

January 1999

SOMALIA

ISSUE

In the absence of a central government or authority, basic social and economic rights, especially relating to employment, food security, and the rights of women and children, remained problematic. In the "crisis" zones (the south, including Mogadishu) where as many as 30 clan-based factions are still fighting, there continue to be incidents of unlawful killings of civilians, kidnapping and abductions, and oppression of minorities.

BACKGROUND

There have been no dramatic political changes in Somalia over the past year. While there is evidence, particularly in the north, that respect for humanitarian law enhances the credibility of the clan factions in the eyes of the international community, the **continued disregard for human rights by many factions within Somalia** is cause for concern in the international community.

There are three **regional trends** in Somalia. The south is composed of regions experiencing crisis, armed groups fighting for the control of territory and resources; the north, including the unrecognized 'Republic of Somaliland' in the north-west and "Puntland" in the north-east, where an emergent civil society is active, are relatively stable and further ahead in terms of governance, as regional administrations are emerging, trying to rebuild an institutional framework and local governments. The remainder of Somalia is in transition from crisis to recovery.

Throughout Somalia, the **judicial system** is arbitrarily maintained by factions and clan-based elders or courts. Communities apply a combination of traditional and customary practices, Sharia law, Somali law as it stood during the former regime, and the pre-1991 Penal Code. The law is enforced by clan elders, the militias, or the militias of the Sharia courts. In the South, police forces exist with records of both arrests and releases. Prison conditions in the region, however, remain inadequate and prisoners are subject to conditions below the UN Standard Minimum Rules for the Treatment of Prisoners. The International Committee of the Red Cross (ICRC) and diplomatic representatives have been allowed to visit prisons and prisoners are usually allowed to receive food from relatives or relief agencies.

Arbitrary detention, murder, mutilation, cruel treatment and torture, kidnapping of Somalis and international relief workers still appear to be common practices, particularly in the south. As a consequence of kidnappings in parts of Somalia, many NGOs withdrew services and there has been **limited direct monitoring** of the situation by the international community. A uniformed police force of 4,000 individuals carries out daily law enforcement activities in the north-west (Somaliland). While about a quarter of them were part of the police in the Barre regime, most were recruited subsequent to the fall of the Barre regime and trained using the old police officer teaching material.

The **UN Independent Expert on the Situation of Human Rights in Somalia**, Ms. Mona Rishmawi, visited north-west Somalia in early 1998 to investigate allegations of mass graves near Hargeisa. Forensic experts confirmed the presence of mass graves and the deaths of people

9

10

11

12