February 2010, said:

*“Bombs [mortars] were being thrown by the Ugandan army into the village near where we lived. Bakara was on the other side. The Ugandans used to throw bombs into Bakara. I know that it was the Ugandans throwing these weapons because al-Shabab does not have the same weapons. Children in Mogadishu are terrified at night when the mortars are thrown. I have only heard the sound of these kinds of weapons very recently in the whole of the 20 year war.”*

After repeated accusations that shelling by AMISOM forces was causing civilian casualties, AMISOM affirmed its commitment to protect civilians and to ensure its rules of engagement were in conformity with international law.<sup>33</sup> Further, according to the UN, AMISOM is taking steps to improve its policy on the “use of indirect fire” and to “make amends” to civilians.<sup>34</sup> However, few details are available as to what concrete precautions AMISOM is taking to avoid or minimize civilian casualties or to ensure that its targets are military objectives, and not civilians and civilian objects. Following reports that 14 civilians were killed and others injured on 18 May 2011 in Bakara market, during fighting between al-Shabab and TFG and AMISOM forces, AMISOM declared that it considered Bakara market as a “no fire zone” and denied firing mortars and artillery in the area.<sup>35</sup> To Amnesty International’s knowledge, no AMISOM personnel have been made accountable for the shelling of mortars and artillery in

civilian areas; although it has now investigated incidents of civilians injured by AMISOM soldiers' gunfire (see I.2. Other unlawful attacks).

While there are reports of civilians killed or injured in fighting almost every week in Mogadishu, civilian casualties reach a peak during military offensives, when parties to the conflict engage in full scale confrontations. In August 2010, during Ramadan, al-Shabab and Hizbul Islam launched an offensive against the TFG and AMISOM. Between 23 August and 23 September 2010, the Daynile hospital, north-west of Mogadishu, treated 542 people injured by weapons, 394 of them wounded by blasts and 148 suffering from gunshot wounds, according to the organization Médecins Sans Frontières (MSF).

Between 20 and 27 February 2011, during the TFG and AMISOM military offensive against al-Shabab in Mogadishu, the Daynile hospital treated more than 170 people, including 27 children aged under 14, and 39 women, all bearing weapons-related injuries.<sup>36</sup> The UN said that 62 civilians were killed and 232 wounded within the first two weeks of the February offensive, according to hospital records.<sup>37</sup> The UN also reported that as a result of fighting between January and April 2011, eight children were reportedly killed and 69 injured, the majority in Mogadishu.<sup>38</sup>

The number of civilian casualties, particularly of children aged under five in May 2011, rose sharply at a time when TFG and AMISOM forces were intensifying a counter-offensive on Bakara market and other districts of Mogadishu. In the first two weeks of May 2011, 398 war-wounded children under the age of five were recorded in three hospitals,<sup>39</sup> more than half the number of children aged under five injured by weapons and treated in these hospitals since the beginning of 2011. WHO indicated that many children had burns, chest injuries and internal haemorrhage resulting from blasts, shrapnel and bullets.

Given the situation in Somalia, Amnesty International cannot attribute each and every incident to a particular party to the conflict. However, it is clear that the conduct of all parties has involved a pattern of indiscriminate attacks. To Amnesty International's knowledge, the TFG and AMISOM did not warn civilians of impending military attacks in February 2011, although in May 2011, AMISOM did call on civilians and traders to avoid Bakara market.<sup>40</sup> International humanitarian law requires parties to an armed conflict to give effective and advance warning of attacks that may affect civilians, unless circumstances do not permit.

There was already a pattern of indiscriminate shelling and counter-shelling in civilian-populated urban areas when the Ethiopian army was fighting in Somalia on the side of TFG forces between 2007 and early 2009, in which tens of thousands of people were killed and injured. A 30 year-old man described to Amnesty International delegates how his parents died when a mortar fell on his house in Mogadishu in 2008 and how his two year-old daughter was injured in subsequent shelling a few months later. His daughter had a deep burn on her right leg which extended from mid-thigh to mid-shin and was clearly in pain when Amnesty International delegates talked to them:

*"We fled because of the war in Mogadishu. People were exchanging mortar shells. It was like rain. A bomb was thrown on my family in January 2008. My father and stepmother were killed. His name was Mohamed Warsame, he was 75, and her name was Fartun Hassan, she*



was 45. At the time no one was in control of the district where we lived in Hamar Jedid, the government was in Baidoa. It was early in the morning and we were all asleep when the mortar struck.

*In September 2008 another bomb was thrown at us and it injured my young daughter. We were living in another house in the district of Wardigley after the first bombing which killed my father. The bombing happened early in the morning. The mortar hit one of our neighbours but a small piece of shrapnel flew into our house and burnt my daughter. I took my daughter to Medina hospital but they could not cure her. They have so many patients. Initially it was a small injury but it spread, like hot water. I stayed in Mogadishu because my daughter was in hospital for some months."*

A middle-aged woman told Amnesty International in March 2009:

*"My husband and my five children were killed by a missile. It was one year ago. There was fighting between al-Shabab and the interim government and the Ethiopian troops. A mortar fell on the house. My children were three, four, five, six and nine years-old. My grandmother, the housemaid and a visitor were also killed. I have just one child left with me, he is 13."*

A young woman said to Amnesty International in 2009:

*"I am from Mogadishu, from the Medina village. The situation was very difficult back home, there was fighting going on. Our neighbours had many problems, some died and others were injured. A young lady in my village, Nasra, who was 15 years old, and whom I was good friends with, had her stomach blown up in a bombing and she died in hospital. I was close to her. I don't know who committed this bombing. She was injured while she was in her compound, just outside her house."*

A 22 year-old woman who used to live in the Medina district of Mogadishu, near the old American base (Ex-control), lost her mother and six siblings when her house was bombed, apparently by armed opposition groups:

*"When the mortar hit the house, six of my siblings died in the incident, together with my mother. My father and brother were also injured but escaped alive. In April 2007, the Ethiopians had made a base in the neighborhood. They threw rockets in response to the resistance, and the resistance threw rockets too. The one that landed in our house was from the resistance, from al-Shabab. It was a artillery weapon, a ground based mortar. It doesn't make a sound when it is traveling, just when it hits. It is very destructive when it hits."*

#### OTHER UNLAWFUL ATTACKS IN MOGADISHU

Civilians, including children, are also at risk of being killed and injured by firearms in clashes or shoot-outs occurring in the streets of Mogadishu by all parties to the conflict, and in bombings or suicide attacks carried out by al-Shabab. AMISOM and the TFG say that they are taking some steps to investigate some of these incidents where their soldiers are suspected of involvement. Al-Shabab, however, does not appear to take any steps to ensure that its fighters distinguish between civilians and military targets and to minimize the impact of their actions on civilians.

A young man whom Amnesty International met in 2009 said:

*“My young brother was hit by a bullet as he was coming home from school. There was fighting on the way between Ethiopian troops and militia. There were other bodies and people injured lying next to him. It was in 2007, before my father's death. His school was in the KM4 area [in Mogadishu].”*

A 15 year-old boy also told Amnesty International how two friends of his were killed:

*“In 2007 two friends of mine were going to a nearby farm on the outskirts of Mogadishu and they were caught by the insurgents. They killed one of my friends as he came from the government side. They were preparing to kill the other one when TFG troops fired, so the child ran away; he was killed in cross fire. Their names were Khanio, who was 17 years-old, and Abdiakin, who was 12.”*

During Ethiopia's military intervention in Somalia, TFG security forces were accused of committing extra-judicial executions, indiscriminate fire, arbitrary arrests, torture and looting.<sup>41</sup> Since the new TFG President has been in place, there have been fewer reports of such human rights violations attributed to the TFG security forces. However, the media and local sources have continued to report incidents of members of the TFG security forces killing and injuring civilians, or shooting at each other in public places during disputes. TFG security forces are more an assortment of disparate militias answering to individual high-level officials or military officers rather than effective police, military and intelligence forces, and sometimes different TFG units clash with each other in the streets, further compounding insecurity for civilians.<sup>42</sup>

One of the worst incidents of shooting between TFG units occurred on 30 January 2011. Clashes between TFG police and a TFG special security unit in Banadir Junction in Mogadishu, near the Banadir Hospital for mothers and children, reportedly involving fire from a vehicle-mounted machine gun, killed at least 16 people and injured 56 others, mostly civilians, according to local sources. Government officials said they were opening an investigation into the incident and that those responsible would be made accountable; the TFG stated a few days later that the incident may have been caused by an “accidental discharge” of a weapon.<sup>43</sup> Amnesty International does not know if anyone was brought to account for this incident.

TFG security personnel have rarely been held accountable for indiscriminate attacks with firearms in civilian areas and killings of civilians. In October 2009, the TFG established a military court to try soldiers accused of criminal offences. One TFG soldier was executed in December 2010 reportedly for killing another soldier. On 15 January 2011, three members of the TFG security forces were executed after being tried by a military court; one had reportedly been convicted of killing another TFG policeman, the second one of the killing of a civilian and the third one of killing a TFG civil servant. Amnesty International has not obtained further details on these offences and on the trials' proceedings. The organization is concerned that a military court appears to have jurisdiction over violations of international humanitarian law and human rights, and that the TFG has resumed executions.<sup>44</sup> The TFG announced in May 2011 that it was considering establishing a moratorium on the death penalty.<sup>45</sup>

AMISOM forces have been accused of causing civilian casualties by firing indiscriminately in Mogadishu's streets on at least three separate incidents. The findings of an investigation into allegations that AMISOM forces had fired at civilians in February 2009<sup>46</sup> were not made public. In March 2011, AMISOM announced that three Ugandan soldiers were found guilty of carelessness in two separate incidents in November 2010 and January 2011 during which civilians were shot at, and were serving two years prison sentences in Uganda.

Amnesty International wrote to AMISOM to welcome the steps taken to hold accountable those in their forces accused of human rights abuses. The organization also asked for further information about the status, composition, functioning and jurisdiction of the investigation and court mechanisms established by AMISOM, and enquired how the confidentiality and safety of potential complainants and witnesses of the force's conduct in military operations was ensured, whether victims were granted reparations and whether they could participate in any further criminal proceedings. Amnesty International received no response from AMISOM.

Al-Shabab has claimed responsibility for an increasing number of suicide attacks against the TFG and AMISOM. Suicide attacks as such are not prohibited under international humanitarian law, but the means and methods used in those that al-Shabab claimed responsibility for have often violated international humanitarian law. Some attacks directly targeted civilians, others were indiscriminate and no attempt was made to distinguish between military targets and civilians and civilian objects. In at least one occasion, suicide bombers used UN-marked vehicles to gain access to an AMISOM base, an act of deception under customary international humanitarian law.<sup>47</sup>

On 9 September 2010, a vehicle holding explosives was driven to the airport in Mogadishu, a TFG-controlled area, and where AMISOM has troops stationed. The vehicle was not able to reach the airport hall, but the explosives reportedly killed at least two AMISOM soldiers and three civilians, including a boy who shined shoes.<sup>48</sup> On 20 February 2011, a suicide car bomb targeted at a TFG police training camp, in Hamar Jajab district in Mogadishu, reportedly killed 15 people, including two children aged 10 and 11, and wounded another 30.<sup>49</sup> A young footballer, Abdi Salaan Mohamed Ali, was also reportedly killed and two others injured in the same attack, as they were coming back from football training near the police camp.<sup>50</sup> Al-Shabab claimed responsibility for both attacks.

On 3 December 2009, an attack with explosives on a graduation ceremony for medical students of Banadir University taking place in the Shamo hotel, in a district of Mogadishu under TFG control, killed at least 23 people including students, lecturers, three journalists and three TFG ministers, the Ministers of Higher Education, Education and Health. Some 60 persons were injured.<sup>51</sup> Among those killed from the University were Professor Mohamed Adem Warsame, Hussein Mo'alin Hassan, Mohamed Abdikadir Mohamed, Ahmed Hassan Hussein, Muhayadin Aweys Ahmed, Mohamed Abdullahi Ali, Jamal Luqman Osmail, Adam Muqtar Hassan, Abubakar Hussein Farah and Abubakar Ibrahim Hassan. All parties to the conflict distanced themselves from the attack, which was reported to have been caused by a suicide bomber. However, Mogadishu residents demonstrated against al-Shabab a few days later, accusing the armed group, which had previously claimed responsibility for large-scale suicide bombings, of being behind the attack. Amnesty International said it was a direct attack against civilians, a war crime under international humanitarian law.<sup>52</sup>

#### OTHER ARMED CLASHES IN SOUTHERN SOMALIA

Civilians in cities other than Mogadishu have also been killed and injured in armed clashes. A man from Beletweyne, a city in the Hiran region near the border with Ethiopia, told Amnesty International how he lost his children in the fighting between Ethiopian troops and armed groups in 2008:

*"There was war between the Ethiopians, the Somali troops, and al-Shabab. My house was destroyed. Five of my children were killed by stray projectiles fired by the fighting groups. The children were killed not far from our house. I had to pick up their bodies and bury them. The oldest was 12 years-old, and the youngest less than two years-old. Their names were Ali, Mohamed, Yusuf, Abdi, and Seri."*

Areas affected by armed conflict in the past two years include Dhusamareb and Guri El in central Somalia in January 2009, Kismayo and its surroundings in September 2009, Dhusamareb and the city of Beletweyne in the Hiran region in January 2010, Belet Hawo, on the border with Kenya in October 2010, and Belet Hawo, Luuq, Doble and Beletweyne since February 2011.

Clashes between armed groups have not been restricted to towns. Villages in rural areas have also been affected. Between 2008 and 2009, Ethiopian-backed TFG troops fought with al-Shabab for the control of vast areas in southern Somalia. In 2009 and 2010, pro-TFG troops have also attempted to attack villages under the control of al-Shabab factions. One 25 year-old farmer, who lived in a village near Kismayo until he fled the country in February 2010, said that children were most affected by the fighting as they could not run away from the fighting as fast as adults:

*"We left because of the fighting between al-Shabab and government soldiers. The fighting is frequent. Shabab is in control of the area around Kismayo while the government is in control of other areas. The TFG comes and fights with al-Shabab. We know they are government troops because of the uniforms they wear... The fighting forces use AK47s and mortars when the war takes place and people die from the mortars. There is a tarmac road near our village along which there are houses. The war takes place on the road and it is very common that houses get destroyed. It is mainly government forces that use mortars; al-Shabab in our village doesn't have such weapons. The attacks are common at night, while people sleep. When fighting takes place children cannot run with their parents who run to the bush, they are left on their own. Parents don't take their children in the chaos."*

#### CHILDREN'S LIVELIHOODS THREATENED BY INDISCRIMINATE ATTACKS AND VIOLENCE

Indiscriminate attacks and violence have also robbed children of their relatives, including carers and breadwinners, caused the destruction of countless civilian homes and massive displacement. Armed conflict impacts on the lives of civilians of all ages, but children, an already vulnerable category of the population, are particularly affected. Children whose parents have been killed or injured are at higher risk of further dangers, as they have to fend for themselves in an already extremely threatening environment. Those whose homes are destroyed are deprived of shelter, cooking utensils and means of livelihood and have to sleep on the streets, or are forced to join settlements for internally displaced persons, or attempt hazardous journeys to escape Somalia.

