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

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Mandate

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

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

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

This report is jointly published by UNSOM and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Map of Somalia



Contents

Acronyms	v
Executive Summary	vi
Methodology.....	viii
I. Findings.....	1
A. Overview of Violations and Abuses.....	1
B. Human Rights Violations Attributed to State Actors or Affiliated Groups.....	2
1. National and International Security Forces	2
2. Somali National Army.....	2
3. Somali Police.....	3
4. Intelligence and Security Agencies	5
5. African Union Mission in Somalia.....	6
6. Militia and Armed Groups Affiliated with National and International Security Forces.....	10
C. Airstrikes by International Forces.....	10
D. Human Rights Violations and Abuses Attributed to Armed Groups.....	11
1. Al Shabaab.....	11
2. Other Armed Groups	12
E. Types of Attacks and Violations and Abuses Attributed to Armed Groups	14
1. Other Methods of Attack.....	16
2. Conflict-Related Abduction of Civilians.....	17
3. Amnesties	17
II. Sexual Violence and Violations Affecting Children in the Conflict-Affected Areas of Somalia	19
A. Sexual Violence	19
B. Children and Armed Conflict	20
III. Recommendations	24
ANNEXES	27

Acronyms

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

Executive Summary

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

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

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

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

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

Attacks targeting civilians and indiscriminate attacks by non-state actors – in particular through the use of IEDs and suicide attacks in civilian-populated areas – are prohibited under international humanitarian law and in most cases likely amount to war crimes. It is imperative that the perpetrators of such acts be identified and held accountable.

While the majority of civilian casualties during the reporting period were caused by Al Shabaab and other non-state actors, a smaller number were attributed to state security actors and AMISOM. These are of utmost concern as they undermine the Somali population's trust in the Government and the international community, which in turn expands the space in which anti-government elements continue to operate.

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

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

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

Methodology

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

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

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

- 1 UNSOM considers the term civilian casualties when international humanitarian law applies and victim when it refers to international human rights law.
- 2 Recording an individual as a casualty is not always determinative of a violation of international law (although high numbers of casualties may be indicative of violations and reflect the concept of ‘patterns of harm’). UNSOM’s casualty recording is undertaken in conflict situations where there is often a high number of incidents taking place, in areas where insecurity does not allow access. Consequently, it may not be possible to identify each victim (e.g. when a suicide bombing occurs in an urban area), determine their status at the time (e.g., whether shopping or directly participating in hostilities), attribute responsibility for each casualty (e.g., where multiple armed groups are in the area) and make a determination of a violation in relation to each casualty (e.g., whether the damage to civilians and/or civilian objects was excessive in relation to the military advantage anticipated).

troops of the same country operate under different umbrellas, to the inability of sources to clearly identify or distinguish between actors, or to the absence of claim of responsibility, it is not always possible for UNSOM to attribute responsibility.³

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

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

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

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

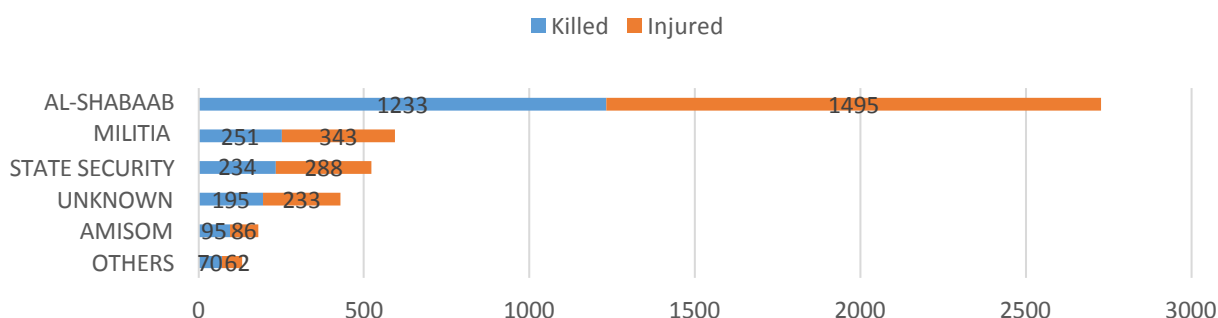
4 Advance copies were provided to authorities in Jubbaland, Puntland, HirShabelle, Somaliland, and Interim South West Administration, as well as AMISOM, the FGS Ministry of Women and Human Rights Development, and the Embassies of the United States of America and the Republic of Kenya in Mogadishu. The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

1. Findings

A. Overview of Violations and Abuses

1. The reporting period saw significant political developments in Somalia, with the completion of the formation of the Somalia's five Federal Member States (Jubbaland, South West Administration, HirShabelle, and Galmudug), the electoral process in December 2016 for a bicameral Parliament with a new Upper House, and the election of a new President in February 2017. The FGS and the FMS also agreed on Somalia's National Security Architecture in April 2017, and a Security Pact was adopted at the London Somalia Conference in May 2017, which (among other things) urged all parties to uphold human rights and international humanitarian law, strengthen institutions to address impunity, and improve the protection of women and children.⁵
2. The security situation remained volatile during the reporting period. The main conflict was between national security forces – supported by AMISOM – and Al Shabaab, the major armed group controlling significant territory in Jubbaland, South West State, and HirShabelle. Other conflicts resulting in civilian casualties included recurrent clashes between clan militia aligned to power holders, especially in areas where national and state security forces were absent.
3. UNSOM documented violations by state actors including Somali National Army, Intelligence Security Agency, Somali Police, as well as AMISOM and other international forces, and violations and abuses by non-state actors such as Al Shabaab, clan militia in the broader context of armed conflict, and the militia affiliated with Islamic State in Iraq and the Levant (ISIL). Violations and abuses included killings and other attacks against civilians and civilian objects, extrajudicial executions, sexual and gender-based violence, arbitrary arrest and detention, abduction, torture, as well as the six grave violations against children.
4. From 1 January 2016 to 14 October 2017, a total of 4,585 civilian casualties were recorded (2,078 killed and 2,507 injured), 60 per cent of which were attributed to Al Shabaab (2,728 casualties, 1,233 killed, 1,495 injured), 13 per cent to militia (594), 11 per cent to state actors (522), four per cent to AMISOM (181), and 12 per cent to other and unidentified actors.⁶ In addition, 729 civilians were abducted by Al Shabaab, of whom 403 were reportedly released.

**CIVILIAN CASUALTIES PER PERPETRATORS
JANUARY 2016 TO 14 OCTOBER 2017**



⁵ 11 May 2017 Security Pact, para. 10.

⁶ The undetermined category includes unidentified perpetrators, while other comprises actors who are identified but represent perpetrators such as the Kenyan Defence Forces and Ethiopian Liyu police that are responsible for a comparatively small number of violations.

5. According to UNMAS data,⁷ civilians comprised 54 per cent of the casualties caused by IEDs, totalling 2,298 (748 killed and 1,550 injured) by the end of September 2017.
6. Almost half of civilian casualties were attributed to complex attacks and the use of VBIEDs (49 per cent), suicide attacks using VBIEDs, PBIEDs (25 per cent), and other types of IEDs (26 per cent).⁸ Before the attack in Mogadishu on 14 October 2017, the highest number of civilian casualties occurred during Ramadan in June 2016 and the lead-up to the elections in January 2017, mainly in Banaadir, Bay and Lower Shabelle.⁹

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

1. National and International Security Forces

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

2. Somali National Army

8. SNA falls under the FGS Ministry of Defence, and its presence is limited to Galmudug, HirShabelle, Interim South West Administration (ISWA), Jubbaland, and Banaadir.¹⁰ Somaliland has its own security and police forces, and some of Puntland's security forces are in the process of being integrated into the SNA. In some cases, verification by UNSOM of allegations against the SNA has been challenging in the absence of a consistent use of uniforms or other form of identification.¹¹
9. SNA were involved in 65 incidents resulting in 145 civilian casualties, with 85 killed and 60 injured. Reports of rape attributed to SNA decreased substantially, from 17 in 2015 to three in the reporting period, likely due to underreporting or the decreasing presence of SNA in regions like Bay and Bakool (ISWA), where they were replaced by regional security forces.
10. Incidents involving the SNA occurred mainly in Mogadishu (34.1 per cent), with a total of 51 civilian casualties, and in Lower Shabelle (25.6 per cent), with 37 casualties.¹² Forty-two casualties were linked to illegal checkpoints and extortion, 25 to indiscriminate shooting, and 26 from clashes within SNA or between SNA and other security forces, such as the intelligence services. Nine civilians were killed during security operations on suspicion of belonging to Al Shabaab, and eight casualties were related to SNA involvement in retaliatory clan attacks. Ten casualties attributed to SNA occurred under unclear circumstances.

7 UNMAS, 2017. Last accessed 26 October 2017, <http://www.mineaction.org/programmes/somalia> <http://www.mineaction.org/programmes/somalia>.

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

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

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

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

12 Number of incidents per region: 20 incidents in Mogadishu (Banaadir region) caused 29 deaths and 22 injured; 19 incidents in Lower Shabelle caused 30 deaths and 7 injured; eight incidents in Bakool led to nine deaths and two injured; six incidents in Middle Shabelle resulted in seven deaths and 13 injured; five incidents in Hiraan caused four deaths and nine injured; four incidents in Bay led to three deaths and four injured; two incidents in Gedo resulted in two deaths and three injured; and one incident led to one death in Lower Jubba.

11. Of the 65 incidents involving SNA, alleged perpetrators were arrested by SNA authorities in only 13 of the cases, while in 52 incidents (80 per cent of the cases) the alleged perpetrators were not arrested or reportedly escaped. UNSOM was unable to confirm whether all cases were submitted to the Military Court of Armed Forces, which has jurisdiction over members of the SNA. In known cases that were referred to the Military Court, punishments of perpetrators were not consistent across similar violations committed, ranging from the payment of compensation to the families of the victims to the death penalty.¹³
12. Fighting between state security forces resulted in a significant number of killings and injuries, and other human rights violations. The most serious incident occurred in October 2016, when 25 victims were killed and 63 were injured by crossfire between Puntland and Galmudug forces in Gaalkayo that exacerbated the existing clan conflict and displaced 180,000 people. The two security forces were also responsible for direct ground confrontations and mortar attacks in heavily populated and residential areas during the fighting.

3. Somali Police¹⁴

13. The National Security Architecture, outlined in the 11 May 2017 Security Pact, envisions 32,000 police under a federated system for policing.¹⁵ It is anticipated that a “hybrid” policing system will be established and include those currently conducting regular “policing” activities and those performing Darawish functions (more robust paramilitary functions) under a two-tiered police system. The government is currently considering options to integrate those performing policing duties into the new federated policing system.
14. In each of the Federal Member States, the state police are under the authority of their State Administration. The Somali Police Force (SPF) also have staff deployed in all of the FMS and Banaadir and these SPF officers are under the authority of the Federal Ministry of Internal Security. The Somaliland Police report to the Somaliland Government. SPF are present in Banaadir,¹⁶ South West State,¹⁷ HirShabelle,¹⁸ in the towns of Adaado and in the southern part of Gaalkayo in Galmudug State. Dhuusamarreb, the capital of Galmudug, has been administered by Ahlu Sunna Waljama’a (ASWJ) since 2009, as a substitute for a national or State authority. Smaller numbers of SPF are also present in Kismaayo and Dhobley towns in Jubbaland¹⁹ and at the Armo Police Academy in Puntland. While maintaining law and order is primarily the duty of the police, arrests related to terrorism,

13 On 4 August 2016, the Military Court of Armed Forces sentenced one SNA member to death for killing a civilian in Hiraan region. In another case, on 4 August 2016, the military court in Beledweyne town, ordered two SNA soldiers to pay compensation, referred to as diya, (50 camels each), to the family of a civilian who had been killed in a shoot-out between the two soldiers. On 19 June 2017, the Military Court in Mogadishu sentenced an SNA soldier to death for killing a public servant on 3 May 2017.

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

15 On 3 December 2017, the National Security Council agreed that the 32,000 police should be allocated as follows: 4,571 to each FMS and 9,145 be assigned to the Somali Federal Police and for policing in the Banaadir Regional Authority.

16 SP has functioning police stations in the 17 districts of Mogadishu, although they are unevenly equipped.

17 In ISWA, SPF is operational, working hand in hand with other newly created police entities, namely, South West Special Police Force (SWSPPF) (formerly Darawish) and South West State Police (SWSP). Darawish was transformed into SWSPPF after a 29 March 2016 Presidential Decree. The presence of the police is limited mainly to Baidoa town where they play a role in fighting against Al Shabaab and conducting security operations.

18 SPF is present in HirShabelle State and police stations operate in Jowhar and Beledweyne.

19 The Jubbaland State Police comprises 600 formally trained police officers, including 61 women. Police recruit training was provided by AMISOM Police between February 2016 and April 2017.

Al Shabaab, and other criminal activity are conducted by NISA or their regional counterparts in Jubbaland and Puntland.

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

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

16. UNSOM documented six clashes between the SP and other security forces that resulted in 23 casualties (10 killed and 13 injuries), five of which involved clashes with SNA and one with NISA.²⁰ No investigations were launched into these incidents and no arrests were made. Seven other casualties resulted from indiscriminate fire by the police to disperse crowds in Mogadishu and Jowhar (Middle Shabelle), and one killing by a police officer in Beled Xaawo, Gedo region.²¹
17. Other human rights violations attributed to SP included arbitrary arrests and detention. UNSOM recorded 5,821 cases of police failing to follow due process while conducting arrests and detaining individuals beyond 48 hours without charge, in violation of Somalia’s Provisional Federal Constitution and applicable international human rights law. Since March 2016, a pattern of mass arbitrary arrests and detention has emerged in Puntland in which civilians, mainly males above the age of 15 coming through the Kontrolo checkpoint in southern Puntland, were arbitrarily arrested and detained from several days to a few months on suspicion of being members of Al Shabaab.²² The police routinely fail to prevent human rights violations or to pursue accountability for them by not investigating and arresting alleged perpetrators.

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

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

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

“ On 7 November 2016, the police fired live ammunition to disperse a crowd during clashes between supporters of a football match at Hargeisa stadium in Somaliland, which injured 17 civilians. Despite requests by civil society organizations and opposition political parties for an independent investigation on crowd control by the police, no action had been taken as of November 2017.²³ ”

4. Intelligence and Security Agencies

18. Three security intelligence agencies operate officially in Somalia, with different chains of command and capacity: NISA, the Puntland Security Forces (PSF), and the Jubbaland Intelligence and Security Agency (JISA).²⁴
19. NISA, which operates in Banaadir region, HirShabelle, Galmudug, and ISWA, was created by the FGS in January 2013, although it was not established by law or Presidential decree, and its powers and obligations are therefore not clearly defined.²⁵ Nevertheless, as a security institution, NISA is bound by the Provisional Federal Constitution, which provides that the security services must be accountable, comply with the rule of law, and are subject to civilian control.²⁶ However, arrests and detentions conducted by NISA routinely disregard these provisions as well as fundamental guarantees under international human rights law, including access to legal representation and to family visits, and the right to be brought promptly before judicial authorities.²⁷ It is of particular concern that political leaders, activists, journalists and media owners arrested by NISA are detained without charges in the NISA Godka Jiliow detention centre in Mogadishu, where Al Shabaab suspects are also detained, with their rights to due process routinely violated, including access to judicial oversight or legal representation.
20. During the reporting period, UNSOM documented 63 human rights violations reportedly attributed to NISA, including extrajudicial executions, torture, arbitrary arrests and detention, restrictions of freedoms of expression, peaceful assembly and association. These include ten civilian casualties (seven deaths and three injured), mainly related to disputes or incidents of excessive use of force and indiscriminate fire in public places. Only one alleged perpetrator was arrested.
21. UNSOM documented the arbitrary arrest and detention by NISA of 53 male civilians, including 11 journalists and one female Al Shabaab suspect during the reporting period. All were arrested or detained without warrants ordered by a competent judicial authority. NISA systematically holds detainees for prolonged periods, either without due process or subjecting them to military court trials within NISA facilities, which allow no independent oversight. Thus, a journalist accused of being affiliated with Al Shabaab was in NISA custody for 15 months without a trial. In two cases, UNSOM received allegations of torture during the interrogation process. The allegedly coerced confessions of the detainees were used as the main sources of evidence in court, in violation of the prohibition under international law on the use of evidence obtained by torture.

23 The Somaliland Ministry of Interior denied that the police were responsible and attributed the incident to “football hooliganism,” see Annex.

24 Puntland uses the terms “Puntland Intelligence Services (PIS)” and “Puntland Security Forces (PSF)” interchangeably when referring to its intelligence service.

25 NISA replaced the National Security Service, which was abolished in 1990.

26 Provisional Federal Constitution, Art. 126 (1). The 2017 Security Pact acknowledges that the intelligence services are part of the National Security Architecture but no further details were provided.

27 International Covenant on Civil and Political Rights, Articles 9 and 14 and Provisional Federal Constitution, Art. 35 (6).

22. In three cases, NISA displayed four male suspects on national television and identified them as Al Shabaab. They were subsequently prosecuted, sentenced to death and executed. Three out of six media outlets closed in 2016 in Mogadishu were shut down by NISA without a court order, and was justified by NISA as necessary on grounds of national security.
23. PSF, formerly known as the Puntland Intelligence Services, function as Puntland’s counter-terrorism unit.²⁸ They consist of 500 to 600 soldiers understood to be trained by the United States, and their mandate includes counter-terrorism activities (notably information gathering and engagement in military operations). PSF operates under the Puntland Anti-Terrorism Act, which does not define the PSF structure or jurisdiction, and the PSF commander reports directly to the President of Puntland. Accountability of PSF is further hindered by the fact that they carry out their own investigations, conduct security operations,²⁹ make arrests, and manage detention facilities in Bossaso without effective, independent oversight.
24. JISA is part of the security forces established by the Jubbaland Constitution,³⁰ although its mandate and jurisdiction are not defined.³¹ JISA falls under the command of the Jubbaland Ministry of Security. In the absence of functioning police, it conducts law enforcement activities but is restricted to the Kismaayo district, Lower Juba region. JISA maintains a number of detention centres in Kismaayo and other locations in Jubbaland. Amongst State actors, JISA is the main perpetrator of human rights violations in Kismaayo.
25. Between January 2016 and 14 October 2017, UNSOM documented 12 civilian casualties attributed to JISA. Six of the victims (three females, including a six-year old girl, and three men) were killed and six (two women and four men) were injured. Five of the victims had reportedly not complied with an order to stop; three were killed or injured due to a land dispute involving JISA officers; two were the victims of crossfire between JISA officers; and two were the victims of the use of excessive of force.³² Alleged JISA perpetrators were arrested in eight of the incidents, and one of them was sentenced to death by a Military Court and executed on 20 January 2017. During the reporting period, UNSOM documented 73 civilians arrested and detained by JISA, including minors suspected of being affiliated with Al Shabaab.

5. African Union Mission in Somalia

26. The African Union Mission in Somalia³³ (AMISOM) was created by the African Union’s Peace and Security Council in January 2007, and authorized by United Nations Security Council Resolution

28 They are stationed in Bossaso, Garoowe and Gaalkayo.

29 PSF and Darawish Forces conducted joint operations against Al Shabaab, particularly in the Galgala Mountains, in 2016 and 2017.

30 Article 91 of the Jubbaland Constitution: Jubbaland security forces include the Police Custodial Corps, intelligence forces, Darawish forces, and the Coast Guard.

31 Article 91(2) of the Jubbaland Constitution mandates the Jubbaland Assembly to adopt a “law which will establish the structure, operating rules and the duties of the Jubbaland Security Forces”. This law has not been adopted and JISA’s role remains undefined.

32 One was struck by a stray bullet fired by a JISA soldier to clear a traffic jam in Kismaayo town and another was injured when a JISA officer opened fire on the victim’s house.

33 AMISOM replaced the Inter-Governmental Authority on Development (IGAD) Peace Support Mission to Somalia (November 2004-March 2006), whose mandate was to ensure free movement and safe passage of those involved in the peace dialogue, maintain and monitor security in Baidoa, protect members of the Transitional Federal Government (TFG) and infrastructure, and to train the TFG institutions to provide security and enable re-establishment of national security forces.

1744 (2007).³⁴ It comprises troops from Burundi, Djibouti, Ethiopia, Kenya and Uganda for its military operations, and police personnel from Ghana, Kenya, Nigeria, Sierra Leone and Uganda.³⁵

27. Separately, Ethiopia and Kenya have troops operating in Somalia outside the AMISOM command. One of the main challenges to documenting and attributing responsibility for allegations of violations allegedly committed by AMISOM is the blurring of identities between AMISOM and non-AMISOM forces, when troops of the same country operate under two different umbrellas. AMISOM and non-AMISOM troops are often located in the same camps and conduct joint military operations.³⁶
28. From January 2016 to 14 October 2017, 178 civilian casualties³⁷ (95 killed and 83 injured) were attributed to AMISOM.³⁸ The Ugandan contingent, representing the largest contingent in AMISOM with 28 per cent of the troops, was reportedly responsible for 34.81 per cent of the casualties (38 killed and 25 injured), followed by the Ethiopian contingent (25 killed, 15 injured, two rapes, and one attempted rape), the Burundian contingent (14 killed and 11 injured), the Kenyan contingent (four killed and five injured) and the Djiboutian contingent (one killed and 10 injured). Thirty other casualties were attributed to AMISOM with no specific contingent identified as responsible (13 killed and 17 injured). The majority of the civilian casualties resulted from indiscriminate fire from AMISOM troops when their convoys were attacked by IEDs, landmines, or grenades. Other violations include extrajudicial killings, ill-treatment during detention, and sexual assault. Two gang rapes, one attempted rape, and six cases of severe beatings were attributed to AMISOM Ethiopian forces, and five cases of ill-treatment, including one death in custody, were attributed to AMISOM Djiboutian forces.

34 Security Council Resolution S/RES/1744, dated 21 February 2007.

35 In 2017, AMISOM's total troop strength is at 21,435 (Ugandan People's Defence Force 6,022, Burundi National Defence Force 5,073, Kenya Defence Force 4,046, Ethiopian National Defence Force 4,323, Djibouti National Defence Force 1,872 and FHQ 119), and the mandated troop ceiling is 22,126, as set by Security Council Resolution 2232 (2015) and 2297 (2016). Security Council Resolution 2372 (30 August 2017) proposes a reduction of uniformed AMISOM personnel to a maximum level of 21,626 by 31 December 2017, to include a minimum of 1,040 AMISOM police personnel with five Formed Police Units. A further reduction of uniformed personnel to 20,626 by 31 October 2018 is also foreseen.

36 Sector 2 for Kenyan Defence Forces, and sectors 3 and 4 for Ethiopian National Defence Forces.

37 This figure does not include the three cases of sexual violence attributed to AMISOM ENDF during the reporting period. Two of these cases are documented as "incomplete investigations" in the 2017 Secretary General's report on Special measures for protection from sexual exploitation and abuse: a new approach, A/71/818, pages 63-64 (2017).

38 Allegations against AMISOM troops are routinely communicated to AMISOM by the United Nations.

“ The highest civilian casualty figures in a single incident attributed to AMISOM occurred on 17 July 2016, when AMISOM reportedly killed 14 civilians and injured three in a dwelling in Wardinle town, Bay region. In a press release dated 19 July 2016, AMISOM acknowledged the incident, communicated its preliminary findings, and committed to investigating further.³⁹ UNSOM’s investigations found that the victims were civilians who had gathered to pray for a man who had fallen ill and that there was no prior fighting in the area.⁴⁰ AMISOM subsequently established a board of inquiry, which denied the involvement of its troops and stated that the casualties resulted from cross-fire between non-AMISOM Ethiopian National Defence Forces (ENDF) and Al Shabaab. The presence of non-AMISOM ENDF in the same area of operation as AMISOM ENDF blurs the lines and makes the attribution of responsibility difficult. While taking note of the conclusions of the AMISOM Board of Inquiry, it remains difficult to rule out the involvement of AMISOM troops in the Wardinle case. ”

AMISOM Related Prevention and Response Mechanisms

29. In resolution 2010 (2011), the Security Council made its first specific reference to AMISOM’s obligation to prevent civilian casualties during its operations, and called for the establishment of the Civilian Casualty Tracking, Analysis and Response Cell (CCTARC) to record and analyse the information gathered on civilian casualties. Subsequent resolutions encouraged AMISOM to ensure CCTARC operationalization with the support of the international community.⁴¹
30. CCTARC was established in 2015 and has been operational, albeit with capacity challenges, particularly staffing shortages.⁴² Its core functions include analysing the information gathered on civilian casualties and supporting the planning process of AMISOM operations and decision-making. The analysis may also provide tactical guidance on minimizing civilian casualties, for example to ensure that the use of weapons is proportional to the target. Though UNSOM is informed of some analysis done by CCTARC, it is unclear how much the latter influences mission planning and tactics. The tracking of civilian casualties and responding to individual allegations is carried out through reports from sector commanders and complaints from the public or individual complaints from citizens. However, communication by CCTARC has been very limited. Within the framework of HRDDP, CCTARC and the United Nations – particularly UNSOM and the Civil-Military Working Group – share information on incidents that caused civilian casualties. The United Nations Support Office in Somalia (UNSOS) and UNSOM have also provided technical support to AMISOM with regard to the development of Standard Operating Procedures on making amends.⁴³
31. AMISOM has conducted preliminary investigations into alleged violations and, where it concluded that there was a prima facie case, established boards of inquiry to investigate violations of

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

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

41 United Nations Security Council Resolutions 2036/2012, 2093/2013, 2124/2013 and 2372/2017.

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

43 Amends as defined in draft SOP on AMISOM civilian harm response: “the practice of warring parties providing recognition and assistance to civilians they harm within the lawful parameters of combat operations, despite having no legal obligation to do so. Making amends can take a variety of forms, including apologies, monetary payments, in-kind assistance, livelihood assistance programs, and other offerings within victims’ needs and preferences. It must be gender equitable and culturally appropriate.”

international human rights and humanitarian law as recommended in the HRDDP framework. However, these measures remain insufficient. Identifying dedicated investigators to participate in a board of inquiry is difficult, as officers with relevant expertise from Troop Contributing Countries (TCCs), other than those implicated, are often engaged in operations. Moreover, due to the limited feedback from AMISOM on actions it has taken in the framework of preliminary investigations and boards of inquiries, UNSOM cannot fully assess the reliability of AMISOM investigations.

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

Mitigation Measures Proposed by the United Nations

33. The United Nations Human Rights Due Diligence Policy is the framework through which the United Nations exercises its due diligence to ensure that violations of international humanitarian law and international human rights law are not committed by non-United Nations security forces to which it provides support. The United Nations has established⁴⁴ a Task Force to develop HRDDP risk assessments and identify mitigation⁴⁵ measures in relation to its support to non-UN security forces, including AMISOM. The United Nations has thus far conducted four risk assessments related to AMISOM operations or other troops⁴⁶ envisaged to come under its command and control in the framework of specific operations, and recommended prevention and response measures to violations, which are reviewed by the UN-AMISOM Joint Working Group on HRDDP.