A young man explained to Amnesty International in 2009 how he and his father separated each evening to ensure that one of them would stay alive to look after the family:

*“A friend of mine and another man were sitting at a café [in Mogadishu] when they were killed by shelling. When you live in a town where there is fighting, you have an uncertain future. You don't know when you will be killed. The government forces and the Ethiopians used to fire from all sides. So my father and I used to eat together, but sleep in different houses, so that if one of us died, the other one could take care of the family.”*

A 14 year-old girl from Towfiq, a district in Mogadishu, recounted how she lost her grandmother and her home in April 2010 when a mortar fell on her house:

*“My grandmother was killed just before we fled to Kenya. She was in the house, a bomb was thrown on the house and she just died. We were also in the house at the time. It was early in the morning, at the start of the month of April 2010. The fighting was occurring far away [from our house] but nevertheless our home was destroyed. My maternal aunt was also injured.”*

A 15 year-old girl from Mogadishu explained:

*“One day I went to school and when I came back for lunch my family was not there and the house was destroyed. It was in December 2009. I came here [to the refugee camp] with my maternal aunt. I had 10 siblings: the oldest is 22, the youngest is three. The small children were at home as well as my mum and dad that day.”*



A Somali woman and children walk past a makeshift home in Mogadishu, after they fled fighting between Somali government forces and Islamist fighters, June 2009. © AP/PA/Mohamed Sheikh Nor

A 15 year-old boy from Mogadishu told Amnesty International:

*"In April 2009 my parents were killed. Weapons were thrown at our house and it collapsed. I wasn't inside the house at the time. I don't know who threw the weapons. One of my brothers was killed too... He was 16 years old."*

A 16 year-old boy, who fled Somalia in March 2010 explained:

*"That day, a mortar was thrown and part of our house was destroyed. The mortars were being thrown by the Ethiopians. Al-Shabab lived in the area where I lived. They throw mortars first and then the Ethiopians retaliate. I lived in Huriwa district in the east of Mogadishu, an area controlled by al-Shabab since the Ethiopians withdrew. Our house was destroyed towards the end of 2008, during the peace conference [the Djibouti process]."*

Children are extremely vulnerable to insecurity and abuse once they lose the protection and care of their parents, particularly in South and Central Somalia where there is no state protection and the traditional clan protection mechanisms are being eroded by armed groups, and where war, poverty, lack of access to humanitarian aid and employment opportunities hamper the daily survival of millions of civilians. Two young men explained to Amnesty International that boys face specific dangers. One of them said:

*"For boys there are very specific risks. If relatives flee leaving the youth alone, their only way to survive is to loot. Other young people are given money as an incentive to join the armed groups. Some do robbery, some join in the fighting."*

A 15 year-old boy from Mogadishu said that al-Shabab attempted to recruit him after his mother was killed:

*"I did not attend school in Mogadishu. My father died and my mother used to work in the market for us. I would stay at home to look after my young sister who at that time was four years old. I came to Kenya alone as an unaccompanied minor. I followed other people who were fleeing Mogadishu. I did this because my mother had died. I left my young sister with my relatives so that I could escape to Kenya. My sister is with my aunt in Mogadishu. My mother died as a result of the war in Bakara. I cannot explain how she died. All I know is that she was shot by a stray bullet. This happened on 10 October 2009 in Bakara market. The bullet was fired in the midst of fighting between al-Shabab and the government. I was at home when this happened. After the October 2009 battle which killed my mother, al-Shabab tried to recruit me to join them."*

Children in their teens and young adults who have lost parents often have to assume the responsibilities of care-givers towards younger siblings. An 18 year-old woman described her and her 17 year-old brother's struggle for survival after they lost their parents:

*"We went to school early one day and when we came back home our parents were not there. When we got to our house, in Shibis in Mogadishu, we found that the house had been bombed. We do not know whether anyone died in the bombing or whether there were any survivors. We tried to find out what had happened but we were not able to get any information. This was in August 2009. After finding the house bombed, we fled with*

*neighbours from Mogadishu and went to another village, Hamarweyne, also in Mogadishu. This village is in an area controlled by the government. I stopped going to school. I no longer had money to pay for school fees. I stayed in Hamarweyne for two and a half months. I fled from Hamarweyne in January 2010 because our neighbour with whom we were staying decided to leave for Baidoa. I then fled to Baidoa and stayed there for 20 days. This is an al-Shabab controlled area. I decided to flee to Kenya because I could not find anyone to live with. We had no money and there was no one to protect us."*

## 4. RECRUITMENT AND USE OF CHILDREN INTO ARMED GROUPS AND FORCES

**“Children growing up in Somalia are scared that they will have to fight. Young people are forced to fight. Militiamen encourage them to come and fight. They will tell you that this is the man who killed your brother and encourage hatred. The current militia who is in power is al-Shabab. They will kill you.”**

A 19 year-old woman interviewed by Amnesty International in March 2010, three months after she fled Somalia

The recruitment and use of children by parties to the conflict is a long-standing concern in Somalia. Boys over 15 years old are often considered adults and, in a situation of state collapse, breakdown of the rule of law and clan feuds, have been expected by some to defend their clan and family.<sup>53</sup> Somali civil society groups have raised concerns about the use of child soldiers for many years. However, the intensification of armed conflict since the end of 2006 has fuelled an increase in recruitment and use of children by fighting forces.

Almost all the Somali refugees interviewed by Amnesty International in 2010 cited recruitment of children and young adults, or the risk of such recruitment, as a reason for fleeing Somalia. Although some refugees interviewed in March 2009 mentioned the issue of recruitment of children and forced recruitment of adults in fighting groups, this concern seemed less widely shared than by those who fled later. This may indicate that the recruitment and use of children by armed groups over the past two years has become more widespread. It may also be a reflection of the spreading of armed groups' control over territory in South and Central Somalia, and therefore of their reach over a wider population. According to local sources, armed groups have further intensified their recruitment and use of children around recent military offensives, in order to boost their fighting capacity.<sup>54</sup> For instance, al-Shabab leaders in Baidoa reportedly called on residents, including children, to participate in the *jihad* (holy war) against the TFG around August 2010, when al-Shabab



launched its "Ramadan" offensive against the TFG in Mogadishu, and from February 2011, as al-Shabab was fighting a TFG counter-offensive in Mogadishu and in the Gedo region. Many parents in Baidoa reportedly try to hide their children, keep them at home or send them to other areas to avoid recruitment.

All parties to the conflict, including the TFG and militia allied to it, have been accused of using child soldiers. However, the testimonies collected by Amnesty International in 2009 and 2010, and subsequent reports from local sources point to a widespread and, in some areas, systematic pattern of recruitment and use of children by armed Islamist groups, particularly al-Shabab, but also Hizbul Islam. Amnesty International describes below the patterns of recruitment and use of children by armed groups, the punishment imposed on those who oppose such recruitment and the reported recruitment and use of girls and women. It also looks at recent TFG commitments to end the recruitment and use of children in its ranks and to address the issue of child soldiers who escape or are captured from armed groups.

## RECRUITMENT OF CHILDREN BY ARMED GROUPS

### AGE AND TARGETS

Most children recruited by armed groups appear to belong in the age bracket between 12 and 18 years old. However, refugees have told Amnesty International that even children as young as eight years old have been recruited by armed Islamist groups. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children and armed conflict prohibits armed groups from recruiting any child. According to Article 8 of the Rome Statute of the International Criminal Court, conscripting or enlisting children under the age of 15 into armed forces or groups, or using them to participate actively in hostilities, constitutes a war crime.

A woman told Amnesty International that her 10 year old son was recruited by al-Shabab in Mogadishu in February 2010:

*"My son was taken from our village [district] to one of al-Shabab's training camps. He was held in the training camp for two weeks with other boys of his age. He is just 10 years old. Al-Shabab used other children to lure my son into joining them."*

A man from Brava, a coastal city which has been under al-Shabab control since November 2008, told Amnesty International that his two brothers aged eight and 12 were recruited by al-Shabab in late 2009.

A 15 year-old boy who fled Mogadishu in January 2010 told Amnesty International that his eight year-old brother was recruited by al-Shabab. He was himself threatened into joining the armed group:

*"There is a place where they keep children, where al-Shabab tried to make me go. They used to come to the blocks where we were living and they would take children so that they could keep them and make them fight. [...] Al-Shabab told me that they would kill me if I didn't come with them. They asked me three times to go with them but I refused to go. I stopped*

*going to the playground because I was scared they would try and force me to go with them. They took my brother. He was recruited by al-Shabab when he was eight years old. He was taken while he was playing football. We went to the place where we know that they make them fight and we found his dead body there."*

The boy did not know whether his brother was killed during military clashes or if he died in other circumstances.

A 15 year-old boy from Mogadishu recounted to Amnesty International how his friends aged between 14 and 17 were recruited by al-Shabab and killed in fighting in Mogadishu in August 2009 and in Galgaduug.<sup>55</sup>

*"I know people who were recruited to join al-Shabab. Most of these people died in the fighting. They took part in the war and they were killed in the war. These people were my friends. They died in a battle in August 2009 outside Mogadishu and others died in Galgaduud. Two of my friends were 15 years old, one was 17 and another was 14 years old. Their names are as follows: Muhammed, who was 15, Ahmed, who was 17, Ali, who was 14 and Muhammedek, a 15 year old."*

Another woman, who used to live in Kismayo until November 2007 told Amnesty International in March 2009 that she knew boys aged between 10 and 15 years-old, both friends and relatives, who were recruited by both sides to the conflict to fight.<sup>56</sup> She added:

*"Those recruited by al-Shabab do not come back; I don't know if any of the ones I knew have died."*

According to the testimonies collected by Amnesty International, the areas where recruitment of children, particularly young children, has been especially intense are Mogadishu, Brava, Kismayo, Baidoa, the Sakow district in the Middle Juba region and the Gedo region, areas which for the past three years were firmly under the control of al-Shabab, but are now disputed.

In other areas, local al-Shabab factions appear to target children from about the age of 15 years for recruitment. Variations around the ages of children targeted for recruitment seem to depend on local factors. Although this report focuses on the recruitment and use of children by fighting forces, Amnesty International has also received many testimonies pointing to the forced recruitment of young men, from the ages of 18 to 25, by al-Shabab factions. One 25 year-old farmer from a rural village in Lower Juba explained:

*"The young men are recruited... Adults are forced by al-Shabab to carry guns. They also force people from 15 to 17 years old. They always do these recruitment campaigns. They disseminate information that men between such and such age should come forward for fighting. If you are forced you have no option but to carry the gun. You cannot escape as they have their "generals" monitoring you. The way they recruit is that they talk to the elders and tell them that they need to reinforce their army. The elders [in our area] always respond that they cannot force someone to fight. Some people also join because of money, as they are being paid salaries to fight."*

Some testimonies also indicate that minority clans have been targeted for recruitment by al-Shabab. Minority clans in Somalia have faced a long history of discrimination and human rights abuse, as they usually do not benefit from the military protection of warlords and majority clan militias.<sup>57</sup> Al-Shabab's ideological emphasis on religion rather than clan may have appealed to minority clans. One woman, from the Bantu minority clan, said:

*"Al-Shabab was less harsh [than other parties to the conflict] with minority clans. But al-Shabab wanted the Bantu Somalis to take the gun and fight alongside them. Some people were forced to fight with them. Al-Shabab were threatening them that they would kill their relatives if they did not join. A family living near us had their children forced to fight for al-Shabab. They were told: "If you are not with us, we will kill you.""*

#### RECRUITMENT METHODS

Somali refugees' testimonies point to various methods used by al-Shabab to recruit children. They range from luring children to join them by promising phones and money, ideological indoctrination in mosques, using children previously recruited as recruitment agents to more aggressive techniques such as threats to children and their relatives, raids on schools, abductions in public areas and from vehicles departing the country. Somali refugees who fled the country in late 2009 and early 2010 described more threatening recruitment methods than those who had fled in 2008 and earlier. This could indicate that al-Shabab is increasingly resorting to forcible recruitment.

Others were persuaded to join after being offered money, phones or other incentives. These are powerful incentives for destitute children, living in a situation of poverty, lawlessness and little access to food, water, and any livelihood opportunities. One father explained:

*"My son was almost 14 years-old. He was at school but was persuaded by al-Shabab to join them. This was in 2008. He stayed with them for 20 days, in a training camp in Mogadishu. He was called over by them in town and was given some money."*

A mother of two described how her 14 year-old son joined al-Shabab in August 2009 after being promised money and a mobile phone:

*"I have my 15 year old son here with me. They took my younger son, who is 14 years old. I tried to keep him with me but he, my own son, told me that he would tell al-Shabab to kill me if I tried to keep him away from them. He chose to go with them. Al-Shabab gave him a phone and some money. This happened in August 2009. I saw him after he had been with them for one month. He was in the Karan district in Mogadishu living with al-Shabab. He had a gun and was training with al-Shabab. The Emir of al-Shabab told me that my son would enter paradise when I begged him to get him back. They also tried to get my 15 year old but he ran away. This was in September 2009, only one month after my 14 year old had been taken."*

Another 14 year-old boy, from the town of Baardheere in the Gedo region, described how he was first lured into joining armed groups:

*"They told me to go with them where they train young children and adults how to fight. I had decided to go with them, so my father sent me away from Somalia. They used to come where*

*people drink tea and there they try to persuade you. They say they will give you some money. Both Hizbul Islam and al-Shabab do it. Al-Shabab has been in control of our area since 2009 but they've been recruiting since 2008."*

Recruiting and using children aged under 15 in armed groups and forces is a war crime, regardless of whether the recruitment is forcible or not.

Al-Shabab has also reportedly exploited the anger of the population at the abuses of the TFG and Ethiopian troops between the end of 2006 and the beginning of 2009. A 21-year-old man told Amnesty International in 2009:

*"I know about 10 persons who were involved in fighting against the Ethiopians, in different groups: Al-Shabab, Jabathul Islamiya, and the ICU. Many were 17 years old or less. One of them used to sell watermelons on the street. He was captured by government troops and was tortured and left for dead, so when he recovered he joined al-Shabab."*

Armed Islamist groups have also recruited children, including at mosques by telling them that if they joined them they would fight a holy war. A 15 year-old boy from an al-Shabab controlled district of Mogadishu explained:

*"Al-Shabab interfered with us and stopped us from playing. The youths were enticed by money to join their ranks. They were offered money "in dollars" to join al-Shabab. Those who joined would in turn persuade others to join them. The youths are initially given USD 250. When you become an expert and can use your weapon, the money can be increased to up to USD 300 or 400. Al-Shabab would also use religion to recruit boys into their militia. They would preach and convince people that they are engaged in a holy war, a jihad which al-Shabab was going to win. Whoever fought in this war would go to heaven and would receive their reward there."*

A 19 year-old boy told Amnesty International:

*"Armed groups train under age children to go and fight, they persuade children in the mosque to participate in the holy war in Somalia. Two of my friends were forced to participate in the fighting. Both were under 15. One of them was killed in the Galgadud region in 2008. I refused to join al-Shabab. They have a group in charge of recruiting young people, called the Tabliq. I always run away from where they are to avoid being recruited."*

In March 2011, Sheikh Hassan Dahir Aweys, the leader of Hizbul Islam, was quoted by Somali media as saying: "We recruit underage children to fight for us, the children are ready to die for their country and religion... There was an incident where a 13 year [old] fighter [was] shocked when he heard the loud sounds of the artillery while he was fighting and he said the fighting is terrible but the Jihad is sweet and later he was dead in the clashes."<sup>58</sup>

A 15 year-old boy from Mogadishu explained that those recruited by al-Shabab sometimes become themselves recruitment agents:

*"Armed groups normally catch children aged between 14 and 15. They have a methodology, they say you will fight a jihad and then go to paradise. One friend was recruited by them and*

*then he came to the village asking us to join. He was 18 years-old. I heard that he was later transferred to Kismayo. He had an AK47 and he said he was given lots of money."*

Many Somali refugees have also described forced recruitment of children by the use of threats. As reported below (II.2), individuals who have opposed recruitment by al-Shabab have been beaten, abducted and deprived of liberty, or even killed, and their relatives similarly targeted. A 16 year-old boy, who fled Mogadishu in February 2010, told Amnesty International:

*"Al-Shabab does not give you a choice. It is either you join them or you will be killed. I have been dodging al-Shabab each time they came wanting to recruit me. I would always watch their movements and avoid wherever they would be and this way, I managed to avoid being recruited. I count myself lucky to have escaped all the attempts by al Shabab to try and recruit me."*

Many children have also described al-Shabab raids on schools for the purpose of recruiting children. A 13 year-old boy who fled Mogadishu in April 2010 said:

*"Al-Shabab were fighting and they even came to my school and tried to make us join them. ... If a mother insists that her son won't go and fight, they will kill her or beat her. "They came during assembly to school and told teachers that they wanted to inform children that they should go with them and fight. Even though children refused to go, they still took some away. My mother refused to let me go and fight. ... "There was a time when they beat us at school. There were 20 of us who were beaten with a leather cane. Sometimes in assembly they would ask that people not supporting them raise their hands. If you didn't support them then they would beat you. ... "They tried to make my brother go and fight with them while he was in school. He refused and so they went to my house to try and force him but he still refused. My mother stayed silent. They ended up taking my brother when he was 14 years old in 2009. We have had no news about him but my sister saw him once in a vehicle with many other children."*

A 15 year-old boy from Kismayo said he had a similar experience:

*"I was at school when I was in Somalia. As I was going to school once al-Shabab took my books from me. They told me that I had to join them or they would take my books away. They said that I should leave my school. I refused to join them. They slapped me but then they left me alone this time. Sometimes al-Shabab would come into my school. They would beat the students who came late and take them away to fight. One day there were two children who were taken from our school to go and fight with al-Shabab."*

A 15 year-old boy who fled Kismayo in March 2010 told Amnesty International that children and young people were also being recruited by al-Shabab from the streets or when playing outdoors:

*"I fled because I feared being recruited. I don't know how to use a gun. A friend of mine, aged about 20, was fighting for them. He died because he didn't know how to use a gun. These people [al-Shabab] recruit passer-bys near where they meet. They call you and force you to join. They take people who are under 18. There is a place in Kismayo where they train people, but it is a secret place, only they know where it is."*



Somali children playing war games, 10 August 2008. © Private

Another boy, aged 14, who fled Somalia in March 2010 confirmed:

*“In Kismayo they were recruiting children. They were taking all the children to the outskirts of town where they were doing the training. Once I was nearly taken. I was playing football in Kismayo and I saw them coming and I managed to run away.”*

A 16 year-old boy described what appears to have been a raid on a village on the outskirts of Baidoa, during which children were abducted for recruitment:

*“When the fighting occurred people in Baidoa fled to a village on the outskirts. Then al-Shabab attacked the village to look for children and recruit them. They came in seven vehicles. Everybody was trying to escape. They caught some people, boys and girls, and put them in their vehicles.”*

Others told Amnesty International that in some cases people fleeing Somalia were stopped at checkpoints manned by al-Shabab and young men and boys on board the vehicles would be prevented from leaving the country, presumably for recruitment purposes. According to a 14 year-old boy from a town in the Gedo region:

*“We escaped when it was midnight because al-Shabab said that no men in the village were allowed to go away. Al-Shabab was controlling all the cars and stopping men from coming to Kenya, in Dobley and in other places.”*

A 19 year-old male refugee also described how al-Shabab, who then controlled the city of Doble, on the Somalia-Kenya border, until March 2011, and through which the majority of people fleeing to Kenya pass, have stopped buses and prevented teenage boys from leaving the country:

*“They said: “where are you going? Are you escaping the holy war in Somalia? You have to stay here.” They stopped the bus. We all had to get out. They say to people: “why did you shave your head? You cannot wear long trousers.” They take your mobile phone to check if there are some songs on your memory card.<sup>59</sup> Many people have not been able to come [to Kenya]. Some teenagers had to stay in Doble.”*

#### TRAINING AND USE OF CHILDREN

Al-Shabab and Hizbul Islam have reportedly established training camps in various parts of southern and central Somalia. Detailed information about how these training camps operate is difficult to obtain, because no independent observer has access to them, because few recruits are able to escape from these camps and because many fear reprisals if they talk about al-Shabab.

The testimonies Amnesty International has collected from those who have been through these camps indicate that children are trained in how to use firearms and handle grenades and improvised explosive devices. In some cases, some children appear to be used by armed Islamist groups to guard people held as prisoners, and also to enforce the group's rules related to dress code and behaviour on the population.

A 10 year-old boy who was taken to an al-Shabab military camp for training told Amnesty International:

*“There were so many boys in the training camp. They trained us and gave us a small gun.”*

Several Somali refugees have told Amnesty International that children are used by al-Shabab to fight in military confrontations. Others have said that only children considered physically strong enough to handle guns were recruited. A 15 year-old boy, who fled Somalia in January 2010, described how al-Shabab attempted to recruit him in 2009, and that they let him go because he was not considered strong enough to handle guns:

*“Al-Shabab tried to recruit me. They came home and demanded that I join them, in October 2009. I refused. As I was trying to leave, they tried to beat me and my friend because he had also refused to join them. This was not the first time that I had had an encounter with al-Shabab. In February 2009, whilst playing with eleven other boys, about 30 al-Shabab members surrounded us and took us to the police station. We spent two to three days in custody. Al-Shabab then forced the strong boys to join them. Four of us were then forced to join them. I was considered to be weak and so I was told I could go back home. They said that they wanted strong boys who could handle guns and would be able to shoot. I was said to be weak and not able to do this. Al-Shabab were enforcing strict rules. If anyone was caught trying to flee, that person would be made to pay a fine of USD50 or USD100. If you did not have the money to pay, they would take your family members as hostages. Al-Shabab has many soldiers in reserve waiting to go into battle when others are killed. These people are held against their will. Al-Shabab uses them when they need reinforcements.”*

In 2010 and 2011, Amnesty International has received increasing reports from local sources that children are being sent to the battlefronts by al-Shabab. UNICEF reported that children were used as fighters in battles in Belet Hawo in southern Somalia and in El Bur in the Galgaduud region in central Somalia, during the TFG military offensive that started in February 2011.<sup>60</sup> UNICEF stated that children were killed on the battlefield and detained after being captured by pro-TFG forces.

According to one child who was recruited by al-Shabab, recruited children are divided into several groups and trained for different purposes. Some would be trained for specific "assassination" missions, others for the planting of grenades, roadside bombs and other improvised explosive devices on streets intended for TFG and AMISOM patrols or vehicles, and others to beat up people not conforming to al-Shabab's rules or abducted by the armed group.

"A child soldier is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms." <sup>61</sup>

During negotiations on the Rome Statute establishing the International Criminal Court, it was accepted that the definition of "participation" of children into armed groups and forces would include direct participation in combat, military activities linked to combat such as scouting, spying, sabotage, and the use of children under 15 as decoys, couriers and at military checkpoints, and using children for any activities (even transporting food) at the front line.<sup>62</sup>

Another boy, aged 14 years, who was forcibly recruited by al-Shabab, described how children were being forced to exercise in the mornings and afternoons, given little food and beaten up regularly during training exercises.

A 21 year-old man told Amnesty International that armed opposition groups, including al-Shabab and Jabathul Islamiya were using teenagers to plant explosives in the streets of Mogadishu:

*"The bombs given to them came from Yemen and Eritrea. Some of the boxes containing the bombs had Yemeni or Eritrean flags. One of their [leaders] used to give young people money, between 1 and 100 USD. The leaders [of the armed groups] do not bury mines in the street, they only give maps and instructions to the young people to do it. I was under big pressure from my parents not to do the same thing as my friends."*

Three brothers who left Mogadishu in 2007 told Amnesty International that al-Shabab used some children as suicide bombers. One of them said:

*"People would tie a bomb to their bodies and they would be told to go to the TFG centres and then the bomb would explode. This happened to our friend Hussein who was 16 years old. Al-Shabab made him do this."*



Amnesty International has not been able to confirm that al-Shabab uses children for suicide attacks. Al-Shabab has in some cases released the identity and picture of those involved in suicide attacks, claiming they mostly come from the Somali diaspora in Western countries. They appear to be on average young men over 18. A Somali news website recently released an interview of a 17 year old Somali boy who stated that he had escaped from al-Shabab because the armed group was preparing him to become a suicide bomber.<sup>63</sup>

## PUNISHMENT FOR OPPOSING RECRUITMENT IN ARMED GROUPS: DEATH THREATS, ABDUCTIONS AND KILLINGS

Testimonies from Somali refugees point to a consistent pattern of threats by armed groups against children who refuse to be recruited by them, and their relatives. In some cases, those who oppose recruitment have been abducted and held as punishment, or even killed. Those punished include children.

A woman who had three teenage sons told Amnesty International in March 2010: *"Most of the young men have been collected from the villages to fight with al-Shabab, who says that we are fighting a jihad and a clan war. They came to our house but we refused to fight with them. They threatened us, saying that we were not Muslims. They said that they would kill us soon. We decided that we had to leave Somalia."*

A 20 year old man from Brava, a city on the Somali coast, north of Kismayo, which has been under the control of al-Shabab since November 2008 explained how he was captured and held by the armed group for months in late 2009 after refusing to be recruited into their ranks. He said that his younger brothers were also held by al-Shabab for the same reason:

*"I left because they wanted me to train as their militia and I refused. I was staying at home. They came in, about 10 of them, and asked my mum how many male relatives lived in the house. She said: "I have one son, the rest are children". They gave her a piece of paper with my name on it. I later tore the paper. When they came back, they asked me where the paper was. I said that I had torn it so they took me to jail. ...*

*"I was jailed for three months. It is a special jail just beside the town. It is a very big building. I was just jailed, they didn't take me to court. They only gave me one litre of water. I didn't have any food. One month later, other people came to jail for the same offence. They were about 50. It was narrow and we were all in the same cell. During the second month I was mostly unconscious. Later on I was given a little food, only once a day. We were not ill-treated, just put in jail. Two of my brothers, aged seven and 10, were also jailed because they did not want to be recruited."*

Two brothers, aged 15 and 11, from Sakow, in Lower Juba, said that they were flogged for refusing to be recruited by al-Shabab. One of them said:

*"They are advising young children to join the army. They pay up to two million Somali shillings. They came to our house; my father was with us. We refused [to follow them]. They gave us ten strokes [of the cane]. They took us outside our house and beat us in front of our parents."*

A 14 year-old boy told Amnesty International that one of his friends was killed after refusing to join al-Shabab:

*"They target teenagers. They want to use us as militia [fighters]. They attempted to recruit me through my friends. Four of my friends were taken away by them. One of them refused to join and he was killed. His name was Abdullahi, he was 15. He was shot by them. The others are still with them."*

Another boy, aged 16, from the region of Afmadow, reported that his brothers and friends were shot dead by al-Shabab armed men when they tried to escape recruitment. According to him, the local al-Shabab group who was responsible for these killings found them suspicious because they were nomads from another area:

*"Al-Shabab are forcing young people to fight as their soldiers. They don't give consideration to human beings. They target people who own animals, because they are pastoralists and because they think pastoralists are spies. My two brothers and my friends were killed because they refused to join them. ..."*

*"We were on the outskirts of Afmadow, it was around Ramadan [September 2009]. We were looking for a peaceful place for our animals to graze when they came. It was al-Shabab. They said "You are not from this area, you have to come and fight with us. If you don't, it means that you are from the other side". They were many men, maybe a hundred. Some of them were driving, others were walking. We decided not to go with them and we ran away. My brothers and friends were shot in the back. I escaped. I was so scared. My brothers were called Abdehakem and Mohamed, they were 18 and 13 respectively. My friends were called Yusuf, and Abdukadir, who was 16 and Mohamud, who was 20."*

## RECRUITMENT OF GIRLS INTO ARMED GROUPS

Recruitment of girls into armed groups appears to be less widespread than for boys and young men. However, several refugees have mentioned that women and girls are used to cook and clean for armed groups. According to the UN Special Representative of the Secretary-General on children and armed conflict, some girls have been recruited by armed groups and used to provide logistical help, transport weapons and collect intelligence. The Special Representative also mentioned the existence of a training camp for girls near Kismayo.<sup>64</sup>

A 19 year-old woman from Mogadishu explained to Amnesty International in March 2010:

*"Al-Shabab has a "volunteers" office where you get called to. Sometimes they give you money. The girls are forced to cook and carry water for them. Each village controlled by them has a "volunteers" office."*

Another girl, who fled Baidoa in February 2010, said:

*"I saw girls with al-Shabab. Girls were doing the domestic chores for al-Shabab like washing clothes and cooking food for their soldiers."*

A 15 year-old boy from Mogadishu, who fled the country in January 2010 also told Amnesty

International that girls could be recruited in armed groups and used to do domestic chores:

*"Girls were also recruited by al-Shabab. They were however not involved in fighting. They would do the cooking, washing and the cleaning for the soldiers."*

Some refugees have also reported that girls and women have been forcibly married to members of armed groups. Forced marriage is now recognized as a war crime.<sup>65</sup> An 18 year-old woman who fled Mogadishu in March 2010 said that she was beaten for refusing to marry an al-Shabab member:

*"Al-Shabab came to our home on one occasion and one of them said that he was now my husband. I refused. I was then beaten. Al-Shabab tried to force me to marry one of them. I was hit with sticks and whips."*

A 25 year-old woman from Mogadishu described how al-Shabab and other armed groups recruit boys to fight and girls to support fighters and to be married to combatants:

*"If you are between 10 and 15 years old, then you are supposed to be joining Hizbul Islam or al-Shabab. If you don't carry a gun then they will torture you. This applies to both girls and boys. I haven't been forced but other girls are made to carry medicine and water when they go to war and the boys are made to carry a gun. You can't leave your house unless they force you. Girls are often raped. One of the major issues that affect girls is early marriage. This happens mostly with al-Shabab and Hizbul Islam. Parents generally won't force you but al-Shabab or Hizbul Islam will kill you if you refuse to get married to one of their members."*

A 16 year-old boy from Mogadishu also said:

*"There is forced marriage of girls and women. I know many who were forced into marriages. They say "marry us and you will be blessed and you will go to heaven". Women are not happy with such marriages and so they flee. They cannot refuse to be married or else they will be beaten or killed. If they refuse to marry, they can be accused of adultery."*

Armed Islamist groups, in particular al-Shabab, have punished people they accuse of extra-marital sex or rape with stoning to death or floggings.<sup>66</sup> However, refugees have told Amnesty International of incidents of rape for which they held members of al-Shabab responsible. A 13 year-old girl described being abducted and raped by a fighter belonging to an al-Shabab faction in 2009. Another 13 year-old girl from Baidoa also told Amnesty International:

*"Women were also being raped by al-Shabab. I know people to whom this happened – someone in my family was raped but I can't tell you about it. It is quite common. Sometimes al-Shabab forcefully marry women and sometimes they rape women."<sup>67</sup>*

## TFG COMMITMENTS TO ADDRESS THE ISSUE OF CHILD SOLDIERS

TFG forces and their allied militia have also been accused of having child soldiers in their ranks, although on a less widespread scale than armed Islamist groups. The TFG has been on

the annual list of parties that recruit or use children and kill or maim children in situations of armed conflict drawn by the UN Secretary-General since 2005.<sup>68</sup>

However, in the past two years, TFG representatives have denied that it was knowingly recruiting and using children in its security forces, while at the same time denouncing armed Islamist groups for using child soldiers. Somali refugees since 2009 interviewed by Amnesty International said they did not experience or witness recruitment of children by the TFG, though the TFG is still on the list of parties to an armed conflict recruiting or using children.

In November 2009, the TFG publicly committed to ratify the Convention on the Rights of the Child, though it has not taken concrete steps towards ratification.<sup>69</sup> In November 2010, the new TFG Prime Minister committed to end the recruitment of child soldiers in Somalia and to work with the UN through a TFG focal point to sign an action plan to secure and verify the release of child soldiers.<sup>70</sup> When representing the government at the Universal Periodic Review on Somalia at the UN Human Rights Council in May 2011, the TFG delegation reiterated the TFG's commitments to end the recruitment and use of child soldiers in Somalia and stated that the TFG were considering ratifying the Convention on the Rights of the Child.

#### ALLEGATIONS OF RECRUITMENT AND USE OF CHILDREN IN THE TFG ARMED FORCES

Notwithstanding the TFG commitments to end the recruitment and use of children in its forces, Amnesty International is concerned at reports that there were recruits aged below 18 among persons recruited by the TFG to undergo military training abroad by donor countries. French government officials told Amnesty International in a meeting that they had sent back to Somalia several recruits for a TFG military training program they organized in Djibouti in late 2009, because they appeared to be under 18 years old.<sup>71</sup> Amnesty International also received reports that some recruits in the ongoing training of TFG armed forces by the European Union in Uganda were sent away as they appeared to be under 18 years old.

According to Somali civil society groups, children currently associated with the TFG are often used by clan militia allied with the TFG to do menial tasks such as buying food for soldiers; others are seen manning some TFG checkpoints. Children used for such purposes by an armed force are considered to be child soldiers, under the Cape Town Principles (Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces and on Demobilization and Social Reintegration of Child Soldiers in Africa).

According to the UN Secretary-General's latest report on children and armed conflict,<sup>72</sup> vetting procedures to ensure that children are not recruited are now being applied to TFG recruits trained outside Somalia, but recruits trained inside Somalia and those integrated into the TFG forces from militia groups "are not subject to the same stringent vetting standards and procedures". In a meeting in Geneva, Switzerland, on 4 May 2011 with Amnesty International delegates, TFG representatives said that they were working on a policy on child soldiers, to be presented to Cabinet and the TFP by June 2011, which would include screening and monitoring procedures on child soldiers. The TFG representatives did not give further details about this policy, but said that challenges they faced were due to the lack of birth certificates in Somalia and the lack of capacity-building and financial assistance from the international community. TFG representatives also confirmed to Amnesty International that among some 120 children currently held by the TFG in a "safe house" in Mogadishu, there are children who defected from al-Shabab and others previously associated with the

TFG armed forces.