34. UNSOM forwarded 50 cases of allegations of international human rights law and international humanitarian law violations to AMISOM, and received responses on 26 of these. AMISOM denied 14 incidents out of these 26; it acknowledged and/or referred seven to boards of inquiry it established to address these cases in particular or to CCTARC;⁴⁷ and it acknowledged five incidents that they either attributed to others or for which they found no culpability.

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

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

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

46 Risk assessments on non-AMISOM ENDF, non-AMISOM KDF and Jubbaland Darawish Forces respectively.

47 In this case, reference to CCTARC related to follow-up for possible consideration in the framework of the SOPs on amends

regard to support to AMISOM. Inadequate or lack of credible investigations into allegations may lead the United Nations to reconsider and/or suspend the support to individuals or contingents allegedly involved in violations.

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

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

C. Airstrikes by International Forces

37. UNSOM documented 74 airstrikes by different forces during the period under review, resulting in 57 civilian casualties (41 killed and 16 injured).⁴⁸ Non-AMISOM KDF is allegedly responsible for 42 civilian casualties (36 killed, six injured).⁴⁹
38. The number of civilian casualties caused by airstrikes is difficult to verify as most are conducted in Al Shabaab-controlled areas, to which the United Nations and others have limited or no access.
39. In December 2016, pursuant to the United Nations Security Council Resolution 2036 (2012), AMISOM leased three attack helicopters from Kenya that are operated by AMISOM-KDF under the command and control of the AMISOM Force Commander. In parallel and since 2016, the non-AMISOM KDF is reportedly using its own air assets. Therefore, attribution of responsibility for casualties caused by AMISOM-KDF and those caused by non-AMISOM KDF has become even more challenging.⁵⁰
40. The 74 airstrikes included 18 helicopter raids conducted jointly by a special SNA unit, referred to as Danab⁵¹ (Lightning) and the US (in 14 cases). A further four were conducted by the KDF alone. Nine US-supported raids reportedly occurred in Lower Shabelle, two in Bakool, and three in Lower Juba, while the four KDF airstrikes occurred in Lower Juba.⁵²

48 Not all reported airstrikes resulted in civilian casualties.

49 Please see Annex for the response of the Republic of Kenya, ref. no. KES/MGD/ADM.1/31/ (03) in which it is stated that KDF does not operate bilaterally.

50 For instance, see press releases issued by the Republic of Kenya's Ministry of Defence on 2 and 27 March 2017, stating that KDF troops operating under AMISOM had successfully conducted air and ground operations against Al Shabaab. The communication emanating from the Kenyan Government on AMISOM operations was unusual, as AMISOM operations are normally reported by AMISOM. The Embassy of the Republic of Kenya stated that the media releases simply confirm information received from AMISOM and are in line with Kenyan law which requires the Government to update the Kenyan population on its military activities in Somalia.

51 Danab is a SNA unit of 500 well trained officers involved in security operations alongside international armed forces, mainly the USA. They reportedly take part in air attacks against Al Shabaab positions, and are based at an SNA airport in Lower Shabelle managed by US forces.

52 US President Donald Trump signed a directive on 29 March 2017 declaring parts of Somalia an "area of active hostilities," giving commanders at the United States Africa Command (AFRICOM) greater latitude to carry out offensive airstrikes and raids by ground troops against militants perceived to be affiliated with al-Shabaab. The directive, which expands the military's targeting authority by applying "warzone targeting rules" had immediate effect and is valid for 180 days. It lowers the standards imposed by former President Barack Obama's 2013 "Presidential Policy Guidance," which required a "near certainty" that no civilian deaths would occur as a result of a military operation (Procedures for Approving Direct Action against Terrorist Targets, 2013.) The 2017 directive allows AFRICOM to launch attacks against people suspected of being al-Shabaab fighters on that basis alone. The guidelines also allow for collateral civilian deaths that are deemed "necessary and proportionate."

41. The airstrikes also caused destruction of houses and livestock, and displacement of pastoralists and others living in the targeted areas. Al Shabaab reportedly abducted five civilians whom they accused of guiding the air attacks to their bases. In 27 September 2016, a US airstrike targeted Galmudug security forces, mistaking them for Al Shabaab, which further increased tensions between the Galmudug and Puntland regional states. Heavy fighting erupted between Puntland and Galmudug forces in Gaalkayo and continued for more than two months, causing at least 25 deaths and 48 injuries. In several cases the United States issued press releases regarding drone or airstrikes, reporting no civilian casualties. However, it is unclear how the United States undertakes such verification.
42. With respect to violations attributed to state actors and international forces, UNSOM is not aware of the opened investigations. However, since 2016, FGS has appointed three committees to investigate three different incidents that were identified as serious protection of civilian cases. The alleged perpetrators in each of the incidents were either national security forces or foreign forces, such as KDF.⁵³ In only one case did a committee issue its findings, but these were not made public. The publication of these findings would ensure transparency and accountability, which is necessary to build citizens' trust in the Government.

D. Human Rights Violations and Abuses Attributed to Armed Groups

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

1. Al Shabaab

44. Al Shabaab originated from the Islamic Courts Union (ICU), which once controlled most of what was referred to as Southern and Central Somalia. Between 2007 and 2011, Al Shabaab controlled significant parts of Galmudug, HirShabelle, ISWA, Jubbaland and Banaadir, including the capital, Mogadishu, before security operations conducted by SNA and AMISOM restored control of major population centres to FGS authorities. Al Shabaab then retreated to rural areas and established military training camps and bases in their strongholds in Middle Juba. The districts of Bua'le, Sakow, and Jilib remain under the de facto control of Al Shabaab.⁵⁴
45. As Al Shabaab re-established itself in these areas it began employing tactics such as IEDs, suicide bombers, and targeted assassinations. Their primary targets include government officials, SNA, AMISOM and other international forces, as well as populated civilian areas such as markets, hotels and restaurants.⁵⁵

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

54 Estimated population of 362,921, Somalia National Development Plan, 2017.

55 <http://www.sawirroTV.com/2017/02/19/ururka-al-shabaab-oo-markii-u-horeysay-ka-hadlay-madaxweyne-farmaajo/> (expressing anti-FGS sentiments following the election of President Farmaajo); <http://www.raxanreeb.com/2017/02/afhayeenka-al-shabaab-oo-u-hanjabay-madaxweynaha-dowladda-faderaalka/> (expressing intent to continue fighting the incoming Government); <https://www.youtube.com/watch?v=BJwuw-H0mgs> (Al-Shabaab spokesperson on the 2017 electoral process).

46. Al Shabaab's troop strength was estimated to be between 7,000 and 9,000 in 2014, but the number has reportedly decreased as its control over major population centres has diminished. Nevertheless, at least 61 per cent of the civilian population (446,582) in Jubbaland, including internally displaced persons (IDPs) dwelling in rural areas, remain vulnerable to Al Shabaab attacks.⁵⁶
47. Little information about the situation of the population living under the control of Al Shabaab is available, and verifying human rights violations and abuses in these zones remains a challenge due to the lack of access and fear of reprisals among people communicating information about human rights abuses by Al Shabaab. Al Shabaab has put in place a parallel justice system named the "Al Shabaab courts", ordering amputations and executions. In April 2017, Al Shabaab published their first education curriculum, intended to indoctrinate on extremist ideologies, with Arabic as the language of study.⁵⁷ Since then, Al Shabaab has been enforcing it in schools under its control and warned parents across Somalia not to enrol their children in schools that teach a "western" curriculum.⁵⁸

2. Other Armed Groups

Islamic State Affiliated Group

48. The Islamic State affiliated group (ISAG), a rival group of Al Shabaab reportedly led by Abdul Qadir Mumin, the former spokesperson of Al Shabaab, operates in Bari region, in the north of Puntland. ISAG established its first military base in April 2016 in that region, and its troop strength was then estimated at 100.⁵⁹ ISAG has since tried to expand its presence in Bay, Lower Shabelle and the two Juba regions, but they were defeated in December 2016 by Al Shabaab.
49. In April 2016, ISAG claimed responsibility for several grenade and IED attacks against AMISOM and Somali security forces that resulted in several civilian casualties, mostly in Banaadir region. In October 2016, ISAG captured Qandala town in Bari region, which caused the displacement of the local population. In December 2016, Puntland forces liberated the town from ISAG without a direct confrontation. ISAG has continued to conduct attacks against military positions in different parts of Bari region, but has also engaged in criminal activities affecting the population, such as looting food and supplies from farms and villages.

Ahlu Sunna Waljama'a

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

56 Apart from an estimated 282,003 people living in urban areas that are under Jubbaland administration in Gedo (109,142) and Lower Juba (172,861) regions, Somalia National Development Plan, 2017.

57 Subjects include: Geography, History, Science, Mathematics, Somali, Arabic, Fiqh (Islamic Jurisprudence), Tawheed (Oneness of God), Hadith (traditions of Prophet Mohamed), and Tajweed (rules governing pronunciation during recitation of the Qur'an).

58 Al Shabaab's public statement, 19 April 2017.

59 UNSOM sources report that ISAG had no more than 100 fighters in Puntland, which is confirmed by the Somalia-Eritrea Monitoring Group. Other sources estimate the number of militants to be between 200 and 400.

60 The United Nations estimate of security actor strength in September 2016.

61 Some elements have been subsumed into SNA (2014) while the formal leadership of the group indicated a wish for ASWJ members to integrate into SNA in February 2017. On 11 February 2017, this was publicly supported by the Chief of Defence Forces of Somalia, but no further commitments have been made.

Clan Militias

51. The clan dynamic is complex and most clans have their own militias, which have no basis in Somali law and do not operate within formal structures. Conflicts between clans are widespread and relate to the broader non-international armed conflict, and are particularly predominant in regions where FGS or state authorities are weak or non-existent. Historical grievances, political marginalization, land disputes, and access to resources are significant conflict drivers that are often resolved with violence, and these conflicts are exploited by Al Shabaab. Clan militias engage in targeted killings, sexual violence, and the destruction of civilian property.

“At 10:30 p.m., about 10-12 armed men, all male belonging to Habar-Gadir clan militias, a sub clan of Hawiye, attacked Essow, the village where we lived with other 14 pastoralist households, all close relatives and all from Biyomaal clan, sub clan of Dir. They started with gunshots in the air at 10:30. After hearing gunshots, my mother advised me to go away with my 13-year old son to a safer place. My mother believed that herself being old and the six kids being young, they would not be targeted by the militias. I refused to leave them behind but my mother insisted that I leave, as people would kill my oldest son and me. On her insistence, together with my son, we started to run away for safety and he is the only child of mine that survived. As I was running away, I had a chance to see and identify the assailants. They started by checking into the houses one by one. From where I was hiding and seeing, I would hear the children shouting because of the gunfire. When the perpetrators heard the voices of these children, they entered our house and killed all my six children and their grandmother. The house was also set ablaze and the already dead bodies were burnt.” – Victim of an attack by Habar-Gidir clan militia in Lower Shabelle region, on 18 April 2016, that resulted in the death of six of her children and the destruction of her home.

52. Clan dynamics are extremely fluid and subject to changes in migration patterns, political processes and displacement.⁶² Alliances between clans and support for Al Shabaab is often opportunistic and can change suddenly. Few (if any) clans are aligned with one party to the conflict, although SNA forces often include elements of clan militias. This can affect the chain of command within the force and amplify the clan-related conflicts. In 2014, the Somalia and Eritrea Monitoring Group (SEMG) reported allegations of the “active involvement of senior SNA officers and soldiers in clan violence [and] leakages of SNA arms to clan-based militias.”⁶³ Other violations documented by “rogue” SNA or clan-based militia among SNA soldiers included “extortion, armed robberies, torture and arrest of locals accused of supporting Al Shabaab”.⁶⁴ The SEMG 2014 and 2015 reports highlighted that “the political and military leadership of the federal system was also usurped to advance clan interests with the deployment of FGS security forces and assets in clan fighting.”

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

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

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

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

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

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

64 Ibid. at para. 24.

65 The IED attacks occurred primarily in south Somalia, especially in Lower Shabelle (135) and Banaadir (129). The numbers of attacks by states and region during the reporting period were as follows: 210 in ISWA (135 in Lower Shabelle, 67 in Bay and eight in Bakool), 125 in Banaadir, 84 in Jubbaland (50 in Lower Juba and 34 in Gedo), 63 in HirShabelle (36 in Middle Shabelle and 27 in Hiraan), and three in Galgaduud.

population. For example, the group has not claimed the attack of 14 October, when two VBIEDs exploded in a populated and urban area of Hodan and Wadajir Districts, in Mogadishu, causing at least 512 dead and 316 injured, according to a committee established by the FGS, and destroying hotels, restaurants and NGO and private offices. This was the deadliest terrorist attack in Somalia to date, and while Al Shabaab has not claimed responsibility, it has launched similar attacks on civilian targets in Mogadishu.⁶⁶

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

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

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

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

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

66 Al Shabaab has not officially claimed responsibility for the attack, but has made reference to it on one of their affiliated websites: <http://somalimemo.net/articles/8110/Abuu-Mansuur-Oo-Magaalada-Xudur-Gaaray-iyo-Saraakiil-Itoobiyaan-Ah-Oo-Soo-Dhaweeyay-Sawirro>, <http://somalimemo.net/articles/7848/Khasaaraha-Ka-Dhashay-Qaraxii-isgoyska-Zoobe-Oo-Sii-Kordhay>, <http://somalimemo.net/articles/7897/Al-Jazeera-Qaraxii-Ka-Dhacay-Zoobe-Waxaa-Lagu-Beegsan-Rabay-Saldhigga-Turkiga>.

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

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

1. Other Methods of Attack

60. Al Shabaab and ISAG conducted ground attacks against military positions that resulted in 383 civilian casualties (132 killed and 251 injured). Civilians are often caught in crossfire between Al Shabaab and security forces. Civilians living near military bases are particularly vulnerable, as illustrated by an incident that occurred on 8 June 2017, during which three female civilians were killed and three others injured when Al Shabaab attacked a military camp in Bari region. The victims were living beside the camp and supplying goods to the troops.
61. Several incidents involving land mines planted by armed groups were also documented. Landmines were usually placed on roads used by security convoys, AMISOM in particular. On 6 April 2017, six women were killed and four people injured when a land mine exploded near a minibus in Goweyn village, Marka district, in Lower Shabelle region. In Puntland, a roadside bomb killed two civilians in the Galgala Mountains, 37 kilometres south of Bossaso, Bari region, on 30 May 2017.
62. Al Shabaab was responsible for 86 targeted assassinations and executed 46 persons during the reporting period. Civilians were targeted by Al Shabaab because of their affiliation to state authorities, their social and political activities,⁷⁰ or involvement in activities banned by Al Shabaab, such as the trade of charcoal.⁷¹ Victims included elected officials, civil servants, clan elders and other prominent people. Such attacks occurred mostly in Mogadishu and in the other main population centres of Somalia.
63. UNSOM documented the execution by Al Shabaab of 32 people who had been “sentenced” through its parallel justice system,⁷² reportedly for spying and providing information to state authorities or national and international security forces, as well as Al Shabaab members suspected of defecting. The methods of execution included firing squad and decapitation.⁷³ Most of the executions were conducted in public and the population was compelled to attend.
64. Al Shabaab also inflicted corporal punishment and amputated limbs in accordance with its interpretation of Sharia Law. Seven amputations were reported, allegedly as punishment for robbery, and five individuals (including one woman) were lashed publicly after being accused of immoral or improper behaviour.

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

69 On 1 June 2016, following a decision of the Sharia Court and mediation committee to end the clan fighting in South Laascaanood, negotiations between the two parties started, in the presence of Somaliland Minister of Interior. https://www.youtube.com/watch?v=w54mrXQj_Og

70 Ten clan elders and electoral delegates were targeted during the 2016 elections. <http://radioalfurqaan.com/wp-content/uploads/2016/03/Qeybta-1-aad-ee-wareysiga-Sh-Cali-Dheere-15-03-2016.mp3> Al Shabaab spokesperson threatening hotels and elections. http://f.top4top.net/m_262mrsj1.mp3 Al Shabaab spokesperson sending threats regarding the elections.

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

72 Nineteen in 2016, and 13 in 2017.

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

2. Conflict-Related Abduction of Civilians

65. UNSOM documented 729 abductions of civilians by Al Shabaab between 1 January 2016 and 14 October 2017. The motive for abductions was typically for contravening Al Shabaab instructions or rules, such as during its taxation (Zakat) campaign when people who could not afford to pay were held until the tax was paid by the family or the clan, or abductions of children for recruitment into Al-Shabaab. In July 2017, Al Shabaab abducted 412 people, mostly children. In 2016, 86 charcoal workers were abducted in Lower Juba for being involved in the charcoal trade banned by Al Shabaab. People suspected of collaborating with the government or international forces or members of their families or community were targeted. For example, between July and December 2016, Al Shabaab accused the Awrmaale community of collaborating with the Jubbaland administration and killed 14 pastoralists in reprisal, while abducting eight others.
66. Of the 729 people abducted by Al-Shabaab, 403 were reportedly released, usually after negotiation by clan elders and likely in exchange for money or weapons.⁷⁴ On 3 April 2016, after negotiations with clan elders in Jubbaland, Al Shabaab released 50 charcoal workers they had abducted 10 days earlier. In 2017, Al Shabaab abducted 35 workers providing humanitarian assistance to drought victims in Gedo and Hiraan regions, all of whom were subsequently released.⁷⁵

3. Amnesties

67. As part of its fight against Al Shabaab, the Government of Somalia has resorted to offers of amnesty as a tool to encourage defections within the group. However, there is no legal framework or clarity around the modalities of the amnesties. Records indicate that the first official amnesty offer was granted on 3 January 2011 by the former Transitional Federal Government Cabinet that was chaired by then Prime Minister and current President Mohamed Abdullahi Farmaajo. In April 2017, the President renewed, via the media, his offer of amnesty for a period of three months.⁷⁶ Federal Member States have also offered amnesties.⁷⁷
68. A comprehensive policy on amnesty does not exist, although there is a National Programme on Disengaged Combatants aimed at low-risk disengaged Al Shabaab fighters. In June 2016, the Federal Cabinet approved an “amnesty policy”, prepared by the Minister of Justice, an important element of which is the exclusion of “war crimes, crimes against humanity, crimes of genocide, crimes of sexual violence, and gross violations of human rights and humanitarian law from the scope of application of the amnesty.” However, it appears that the verbal offers of amnesty, including those issued through the media before the adoption of this policy, were not grounded in this framework. For example, the Federal Government granted amnesty to at least four former prominent Al Shabaab members who have not yet been prosecuted, although they are all alleged to have committed serious violations of international human rights law and international humanitarian law, including

74 On 13 August 2016, Al Shabaab released five elders, reportedly in exchange for AK-47s.

75 UNSOM documented the abduction of 36 humanitarian workers, 35 by Al Shabaab, and one by clan militia.

76 The now former Federal Minister of Defence also announced to the media that it would be extended.

77 For example, the ISWA President has announced amnesties on different occasions, such as at the opening ceremony of ISWA “Presidential palace” in Barawe, on 29 August 2016, and at the graduation ceremony of Darawish officers in Baidoa, in December 2014. In 2014 the President of Puntland, via the media, claimed that the Puntland authorities would prosecute a prominent member of Al-Shabaab (Mohamed Said Atom) who had surrendered to the Federal Government, stating he had committed grave human rights violations in Puntland as the group’s Chief of Operations in Puntland. The Puntland authorities later allowed this defector to live in Mogadishu based on a Presidential pardon, announced on the eve of the 17th anniversary of Puntland’s Founding Day.

killings, abductions, recruitment of children and use of child soldiers, and denial of humanitarian access.⁷⁸

78 The following high-ranking Al Shabaab operatives have received amnesties: Hassan Dahir Aweys (Chief of Hizbullah Islam) on 30 June 2013; Zakaria Ismail Hersi (Chief of Intelligence), on December 2014; Mohamed Said Atom (Head of Al-Shabaab in Puntland), in June 2014; and Muktar Robow (Deputy Leader of Al Shabaab), on 13 August 2017. SEMG report 2016, S/2016/919, annex 1.5. Abdullahi Abdi Haji, Al Shabaab member since 2006, was arrested in August 2015 and released as part of a general amnesty granted by the Puntland President Abdiweli Mohamed Ali "Gass". It was an example of the Puntland administration's policy of "catch-and-release" of the Al Shabaab suspects, documented by the Monitoring Group since 2014 (see S/2014/726, annex 1.4 and S/2016/919, annex 1.5).

II. Sexual Violence and Violations Affecting Children in the Conflict-Affected Areas of Somalia

A. Sexual Violence

69. The protracted conflict in Somalia has resulted in the prevalence of sexual violence against women, men, boys and girls, with women and girls particularly affected. Continued insecurity, weak rule of law and lack of humanitarian access have aggravated sexual violence. Gender inequality, power imbalances, slow progress in fulfilling Somalia's obligations under international human rights treaties, displacement of large populations as a result of both the conflict and the drought, as well as the return of refugees from Kenya to mainly Baidoa, Luuq and Kismayo, all contribute to an environment in which women and girls are especially vulnerable to gender-based violence, including conflict-related sexual violence and sexual exploitation and abuse. Women and girls who are displaced or from marginalized groups suffer the most due to inadequate protection mechanisms, lack of or limited access to available formal and informal justice mechanisms, and weak clan protection.
70. The Monitoring, Analysis, Reporting Arrangements (MARA)⁷⁹ received reports of Conflict Related Sexual Violence (CRSV) from UNSOM and the Country Task Force on the Monitoring and Reporting on Children and Armed Conflict (CTFMRM).⁸⁰ During the reporting period, UNSOM document 35 victims of CRSV comprising 32 females and three males, 14 of whom were children (11 girls and three boys).⁸¹ Perpetrators included AMISOM ENDF, South West State Darawish forces, SP, unidentified armed men in uniform, SNA elements and Al Shabaab.⁸² By contrast, the CTFMRM documented 228 incidents of rape and other forms of sexual violence constituting CRSV affecting 230 girls.⁸³ Half of the rapes recorded by CTFMRM were attributed to unidentified armed elements.
71. The practice of forced marriage remains of concern. MRM reported 18 forced marriage cases that involved SNA elements (three),⁸⁴ Al Shabaab (13), and ASWJ (two). For instance, on 14 September 2017, heavily armed Al Shabaab members abducted a 15-year-old girl from her home in Waberi village, Elbur district, Galgaduud region, and took her to an unknown location after her father rejected a marriage proposal from one of the men. Before the abduction, the case of a proposed marriage was referred to an Al Shabaab "tribunal" before which the girl's father rejected the

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

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

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

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

83 From 1 January to 30 September 2017.

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

marriage proposal on grounds that his daughter was underage. The father was subsequently arrested and the girl was abducted soon after.

72. Government authorities subjected wives of Al Shabaab to collective punishment, arbitrary arrests, and forced displacement. They justified such treatment on the grounds that Al Shabaab relatives support insurgent activity, thereby constituting a security threat. This is a recurrent issue, as such incidents had already been recorded in 2015.⁸⁵ In September and October 2016,⁸⁶ the Jubbaland Administration ordered Al Shabaab wives to leave all areas under its control and threatened to forcibly remove them if they failed to leave voluntarily.
73. On 7 May 2013, the FGS and the United Nations signed a Joint Communiqué to End Sexual Violence in Conflict in Somalia. Subsequently in May 2014, the FGS adopted the National Action Plan on Ending Sexual Violence in Conflict (NAP/SVC) and a comprehensive strategy to prevent and fight against sexual violence and conflict related sexual violence (CRSV).⁸⁷ The National Action Plan's activities include free legal services to CRSV victims, Sexual and Gender Based Violence (SGBV) units under the Attorney General to prosecute CRSV cases, mobile courts in rural and remote areas to provide justice services to communities, as well as legal awareness campaigns.⁸⁸
74. The main protection challenges for victims of sexual violence are related to the limited capacity of the police to address such cases as well as the lack of political will, primarily by police leadership, to use the formal justice system to address cases of sexual violence.⁸⁹ In November 2016, a Women and Child Protection Unit was established at the Police Force headquarters in Mogadishu⁹⁰ with plans to increase the number of female police officers on the ground, but resources and skills to investigate and report on sexual violence crimes are still lacking. Using traditional justice mechanisms is seen as an easy way for traditional elders to maintain their influence in communities and to influence policing services. Obtaining comprehensive and accurate data on CRSV cases in Somalia also remains a major challenge due to limited or no access to large parts of the country and the unavailability of services for survivors, as well as the vulnerability of survivors to possible reprisals from perpetrators.

B. Children and Armed Conflict

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

85 Several incidents took place in 2015 when 65 suspected Al Shabaab wives were forcibly removed from the towns of Kismaayo and Afmadow in Lower Juba region and transported by the Jubbaland Administration to Al Shabaab-controlled areas.

86 In Gedo region, the Baardheere district administration of Jubbaland state issued a seven-day ultimatum for Al Shabaab wives to leave the town. Engagement between clan elders and the district administration prevented the planned expulsion and led to the ultimatum being lifted on 21 October 2016.

87 Its development involved the Ministries of Defence, Health, National Security, Justice, Women, Human Rights and Development, Religious Affairs, Education, the Somalia Police Force, the Somalia National Army and civil society organizations.

88 Support to survivors is a crucial part of the National Plan; 71 centres across the country provide support to GBV survivors and their families, including temporary accommodation for the protection of survivors and five safe houses across the country; 61 survivors benefited from temporary protection in safe houses in the first eight months of 2016.

89 Addressing conflict-related sexual violence requires that three critical issues be addressed: physical access to large parts of the country; underreporting of sexual violence exacerbated by threats to survivors; and the insufficient legal and institutional framework for addressing sexual violence.

90 In line with the New Policing Model which aims at building the capacity of the police and improving gender balance within the police. In Jubbaland, Gender Desks were established in four police stations in Kismaayo district, including two within IDP camps.