In June 2010, the US daily newspaper the New York Times exposed children said to be 12 and 15 years old working at a TFG checkpoint in Mogadishu and expressed concern at US financial support to a government using child soldiers.<sup>73</sup> In a press release issued by the TFG, President Sheikh Sharif Sheikh Ahmed expressed concern over the allegations. The press release stated:

*"...the Somali government has not and will not knowingly recruit under-aged youth for the national security forces... the Somali Government "is fully committed to upholding existing laws and provisions banning the recruitment of child soldiers"... the President ordered the army chief "to conduct a full review and to report back to him in four weeks. The President also instructed the army to demobilize any under-age recruits without delay."*<sup>74</sup>

The full findings of the investigation were not made public, although TFG representatives to the Universal Periodic Review said in May 2011 that the investigation found "no evidence of a policy of recruitment of children".<sup>75</sup> The New York Times correspondent in Mogadishu and a translator who worked on the story fled the country temporarily, saying they had received warnings that they would be arrested by the TFG security forces over the report.<sup>76</sup> In addition, the Deputy Commander of the TFG armed forces reportedly accused the New York Times of "baseless propaganda" in a press conference in Mogadishu on 24 June 2010 and threatened to try those involved in writing the story.<sup>77</sup> On 29 June 2010, a TFG spokesman also denounced the allegations that the TFG recruits child soldiers as fabricated.<sup>78</sup> Amnesty International is concerned that the journalists appeared to be intimidated by the TFG, while the full findings and report of the TFG investigation into this issue have not been made public.

Amnesty International is also concerned at reports that the TFG exposed children it said were interviewed by the New York Times to local media on 24 June 2010. The children reportedly told the media that they were given money by journalists to pose while handling weapons. Some local sources have alleged that these children were arrested by the TFG and forced to publicly deny they were child soldiers in the TFG security forces, and that the same children were later seen working at the same TFG checkpoint in Mogadishu.

#### CHILDREN ASSOCIATED WITH PRO-TFG MILITIA

Pro-TFG forces have also been accused of enlisting children and using them for military purposes. According to the UN Special Representative of the Secretary-General, ASWJ reportedly recruited children in central Somalia in 2009 and 2010, and clan militias fighting alongside the TFG also use child soldiers.<sup>79</sup>

Several organizations, including Human Rights Watch, the UN Monitoring Group on Somalia, the UN Special Representative of the Secretary-General on children and armed conflict and Amnesty International have expressed concern at reports that in late 2009, young Somali refugees and Kenyans of Somali ethnicity were lured and recruited by Somali agents and trained by the Kenyan security forces in Kenyan military training camps with the aim to fight for the TFG in Somalia.<sup>80</sup> The recruitment occurred in contravention of international human rights and refugee law and of the UN arms embargo on Somalia, which stipulates that

intention to support to the TFG security forces should be notified to the UN Sanctions Committee on Somalia.

A 20 year old Somali refugee who escaped one military training camp in Kenya told Amnesty International delegates that there were refugees under 18 years of age who were lured into the training and that recruits were held and trained against their will. Amnesty International called on the Kenyan government to reveal the whereabouts of all those recruited in and around Dadaab, to give them access to their families and UN agencies, and to release them.<sup>81</sup> The Kenyan government has denied recruiting refugees or children and stated that the Kenyan Parliamentary Departmental Committee on Administration and National Security and the Committee on Defence and Foreign relations Committee on Defence and Foreign Relations had investigated and found no evidence that children were recruited.<sup>82</sup> According to the UN, a vetting exercise was undertaken and those recruits who could not prove being over 18 years old were returned to their families.<sup>83</sup>

#### TFG'S TREATMENT OF CHILDREN RECRUITED BY ARMED GROUPS

In January 2011, the TFG announced that fighters defecting from armed opposition groups to the TFG would benefit from an amnesty, as part of the TFG efforts to foster peace and reconciliation. Among those said to have so far defected to the TFG are children, who should be identified as such, have their rights protected and undergo a child-sensitive process of reintegration into society.

The TFG has several times exposed to the media children it says defected or escaped from armed groups. For instance, on 25 March 2011, Somali journalists were invited to talk to nine such children by a TFG police spokesman. Some media reports reproduced the photographs and names of the children.<sup>84</sup> This could endanger the children's safety and expose them to reprisals by armed groups.

Local sources and the UN have reported that some 80 people said to have defected from al-Shabab, including children, are currently held by the TFG in a house in Mogadishu. TFG representatives have told Amnesty International that they acknowledged international monitors' concerns that the conditions under which the defectors, including children, were held were not adequate.

The TFG has also reportedly detained children suspected to be associated with al-Shabab in Mogadishu's central prison, alongside adults. The treatment of such detainees is not known, but local sources report that prison conditions there are very poor. Other child soldiers captured from al-Shabab may be detained by the TFG in unknown locations, according to local sources. The exact number and fate of children previously associated with armed groups and detained by the TFG is not known.

UNICEF also highlighted cases of child soldiers from al-Shabab factions in southern Somalia who were captured by pro-TFG militia in Belet Hawo, on the border between Somalia, Ethiopia and Kenya. UNICEF called on the militia holding them to ensure their protection and humanitarian needs and to give them access to an impartial humanitarian body.<sup>85</sup>

According to the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups:

“Children who have been associated with armed forces or armed groups should not be prosecuted or punished or threatened with prosecution or punishment solely for their membership in those forces or groups.” (Paris principles 8.7).

According to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”), the detention of children must be only as last resort and for the shortest time, and in general they should be held separate from adults:

“13.1 Detention pending trial shall be used only as a measure of last resort and for the shortest possible period of time.

13.2 Whenever possible, detention pending trial shall be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home.

13.3 Juveniles under detention pending trial shall be entitled to all rights and guarantees of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations.”

Customary international humanitarian law also states that “Children who are deprived of their liberty must be held in quarters separate from those of adults, except where families are accommodated as family units.”<sup>86</sup>

During the time when Ethiopian troops were fighting alongside TFG forces in Somalia, many people, particularly boys and young men suspected of sympathies with armed opposition groups, were arbitrarily arrested and detained, by both Ethiopian and TFG security forces, and reportedly tortured. Some were extra-judicially executed. One Somali boy, who was 17 when he talked to Amnesty International in 2009, described the reasons why he fled his country:

*“I am from Mogadishu. I left in December 2007, because I was arrested a few times, and there was also fighting going on, so I could not go to school.”*

*“In mid-January 2007, there was a big explosion at Towfiq junction. The Ethiopians came and arrested everyone. A young boy threw a bomb toward the troops sitting at the junction, and then they arrested everyone, but I don't know if they found the young boy.”*

*“They detained me for a week in Stadium Mogadishu. We were about 20 under arrest. They told us to stay in the field. No one could go to the toilet. They picked up certain people. As I was too young, they didn't pick me up, but they beat people up, and I saw people die as they beat them up.”*

*“One of the persons was not mentally fit, and whenever they beat him up or said things, he insulted them, and when they beat him up, he tried to fight them. So they shot him, and he died. We were not given food. We were starving when we were released. I was only 15. They used to arrest anyone who was in the area when there was an explosion, without consideration of their age.”*

*“The second time I was arrested was in March 2007, and they took us to the police station, but I was not held for long, I was released the same day. Some military officers were killed in*

*our neighbourhood, so the police came and arrested many people. We were told not to pray. A police officer said: "if you pray, you are al-Qa'ida". I don't know why we are al-Qa'ida if we pray."*

Reports of arbitrary arrests and detentions, torture and extra-judicial executions by pro-TFG forces have decreased since the departure of Ethiopian troops from Somalia. Amnesty International has not been able to establish whether all persons detained during this period were released, as detention centres are not independently monitored. TFG representatives told Amnesty International in May 2011 that they were committed to separate children in detention from adults, and to demobilize, disarm and reintegrate children previously associated with armed groups, but that they needed capacity-building and financial assistance from the international community to provide such services themselves.

Although the scale of reported extra-judicial executions by TFG forces have decreased since early 2009, there continues to be allegations that persons suspected of belonging to armed groups are being summarily killed. Young men and boys can be suspected by the TFG of association with armed Islamist groups, given their widespread recruitment and use by al-Shabab. For instance, on 31 January 2011, the bodies of two young men with gunshots to their bodies and heads were reportedly found in Dharkenley district, in the Medina area of Mogadishu.<sup>87</sup> A local source alleged that they had been killed by TFG forces who suspected they belonged to armed groups. Amnesty International is not aware of any investigation carried out into these deaths.

The UN said it was stepping up efforts to build the child protection capacity of the UN Political Office on Somalia (UNPOS) and had established a task force on defectors to address issues related to those, including children, who defect from armed groups and to assist the TFG to put in place vetting procedures to screen recruits.<sup>88</sup> AMISOM forces hand over fighters from armed groups whom they capture to the TFG, and are reported to be developing procedures in coordination with the UN to ensure that these cases are addressed in line with international human rights standards. Amnesty International calls on AMISOM not to hand over fighters from armed groups, and particularly children, to the TFG, if there are concerns that they would be at risk of serious human rights violations. AMISOM should also provide information to UN child protection agencies on all children it has handed over to the TFG.



## 5. ATTACKS ON SCHOOLS AND EDUCATION

Children's right to education in South and Central Somalia has been severely restricted because of indiscriminate attacks and constant insecurity and direct attacks on schools, education personnel and pupils by al-Shabab. In some areas, al-Shabab factions have also imposed restrictions on girls' access to education and on schools' curriculum.



Girls at Qur'anic school, April 2008. © Private

### SCHOOLS DESTROYED OR CLOSED IN INDISCRIMINATE ATTACKS AND VIOLENCE

Armed conflict over the past four years has taken a toll on children and young people's ability to access education. School buildings have been destroyed or damaged during indiscriminate or disproportionate shelling. A 10 year-old girl, who used to live in Galkayo South, in the Galgadud region in central Somalia, until she fled in January 2010, explained:

*"In Galkayo, fighting started between al-Shabab and Alhu Sunna Waal Jama. It was in*

*January 2010. Al-Shabab came into the town. I was going to school in level two, but the building was destroyed in that last fighting. It was a private school. There were children in the school who died and were injured."*

Galkayo, in central Somalia, was the scene of fighting in January 2010 between al-Shabab and Hizbul Islam on the one hand, and ASWJ which was controlling the region on the other.

A 12-year-old boy from Mogadishu described how two different schools he attended over a period of three years were hit by bombings:

*"My primary school was far away in Bakara, I had to take the bus to get there. The school closed after fighting started, it was bombed, teachers died inside the school. It was in February 2006. I had many friends who died and were injured that day but I wasn't at school... After that I went to a private school in Bakara. A bomb exploded there also, six people died and three were injured, all were pupils from the ages of seven to 14. This happened in June or July 2009."*

A child from Mogadishu, who fled to Kenya in March 2010, said: "I completed my secondary school in 2007 at Ablal secondary school. Since that time I haven't been to school. It is too dangerous to go to school. There was artillery fire thrown at Towfiq primary school, in Yaqshid district, in 2007. The Banadir University and the Simir school in Wardigley district were also hit in 2007."

On 25 February 2009, two children were killed and six others injured when mortar shells hit a Qur'anic school (*duksi*) in Towfiq, northern Mogadishu, during fighting between armed opposition groups and the TFG and AMISOM forces.<sup>89</sup>

According to the UN Working Group on children and armed conflict, since mid-2008, some 170 schools in five districts of Mogadishu have closed because they were attacked or at risk of attack.<sup>90</sup> Destruction and damage to schools have reduced the range of education facilities available in Mogadishu. But even where schools and education centres have not been physically hit by weapons, the widespread insecurity generated by the constant and unpredictable fighting in civilian areas has also contributed to schools closing down, temporarily or permanently, as teachers and students fear being killed or injured in schools, or on their way to and back from school.

A 19 year-old woman who left Somalia in December 2009 explained that she stopped attending school after her school in Mogadishu was destroyed in late 2006:

*"I was at school in Mogadishu until 2006. The school was destroyed in late 2006 by armed groups fighting with each other. When the school was destroyed a number of students were injured. I was in school when it happened but I was by the water pump and therefore I was not injured."*

A 17 year-old girl from the Wardigley district in Mogadishu described:

*"I left because of fighting. I couldn't sleep at night. There was fighting day and night. There were bomb blasts near the house and some fires as a result of the bombs. The fighting was*

*between al-Shabab and the government. ... I was at school in Mogadishu. Every day when I went to school there was heavy fighting. A bomb blew up very near me. There was smoke and fire very close to me but I managed to run away. Our school closed down because of the fighting."*

A young woman said in 2009: *"I used to go to private school before the fighting started. When fighting broke out in late 2007 there was no school anymore. Everybody was trying to survive. The teacher said that we could not continue the classes in these conditions. Death and injury had become the order of the day, dead people were scattered everywhere. We could not go anywhere without seeing a corpse. At night we could not sleep because of the sound of bullets."*

A woman who left Somalia in March 2010 described the increasingly impossible living conditions in Mogadishu, particularly for children:

*"Life in Mogadishu was very difficult. There are so many people who have been made disabled by mortar shelling and who are not being cared for. There are children who are not being cared for and who have lost their parents, especially the poor people. There are some rich people who are making money because of the war. There is no school and people are not being educated. Even if parents want to send their children to school they fear that they will be caught on the way to school by a stray bullet, so parents keep their children at home. These incidents are common, this happened to some of my neighbours. Only my husband used to do the shopping. The rest of the family would not leave the house. It has been difficult living in Mogadishu since 1996, but now it is getting worse every day."*

Access to education has been further eroded by the worsening drought in the region since the end of 2010. According to OCHA, displacement and the drying up of water sources in schools caused by drought have led to the closure of some 400 schools in Somalia between December 2010 and February 2011.<sup>91</sup>

## DIRECT ATTACKS ON SCHOOLS AND EDUCATION PERSONNEL

As already described, there are documented cases of schools being attacked by al-Shabab for the purpose of recruiting school children. Children have also mentioned some cases of teachers being killed during attacks on schools. A 13 year-old girl from the Medina district in Mogadishu, described how al-Shabab raided her school to recruit children. She said that one of her teachers was killed for opposing the recruitment drive:

*"I went to school in Medina. I was in grade three. Many days I had to miss school because there was too much fighting. I have friends who were recruited but I don't know what happened to them. Even girls are taken. Al-Shabab came in one morning. I was in level three so they didn't come to my class but they went to other classes. They said to the teachers that all the children move out of class. There was a car waiting outside and they forced the children in. One teacher was killed because he refused to obey. He was brave, he was the one who was advocating for the rights of the girls."*

A 16 year-old girl who fled Baidoa in January 2010 described how al-Shabab prevented girls from going to school, and said that one of her teachers was killed by al-Shabab members:

*"We were told by al-Shabab that we shouldn't go to school. We would have to go to school only when al-Shabab couldn't see us. Sometimes al-Shabab would come to our school and cane the students and beat the teachers. They even killed one of our teachers. We were told to get out of school and that we should not be studying here. That time I had to run home. It was a male teacher who was killed. They shot him."*

Another girl, aged 16, from Mogadishu, also said that some of her teachers were killed by al-Shabab:

*"There were four teachers killed in 2009 by al-Shabab but I do not know why. They were all men. Al-Shabab wouldn't allow teachers to ring the school bell. Boys and girls were not allowed to be in the same class. At different times, al-Shabab would come to the school every day. They wouldn't force people to join them but they would ask them."*

In addition, Somali media and local sources have repeatedly reported in the past two years that al-Shabab was ordering teachers and schools to enlist schoolchildren for recruitment.<sup>92</sup>

The UN Working Group on children and armed conflict noted a rise in targeted attacks on schools in 2008 and 2009 by pro-TFG forces as schools were suspected of being used for recruitment by armed opposition groups.<sup>93</sup> This trend appears to have decreased since early 2009.

## OTHER RESTRICTIONS ON ACCESS TO EDUCATION

According to the UN Children's Fund (UNICEF), only 23 per cent of children enrol and attend primary school in Somalia.<sup>94</sup> Girls are particularly vulnerable to violations of the right to education, because of entrenched discrimination and socio-cultural norms according to which girls are more likely to stay at home and help with the housework while boys are more likely to be sent to school. As one girl said to Amnesty International:

*"There is a lack of education for girls. Boys are more likely to go to school. A family will send boys to school and keep the girls to do the housework."*

Moreover, some al-Shabab factions have severely restricted the rights of children to education, further limiting access to the few school facilities that exist in southern Somalia. They have particularly restricted the rights of girls to education.