91 2014 SOP for the reception and handover of children formerly associated with armed groups; standard check-list for age determination; 2016 General Staff Command Order on recruitment policy prohibiting underage recruitment

mechanisms⁹² have been put in place to build capacity, create awareness and support the efforts of the authorities. In addition, UNSOM supported SNA to sensitize and screen troops to ensure they are child-free. This includes monitoring the integration of regional forces into the SNA, as well as work with regional forces that are yet to be formalized.⁹³

76. Most of the data presented in this chapter was documented and verified by the Country Task-force on Monitoring and Reporting (CTFMRM). The majority of the cases involved Al-Shabaab, ASWJ, and SNA, with Al Shabaab being responsible for 60 per cent of the violations.⁹⁴
77. All parties to the conflict recruited children. The number of children recruited and used doubled (1,915) compared with 2015, a result of a twofold increase in cases attributed to Al-Shabaab (1,206).⁹⁵ As such, Al-Shabaab is listed in the Annexes of the 2016 Secretary-General's annual report on children and armed conflict for the recruitment, use, killing maiming, and abduction of children. SNA remains listed for the recruitment, use, and killing and maiming of children, while ASWJ is listed for the recruitment and use of children. In addition, children are victimized by their exposure to other grave violations during military operations, including killing and maiming, and arrest and detention by Somalia security forces during military or search operations. Reports of recruitment of children increased by 269 per cent from 2015 (903 cases) to 2017 (3,335). In 2017, 71.5 per cent of the recruitment was attributed to Al Shabaab, 14.6 per cent to clan militia, and 7.4 per cent to SNA.⁹⁶
78. An Al Shabaab recruitment campaign took place in 2016 in Galmudug State and in Lower Juba region, and in Galmudug in 2017. In the latter case, Al Shabaab compelled elders from different villages to provide children to join the group and be trained in military camps.⁹⁷ Al Shabaab recruited children primarily in rural areas of southern and central Somalia from schools, madrasas, mosques, and religious events. Poverty and lack of opportunities provide a platform to recruit children into the group.⁹⁸
79. Notwithstanding the standard operating procedures for the reception and handover of children formerly associated with armed groups, the arbitrary deprivation of liberty of children by security forces and Al-Shabaab remains a major concern. Out of 581 children detained in 2016 (including 21 girls), 70.9 per cent were held by SNA and 14.9 per cent by Al Shabaab.⁹⁹ In total, 110 of these

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

93 As an example, 235 out of 310 members of the South West Special Police Force (SWSPF) were screened, of which two boys aged about 16 were identified and separated on 17 May.

94 Al-Shabaab is listed in the Annexes of the 2016 Secretary-General's annual report on children and armed conflict for the recruitment, use, killing maiming, and abduction of children. SNA remains listed for the recruitment and use and killing and maiming of children, while ASWJ is listed for the recruitment and use of children.

95 The Secretary General Annual Report on Children and Armed Conflict - 2016, S/2017/821, para. 134.

96 In 2016 and 2017, 258 children were recruited by SNA. ASWJ (3.8 per cent); Galmudug, Jubbaland and ISWA represented less than 1 per cent each (CTFMRM data).

97 In March 2016, Al Shabaab reportedly enrolled 60 children at an Al Shabaab training camp in Jilib, Middle Juba region. In July 2016, the group pressured elders of the Cowrmale sub-clan of Hawiye in Lower Juba to provide boys aged between 10 and 17 years. The elders refused and were reportedly ordered to provide 360 camels and 120 youths. In September 2016, Al Shabaab compelled elders in Galmudug region to provide 100 boys, who were transferred to the Khalid Bin Walid military training camp in the Ceel Buur district. In June 2017, Al Shabaab was reportedly forcibly enrolling children in Al Shabaab-managed schools in Galmudug.

98 Children associated with Al Shabaab and captured in March 2016 by Puntland authorities reported that Al Shabaab promised them education and livelihoods to recruit, while in other cases children were used to pressure their peers to join.

99 Breakdown of detention by SNA (405 boys, seven girls); Al Shabaab (76 boys, 11 girls); clan militia (15 boys, two girls); ASWJ (13 boys); Somali Police (31 boys); AMISOM (seven boys); Jubbaland forces (nine boys); and ISWA forces (two boys, one girl).

children were captured during security operations against Al Shabaab in Puntland.¹⁰⁰ They were initially tried and convicted as adults and nine were sentenced to death by a military court before their sentences were commuted to 10-20 years prison terms, while 27 others, aged between 15 and 17, were sentenced by a military court to 10 to 20 years of imprisonment. All of the children were subsequently transferred to rehabilitation centres in Mogadishu and Garoowe.¹⁰¹

80. In 2016, CTFMRM verified the killing and maiming of 1,847 children, attributed mainly to unidentified armed elements (44.1 per cent),¹⁰² Al Shabaab (24.3 per cent), SNA (11.2 per cent), and clan militia (10.7 per cent). Most casualties resulted from crossfire between parties engaged in hostilities. Mortar attacks, IED attacks,¹⁰³ and incidents involving explosive remnants of war equally contributed to child casualties. Children were also victims of airstrikes¹⁰⁴ allegedly attributed to the US forces, KDF, and unidentified forces.¹⁰⁵
81. CTFMRM documented the rape of 535¹⁰⁶ children (533 girls and two boys) and, in 35.8 per cent of the cases, the perpetrators were unidentified armed elements.¹⁰⁷ The remaining were attributed to clan militia (20.7 per cent), SNA (21.1 per cent), Al Shabaab (15.8 per cent), State forces (8.9 per cent), ASWJ (0.7 per cent), AMISOM (0.7 per cent) and ENDF (0.1 per cent).
82. CTFMRM also documented 76 incidents of attacks on schools and 20 incidents of attacks on hospitals.¹⁰⁸ Moreover, schools were destroyed and looted during confrontations between parties to the conflict. Al Shabaab was responsible for 54 attacks on schools, followed by SNA (12), ASWJ (three) and clan militia (three), while AMISOM, KDF, South West Armed Forces, and unidentified armed groups were responsible for one each.
83. CTFMRM documented the abduction of 2,265 children, mainly attributed to Al Shabaab (1,991), clan militia (119) and SNA (108).¹⁰⁹ As previously stated, abduction was used primarily as a tactic for

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

101 44 from Galmudug and 66 from Puntland.

102 Unidentified armed elements (816), Al Shabaab (449), SNA (207) clan militia (198), AMISOM (60), KDF (17), states forces (18 in Southwest, 13 in Jubbaland, 10 in Puntland and three in Galmudug), Somali Police (11), ASWJ (one) and the United States Armed Forces (one).

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

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

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

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

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

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

109 Others include unidentified armed groups (22), ASWJ (four), AMISOM (one), South West Armed Forces (three) and police forces (17).

recruitment by Al Shabaab. In 2016, 548 children were abducted by Al Shabaab¹¹⁰ for recruitment. One case of abduction was related to CRSV.¹¹¹

84. Between January 2016 and September 2017, the CTFMR verified 53 incidents of denial of humanitarian access. The incidents were attributed 83 to AS (29), Clan militia (16), SNA (four), Unknown (two), Puntland Armed Forces and Southwest Armed Forces (one each). The number of children affected by these incidents could not be established due to security challenges.

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

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

III. Recommendations

85. FGS, FMS and international forces should develop, implement and share operational policies and practical measures to enhance respect for international human rights law and international humanitarian law and avoid harm to civilians, with particular attention to the conduct of military operations in urban areas.
86. Parties to the conflict, including AMISOM TCCs/PCCs should:
- (a) Comply with and ensure respect of international human rights and humanitarian law, including orders or directives, and hold accountable those who target, kill or injure civilians;
 - (b) Take all possible precautions to protect civilians, particularly women and children, from the effects of military operations;
 - (c) Avoid locating military objectives within and near civilian-populated areas;
 - (d) Cease the use of irregular forces, militia and armed groups in operations of SNA and AMISOM, and disband and disarm all unlawful armed groups and militia;
 - (e) Adequately support the systematic collection and analysis of information on the protection of civilians, including data disaggregated by sex and age and gender analysis, and ensure that it feeds into conflict analysis, prevention and response;
 - (f) Ensure prompt, independent, impartial, thorough and effective investigations and judicial proceedings concerning serious allegations attributed to AMISOM and other international troops, hold perpetrators accountable and provide adequate assistance and effective remedies for victims;
 - (g) Develop and implement effective policies for casualty mitigation, including guidance to decide on targeting.
87. Non-state actors should also:
- (a) Cease the use of all IEDs and complex attacks, and cease firing all explosive weapons causing wide-area effects, including mortars, rockets and grenades, from and into civilian-populated areas;
 - (b) Cease the deliberate targeting of civilians (including government officials, civil servants, journalists, civil society actors, clan elders and aid workers) and civilian objects.
88. In addition, FGS and FMS should:
- (a) Join the global effort to promote greater respect of and compliance with international humanitarian law and international human rights law to enhance the protection of the civilians;
 - (b) Take concrete measures to end violence against women and girls by effectively implementing the National Action Plan to End Sexual Violence in Conflict, including through frequent meetings of the Steering Committee and by investigating and prosecuting alleged violations, including when perpetrated by military and security personnel, in accordance with international law;
 - (c) Support the systematic collection and analysis of information on the protection of civilians, including data disaggregated by sex, age, and gender, and ensure that it feeds into conflict analysis, prevention and response;
 - (d) Adopt the legislative, policy and law enforcement measures necessary to ensure the prompt, independent, thorough and effective investigation and prosecution of violations of international humanitarian law and international human rights law, including those amounting to serious crimes;
 - (e) Investigate in a prompt, independent, effective, transparent and impartial manner allegations of violations of international humanitarian law and international human rights law by security forces and armed groups and, when required, prosecute alleged perpetrators;

- (f) Establish clear vetting procedures to identify and prosecute individuals responsible for serious violations of human rights, in particular with respect to women and children;
- (g) Share the findings of bodies appointed to investigate incidents and implement their recommendations;
- (h) Ratify international instruments aimed at protecting civilians, including international and regional human rights instruments, and the Arms Trade Treaty and similar regional instruments, and ensure that national legislation and policies are in line with international obligations;
- (i) Accelerate the process of establishing the National Human Rights Commission which should act as an independent body that would, inter alia, investigate human rights violations committed in the context of the conflict;
- (j) Develop a comprehensive public policy on criminal accountability for gross human rights violations and other international crimes so that those who may be responsible for serious violations of international human rights law and international humanitarian law, including war crimes and crimes against humanity are held accountable, in compliance with the commitment made at the London Conference not to support blanket amnesties for grave human rights violations;
- (k) Ensure accountability for crimes committed against the people of Somalia, including by reviewing legislation and enacting new legislation to reinforce the protection of civilians;
- (l) Work towards developing/strengthening national reconciliation in order to extirpate the country from violence;
- (m) Step up existing efforts to implement the two Action Plans of 2012 on Children and Armed Conflict, including through the criminalization of child recruitment and use, the systematization of troops screening and the implementation of the SNA Chief of Defence's Force Command Order 1 prohibiting and sanctioning child recruitment and other grave violations against children;
- (n) Ensure that victims, including of sexual and gender-based violence, receive reparations, including, medical and social support;
- (o) Work with international and local partners to strengthen protection mechanisms and ensure compliance with international human rights law, including through the implementation of Somalia's 2016 National Action Strategy and Action Plan for Preventing and Countering Violent Extremism, and other non-military approaches as part of the coordinated comprehensive approach to security;
- (p) Ensure that national security reform shall be pursued in full compliance with international human rights obligations and establish relevant oversight mechanisms;
- (q) Ensure that military campaigns are synchronized with national security reform efforts as part of the restoration and extension of state authority to enhance the effective protection of civilians, and prevent and deter the recruitment and abduction of children and other grave violations by Al Shabaab.

AMISOM:

- (a) Strengthen cooperation with all relevant United Nations and other humanitarian actors with the view to enhancing protection of civilians, and enhance the capacity of AMISOM forces to carry out their mandate in full compliance with participating states' obligations under international humanitarian law and international human rights law;
- (b) Implement the Force Command Directives on the protection of civilians, including the directive on protection of children's rights, and comply with Somalia's standard operating procedures on the reception and handover of children formerly associated with armed groups; and alert the United Nations whenever its forces capture children in operations to enable adequate follow-up and ensure their protection;
- (c) Investigate all allegations of violations and abuses of international human rights law and violations of international humanitarian law, and provide reports of each investigation and outcome;

- (d) Cooperate with TCCs/PCCs to ensure all AMISOM military and police personnel are adequately trained on international human rights law and international humanitarian law obligations, and consequences of violations before deployment;
- (e) Move forward with efforts to review the framework and implementation of boards of inquiry, with an emphasis on processes related to violations and abuses of international human rights law and international humanitarian law; request United Nations support, as relevant;
- (f) Strengthen the CCTARC to make it more robust in tracking and documenting civilian casualties and enhance its capacity and resources to respond to incidents.

African Union:

- (a) Enhance AMISOM's human rights component staffing in line with Security Council Resolution 2723 with a view to increasing its capacity to monitor and strengthen respect for international humanitarian law and international human rights law, and to immediately respond to cases of violations and abuses, including allegations of violations and abuses against children;
- (b) Finalise the review and adoption of the African Union policies on Conduct and Discipline and on the Prevention of Sexual Exploitation and Abuse; pending their formal adoption, support implementation of these policies within AMISOM ad interim;
- (c) Ensure that AMISOM mission-specific documents reflect mandates adopted by the Peace and Security Council and the United Nations Security Council, including with regard to human rights and humanitarian law compliance. In particular, strengthen cooperation on the implementation of HRDDP through mainstreaming of mitigatory measures into Status of Mission Agreements, the Memoranda of Understanding between the African Union Commission and TCCs/PCCs, the Rules of Engagement, AMISOM mission-specific guidelines of the protection of civilians, Standards Operating Procedures relating to AMISOM's boards of inquiry, and various directives of the Special Representative of the Chairperson of the Commission and the Force Commander or Police Commissioner in the Mission;
- (d) Consider developing human rights-compliant guidelines on HRDDP in the support and joint operations of non-African Union forces, building on lessons learnt from AMISOM mentorship of SNA;
- (e) Ensure that all TCCS/PCCs have conducted training on international human rights law and international humanitarian law obligations and consequences of violations for all troops to be deployed in Somalia.

Humanitarian Actors:

- (a) Factor in equal access to humanitarian assistance and services, which requires paying special attention to individuals and groups who may be particularly vulnerable or have difficulty accessing such assistance;
- (b) Challenge any deliberate attempts to exclude parts of the affected population and on the basis of need and refrain from any form of direct or indirect discrimination.