A 15 year-old girl from Mogadishu also reported that al-Shabab was discouraging girls from attending school:

*"Whenever we went to school al-Shabab would tell us that we shouldn't wear the uniform that we were wearing and they would tell the teachers not to teach us. They also didn't want interaction between boys and girls. They would come sometimes to my school, they would come into the classrooms and check that the girls and the boys weren't in the same class. They would tell the boys to remain in school but said that the girls should go home because girls shouldn't learn in school. They would tell the girls to go to duksi instead."*

In other areas, al-Shabab factions have restricted certain schools from operating, or certain subjects from being taught. A teacher at a private school in Kismayo, who fled Somalia in early 2010, told Amnesty International that since al-Shabab took control of the town in August 2008, the armed group stopped children from going to schools other than *duksi*, and prevented certain subjects, such as English, from being taught:

*"The school had an enrolment of 800 students. This was before al-Shabab took control of the area. The number reduced to 400 when al-Shabab took over the city. Al Shabab did not want the students to continue going to school. Those going to school would be punished by beatings. They invested in madrasas [another name for Qur'anic schools] and wanted everyone to attend these schools. Curriculum in English schools was stopped and everyone was now to learn Arabic. Teachers teaching English were chased away from town."*

Two boys from Sakow in Lower Juba told Amnesty International that they stopped going to school after al-Shabab in the town had threatened to kill a teacher for teaching English, beat other teachers, and even broke the hand of one of them.

A man who came with four children from Jamame, an area near Kismayo, confirmed that in this area schools were closed down after al-Shabab took control:

*"There were schools before al-Shabab came. There are no schools now but they are forcing children to learn in duksi. This is what made me flee because we were not enjoying freedom."*

A 16 year-old boy who came from Mogadishu said:

*"I am from Yaqshid district in Mogadishu. Al-Shabab has controlled this area for the last eight months. Before al-Shabab took over this area, it was the government who were in control. It was bad during the government's time in this area. ... But al-Shabab is worse because they closed all the institutions. Schools were closed and were converted into military centres. Roads were also blocked and freedom of movement was reduced."*

A 14 year-old boy from Mogadishu explained that al-Shabab distrusted schools which could be linked to donors funding one side of the conflict:

*"Sometimes al-Shabab came to the school and went to the classrooms and caught the teachers. They asked them "who told you to open this school? Do the children pay you?" Then the teacher would say that they were paid by those who also fund AMISOM and then they would be taken and arrested by al-Shabab".*

## 6. OTHER TARGETED HUMAN RIGHTS ABUSES AGAINST CHILDREN

In addition to being specifically targeted for recruitment into armed groups, Somali children and young people have been victim to, or witnessed other horrific targeted human rights abuses. Children have seen parents and friends being deliberately killed or tortured by parties to the conflict. They have also witnessed and been themselves victims of unlawful killings and torture and other ill-treatment, including stoning to death, amputations and floggings, imposed by armed Islamist groups in areas under their control.

### “PUNISHMENT” KILLINGS CARRIED OUT IN PUBLIC IN AREAS UNDER AL-SHABAB CONTROL

Armed Islamist groups, particularly al-Shabab, have become known for calling on the local population, including children, in areas they control to watch public killings of persons they accuse of being spies or opponents or those they say have committed offences deemed punishable by death under their interpretation of Shari'a. Amnesty International believes that al-Shabab militias intend to instil fear and ensure submission among the local population through public displays of cruelty and thus to assert their control over territory and prevent any possibility of dissent.<sup>95</sup>

Al-Shabab often announces to local media that people they publicly kill have been “tried” and “convicted” by local Shari'a courts or judges. From the available information about the way al-Shabab-operated “courts” function, people accused by al-Shabab do not seem to benefit from any due process guarantees, including legal representation or possibility of appeal.

Such acts contravene international humanitarian law, which al-Shabab, as an armed group party to an internal armed conflict, is obliged to respect and which prohibits, *inter alia*, “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture” and “the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court” (Common Article 3 to the Geneva Conventions).

Although such killings appear to have mainly targeted adults, in a few cases children have also been victims of such acts. On 27 October 2010, the media reported that al-Shabab shot dead two teenage girls they accused of spying in Beletweyne. Town residents were reportedly forced to come and watch the killings.<sup>96</sup> The girls were reportedly 18 year old Ayan Mohamed Jama and 15 year old Huriyo Ibrahim. There had been fighting between al-Shabab and pro-TFG militia near Beletweyne in the days preceding the killings. Local sources told Amnesty International that they believed the killings were committed to show to the population that al-Shabab was firmly back in control of the town.

In October 2008, al-Shabab members in Kismayo stoned to death a 13-year-old girl, Asho Ibrahim Duhulow, who was previously raped by three men, in front of a crowd of residents they had called to watch the killing. Al-Shabab claimed that she was in her twenties and had committed “adultery”.<sup>97</sup> Amnesty International met the parents of the girl, who confirmed that she was 13 when she was killed and that she had travelled to Kismayo from the Dadaab refugee camps in Kenya, possibly lured by the men who raped her.

## TORTURE AND OTHER ILL-TREATMENT OF CHILDREN UNDER AL-SHABAB RULE

As described above, when taking over villages and cities, al-Shabab factions impose strict rules on residents in order to enforce the group’s control through fear and violence. Children have described suffering floggings by al-Shabab members, often because they did not conform to specific dress codes and rules imposed by al-Shabab. In most areas under al-Shabab control, women and girls have been forced to wear the *hijab* (Islamic headscarf), or the *abaya* (a traditional Islamic over-gown). Women and girls found not wearing such clothing have been punished with flogging, often on the spot. A 14 year-old girl who fled Baidoa in January 2010 said:

*“I was beaten up by al-Shabab when I was in Somalia because of the way I dressed. They wanted me to wear “heavy clothing” and so they beat me with a cane. There were two men who beat me and it happened as I was coming from the market. They beat me four times and then I was able to run away.”*

A 19 year-old girl who left Mogadishu in December 2009, described how she was flogged in public for not wearing a veil:

*“If you don't dress the way al-Shabab wants you to, then they will threaten you and will carry you in front of people and will beat you with sticks. Once they threatened to beat me for not wearing the right clothes. I was beaten in front of people. They tied my hands together and they beat me on the back. I was struck once with a kind of whip made out of 35 straps. This happened in 2009. I was beaten in a place where people gather – al-Shabab tells them to gather and people give their money and valuables to al-Shabab as donations.”*

A 13 year-old girl who left Baidoa in early 2010 told Amnesty International that al-Shabab even beat her up for not wearing the *hijab* at home:

*“I was living in Baidoa. Al-Shabab were beating people up. They tell you that you have to wear heavy clothes. Al-Shabab came to my house and beat me up. There were five men who beat me. Even inside the house I was told that I had to wear a hijab. They were carrying a cane called a kalabash. I was caned twice and they also caned my mother.”*

Such rules have particularly affected women and girls. In some areas al-Shabab local leaders have also ordered men and boys to wear trousers that end just above the ankle.



An Islamist fighter from al-Shabab beats a youth, after he was accused of a crime, March 2009. © AP/Mohamed Sheikh Nor

Children have also been flogged after being accused of not praying at the right time. A 15 year-old boy who fled Baidoa in late 2009 said:

*“Al-Shabab were beating people up. They would ask you ‘why aren’t you praying?’ Two men beat me up as they were telling me to pray outside my house. They beat me on my back with a cane.”*

Other children described being flogged for reasons other than not conforming to the strict dress codes and rules imposed by the armed group. According to a 17 year-old girl from Mogadishu:

*“Once I was with some girls on the way to school and we were asked by al-Shabab which group we supported. We kept silent. They beat us with some canes and then we were able to continue. This happened in January 2010. Several times they chased us but we ran away.”*

A 13 year-old girl who fled Somalia in January 2010 said:

*“It was because of the fear of al-Shabab that we decided to come here. It took us 10 days to get here. We were stopped by al-Shabab on the road and they asked us where we were going. We told them that we were going to Dadaab and they caned everyone who was in the lorry we came in. I was beaten with a cane three times. After we were beaten, they let us go. They wanted to know why we wanted to leave the country but after they beat us, they let us go.”*



## 7. CHILDREN DENIED ACCESS TO HUMANITARIAN AID

Access to humanitarian aid by populations in need of assistance has drastically reduced in the past four years in South and Central Somalia, with devastating effects for children, who are among the most vulnerable, particularly to food insecurity and diseases. The operations of aid agencies have been curtailed by indiscriminate and disproportionate attacks by all parties to the conflict and the general insecurity reigning in the country. Military operations do not only impede humanitarian access and expose aid operations to danger, they also result in



Internally displaced Somali children wait with containers in hand to receive food aid at a food distribution centre in Mogadishu, Somalia, January 2010. © AP/PA Photo/ Mohamed Sheikh Nor

more civilian killings and injuries and displacement, generating further humanitarian needs.

Aid agencies have also been deliberately targeted. At least 40 Somali human rights defenders and humanitarian workers were killed between 1 January and 10 September 2008 alone. Amnesty International documented 46 cases in which humanitarian workers and members of Somali civil society organizations were reportedly killed in 2008, the majority in targeted killings.<sup>98</sup> As a result, aid agencies have withdrawn international staff from South and Central Somalia and mostly operate through national staff or Somali partner organizations.

Access to humanitarian aid is currently at one of its lowest levels in South and Central Somalia, at a time when a severe drought is putting about a third of the population at risk of food crisis. Children are most vulnerable to food insecurity:

one in four children is estimated to be acutely malnourished in Somalia at present. WHO reports that 77 per cent of cases of acute watery diarrhoea/cholera since the beginning of

2011 are of children aged under five; 58 per cent of such cases are children under the age of two.<sup>99</sup>

## IMPACT OF ARMED CONFLICT ON MEDICAL CENTRES

Armed conflict has impacted on hospitals and medical facilities and the provision of medical care to children. Hospitals and medical facilities risk being hit by mortar and artillery shells, as no parties to the conflict take adequate precautions to distinguish between military objectives and civilians and civilian objects. On 11 September 2009, the Martini hospital for disabled war veterans and their families, near the TFG-controlled Mogadishu port, was hit by mortar shells, during an attack by armed Islamist groups. The attack killed at least 12 people, including three children. On 29 June 2010, a shell hit Keysaney hospital in northern Mogadishu, killing a patient; two more shells hit the same hospital in the following days, despite the ICRC calling on parties to the conflict to spare medical facilities.<sup>100</sup> On 12 April 2011, mortars fell inside the compound of the Medina Hospital in Mogadishu, one of the main hospitals in the capital city, and reportedly killed two people and injured eight others.<sup>101</sup> The ICRC stated that hospital staff had collected 11 unexploded shells fired at the hospital on the same day.<sup>102</sup>

Medical facilities have at times been occupied by parties to the conflict, in violation of international humanitarian law. On 5 May 2010, the Hawa Abdi clinic, situated in the area of the same name, on the outskirts of Mogadishu along the Afgoye corridor, was occupied by armed men, reportedly belonging to Hizbul Islam, following clashes nearby. The clinic's patients had to be evacuated and medical care suspended temporarily.<sup>103</sup>

The high number of casualties during periods of intense fighting also contributes to overwhelm the capacity of medical facilities to treat patients in Mogadishu.<sup>104</sup>

## AL-SHABAB'S DELIBERATE RESTRICTIONS ON HUMANITARIAN ACCESS

As al-Shabab factions have extended control over southern and central Somalia, many have imposed rules on humanitarian agencies or banned them from operating in their areas. A 17 year-old boy, who fled Mogadishu in March 2010, told Amnesty International:

*"There are no humanitarian organizations working in my area. They have all been chased out by al-Shabab."*

A woman from Afmadow, a town in the Lower Juba region, said:

*"Five months ago [in November 2009], al-Shabab militants moved into Afmadow. Before they came, life was okay. There were NGOs which were working in the area providing food, plastic materials for building our homes and cooking items. There are now no more aid agencies as these have all been forced to flee by al-Shabab."*

People have told Amnesty International that in some areas there has never been any provision of essential services, nor humanitarian aid. A farmer from a rural area in Lower Juba described the conditions in his village:

*"There is no education for children in our village, and no health care. There are local pharmacies but no qualified doctor. There are no NGOs or humanitarian aid in the village, whether local or international."*

Humanitarian aid has also been severely restricted in displaced settlements near or in areas where fighting continues. One of the biggest concentrations of internally displaced persons (IDPs) is along the Afgoye corridor, extending south west of the capital Mogadishu. There are no exact figures for the number of IDPs currently in this area, but the UN Refugee Agency (UN High Commissioner for Refugees, UNHCR) estimates the numbers may be as high as 410,000, based on satellite imagery coupled with household counts. One man who fled to Elashabia with his children, a settlement on the outskirts of Mogadishu which leads to the Afgoye corridor, before arriving in Kenya in March 2010, described the situation there:

*"I fled to Elashabia on the outskirts of Mogadishu but we could not live there because of lack of shelter and medication. Fighting was going on there too. We stayed there for one and a half month. It took us another month to get to Kenya. In Elashabia there was fighting between al-Shabab and government soldiers about three months ago [in December 2009]. This place is run by al-Shabab and Hizbul Islam. They question you to see if you are from the government side."*

Al-Shabab has often cited ideological reasons for banning aid agencies, stating that the agencies are linked to the TFG, AMISOM, or their donors and political backers. In January 2010, the World Food Programme (WFP) suspended its work in southern Somalia, citing insecurity and growing threats by armed groups. On 28 February 2010, al-Shabab announced that it was banning WFP from areas under its control, claiming that food distribution undermined local farming and that WFP had a political agenda. In August 2010, al-Shabab announced a ban on three aid organisations in areas under its control, claiming they were spreading Christianity. In September 2010, an al-Shabab spokesperson stated that it was banning three more international organizations from areas under their control, accusing them of links to the US government. Despite the worsening drought in southern Somalia since the end of 2010, and the reported growing number of people in need of emergency humanitarian assistance, armed groups have called on the population to refuse assistance from aid agencies and not to seek assistance in areas controlled by their opponents.<sup>105</sup>

Somali humanitarian organisations and workers are sometimes accused by al-Shabab factions of having links with the West and threatened. In some areas, they have had to comply with al-Shabab orders that they should not employ female staff or promote women's rights.<sup>106</sup> Some al-Shabab factions appear to have financial motives in their attempts to control aid agencies' operations, and are said to regularly pressure humanitarian organisations and workers to pay fees in order to operate in the areas they control.

In addition, funding for humanitarian assistance to Somalia has suffered from US concerns that aid could be diverted by al-Shabab, a group it designates as terrorist.<sup>107</sup> The delivery of humanitarian assistance has also been hampered by the diversion of aid through local

contractors to armed groups, according to a March 2010 report by the UN Monitoring Group on the arms embargo in Somalia.<sup>108</sup> Following the report, the UN Security Council adopted Resolution 1916 on Somalia.<sup>109</sup> The resolution “condemns politicization, misuse, and misappropriation of humanitarian assistance by armed groups and calls upon Member States and the United Nations to take all feasible steps to mitigate these aforementioned practices in Somalia”; and, although it exempted payments “necessary to ensure the timely delivery of urgently needed humanitarian assistance” from the assets freeze provision of the sanctions regime on Somalia, it required the UN Resident and Humanitarian Coordinator on Somalia to report every 120 days to the Security Council on humanitarian assistance, its possible misuse or misappropriation and impediments to its delivery.<sup>110</sup> Security Council Resolution 1972 (17 March 2011) extended the exemption to the assets freeze provision for humanitarian assistance for 16 months, although it requested the UN Resident and Humanitarian Coordinator on Somalia to report to it in November 2011 and July 2012.<sup>111</sup>

## FORCED TAXATION OF CIVILIANS

When al-Shabab took control of areas in southern Somalia, it was credited by some among the local population with removing many checkpoints and roadblocks manned by TFG or freelance militia, who were responsible for looting civilians and humanitarian convoys in 2007 and 2008. Amnesty International continues to receive some allegations that members of TFG and pro-TFG clan militia loot civilian property in areas of Mogadishu that they control.