International Community:

- (a) Continue to encourage and strengthen the support to FGS and FMS on the implementation of the Security Pact, and ensure that the National Security Architecture is grounded in international human rights law and international humanitarian law;
- (b) The Support FGS and FMS to strengthen the police and other rule of law institutions to guarantee protection and access to fair and affordable justice.

ANNEXES

Legal Framework

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

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

Obligations under International Humanitarian Law

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

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

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

114 The following are among the most relevant principles that apply to the conduct of all the parties to Somalia's non-international armed conflict: (a) Distinction: The civilian population as such, as well as individual civilians, shall not be the object of attack. (b) Proportionality: "an attack against a military objective which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated is prohibited."; (c) Precautions in attack: "...civilians shall enjoy general protection against the dangers arising from military operations". "In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects" and all feasible precautions must be taken with the "view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects."

3. All states contributing to the international military forces in Somalia or intervening in Somalia are signatories to the four Geneva Conventions of 1949. While not all of AMISOM's troop-contributing countries are signatories to Additional Protocol II of 1977, they and other states intervening in Somalia are still bound by the relevant rules of customary international humanitarian law applicable in non-international armed conflicts. Finally, AMISOM adopted a mission-wide protection of civilians strategy in May 2013, which "provides a comprehensive Mission-wide approach towards mainstreaming protection considerations into all aspects of AMISOM operations."¹¹⁵

Obligations under International Human Rights Law

4. International human rights law applies both in peace and during armed conflict. In the latter case, international human rights law and international humanitarian law afford protection in a complementary and mutually reinforcing manner. Somalia is a party to numerous international and regional human rights treaties, including the International Covenant on Civil and Political Rights and the African Charter of Human and Peoples' Rights. All these instruments notably protect the right to life. They obligate the Government to provide basic human rights protections to all persons within the territory or jurisdiction of the state.¹¹⁶
5. While they cannot become parties to international human rights treaties, non-state actors, including non-state armed groups exercising government-like functions and control over a territory, such as Al Shabaab, are obliged to respect customary international human rights norms when their conduct affects the human rights of the individuals under their control. It can be stressed that the human rights obligations of non-state armed groups operating in Somalia (see below) does not affect the obligation of Somalia to uphold international human rights law in relation to their territory and other places under their jurisdiction. The State is obliged to exercise due diligence and do everything in its capacity to protect all persons within its territory and all persons subject to its jurisdiction against threats to the enjoyment of human rights posed by non-state actors, including de facto authorities and armed groups. Somalia must seek to hold perpetrators of human rights violations accountable and guarantee the rights of victims, including their right to an effective remedy and reparation.

Obligations under International Criminal Law

6. International criminal law exists to repress and punish individuals who have committed certain egregious acts, and Somalia has the primary responsibility to investigate and prosecute international crimes, i.e., war crimes, crimes against humanity, and genocide, within its jurisdiction. The Rome Statute obliges states parties to cooperate with the International Criminal Court in the investigation and prosecution of crimes, including the arrest and surrender of suspects. While Somalia is not a party to the Rome Statute, it has stated that it "fully supports the principles' enshrined in the Statute of the International Criminal Court and 'is committed to ending the persisting culture of impunity and ensuring that perpetrators of violations of international human rights and international humanitarian law are held accountable for their actions and that justice is done."¹¹⁷

¹¹⁵ Report of the Chairperson of the Commission on the Situation in Somalia. AU document PSC/PR/2. (CCCLXXIX), 13 June 2013.

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

¹¹⁷ Somalia Response to Universal Periodic Review Recommendations, §98.1.

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

National Legal Framework, Institutions and Action Plans

8. Somalia’s Provisional Federal Constitution protects the rights to life, liberty, security, and the freedoms to assemble, associate, and demonstrate, among others.¹¹⁸ The legal system in Somalia is a mixed system of the common law, Sharia law, and customary law practices (the Xeer in Somali).
9. The capacity of the formal justice system to process cases is yet to be fully restored after collapsing during the civil war that began in 1991. New Federal Member States are beginning to establish their own justice institutions, although most justice personnel lack formal training. There are no oversight mechanisms and courts lack the ability to enforce decisions. Combined with a deep-rooted perception of corruption, this negatively impacts public confidence in the formal justice system. Many communities do not have access to the formal system and take their disputes to traditional justice mechanisms, including “courts” operated by Al Shabaab in some areas.

National Framework to Address Sexual Violence

10. The Somali legal system addressing sexual violence comprises the Sharia, the traditional justice system (Xeer), and the formal justice system, although most cases are dealt with under the Xeer and the Sharia law. As currently practiced, these systems often result in further victimization of women and girls, with no justice for survivors and impunity for perpetrators.¹¹⁹
11. Puntland is currently the only Federal Member State (FMS) with specific legislation to address sexual violence – the Puntland Sexual Offences Act – enacted on 20 August 2016. Legislation addressing sexual offences is pending at the federal level and in Somaliland. Forensic laboratories were established in Mogadishu and Garoowe to provide the necessary medical documentation that survivors can use as evidence in criminal proceedings concerning sexual violence.¹²⁰

National Framework to Address Child Protection

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

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

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

120 As part of the Clinical Management of Rape Protocol to enhance the quality of care and service delivery for the survivors.

13. Concurrent to the adoption of the Provisional Constitution in 2012, the Federal Government and the United Nations signed two Action Plans aimed at ending the recruitment and use and killing of children by its forces in military operations with the view to implement its obligations under international law.¹²¹
14. The Federal Government is achieving progress in implementing both Action Plans and, through the support of UNSOM Child Protection and the CTFMR, has adopted specific policies¹²² and established structures and mechanisms to build capacity, create awareness and support efforts of the authorities.¹²³ In addition, support has been provided for the sensitization and screening of troops to ensure SNA units are child-free. This includes monitoring integration of regional forces into the SNA as well as work with the yet to be formalized regional forces.¹²⁴
15. A landmark achievement was Somalia becoming party to the Convention on the Rights of the Child in October 2015, as well as its ratification of the ILO Convention No. 182 on the Worst Forms of Child Labour on 20 March 2014.¹²⁵ International Humanitarian Law also provides for the protection of children.¹²⁶
16. A key challenge is the harmonization of the Federal Government's definition of a child with FMS jurisdictions. For example, the Puntland Constitution defines a child as under 15.¹²⁷ Following the capture of approximately 100 children by Puntland and Galmudug authorities in 2016, the release of all children was eventually achieved, though charges still remain against 40 of them.

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

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

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

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

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

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

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

Responses Received

Somaliland

Comments on the UNSOM Report:

- The reference to parts of Sool, Sanaag and Buhoodle as “Disputed Territory” is provocative and undermines the spirit of dialogue between Somaliland and Somalia. It is a well known fact that the former Italian Protectorate of Somalia and the Former British Protectorate of Somali had distinct borders recognized by the AU and UN. For your information the Political grievances of Sool and Buhoole areas has been settled that is why their leaders Ali Khalif and Dr. Saleban Hagla Tosiye (Minister of Helath) are in Hargeisa. UNSOM is mandate to bring peace and governance back to the Somali but not as an agent that prolongs suffering through political destabilization.
- The Incident at Hargeisa football stadium was act of “Football Hooliganism” in which both innocent civilians and Police were victims that suffered death and injury at the hands of football gangs who could not accept defeat of their team. Any attempt to blame that situation on the police is tantamount to tarnishing our country’s image through deliberate misinformation and the presence of UNSOM in Hargeisa will perceived as a spoiler and partisan.
- What is the use of mentioning the clan identities of the dead as Daarood, Bahararsame and Qayaad etc.? The publishing the names of victims of the inter clan fighting could be more sufficient information that could be useful to all concerned unless UNSOM has a hidden agenda of prolonging the enmity and clan fighting in Sool region. How sure are you of the number of dead as being 78 persons as MOI believes this an exaggeration and should be able to provide the real list of the dead if requested.

Mr Yasseir Arish Kalinle

Republic of Somaliland

Ministry of Interior.

Internal Security Coordinator & Senior Adviser to Minister

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Jubaland state of Somalia

5th December, 2017

In reference to the consultation meeting of public report of the protection of the civilian date on 29th November, 2017 the Ministries of Jubaland State of Somalia appreciates for been concern to uphold the dignity of Jubaland state of Somalia. We are pleased to share with our concern regarding the public reports.

Paragraph 24:

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

Paragraph: 70

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

Paragraph72:

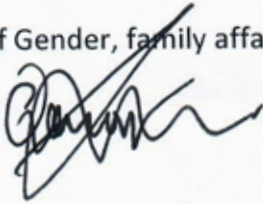
The Ministry gender, family affairs and Human rights up on receiving the report communicated with the family of the girl who confirmed to them that their daughter was not taken away by force. They also confirmed such information as false information. The Ministry also made communication with independent persons living in Busar village they as well confirmed that

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

Minister Qamar Dek Khalif

Ministry of Gender, family affairs and Human rights

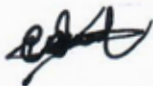
Signature:



Minister Abdinor Ali Aden

Minister of information, communication and Technology

Signature:





African Union Mission in Somalia (AMISOM)

Email: au-amisomhom@africa-union.org

REF: AMISOM/HOM/22/475.17

Mogadishu, 08th December 2017

Excellency,

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

The Allegations against AMISOM

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

- I. During the period under review, 178 civilian casualties (95 killed and 83 injured) were attributed to AMISOM forces;
- II. That two gang rapes and one attempted rape was also attributed to AMISOM;
- III. That majority of civilian casualties involving AMISOM occurred in the context of AMISOM troops responding to attacks on its convoys by way of landmines, IEDs and/or coming under grenade attacks. According to the Report, in these circumstances, AMISOM troops fired indiscriminately and extra-judicially killed civilians;



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- IV. In addition to the specific incidents mentioned above, the Report seeks to undermine the credibility of the AMISOM investigative mechanism particularly its Board of Inquiry regime and therefore discredits the Bol the Mission undertook with regards to specific allegations;
- V. Finally, the Report expresses concern over the blurring of line of accountability regarding the activities of countries who are in Somalia on bilateral agreements with the Federal Government of Somalia (FGS).

A. The Rape and Attempted Rape allegations-

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

I. The Ceelbuur (Elbur) Incident of 7 May 2016

On 14 May 2016, you sent me a letter in which you raised the allegation that two minors, aged fifteen (15) and seventeen (17) years, were raped by fourteen (14) members of the Ethiopian military contingent of AMISOM. Given the seriousness AMISOM attached to such allegations, I established a team to investigate the allegation. The team comprised of three civilians (two Human Rights officers and a Gender officer) together with an officer from CCTARC and CIMIC office of AMISOM. The team visited Baidoa, Elbur, Elshil and Elqoxle and spoke with 39 witnesses who were residents of those towns. After its investigation and appraisal of all the evidence, the team concluded that the incident never took place. It is important to note that in



African Union Mission in Somalia (AMISOM)
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your letter to me regarding the allegation, you had indicated that the alleged victims were treated at the 'Halaane Hospital' in Elqoxle town after the alleged rape incident. However, after extensive consultations, the team established that there was no single hospital or even a pharmacy in the town. The findings of the investigative team were communicated to you and I personally discussed these findings with UNICEF officials.

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

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

II. The Bulo-Burto incident of April 2016

You may recall that on the 26 April 2017 you wrote to me stating that an AMISOM soldier from the Djiboutian contingent raped a 16-year-old girl who was working as a cook for troops in an AMISOM camp in the Bulo-Burto district. Upon receipt of your letter, I set up a preliminary



African Union Mission in Somalia (AMISOM)

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investigative team which established beyond any reasonable doubt the fact that whilst a rape incident did take place, the perpetrator was a prospective Somali recruit to the SNA and not an AMISOM soldier. The facts that were established were that the SNA was having a recruitment exercise at the AMISOM Base Camp during the period. The perpetrator was a Somali citizen who was a prospective recruit. He was arrested and handed over to the Police for further action and possible prosecution. Indeed, the perpetrator's photograph and police report were sent to your office. Yet the Report continues to refer to the incident as a proven rape allegation against AMISOM. As with the Elbur incident, it is important for the UN to provide details of whatever investigation it conducted which led its contrary conclusion to the one AMISOM reached.

III. The Garastan incident of 18 June 2017

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



B. Allegations of unlawful killings-

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

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

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

'The presence of non-AMISOM ENDF in the same area of operation as AMISOM ENDF blurs the lines and makes the attribution of responsibilities difficult. Whilst taking note of the conclusion of the AMISOM Board of Inquiries, it remains difficult to rule out the involvement of AMISOM troops in the Wardinle case'



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Excellency, allow me to make the following observations on this specific point:

- I. Immediately I received confirmation that there was prima facie evidence to further investigate the Wardinle incident, I established a Board of Inquiry to do so. The Board visited Baidoa, Wardinle and Awdinle and interviewed a number of interested parties in the case including Minister in the South West government, District Commissioner, Community Elders, Victims, family members of deceased, AMISOM troops and Ethiopian contingent in the area. What became clear was that the incident took place in an area where AMISOM troops were not present. Indeed, in the course of its investigation, the Board confirmed from UNSOS that they (UNSOS) were unaware of any AMISOM location in the area and weren't making any logistical provisions to the area.
- II. Whilst theoretically the concern of blurring of lines of attribution of responsibility is a possibility, however in practice, this has not been the case within AMISOM operations in Somalia. The incident in Wardinle is the only instance in which AMISOM denied responsibility and attributed the occurrence of the incident to non-AMISOM TCC force operating in the area. It is of critical importance to note that in coming to this conclusion, extensive investigation was conducted, including confirmation from UNSOS that they do not provide logistical supports to the area because AMISOM troops are not present.
- III. Bearing the above in mind, we strongly dispute the conclusion reached in the Report that AMISOM troops were somewhat involved in the Wardinle case. The presence of non- SNSF, non-AMISOM forces in Somalia is a matter within the prerogative of the Somali State to which AMISOM has no control. Rather than seeking to apportion



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responsibility to AMISOM troops in circumstances like this, we submit that the useful course of action is for the UN to take up the matter with the individual TCC that we have indicated is responsible for the incident.

D. Criticism of AMISOM Investigation Regime

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

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

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

- i. Firstly, we are baffled by the allegations contained in the paragraph. In all the investigations carried out by way of Board of Inquiry, we met with pertinent witnesses. For example, as indicated above, in the Elbur case, we spoke with 39 individuals who included government officials, religious leaders, Somali Police Force officials, SNA officials and elders. In the Wardinle incident, we took statements from *Minister in the South West government, District Commissioner, Community Elders, Victims, family members of deceased, AMISOM troops and Ethiopian contingent in the area, etc.* The findings of these investigations were subsequently passed on to your office. The assertion that we are not taking steps to interview victims, witnesses and local government officials is simply baffling.



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- ii. Secondly, the Report states that AMISOM's response and investigations are slow.
What does the UN consider as 'fast' in the context of an operational environment like Somalia where incidents may have taken place in areas of heightened insecurity? Investigations of serious allegations take time and demand thoroughness so that conclusions reached can stand the test of further scrutiny.
- iii. Thirdly, some of our investigations have reached clear conclusions that some victims of AMISOM operations should be provided with some ex gratia payments. We have in place now a Policy and SoP for CCTARC that will assist us to meet these obligations. We submitted the costs implication of this to the UN in time for the Donor Conference held earlier in October this year. This is one of practical ways the UN can assist in supporting the Mission.
- iv. We also note the point made in the concluding sentence of the paragraph quoted above. Our understanding is that the HRDDP is not intended to be punitive or a mechanism for wilful disengagement. AMISOM understands it as a mechanism for human rights engagement that require the UN to intervene with and advise the benefitting entity when there are grounds to believe that forces of such non-UN entity may be committing grave violations that are systematic and widespread in nature. Revocation of support may only be invoked, as a last resort, *where such gross violations occur and there is no evidence of any corrective and mitigatory measures taken despite UN observations*. We are of the view that none of these can be said to apply to AMISOM.



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Excellency allow me to conclude by reiterating AMISOM's commitment to carrying out its operations in Somalia in compliance with all applicable IHL and IHR laws. The operational environment is a difficult one bearing in mind the tactics of Al-Shabab. However, our troops have been trained and under clear instruction to ensure compliance with all the applicable laws. To this extent, AMISOM has put in place various policies and practical measures to guide its troops in Somalia. We invite UNSOM to support the Mission in strengthening the existing mechanisms within AMISOM in order to continue to discharge its operations in compliance with all applicable rules.

Accept, Excellency, the assurances of my highest consideration.



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

H. E. Michael Keating
Special Representative of UN Secretary General,
SRSO, Mogadishu, Somalia

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KENYA EMBASSY, MOGADISHU
MOGADISHU INTERNATIONAL AIRPORT
MOGADISHU

Ref. No. KES/ MGD /ADM.1/31/(03)

5th December, 2017

United Nations Assistance Mission in Somalia - Office
of the High Commissioner for Human Rights
Of MOGADISHU

(Attn: Kirsten Young)

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

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

A handwritten signature in blue ink, appearing to be the initials 'AK'.

1
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ACCUSATIONS AGAINST AMISOM AND KDF IN SOMALIA

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

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

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

Response: This general statement does not apply to KDF which relies on best practices in the conduct of operations. In circumstances where there are civilian casualties or complaints of any nature, the procedure is to report and investigate, yet none of these procedures have been carried out, Kenya has never received any complaint of civilian deaths against KDF during the period under review. Otherwise they would have been swiftly investigated and necessary action taken. The serious allegation against KDF is not justified beyond doubt and therefore should not be retained in this report. Further, IEDs targeting convoys are augmented by ambushes by Al-Shabaab usually along the Main Supply Routes, it is improbable that the ambushes are mounted by civilians. The only possible scenario in this report is that, the combatant plays the role of a victim. The Kenya



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Defence Forces in AMISOM strictly comply with the principles of necessity, distinction and proportionality while conducting operations against Al-Shabaab. As mentioned earlier, attacks by Al Shabaab using IEDs, and landmines are always covered by fire. The standard anti-ambush procedure is the quick suppression of the covering fire. Any response by KDF contingent under these circumstances are primarily directed to Al Shabaab terrorists and not civilians. Further, KDF has never been implicated in any proven incidents of extra-judicial killings, rape or ill treatment of detainees. Indeed, KDF has never taken any detainees in Somalia.

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

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

Response: *There are multiplicity of intelligence sources in Somalia beyond Troop Contributing Countries. To suggest airstrikes are conducted using intelligence from AMISOM-KDF is presumptuous and needs to be proven beyond doubt. The*



report is saddening as it seems to suggest that the AMISON – KDF directs fire on civilians, Pursuant to Security Council Resolution 2036 (2012) the Kenya Defence Forces operates three attack helicopters under the Command and Control of the AMISOM Force Commander. The attack helicopters are the only air assets deployed in situations where Al Shabaab employ or are likely to employ overwhelming force against AMISOM Contingents. It is to be noted that Al Shabaab terrorists have and employ significant weapon systems such as VBIED 'Technicals', Artillery and mortars, which necessitates the employment of the attack helicopters.

ACCUSATIONS ON AIRSTRIKES BY INTERNATIONAL FORCES

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

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

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

Response: See response to paragraphs 29 and 38. Seemingly, the HRPG report has invoked press releases by Kenya Ministry of Defence as evidence of airstrikes. It should be noted that within the Kenyan legal framework, there is a requirement for the Ministry of Defence to communicate to the public on regular basis the

progress of KDF operations in Somalia. The information contained in the Kenya Ministry of Defence echoes AMISOM and Other International media reports. The Kenya Defence Forces contingent, though serving under AMISOM, remains accountable to the citizens and institutions of the Republic of Kenya. Consequently, it is the responsibility of the Ministry of Defence to inform the citizens of any significant developments relating to KDF operations in Somalia. In any case, it is the Kenyan citizens through their government who sent KDF to assist their brothers and sisters in Somalia and have a right to know.

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

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

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

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



ACCUSATIONS AGAINST VIOLATIONS TO CHILDREN

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

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

It should be noted that El Wak is in Kenya and not in Gedo region of Somalia hence geographically incorrect.

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

***Response:** KDF is not aware of an attack on any school in the Federal Republic of Somalia by its members. As far as schools, hospitals and social amenities are concerned, KDF has rehabilitated many schools, madrassas, dispensaries and mosques in their area of responsibility. It is therefore inconceivable that KDF destroys the same infrastructure which they have improved to secure the confidence and support of the population. The report hence is inaccurate. Further, KDF is versant with the International Humanitarian Law/ Law of Armed Conflict,*

hence is able to determine the legitimacy of the targets. Though Al Shabaab terrorists regularly hide and operate within the community settlement areas such as schools hospitals and residential areas, KDF deliberately avoids conducting operations in areas such as schools and hospitals to avoid collateral damage. It must also be noted that KDF is properly trained on International Humanitarian Law and general humanitarian aspects. Troops undergo refresher training on these aspects before deployment, in the Peace Support Operations Centres in Embakasi and Karen in Kenya. In the military training programmes, these aspects have been included since 1999. The pre-deployment and in-mission training on International Rules governing military operations is carried out by the International Committee of the Red Cross (ICRC), for example, the in-mission training was conducted by ICRC in Doble in September 2017. Besides, many commanders and KDF legal officers have received such training in Italy, Australia, and Ghana organised by ICRC.

GENERAL OBSERVATIONS ON THE REPORT

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

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

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applicable due process. Further, the Government of Kenya takes the necessary precaution to protect civilians in all its operations.

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

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

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

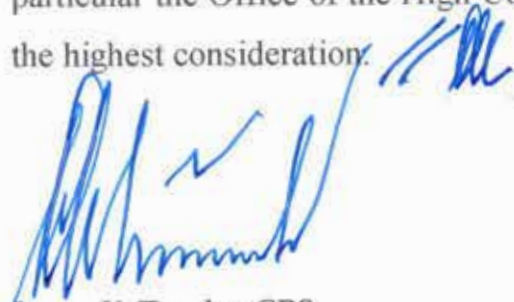


8

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



Lucas K. Tumbo, CBS
AMBASSADOR
Kenya Embassy in Mogadishu - Somalia

9

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**BADBAADINTA DADKA RAYIDKA AH:
Dhisidda Aasaaska Nabadda, Amniga iyo
Xuquuqda Aadanaha ee Soomaaliya**

Diseembar 2017

Waajibka/Xilka

Warbixintan waxaa diyaarisay Kooxda Badbaadada iyo Xuquuqul Insaanka (HRPG) ee Hawlgalka Kaalmaynta Qaramada Midoobay ee Soomaaliya (UNSOM) waxayna ka hadlaysaa muddada ka billaabata 1da Janaayo 2016 ilaa 14 Octoobar 2017.

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

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

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

Khariidada Soomaaliya



Map No. 3690 Rev. 10 UNITED NATIONS
December 2011

Department of Field Support
Cartographic Section

Tusmada

Ereyo lasoo gaabiyay	v
Warbixinta oo Kooban	vi
Habka Cilmi Baarista.....	ix
I. Natiijooyinkii soo baxay	1
A. Dulmar guud oo ku saabsan xadgudubyada iyo gabood-fallada	1
B. Xadgudubyada ka dhanka Xuquuqda Aadamaha ee loo tirinayo Laamaha Dawladda ama Kooxaha Gacansaarka la leh.	2
1. Ciidamada Amniga Qaranka iyo kuwa Caalamiga ah	2
2. Ciidanka Xoogga Dalka ee Soomaaliya.....	3
3. Booliska Somaaliyeed	4
4. Hay'adaha Sirdoonka iyo Amniga	6
5. Hawlgalka Midowga Afrika ee Soomaaliya	9
6. Maleeshiyaad iyo Kooxo Hubaysan oo ka tirsan Ciidamo Ammaan oo Qaran ama Caalami ah	12
C. Duqaymaha Hawada ee Ciidamada Caalamiga ahi fuliyaan	13
D. Xadgudubka Xuquuqda Aadanaha iyo Gabood-fallada loo aaneeyo Kooxaha Hubaysan	14
1. Al Shabaab.....	14
2. Kooxaha Kale ee Hubaysan	15
E. Noocyada Weerarada iyo Xadgudubyada iyo Gabood-fallada loo Aaneeyo Kooxaha Hubeysan	18
1. Habab kale ee ay ku dhacaan weerarada.....	20
2. Af-duubka La-xiriira Colaadaha ee loo geysto Dadka Rayidka ah.....	21
3. Cafiska Guud.....	22
II. Xadgudubka Jinsiga Iyo Xadgudubyada Saameeya Caruurta Ku Nool Meelaha Colaaddu Ka Jirto Ee Soomaaliya	23
A. Xadgudubyada Jinsiga	23
B. Carruurta iyo Colaadaha Hubeysan	25
III. Talo soo jeedin	29
LIFAAQYADA	33

Ereyo lasoo gaabiyay

AMISOM:	Hawlgalka Midowga Afrika ee Soomaaliya
ASWJ:	Ahlu Sunna Waljamaaca
CCTARC:	Unugga Ka-dabatagga, Falanqaynta iyo Ka-jawaabista Khasaaraha Rayidka ah
CRSV:	Rabshada galmada ee La-xiriira Colaada
ENDF:	Ciidanka Difaaca Qaranka ee Itoobiya
FGS:	Dowladda Federaalka Soomaaliya
FMS:	Dowlad Goboleedyada Xubnaha ka ah Dowladda Federaalka ah
HRDDP:	Siyaasadda Ka-taxaddarka xad-gudubyada Xuquuqul Insaanka
HRPG:	Kooxda Badbaadinta iyo Xuquuqul Insaanka
IED:	Walxaha Qarxa ee Macmalka ah
IGAD:	Urur goboleedka IGAD
ISAG:	Kooxda Xiriirka la leh Dowladda Islaamiga ah
JISA:	Hay'adda Sirdoonka iyo Nabadsugidda Jubbaland
KDF:	Ciidanka Difaaca Kenya
MRM:	Habka Kor-joogtaynta iyo Ka-warbixinta
NISA:	Hay'ada Sirdoonka iyo Nabadsugida
OHCHR:	Xafiiska Ergeyga Sare ee Qaramada Midoobay u qaabilsan Xuquuqul Insaanka
PCC:	Dalalka booliska ku deeqay
PIS:	Adeegyada Sirdoonka Puntland
PSF:	Ciidamada Amniga ee Puntland
SGBV:	Rabsadaha ku saleysan Jinsiga ama Dhedig-Lab
SNA:	Ciidanka Xooga Soomaaliyeed
SEMG:	Kooxda La-socodka [Cuna-qabataynta] Soomaaliya iyo Eretrea
SP:	Booliska Soomaaliya
SPF:	Ciidanka Boliiska Soomaaliyeed
TCC:	Dalalka ciidamada ku deeqay
UNHCR:	Ergeyga Sare e Qaramada Midoobay u qaabilsan Arrimaha Qoxootiga
UNMAS:	Adeegga Miino-saarista ee Qaramada Midoobay
UNSOM:	Hawlgalka Kaalmaynta Qaramada Midoobay ee Soomaaliya
UNSOS:	Xafiiska Taakulada Qaramada Midoobay ee Soomaaliya
VBIED:	Qaraxyada loo adeegsado Gawarida

Warbixinta oo Kooban

Warbixintan waxay diiradda saareysaa xadgudubyada sharciga caalamiga ee baniaadanimada xilliyada dagaallada iyo xuquuqul insaanka ee lagu geysto colaadda hubeysan ee muddada dheer ka jirta Soomaaliya. Natiijooyinka iyo falanqeynta ku jirta warbixinta waa isku dayga kowaad ee ay UNSOM ku tirinayso dhimashada iyo dhaawaca rayidka ah (dadka rayidka ah ee lagu dilo ama lagu dhaawaco colaadda hubeysan) ayna ku qiimeynayso khasaaraha ay u geysatay dadka rayidka ah muddadii u dhaxeysay 1dii Janaayo 2016 ilaa 14kii Oktoobar 2017. Intii muddadan lagu jiray, weerarrada ay geysteen dhinacyada dowladda iyo kuwa aan dowladda ahayn ayaa khasaare aad u badan oo isugu jira dhimasho iyo dhaawac u geystay dadka rayidka ah, sababayna burburka kaabayaal ay dowladdu leedahay iyo kuwo gaar loo leeyahay, isla markaana laayay xoolo nool, carqaladeeyayna in bulshada baahan ay helaan gargaarka baniaadanimada. Warbixinta waxaa loola danleeyahay inay noqoto xog billow ah oo falanqeyn dheeraad ah oo ku saabsan saameynta ay colaaddu ku leedahay dadka rayidka ah lagu diiwaangelin karo waxaana ku jira talooyin loo soo jeediyay si loo yareeyo loogana hortago khasaaraha dadka rayidka ah, kuwaasoo la kormeeri karo si loo hirgeliyo.