However, civilians living in some al-Shabab controlled areas have also reported being forced to pay “taxes” to factions of the armed group. Amnesty International spoke to many people from the area of Jamame, near Kismayo, who said that they had to flee because they did not have enough food to survive on and to sustain their children as a result of the imposition of these taxes. One farmer said:

*“War is frequent, we have no freedom to farm and to move around. Our lives were under threat. Al-Shabab is in charge of our village since 2009. Since then, life has changed. I was a farmer but they came and told us to produce crops for zakat (tax). I had a big piece of land and they gave me only a small area of land to farm. Before they came there was no tax. Everybody in the village has suffered the same fate.”*

Another woman, aged 25, also from Jamame, confirmed that farmers were being taxed by al-Shabab:

*“I left Somalia and my farm because the farm could not support us. We had to give so much of our produce to al-Shabab. We had to walk to Kismayo from Jamame earlier this year [2010] because al-Shabab had taken all of our produce. They came to the house and they took everything. They didn't harm me but they just looted things. My children had no food and then we had to walk for three days to Kismayo. We stayed there for a short time. We were helped by some people and then we boarded a vehicle and came to the [refugee] camp.”*

A couple looking after three children who fled Jamame in March 2010 said:

*“Al-Shabab came to Jamame two years ago. Before al-Shabab came to Jamame, life was good. This is because there was food aid. When al-Shabab came, they stopped the food aid. In addition to the food aid, we also received materials to build houses with. The rules imposed by al-Shabab included an amount that we had to pay from the harvest that we reaped. We are farmers and so al-Shabab demanded that we pay half of our harvest to them and we would keep the other half. There is no food aid in Jamame and so paying this amount to al-Shabab is too much as we had no other source of livelihood.”*

## 8. LASTING CONSEQUENCES OF THE ARMED CONFLICT

### UNACCOMPANIED AND SEPARATED CHILDREN

Many children and parents have told Amnesty International that one of the most painful consequences of the conflict they are dealing with is losing family members and not knowing whether they are dead or alive, where they are, or whether they will ever be reunited. Humanitarian agencies in the Dadaab refugee camps told Amnesty International that they have noted a rise in the number of unaccompanied minors (those who are not cared for by an adult) and separated children (those separated from parents but accompanied by other adult relatives) arriving in the camps in the past four years.<sup>112</sup> Most children have lost parents and carers because of the armed conflict. A mother of five children said to Amnesty International in March 2010:

*“War in Somalia is so terrible for the children because they can get lost so easily. One of my daughters is missing as a result of the war. She is nine years old. A mortar was thrown near my home so I had to run away with my other children. I couldn’t find my daughter and I don’t know if she’s alive or dead. I’m not alone in this case – the majority of the people have lost children as a result of the war. It is just too easy to be caught in the cross-fire of the fighting and everyone has to run for their lives.”*



Women and children flee fighting between Somali government forces and Islamic fighters, July 2009. © AP/PA Photo/Farah Abdi Warsameh

Refugees' testimonies consistently point to chaotic flights from unpredictable attacks and fighting as the cause of separation of family members. A 30 year-old mother explained:

*“I left because of the fighting. I was separated from some of my children and my husband. I don’t know where they are. There was a mortar attack early in March 2010 where*

*we were living in Medina in Mogadishu. Some of the houses were destroyed during the night. I woke up and took my baby with me. I was living in a separate house from my husband and children and after the mortar attack I couldn't find them. I have lost three children, a 10 year old daughter and two sons, who are seven and five."*

A 16 year-old unaccompanied boy, who fled Somalia in March 2010, told Amnesty International how he lost his mother during an attack by al-Shabab on the outskirts of Baidoa:

*"When the fighting occurred people in Baidoa fled to a village on the outskirts. Then al-Shabab attacked the village... On the night we were attacked, at about 11pm, I escaped and hid in the bush, and then I could not find my mother. I don't know what happened to her. I had four siblings, two brothers and two sisters. I didn't know where to go, I got lost. I was fleeing from town to town. People were giving me milk and water. I wanted to go back to Baidoa... I ended up in Dadaab."*

A 10 year-old unaccompanied boy from Dobley, on the Somalia/ Kenya border, explained how fighting between Hizbul Islam and al-Shabab in the town separated him from his mother in November 2009:

*"I was separated from my mother as a result of the war. This was a few months ago. There was an attack in Dobley by Hizbul Islam on al-Shabab. I was at the market and my mother was at home. The market is not far from home. I was with my friends at the market at the time of the attack. I had been sent by my mother to go to the market to buy some food. The attack started at the market. I ran home and when I got there, I found no one. My mother had fled during this attack. I collected my clothes and left. The attack was still going on."*

A woman lost one of her five children when fleeing fighting between Al-Shabab and Hizbul Islam in Afmadow in November 2009:

*"The conflict between al-Shabab and Hizbul Islam was being fought in the areas where people live. They use AK 47 rifles and other pistols. No mortars were used in Afmadow. My missing child fled in a different direction from me at the time fighting broke out. He is only nine years old."*

Another woman who fled Mogadishu in March 2010 said:

*"I have three children here with me who are 17, 14 and 12 years old. I am missing three of my children, a 16 year old daughter, a 13 year old son and a 15 year old son, and my husband. I was living in Karan, in the eastern part of Mogadishu. That part of the city has been controlled by al-Shabab for the last few months but before then it was controlled by the government. Both my mother and my father were killed and in March 2010, I was also separated from my husband. There were many people who died as a result of a mortar that was thrown at us in late December 2009, including my parents. My eldest son was also injured by the mortar on his thigh. By the time we were fleeing everyone was rushing because we heard the sound of mortars so we had to run. I ran with these three children and my husband ran with the others and somehow we missed each other."*

Another boy, aged 15, who left Somalia in April 2010, described how his father was abducted by al-Shabab. He does not know what has happened to him, or to his mother:

*“My father was taken by al-Shabab. My mother went to look for him and has also disappeared. The first time they took my father away we heard that he had been killed but then he came home. He was injured. We heard that they were looking for him so he had to hide. He was then taken again, or maybe he is hiding – we don't know. The first time he was taken, it was al-Shabab who took him. They said that he was a spy. They threatened to kill him. They put a knife on his head and said that they would slaughter him. He told us that when he was captured the first time they put a knife on his head, he closed his eyes and they beat him with the end of a gun. When he came home and was hiding, al-Shabab came to our house and they threatened my mother and one of her brothers.”*

Other children have been separated from their parents because they did not have enough money to pay for transport out of Somalia. Three brothers, aged 11, 12 and 14, who were unaccompanied minors in the Dadaab refugee camps, said to Amnesty International:

*“We have one brother who is still in Somalia, in Kismayo. We got separated because there was no transport for him on our way to Kenya. This is why our mother went back to Somalia. Our father died five years ago, he was hit by a stray bullet. We don't know if our mother will ever come back.”*

Although the Somali Red Crescent Society operates a tracing and reunification programme in Somalia, in cooperation with the ICRC and other Red Crescent Societies in neighbouring countries, the chaos resulting from the fighting, insecurity, the lack of communication means in rural areas and a lack of cooperation by parties to the conflict greatly hampers the possibility for people to trace lost family members.

Some children separated from their parents find help temporarily or more permanently from other family, clan relatives and neighbours, to flee Somalia. Unaccompanied minors who manage to make their way to refugee camps in neighbouring countries are generally placed in foster families, after going through a procedure to determine their best interests. These children are often more vulnerable to exploitation and other human rights abuses, even if foster arrangements are monitored by UNHCR and humanitarian agencies in refugee camps. They are often at risk of being used as domestic servants and are less likely to be sent to school. A 15 year-old boy from the Yaqshid district in Mogadishu explained the circumstances in which he was separated from his family and how he fled to a refugee camp:

*“I was away from the house playing football. Serious fighting started and as I came back to the house there was no one there. It was a Friday, in January [2010]. They were fighting on the street. There were bullets on the walls of the house. I saw many people fleeing from there. I asked people where my mum was but they didn't know so I ran away with them. I told these people that I had nowhere to go. These people were going to Nairobi. They told me that I had to stay in the refugee camp. I now live with a family whom I didn't know before. They are assisting me. I don't go to school but I help people who are tailors in the camp to earn some money.”*



Women and girls who live on their own in refugee camps are particularly vulnerable and are more at risk of sexual abuse. A young woman described to Amnesty International in 2009 how being on her own increased her vulnerability in the refugee camp she had fled to:

*“Because I was alone I wasn’t able to get the things that I needed to cook, even if was given some food. People would go and gather wood outside the camp to cook their food. But it is very dangerous for someone like me, a young woman. I wasn’t in a position to stay in the camp by myself. I moved to the city where I’m now working for a family as a maid. I don’t have anyone or anything here and I’m basically not planning to go anywhere. It just seems that I’m stuck here.*

*I don’t lead a normal life for someone my age. Someone my age would have had an education and a family who cares for her. I live with a family and I get something to eat and a place to sleep. I’m afraid that if I leave this family whom I’m working for I may not get any better place.”*



Children run past the body of a man, January 2009. © AP/PA Photo/ Farah Abdi Warsameh

## TRAUMA RESULTING FROM CONFLICT

All the Somali refugees who spoke to Amnesty International delegates had experienced the fear of living under constant fighting, the loss of a relative or a friend, or had seen someone being killed or tortured. The suffering of the population is further compounded by a lack of access to basic necessities and a lack of hope that they will ever leave the refugee camps. According to medical humanitarian workers in the Dadaab refugee camps, Somali refugees often suffer from anger and nightmares and post-traumatic stress disorder or epilepsy;

teenagers appear to be particularly affected. Some suffer from mental health disorders.

Many children have told Amnesty International of traumatizing experiences due to the armed conflict and associated human rights abuses.

Children have told Amnesty International that they were traumatized after being made to watch "punishment" killings and amputations by al-Shabab. Two brothers, aged 15 and 11, who fled Sakow in Lower Juba in April 2010, described how one of their relatives was amputated, apparently for refusing to give half of his harvest to al-Shabab members. One of them said:

*"Al-Shabab has been controlling the town for two years. Life was very difficult. They punish people without reason. They use whips made out of tyres. They want everybody to be on time at the mosque. We have to pay taxes to al-Shabab. If you don't pay you're punished, they may cut your leg or your arm. It's happened to my relative, they cut off his hand because he refused to pay the tax on his harvest to them. They tied his hands and took him away, the next day they brought him to the centre of the village and cut his right hand with knives. The tax is over 50% of your harvest. They treat those who refuse to obey their orders the same as those accused of stealing."*

Two boys, aged 10 and 12, from Sakow in Lower Juba separately described to Amnesty International witnessing residents from their village being killed or tortured in public. One said:

*"Initially the government was in control but then al-Shabab came. Things became much worse. They would put someone's arm in boiling oil. They would also dig a hole, put someone in it and then throw stones at them. I saw a man have his arms put in boiling oil. He had come from the mosque with shoes that were not his and he was caught – he was accused of stealing someone else's shoes. There were also stonings after al-Shabab came and they would force you to come and watch. They could also kill you by shooting bullets at you or they could shower you with boiling oil. There were also amputations. All of these were done in public."*

A 14 year-old boy from Mogadishu described how he witnessed the killing of a man shortly before he fled in March 2010:

*"I saw al-Shabab loot someone's property and then slaughter him because of false allegations. I witnessed his killing. He was killed with a knife. They called everyone together to witness. This happens very often. Sometimes you would see people amputated by al-Shabab."*

A 14 year-old boy from Mogadishu said:

*"I left because of the torture and the killings. ... I witnessed a man being slaughtered. Al-Shabab killed him, I don't know why. He was caught when he was walking in the market. He was taken to the outskirts of town. They called everyone together to watch. This happened in Mogadishu. He was slaughtered with a knife to the back of his head in May 2009. I also saw them beat someone with a gun and then they shot him dead. This happened the same month."*

An ex-child soldier confided:

*"I am not feeling safe. I am stressed. I have flashbacks. I am scared that al-Shabab will come here too. I want a better future, better security, further education. I live in fear here."*

A 30 year-old woman fled Somalia in February 2010, as her daughter aged two was traumatized by the sound of mortars:

*"I was living in Medina in Mogadishu. I fled because of the war. Every time my daughter, who is two and a half years old, hears the sound of bomb shells she screams. I couldn't stay. The area I was living in was under government control. The war had come close to my home, though my house was not destroyed. My neighbour's house was destroyed."*

Other children have seen their parents killed in front of them. A 10 year-old boy, who fled Sakow in Lower Juba in April 2010, said:

*"Both my parents were killed in the fighting in April 2010. My sister was raped. They came to my home and they fought within the compound. There was fighting in the whole village. I was at home. My brother and I ran away. We saw our parents getting killed and our sister being raped."*

A 17 year-old student witnessed the killing of his father, a TFG commander in Mogadishu, while he was at home:

*"Our father was killed in front of us, myself and my six young half-siblings. He was shot at with a gun, at home, by five masked gunmen, on 7 October 2009. This was in Waberi district [a district in Mogadishu]. We were having a meal, the door was open. The attack occurred at night. Because he was the breadwinner, we all had to flee. Because he was killed, we were all under threat of being killed."*

Another 17 year-old boy from Baidoa described seeing his father being killed in similar circumstances:

*"The Islamic militia killed my father, who was 60, in January 2009. He used to be a TFG soldier. He was at home sleeping; they came in, took him outside and killed him. It was at night, at around 8pm. They were targeting my dad because he was TFG. These people were our neighbours, they were four men carrying pistols. They told him "we want to have a discussion with you but outside" so he agreed and then they shot him. They had threatened him before but he had withdrawn from the TFG by then. They thought he still had some links with them. He was killed just after the Ethiopians left. They were al-Shabab fighters who were residents of Baidoa, but nobody knew they were al-Shabab. A lot of neighbours who were working for the TFG were killed."<sup>113</sup>*

There is no doubt that the length and violence of the armed conflict in Somalia is having a profound effect on Somali society as a whole. The full psychosocial consequences of the conflict on the Somali people still need to be precisely assessed. However, international health studies say that armed conflict can affect the psychosocial well-being and long-term

mental health of the populations affected, which may “threaten peace, human rights and development”.<sup>114</sup> WHO estimates that mental health disorders have affected one in three persons in Somalia, and that insecurity and trauma caused by war are contributing factors.<sup>115</sup> Adults are also affected.

A woman who lost five children to a mortar explosion on her house said:

*“I am absent minded because of the fear I had in Somalia. There is no support for traumatised people here. It would be good to get advice as to how people can forget about the pain. I talk on my own. Their flesh was everywhere. We had to collect their remains in packets to bury them.”*

One woman in her 40s told Amnesty International in March 2009:

*“I am from the village of Suqahola in Mogadishu. I fled to the refugee camps in December 2008. I decided to leave Somalia because my husband and neighbours were killed in the fighting there. It was one Wednesday morning. My husband, who was a matatu [bus] driver, was going to work. As he was turning the engine on, a bomb shell hit the area and killed him and six other persons living in the block. I had 13 children living with me. When the bomb exploded, I tried to help my injured husband, but the neighbours said that another bomb was coming. So I went back home, but when I got there none of the children, except one, were there. This one is the only child who came with me in the camp. He is 14 years-old. Up to now I do not have any information about my other children. The children are of ages between 9 and 20. I cannot sleep well, and I dream of them. I do not even know if the children ran away together.”*

Support and services for those experiencing trauma as a result of the conflict in Somalia exist in some areas but are very minimal.<sup>116</sup> In the camps Amnesty International visited to interview Somali refugees, psychosocial support for distressed people was either limited or unavailable. In the Dadaab camps, which now host more than 350,000 refugees, mostly Somalis, there was only one psychiatrist specialised in supporting children servicing the three camps in 2010. There were no specific programs to address the psychosocial needs of ex-combatants, and particularly children previously associated with armed groups, who are more likely to experience trauma. The lack of psychosocial and counselling services in the camps is further compounded by socio-cultural attitudes that stigmatize people with mental disorders. Persons with mental illnesses are often ostracized, abused, and kept in chains. As a result, few Somali refugees seek assistance when they are distressed, for fear of being labelled as mentally ill by their communities.

## LACK OF EDUCATION AND LIVELIHOOD OPPORTUNITIES: A LOST GENERATION

A 15 year-old boy from Mogadishu told Amnesty International:

*“The main challenges facing children are: one, that there is no freedom - a group of two or three people are not allowed to sit together. If this happens, they will be punished. Two: fear is pervasive. Three: al-Shabab supervises schools. Children no longer go to school. And four: there are no jobs, children are idle and they have nothing to do. This makes them do*

*undesirable things."*



Children race against each other outside the new arrivals section of Ifo camp in Dadaab, Kenya, December 2008. © UNHCR/E. Hockstein

Two decades of armed conflict have taken a toll on the education system and infrastructure in South and Central Somalia, which is further compounded by the indiscriminate attacks affecting the provision of education and targeted attacks against pupils, teachers and school facilities, as described in this document. The armed conflict in Somalia has prevented an entire generation of children from receiving education and from learning skills that could provide them with sustainable livelihoods. International studies have also underlined the long-term consequences of the lack of provision of education in conflict-affected countries: national inequalities and poverty are likely to be reinforced, and lack of education and employment prospects can fuel armed conflict and threaten peace prospects.<sup>117</sup> In Somalia, some children with no education and livelihood opportunities have been reportedly joined armed groups to be able to sustain themselves; others who have grown up surrounded by violence are drawn into committing more violence.<sup>118</sup> The lack of education for the vast majority of Somali children and young people will bear heavily on the future of South and Central Somalia.

Despite these long-term consequences, education remains an under-funded sector of humanitarian assistance to Somalia. According to the Office for the Coordination of Humanitarian Affairs, as of January 2011, the education sector received 40 per cent of its required funding under the 2010 Consolidated Appeal Process for Somalia; protection programmes received only 17 per cent of their required funding.<sup>119</sup>

Several Somali children in the Dadaab refugee camps told Amnesty International that one

reason they were sent to the camps by their parents was to access education. The Dadaab refugee camps have 19 primary schools and six secondary schools, as well as several private schools and community-funded schools. Humanitarian workers have told Amnesty International that all children who want to attend school are enrolled, despite pressures on the school infrastructure caused by a growing refugee population in overcrowded camps. The primary school attendance rate in the Dadaab camps is reported to be 43 per cent while in secondary schools it is 12 per cent.<sup>120</sup> Children who do not attend school are mostly among those who fled recently to Kenya and unaccompanied minors, according to humanitarian workers in Dadaab. Several children told Amnesty International of being turned back from school for not wearing a uniform, an expense that many cannot afford, although humanitarian workers stress that uniforms are not compulsory and all schools are required to accept children who cannot afford uniforms.

Humanitarian workers have also indicated that children and teenagers who had recently arrived in Dadaab often experience difficulties integrating the camps' school system, which is based on the Kenyan curriculum. Those who never went to school in Somalia have to start at a lower grade than what their age would require. Teenagers often attend upper primary school classes. Most of the pupils accessing secondary school have lived in the refugee camps all their life, and girls who enrol and attend schools are mainly those who were born in the refugee camps; humanitarian workers say that they have noticed positive changes among long-term refugees regarding girls' right to education. Humanitarian workers have also pointed out that children recently arrived from Somalia have more difficulties with discipline and authority than children who have resided in the camps for many years.

One organization also runs youth education programs in the Dadaab camps to provide skills to refugee teenagers and youth who have had limited or no schooling, so that they can learn a trade. However, only a few hundred vulnerable refugees can enrol in these programs every year. In addition, there are very few economic opportunities in the Dadaab refugee camps and refugees are not allowed outside the camps. Even refugee teenagers and young people who successfully complete their secondary education in Dadaab face difficulties in finding jobs: those who work for humanitarian agencies in the camps are not allowed to receive wages, according to Kenya's legislation on the right to work of refugees; instead, they receive "incentives".<sup>121</sup>

## 9. INTERNATIONAL LAW AND STANDARDS

Several bodies of international law apply to the conflict in Somalia.

### INTERNATIONAL HUMANITARIAN LAW

The conflict in South and Central Somalia is classified as an armed conflict of a non international character, as a conflict taking place within the territory of a single state between one or more armed groups and the acting government. Somalia is a party to the 1949 Geneva Conventions and all parties to the conflict in Somalia are obliged to apply, as a minimum, Common Article 3 of the four Geneva conventions. In addition, there are rules of customary international law, particularly on conduct of hostilities, included in treaties such as the First and Second Additional Protocols to the Geneva Conventions, which apply to the conduct of all parties to the armed conflict in Somalia.<sup>122</sup>

Civilians are defined in international humanitarian law as those who are not combatants. In the context of the non-international armed conflict in Somalia, Amnesty International uses civilians to describe people who are taking no direct part in hostilities. Common Article 3 provides that persons taking no active part in hostilities, including members of armed forces who have laid down their arms, "shall in all circumstances be treated humanely", sets out a duty to care for the wounded and sick, prohibits, *inter alia*, unlawful killings, torture, humiliating and degrading treatment, sexual crimes such as rape, extra-judicial executions and the taking of hostages.

International humanitarian law places an absolute duty on all parties to the conflict to distinguish between civilians and combatants.<sup>123</sup> Civilians may not be directly attacked; nor should attacks be directed on civilian objects (defined in international humanitarian law, as objects which are not military objectives), including, in most circumstances, homes, schools, places of worship and hospitals.<sup>124</sup>

Indiscriminate attacks, which fail to distinguish between military objectives and civilians or civilian objectives are also prohibited, as are disproportionate attacks, in which the incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, would be excessive in relation to the concrete and direct military advantage anticipated. All parties to the conflict must take "constant care...to spare the civilian population, civilians and civilian objects." All feasible precautionary measures must be taken to avoid, and in any event minimize, incidental loss of civilian life and injury to civilians, including doing everything feasible to verify that the prospective targets of an attack are military objectives, and not civilians or civilian objects; where possible, giving effective advance warning of attacks which may affect the civilian population; refraining from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects or a combination of these, which would be excessive in relation to direct military advantages anticipated. Parties to a conflict must also take all necessary

precautions to protect civilians under their control against the dangers resulting from military operations including by removing civilians from the vicinity of military objective and avoiding locating military objectives near or within densely populated areas.<sup>125</sup>

Under customary international humanitarian law, "Children affected by armed conflict are entitled to special respect and protection" (rule 135).

Article 4(3) of the Additional Protocol II to the four Geneva Conventions, dealing with non-international armed conflict also reaffirms the obligations of all parties to an armed conflict to provide children with the care and aid they require, including that:

"(a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;  
(b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated;  
(c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;  
(d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of subparagraph (c) and are captured;  
(e) measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being."

Customary international humanitarian law prohibits abductions and forced or arbitrary deprivation of liberty of the kind that are used by armed groups in Somalia to forcibly recruit children, young men, women and girls.

Common Article 3 to the Geneva Conventions prohibits the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable.

## HUMAN RIGHTS LAW

International human rights law, including civil, cultural, economic, political and social rights, applies both in peacetime and during armed conflict and is legally binding on states, their armed forces and other state agents. Some (but not all) rights may be modified in their application, or "derogated from" or limited in situations of armed conflict, but only to the extent strictly required by the exigencies of the particular situation and without discrimination. International human rights law establishes the right of victims of serious human rights violations to remedy, including justice, truth and reparations.

Somalia is party to a number of international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other



Cruel, Inhumane or Degrading Treatment or Punishment (known as the Convention against Torture - CAT), the African Charter on Human and People's Rights (ACHPR) and the International Convention on the Elimination of All Forms of Racial Discrimination.

Article 6 of the ICCPR and Article 4 of the ACHPR establish the obligation of state parties to ensure the enjoyment of the right to life by all individuals under their jurisdiction. The Convention against Torture, Article 7 of the ICCPR and Article 5 of the ACHPR prohibit absolutely torture and other cruel, inhuman or degrading treatment. Torture is a crime under international law, and states have an obligation to bring to justice any person violating this prohibition. The ICCPR and the ACHPR also establish the right of all individuals to liberty, fair trials, freedom of expression, religion, association and peaceful assembly, and equal treatment before the law.

Somalia is obliged to uphold the right to education under the ICESCR (Articles 13-14), the International Convention on the Elimination of All Forms of Racial Discrimination (Article 5) and the ACHPR (Article 17). The right to education extends to all, including IDPs. States must ensure free and compulsory primary education as a matter of priority. Where states have not been able to secure access to free compulsory education, they must "work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years...of the principle of compulsory education free of charge for all."<sup>126</sup> The Committee on Economic, Social and Cultural Rights has noted that the international community has "a clear obligation to assist" in cases where states lack resources or expertise to develop detailed plans.<sup>127</sup>

In addition, the UN Security Council has adopted important resolutions on the protection and security of children affected by armed conflict. Somalia is obliged to respect and implement these resolutions:

Resolution 1261 in 1999 expressed grave concern at "the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development" and strongly condemned recruitment and use of children in armed conflict.

Resolution 1314 in 2000 asked the international community to take appropriate measures to protect the rights of children affected by armed conflict.

Resolution 1460 in 2003 called on all parties to armed conflict to immediately halt recruitment or use of children and for international norms and standards for the protection of children affected by armed conflicts to be respected.

Resolutions 1612 and 1882, adopted in 2005 and 2009 respectively, established mechanisms for monitoring and reporting on children's rights in armed conflicts. Resolution 1882 condemned the recruitment and use of children by parties to a conflict, re-recruitment, as well as the killing and maiming of children, rape and other sexual violence against children, abduction of children, attacks against schools and hospitals and denial of humanitarian access.

Somalia's Transitional Federal Charter<sup>128</sup> of February 2004 also contains a number of

human rights provisions which the TFG has committed to respect. These include the rights to life, personal liberty, and security, the right to a fair trial, equality before the law, the right to freedom of assembly and association, freedom of information and media, and the right to education, protection of family, and social welfare. Article 26 (d) and (e) of Chapter IV of the Charter state:

“d) Forced labour or military service for children under 18 years shall not be permitted.

e) In accordance with the law, no child under 18 years of age shall be imprisoned in the same prison and/or custody as those for adults”.

The African Charter, in article 22, obliges states to “take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child.” The obligation of states to protect internally displaced children from being recruited or being used in hostilities is reaffirmed in the Guiding Principles on Internal Displacement and in the Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa,<sup>129</sup> adopted by the Special Summit of the Africa Union held in Kampala, Uganda from 19 to 23 October 2009 (Kampala Convention), which the TFG attended.<sup>130</sup>

In addition, the TFG has made important human rights commitments, particularly on children's rights, most recently in the context of the Universal Periodic Review at the UN Human Rights Council. The TFG committed to ratify without delay the Convention on the Rights of the Child (which it signed in 2002), the Optional Protocol on the involvement of children in armed conflict (signed in 2005) and the Convention on the Elimination of Discrimination of All Forms of Discrimination against Women (CEDAW). The TFG also committed to end the recruitment of child soldiers in Somalia and to work with the UN through a focal point to sign an action plan to secure and verify the release of child soldiers.

## INTERNATIONAL CRIMINAL LAW

International criminal law establishes individual criminal responsibility for certain violations and abuses of international human rights and international humanitarian law, such as war crimes, crimes against humanity and genocide, as well as torture, extrajudicial executions and enforced disappearance.

Serious violations of international humanitarian law, including wilful killings, torture and other ill-treatment, direct attacks against civilians or indiscriminate or disproportionate attacks, may amount to war crimes. The recruitment of children aged under 15 is a war crime, according to the Rome Statute of the International Criminal Court. International law requires that persons responsible for the commission of such acts be brought to justice.

Individuals may be held liable for attempting, committing, planning or instigating the commission of a war crime. Responsibility for war crimes may also fall upon commanders or non-combatant leaders under the principle of command responsibility where they knew or should have known about the commission of a war crime and failed to take sufficient measures to prevent the carrying out of a war crime or failing to punish those responsible.

## 10. CONCLUSION

**“Education and security is what children need most. There is also need for a ceasefire, peace and education for all the people of Somalia. Youth have no education and so they do not know what they are doing. Stop arms flowing into Somalia as these are used to kill and encourage the fighting.”**

An 18 year old Somali woman

The plight of Somali children and young people can only improve through a concerted effort by all parties to the conflict and the international community to prioritise their human rights. Somali children and families have described to Amnesty International how horrific and relentless human rights abuses have shattered their lives. Their testimonies leave no doubt that war crimes have been committed and continue to be committed in South and Central Somalia. While parties to the conflict bear the primary responsibility for such crimes and must be held to account, the international community has done too little to address the catastrophic human rights situation in Somalia, while at the same time investing resources in other fields such as counter-terrorism and the fight against piracy.

The testimonies of Somali refugees in this report indicate that armed Islamist groups are responsible for a large part of the human rights abuses and war crimes currently committed in South and Central Somalia. The UN Security Council imposed targeted sanctions on leaders of the Somali armed groups al-Shabab and Hizbul Islam in 2010, on the basis that they threatened peace and security in Somalia and denied or obstructed humanitarian assistance.<sup>131</sup> The Security Council must also ensure that leaders of Somali armed groups will be held to account for war crimes and other serious human rights abuses committed against civilians, including the systematic recruitment and use of children in armed conflict.

Many Somalis also accuse the international community of complacency towards the TFG, which it supports politically and financially, despite evidence that TFG and pro-TFG armed forces commit serious human rights violations. Violations by TFG and Ethiopian forces between 2007 and 2009 also helped fuel support for armed opposition groups. Although the UN Security Council and donor states have recently threatened to withdraw support to the

TFG for failing to make progress on tasks set out for the transitional period and the Djibouti process, they have not conditioned their support on clear benchmarks for progress on human rights, including children's rights. The Transitional Federal Institutions have now been extended until August 2011. The international community should now make clear that it expects the human rights commitments made by the TFG during the Universal Periodic Review in May 2011 and the pledge to sign and implement an action plan with the UN to stop the killing and maiming of children and to secure and verify the release of child soldiers to be fulfilled without delay.

Amnesty International acknowledges that the lack of access to vast areas of South and Central Somalia and the difficulties in monitoring and reporting on human rights are obstacles to making parties to the conflict accountable for the abuses they commit. Overcoming these obstacles requires better documentation and reporting on human rights abuses as well as mechanisms to ensure accountability. The Office of the High Commissioner for Human Rights should enhance its capacity to monitor and publicly report on the human rights situation in Somalia, including by deploying sufficient staff where possible, in IDP camps in Somalia and refugee camps in neighbouring countries.

The international community must also vigorously call for the establishment of an independent and impartial Commission of Inquiry, or similar mechanism, to investigate and map violations of international human rights and humanitarian law in Somalia and recommend measures to ensure accountability. Given the lack of capacity in Somalia to undertake such task, and the clear recognition by the international community that increasing accountability for serious human rights abuses contributes to the protection of civilians, the international community should establish such a mechanism without delay and demonstrate to the Somali civilian population that it stands by them and acts to protect them. The Office of the High Commissioner for Human Rights was studying the feasibility of a documentation exercise to map serious crimes committed in Somalia. The UN Secretary-General stated in September 2010 that he supported "the proposal to document the most serious violations committed, as an essential step in the fight against impunity and for the creation of justice and reconciliation mechanisms".<sup>132</sup> However, no further steps appear to have been taken in that direction.

The international community must also take concrete measures on information already available on the human rights situation in Somalia. An Independent Expert on the human rights situation in Somalia regularly reports to the UN Human Rights Council. The UN Security Council receives information on violations of the UN arms embargo on Somalia through the UN Monitoring Group, and on violations against children in the armed conflict through the UN Special Representative on Children and Armed Conflict. Yet, despite the TFG being since 2005 on the UN Secretary-General's annual list of parties that kill or maim children and recruit or use children in armed forces, the Security Council has continued to authorize transfers of weapons and ammunition to the TFG.

Somali children and the youth have consistently demanded access to education. The international community should increase technical and financial assistance to ensure that Somali children are able to fulfil their right to education, wherever possible, including in IDP camps in Somalia and refugee settlements in neighbouring countries. However, it will not be possible to improve access to education in areas where fighting rages or where humanitarian

assistance is obstructed, unless stronger efforts are made to improve the protection of civilians. In this regard, indiscriminate and direct attacks affecting schoolchildren and their families, teachers and education facilities must be addressed.

# 11. RECOMMENDATIONS

## To the TFG

- Issue clear and public orders to the TFG security forces, and all militia and forces affiliated to it, not to commit unlawful attacks, including those targeting civilians, those which do not attempt to distinguish between military targets and civilians or civilian objects, including schools and medical facilities, and those which, although aimed at a legitimate military target, have a disproportionate impact on civilians or civilian objects;
- Take all feasible precautions in attack, and against the effects of attack, in order to protect civilians, including by warning civilians of impending military attacks, unless circumstances do not permit, avoiding placing, to the extent feasible, the locations of military bases and other military objectives within or near densely populated civilian areas and ending indiscriminate shelling of mortars and other artillery weapons in densely-populated civilian areas;
- Issue clear and public instructions to the TFG security forces, allied militia and forces prohibiting the recruitment or use of children aged under 18, all extrajudicial executions, arbitrary arrests and detentions and rape and other forms of sexual violence;
- Systematically screen all TFG units to verify that children are not among TFG forces and to ensure the separation of children, in coordination with UN child protection agencies;
- Establish effective screening procedures to ensure that persons aged under 18 are not recruited in TFG security forces and allied militia and forces, including by circulating guidelines on verifying age, and instructing recruiters that in case of doubt over an individual's age they should not be recruited; by ensuring that the minimum age for recruits is strictly enforced; and by giving access to military bases by independent monitors in order to prevent and detect any underage recruitment;
- Call on allied militia to release children in their ranks as a prerequisite for incorporation into any future army or police integration programs;
- Fully cooperate with international and Somali organizations working on children's rights to finalize, sign and implement an action plan with the UN to stop the killing and maiming of children by TFG and allied forces and to secure and verify the release of child soldiers; such action plan should ensure the identification and release of all children who may be associated with the TFG security forces, allied militia and other pro-TFG forces and the protection and disarmament, demobilization and reintegration of all children who defect or are captured from armed opposition groups;
- Ensure that fighters, specifically children, captured or defecting from armed opposition groups and detained by TFG and pro-TFG forces are treated humanely and provided with the care, protection and aid they require, and are given access to independent monitors; in

particular, children should only be detained as a measure of last resort and for the shortest period of time, and while in detention these children should not be held with adults and should be provided with special care and protection;

- Set up impartial vetting procedures to ensure that persons reasonably suspected of violations of international humanitarian or human rights law are suspended or not recruited into the security forces and that persons defecting from armed opposition groups do not benefit from an amnesty if they are reasonably suspected of involvement in war crimes and other human rights abuses, pending independent and impartial investigations; and seek international assistance on standards and best practices in setting up such screening and vetting procedures;
- Initiate prompt, effective and impartial investigations into all violations of international human rights and humanitarian law, including murder, unlawful attacks, the recruitment or use of children in armed forces and groups, cases of extra-judicial killings, rape and forced marriage and bring those responsible to justice in fair trials without application of the death penalty;
- Ensure that victims of human rights violations or their relatives are able to obtain effective reparations, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- Request the UN to establish an independent and impartial Commission of Inquiry, or similar mechanism, to investigate and map violations of human rights and international humanitarian law in Somalia and recommend measures to ensure accountability;
- Ratify without delay the UN Convention on the Rights of the Child, its Optional Protocols on the involvement of children in armed conflict and the sale of children, child prostitution and child pornography, the Convention on the Elimination of Discrimination of All Forms of Discrimination against Women and the Rome Statute of the International Criminal Court;
- Adopt legislative measures prohibiting and criminalizing the recruitment and use in hostilities of persons under 18 years;
- Take all necessary steps to ensure the provision of humanitarian assistance, based on need, and unimpeded delivery of humanitarian assistance to vulnerable civilians in Somalia, including those displaced in and around Mogadishu.

#### **To pro-TFG forces and aligned militia**

- Publicly declare that they will abide by international humanitarian and human rights law, including the prohibitions against unlawful attacks, the recruitment and use of children in their forces, extra-judicial executions and other human rights violations;
- Issue clear and public orders to troop commanders and soldiers that the recruitment or use of children in their forces will not be tolerated, and release all children from their ranks.

**To armed Islamist groups opposed to the TFG, particularly al-Shabab factions:**

- Immediately stop indiscriminate and disproportionate attacks and direct attacks on civilians and civilian objects, including children, education personnel, schools and medical facilities and publicly order its fighters to abide fully with the laws of war;
- Immediately stop launching attacks from heavily-populated areas or public spaces and publicly order that all fighters fully comply with the need to take precautionary measures in attacks and defence, including the need to distinguish themselves from non-combatants and to avoid placing the locations of military bases and other military objectives within or near densely populated civilian areas to the maximum extent feasible; stop shelling mortars and other artillery weapons in densely-populated urban areas;
- Put an end to the recruitment and use of children in armed conflict, and immediately release all children from their troops and adults forcibly recruited, abducted and held by its members, including any girl or woman forcibly recruited for marriage;
- Cooperate with the UN to establish time-bound action plans to stop the killing and maiming of children and to secure and verify the release of child soldiers from their troops
- Free all persons held arbitrarily or on account of the peaceful exercise of their fundamental human rights, including persons opposing the recruitment of children;
- Cease all unlawful killings, including summary, deliberate or public killings, stoning to death; torture and other ill-treatment, including amputations and floggings; death threats, forced taxation and other abuses against civilians;
- Suspend from their forces any member suspected of having committed violations of international humanitarian law;
- Ensure the provision of humanitarian assistance to vulnerable civilians in Somalia, based on need, stop imposing conditions on aid workers and operations, and put an end to all restrictions on civilians' access to health, education and food;
- Respect the freedom of movement of all civilians seeking safety within and outside Somalia.

**To AMISOM and the AU Peace and Security Council:**

- Keep the rules of engagement of AMISOM under continuous review to ensure that they are fully consistent with international human rights and humanitarian law in all its operations in Somalia, including ahead of and during military offensives;
- Ensure that AMISOM troops consistently take all feasible precautions in attack, and against the effects of attack, in order to protect civilians, including by warning civilians of impending military attacks, unless circumstances do not permit; avoiding placing, to the extent feasible, the locations of military bases and other military objectives within or near densely populated civilian areas; and ensuring that its troops do not indiscriminately shell mortars and other artillery weapons in densely-populated civilian areas;



- Set up an investigation mechanism to conduct prompt, independent and impartial investigations into all credible allegations of serious violations of international human rights and humanitarian law by AMISOM personnel, including allegations of indiscriminate or disproportionate attacks, such as mortar firing or shelling in densely populated areas; such a mechanism should ensure the confidentiality and the security of potential complainants and witnesses, should report its findings publicly and should recommend disciplinary measures and the initiation of criminal proceedings against any personnel found to have been responsible for such violations;
- Ensure that all AMISOM units, including troops, commanders and civilian police are adequately trained in international human rights and humanitarian law, including children's rights; and that training and other security assistance provided by AMISOM and other African Union member states to TFG security forces contains rigorous practical exercises and operating standards designed to ensure full respect for international human rights and humanitarian law; all training personnel must be vetted to ensure that they have not themselves been implicated in human rights abuses;
- Call on all African Union Member States to fully respect the UN arms embargo on Somalia, including the obligation to request exemptions for any security sector assistance to the TFG to the UN Sanctions Committee on Somalia and Eritrea;
- Call on all African Union Member States to give Somalis fleeing armed conflict access to fair asylum procedures, protection and assistance and not to forcibly return any individual to South and Central Somalia;
- Call for concrete measures to end impunity for war crimes and other human rights abuses in Somalia, including the establishment of an independent and impartial Commission of Inquiry, or similar mechanism, to investigate and map violations of human rights and international humanitarian law in Somalia and recommend measures to ensure accountability.

**To the UN Security Council and the Security Council Committee on Somalia and Eritrea (Sanctions Committee)**

- Request increased monitoring, documenting and public reporting of violations of international humanitarian and human rights law affecting civilians and children in Somalia and prioritise such information to formulate policies and engagement on Somalia;
- Press all parties in Somalia, including the TFG, TFG aligned militia and AMISOM, in accordance with relevant Security Council resolutions, to comply fully with their obligations to protect the civilian population from the effects of hostilities. These should include taking all feasible precautions for that purpose during attacks, and against the effects of attacks, warning civilians of impending military attacks, unless circumstances do not permit, avoiding placing, to the extent feasible, the locations of military bases and other military objectives within or near densely populated civilian areas and ending indiscriminate shelling of mortars and other artillery weapons in densely-populated civilian areas;
- Press all parties in Somalia, including the TFG and TFG aligned militia to ensure the release all children from their forces;

- Adopt specific benchmarks and timelines to monitor progress by the TFG in establishing independent and impartial accountability and oversight mechanisms for all TFG military, security and police forces and affiliated militia; and in running effective screening and vetting mechanisms to ensure that TFG security forces and allied militia do not recruit persons under the age of 18, or persons reasonably suspected of violations of human rights and humanitarian law;
- Ensure that individuals and entities suspected of serious violations of international humanitarian and human rights law affecting children in Somalia (including unlawful killings and injury to civilians, recruitment or use of child soldiers, attacks on schools and medical facilities, sexual violence, abductions of children and denial of humanitarian access) are identified, and measures are taken according to a transparent and fair procedure, based on clear criteria and a uniformly applied standard of evidence, with a view to ensure accountability for such violations;
- Do not authorize exemptions to the UN arms embargo on Somalia if requests for exemptions involve the supply of arms, funding or training that are likely to facilitate serious violations of international human rights and humanitarian law, including unlawful killings and injuries to civilians and the recruitment or use of child soldiers; demand that any request for exemption for the provision of military or security assistance to the TFG contains sufficient information about safeguards put in place to prevent such assistance from being used in committing human rights abuses;
- Report publicly on the nature, number, source and recipient of the arms embargo exemptions of which it has been notified, and whether they have been authorized, including in its public annual reports of activities;
- Support the establishment of an independent and impartial Commission of Inquiry, or similar mechanism, to investigate and map violations of human rights and international humanitarian law in Somalia and recommend measures to ensure accountability;
- Publicly condemn violations of international human rights and humanitarian law by all parties to the conflict in Somalia, including TFG and AMISOM forces; press the TFG and TFG allied forces to immediately suspend any personnel reasonably suspected of committing or ordering serious violations of international human rights and humanitarian law, and to bring to justice anyone found responsible for such violations, in fair trials and without the application of the death penalty;
- Call on all UN Member States to give Somalis fleeing armed conflict access to fair asylum procedures, protection and assistance and not to forcibly return any individual to South and Central Somalia;
- Call on states and donors to fully fund humanitarian operations in Somalia and to increase technical and financial assistance in support of Somali children and the youth separated from their families during the conflict, the provision of psychosocial support, the demobilization, rehabilitation and reintegration of ex-child soldiers, and education and employment opportunities, including in IDP and refugee camps;

- Ensure that UN actions on Somalia do not undermine the perception of neutrality and impartiality of humanitarian agencies operating in Somalia.

#### **To the Office of the High Commissioner for Human Rights**

- Increase monitoring, documenting and public reporting of all violations of international human rights and humanitarian law committed in Somalia, including by deploying human rights monitors in IDP and refugee camps in neighbouring countries;
- Provide the necessary technical assistance and capacity-building to the TFG to ensure the respect, protection and promotion of human rights, including children's rights;
- Support the establishment of an independent and impartial Commission of Inquiry, or similar mechanism, to investigate and map violations of human rights and international humanitarian law in Somalia and recommend measures to ensure accountability.

#### **To all states and donors, including those in the International Contact Group on Somalia**

- Ensure that the protection of Somali civilians and children's rights are placed at the heart of their policies and actions on Somalia;
- Publicly condemn all violations of international human rights and humanitarian law committed in Somalia that come to their attention, including indiscriminate and disproportionate attacks and direct attacks on civilians and civilian objects, and those committed by TFG forces, allied militia and AMISOM and call for those responsible to be held accountable;
- Call on all parties to the conflict to end the recruitment or use of child soldiers and to immediately release children from their forces;
- End all supplies of weapons, military and security equipment and financial assistance for the purchase of weapons to all parties to the conflict in Somalia, including the TFG, until effective mechanisms are in place to ensure the disarmament, demobilization and reintegration of child soldiers in their ranks; and to prevent such material assistance from being used in committing violations of international humanitarian and human rights law;
- Respect the UN arms embargo on Somalia, including the obligation to make prior requests to the Sanctions Committee on Somalia for exemptions to provide any proposed security sector assistance, such as training, to the TFG; if making such requests, provide sufficient information to the Sanctions Committee about safeguards put in place to prevent such assistance from being used in committing human rights abuses;
- Ensure that any training provided to the TFG security forces provides comprehensive practical training to TFG armed forces in the application of international human rights and humanitarian law principles, including the obligation to distinguish at all times between military targets and civilians, the obligation to take all necessary precautions to protect civilians and civilian objects, and children's rights;
- Provide technical and financial assistance to ensure that TFG security forces and allied militia are subject to independent and impartial accountability and oversight mechanisms;

and effective screening and vetting mechanisms to ensure that TFG security forces and allied militia do not recruit persons under the age of 18, or persons reasonably suspected of violations of human rights and humanitarian law;

- Provide capacity-building to local organizations working on child protection issues;
- Support concrete measures to end impunity in Somalia, including the establishment of an independent and impartial Commission of Inquiry, or similar mechanism, to investigate and map crimes under international law and recommend further measures for accountability;
- Provide funding for humanitarian operations in Somalia and increase technical and financial assistance in support of Somali children and the youth separated from their families during the conflict, the provision of psychosocial support, the demobilization, rehabilitation and reintegration of ex-child soldiers, and education and employment opportunities, including in IDP and refugee camps;
- Give Somalis fleeing armed conflict access to fair asylum procedures, protection and assistance to and do not forcibly return any individual to South and Central Somalia.

# ENDNOTES

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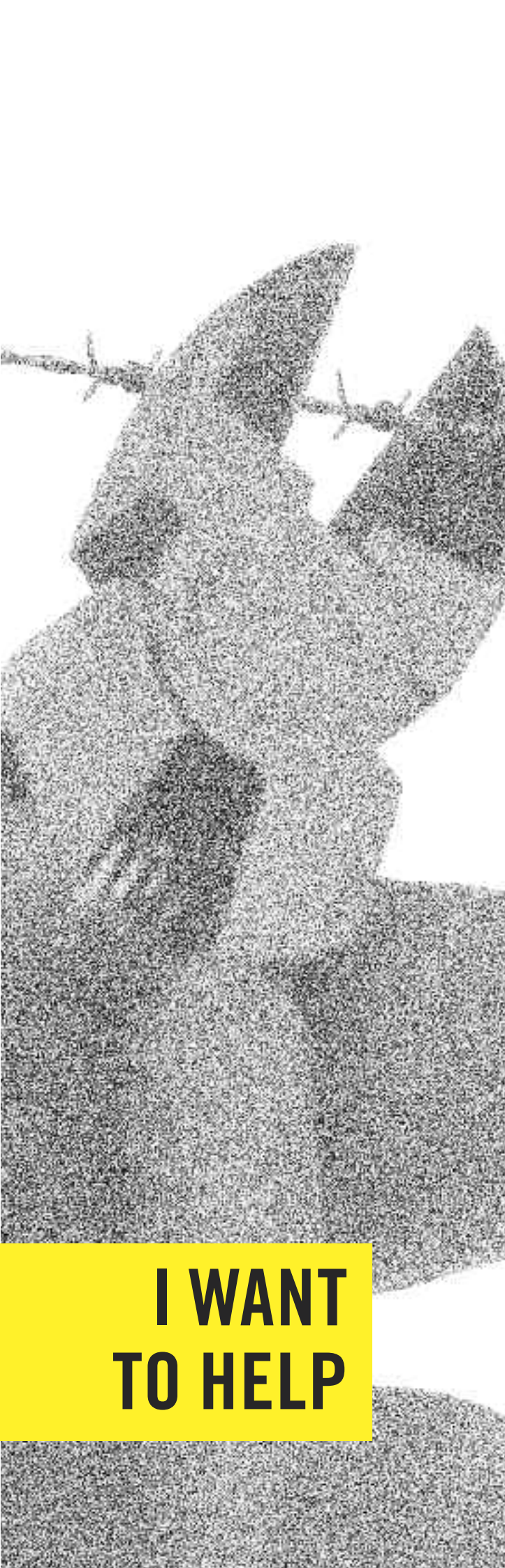
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## **IN THE LINE OF FIRE**

### **SOMALIA'S CHILDREN UNDER ATTACK**

Children in southern and central Somalia are under relentless attack. Their lives are in constant danger and their hopes for the future have been shattered by armed conflict and grave human rights abuses. Homes are bombed, families killed, schools destroyed or closed. Much of the violence is indiscriminate – no effort is made to spare civilians, even the very young.

Children have also been directly targeted. They describe how Al-Shabab, the armed Islamist group which controls much of Somalia, has forcibly recruited children, some as young as eight, and raided schools. They tell of those who do not conform to al-Shabab's rules being punished with floggings, amputations and death.

For two decades, children's access to health care, education, food and water has steadily diminished. Armed groups have refused to allow humanitarian aid in areas they controlled, leaving children at the mercy of drought.

This report calls on the warring parties to end their assaults on children and for accountability for war crimes and other grave human rights abuses in Somalia. It also calls on all states to step up programmes for education and psychosocial care for Somali children fleeing the conflict.

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