Laga soo billaabo 1dii Janaayo 2016 ilaa iyo 14kii Oktoobar 2017, UNSOM waxay diiwaangelisay tiro wadarteedu gaareyso 4,585 oo khasaare loo geystay dad rayid ah (2,078 oo la dilay iyo 2,507 la dhaawacay), boqolkiiba 60 ka mid ah dhimashadaas iyo dhaawacaas waxaa loo aaneeyay Al-Shabaab, boqolkiiba 13 waxaa loo aaneeyay maleeshiyaadka, boqolkiiba 11 waxaa loo aaneeyay dhinacyada Dowladda, boqolkiiba afar waxaa loo aaneeyay Hawlgalka Midowga Afrika ee Soomaaliya (AMISOM), boqolkiiba 12 waxaa loo aaneeyay dhinacyo kale oo aan la qeexin ama aan la aqoonsanin. Intaa waxaa dheer, in 729 dad rayid ah ay Al-Shabaab afduubeen, oo 403 ka mid ah la sheegay in in la soo daayay. Sidoo kale, Al-Shabaab waxay mas'uul ka ahaayeen 86 oo dilal qorsheysan ah oo dad rayid ah lala beegsaday, waxayna dil ku fuliyeen 46 qof inta lagu jiray muddada warbixinta.

Sida laga soo xigtay Hay'adda Qaramada Midoobay ee Adeegga Hawlaha Miinada (UNMAS), dadka rayidka ah waxay noqonayaan boqolkiiba 54 ka mid ah khasaaraha oo wadarta tiradeedu gaarayso 2298 (748 dhimasho iyo 1550 dhaawac) oo ay sababaan qaraxyada loo adeegsado walxaha qarxa ee macmalka ah (IEDs). Ka hor weerarkii halaagga ahaa ee ka dhacay magaalada Muqdisho 14kii bishii Oktoobar 2017 ee lagu dilay 512 dad rayid ah, laguna dhaawacay 316, tirada ugu badan ee ah khasaare loo geystay dad rayid ah waxay dhacday bilihii Juun 2016 iyo Janaayo 2017, waxayna inta badan ka dhaceen gobollada Banaadir, Baay iyo Shabeellaha Hoose), waxayna kala dhaceen bishii Ramadaan iyo muddadii ay socotay doorashada.

Dhinacyada Dowladda iyo kuwa aan dowladda ahayn ayaa geystay dilal sharciga ka baxsan, tacaddiyo galmo iyo kuwo jinsiga ku saleysan, qabqabasho iyo xarig aan loo meelayin, afduub, iyo jirdil. Tusaale ahaan, qabqabashada iyo xarigga ay *Hay'ada Sirdoonka iyo Nabadsugida* (NISA) sameeyaan ayaa si joogta ah ugu xadgudba sharciga caalamiga ee xuquuqul insaanka, waxaana welwel gaar ah leh in aalaaba la soo qabto/xiro saxafiyiinta iyo dadka lagu tuhmo inay Al-Shabaab ka tirsanyihiin iyagoon wax eedeyn ah lagu soo oogin. Carruurta Soomaaliyeed ayaa si xad dhaaf ah colaaddu u saameysaa, waxaana ku dhaca xadgudubyo culculus xilliyada hawlgallada ciidan, kuwaasoo ay ka midyihiin dil, dhaawac jirka ah, iyo soo qabqabasho iyo xarig ay u geystaan ciidamada amniga Soomaaliya xilliyada lagu jiro hawlgallada ciidan ama amni. Colaadda dabadheeraatay waxaa sidoo kale ka dhashay tacaddiyo baahsan oo xagga galmada ah iyo kuwo jinsiga ku saleysan ee ka dhanka ah haweenka, raga, wiilasha iyo gabdhaha, iyadoo si gaar ah u saameeya haweenka iyo gabdhaha.

Tiro badan oo ka mid ah khasaaraha gaaray dadka rayidka ah ee la diiwaan-geliyay ayaa waxaa loo aaneynayaa maleeshiyo beeledyada ka qeybqaata colaadaha hubeysan ee aan caalamiga ahayn ee ka dhaca meelaha aanay ku sugneyn ciidamada amniga ee heer federal iyo heer maamul goboleed. Waxyaabaha ugu waaweyn ee horseeda colaad beeledka ayaa ah khilaaf ka dhasa is-qabqabsi dhuleed iyo mid kheyraad, waxaana sii huriya aargoosi soo noqnoqda. Abaaraha ayaa sii huriyay colaadaha u dhexeeya beelaha sababo la xiriira tartan loo galo kheyraadka. Colaadahan waxaa ka dhex faa'iideysta xoogagga kasoo horjeeda dowladda si ay u sii kordhiyaan xasilooni darrida deegaannada, una yareeyaan rajada laga qaboo nabad waarta ayna u wiiqaan badbaadinta dadka rayidka ah.

Sii socoshada weerarada lala beegsanayo dadka rayidka ah iyo weerarada aan loo meel dayin ee ay geysanayaan xoogagga aan Dowliga aheyn – iyagoo si gaar ah u adeegsanaya Walxaha Qarxa ee Macmalka ah iyo weerarada is-miidaaminta ah ee ay ka geystaan goobaha ay ku badanyihiin dadka rayidka ah – ayaa ah falal mamnuuc ku ah sharciga caalamiga ah ee xilliyada dagaalka iyadoo inta badan noqda dembiyo dagaal. Waxaa lagama maarmaan ah in kuwa geysta falalkaas la aqoonsado oo lala xisaabtamo.

Iyadoo khasaarooyinka ugu badan ee soo gaaray dadka rayidka ah intii lagu guda jiray muddada warbixintan, ay geysteen Al-Shabaab iyo xoogag kale oo aan dowliga aheyn, ayaa tiro yar oo kamid ah khasaarahaas waxaa loo aaneeyay ciidamada amniga ee Dowladda iyo kuwa AMISOM. Kuwan ayaa ah walaaca ugu weyn maadaama ay wiiqayaan kalsoonida dadka Soomaaliyeed ay ku qabaan Dowladda iyo beesha caalamka, taas oo natiijadeedu noqonayso inay sii ballaarato baaxadda ay ku hawlgalaan xoogagga kasoo horjeeda dowladda.

Qaar ka mid ah tallaabooyin ay qaadeen Dowladda Federaalka ah iyo Baarlamaanka, sida dhismaha guddiyo baaritaan oo marka ay wax dhacaan baaritaanno ku sameeya xadgudubyada waaweyn ayaa waxay ka marqaati kacayaan inay jiraan dadaallo wax looga qabanayo xadgudubyada inkasoo aanay kasoo bixin wax natiijooyin ah. Hirgelinta heshiiska siyaasadeed ee ku aaddan Hab-dhismeedka Amniga Qaran ee ay wada gaareen Dowladda Federaalka ah iyo Dowlad Goboleedyada Xubnaha ka ah Dowladda Federaalka ah bishii Abriil 2017 ayaa udub dhexaad u ah xaqiijinta dib-u-habayn waarta oo lagu sameeyo waaxda amniga. Waxay siineysaa fursad lagu xaqiijinayo in hay'ado amni oo ay hogaaminayaan dadka Soomaaliyeed ay yihiin kuwo lagala xisaabtamo isla markaasina leh awood ay ku sugaan amniga kuna ilaaliyaan muwaadiniinta, si waafaqsan sharciga caalamiga ah ee xuquuqul insaanka iyo sharciga caalamiga ah ee xilliyada dagaalka. Dhismaha Guddiga Qaran ee Madaxabanaan ee Xuquuqul Insaanka oo awood u leh in uu baaro xadgudubyada ka dhanka ah xuquuqul insaanka uuna la xisaabtamo kuwa dhibka geysta, gaar ahaan dembiyada ay geystaan ciidamada amniga, guddigaas oo hawshiisu ay socoto ayaa muhiim u ah arrimahan.

Horumarinta xuquuqul insaanka iyo badbaadinta dadka rayidka ah, oo ah kuwo aasaas u ah Dowlad sharciyad leh, ayaa ka ah Soomaaliya caqabad aad u weyn sababo la xiriira xaaladda amni ee aadka u adag iyo ku dhaqanka sharciga oo liita amaba aan jirin. Si loo taageero dadaallada lagu wanaajinayo badbaadinta dadka rayidka ah iyo u hogaansanaanta waajibaadka Xuquuqul Insaanka, ayaa UNSOM waxay soo jeedinaysaa in dhamaan dhinacyada ku lugta leh colaadaha ay qaadaan tallaabooyin kasta oo suurto gal ah oo lagu ilaalinayo dadka rayidka ah marka la fulinayo hawlgallada ciidan, taas oo loo marayo in la joojiyo beegsiga ku talagalka ah ee la beegsanayo dadka rayidka ah iyo goobhooda/hantidooda, in lasoo afjaro adeegsiga Walxaha Qarxa ee Macmalka ah, iyo in la joojiyo duqeynta loo adeegsado hoobiyaha, gantaalaha iyo bambaanooyinka lagu tuuro ama lagasoo tuuro goobaha ay joogaan dadka rayidka ah.

Dowladda Federaalka ah ee Soomaaliya iyo Dowladda Goboleedyada Xubnaha ka ah Dowladda Federaalka ah waxaa lagu dhiiri-gelinayaa inay meel mariyaan siyaasad iyo tallaabooyin sharciyadeed oo lagu dhaqan geliyo sharciga kuwaas oo lagama maarmaan u ah xaqiijinta baaritaan wax ku ool ah iyo sharci hor-keenista dembiyada iyo xadgudubyada halista ah ee ka dhanka ah sharciga caalamiga ah ee xuquuqul insaanka iyo sharciga caalamiga ah ee xilliyada dagaalka. Dhinaca AMISOM – na fulinta qaar kamid ah tallaabooyinka lasoo jeediyay ee ku xusan qaab-samaynta Siyaasadda Qaramada Midoobay ee Ka-taxaddarka Xad-gudubyada Xuquuqul Insaanka (HRDDP), sida soo saarista Amarro kasoo baxa Taliyeyaasha Ciidamada [AMISOM] oo ku aaddan ilaalinta dadka rayidka ah iyo u hogaansanaanta sharciga caalamiga ah ee xilliyada dagaallada, tababarrada iyo faafinta xuquuqul insaanka iyo Xeerarka Ka-qaybgalka ee Sharciga Caalamiga ah Xilliyada Dagaallada ayaa waxay muujinayaan horumar. Si kastaba ha ahaatee, waxaa AMISOM lagu dhiiri-gelinayaa inay xoojiso tallaabooyinka isla-xisaabtanka ee dhacdooyinka la xiriira dadka rayidka ah iyadoo loo marayo baaritaanno si degdegsiimo leh loo sameeyo iyo in lasoo gudbiyo natiijooyinka, waana in ay wada-shaqayn la yeeshaan dhamaan Qaramada Midoobay iyo hawl-wadeennada samafalka/ gargaarka si loo xoojiyo awoodda gudashada waajibaadkeeda iyadoo si buuxda loogu hogaansamayo waajibaadka Dowladaha ka-qaybqaadanayo [hawlaha nabadaynta] ka saaran sharciga caalamiga ah ee xilliyada dagaalka iyo sharciga caalamiga ah ee xuquuqul insaanka.

Habka Cilmi Baarista

Qaybta Ilaalinta Xuquuqul Insaanka ee UNSOM (HRPG) waxay diiwaangelisaa khasaaraha soo gaara dadka rayidka ah taasoo ku salaysan habka ugu wanaagsan ee caalamiga ah, habka kormeerka xuquuqda aadanaha, habraaca habka Kormeerka iyo Warbixinta ee Qaramada Midoobay (MRM), iyo buug-hawleedka Qaramada Midoobay ee ku saabsan xadgudubyada waaweyn ee carruurta ku jira coladaaha hubaysan. Warbixinta waxay ula jeedaa khasaaraha soo gaara dadka rayidka ah jiritaanka sababo macquul ah oo loo rumeysanayo in dhibanayaashu ay ahaayeen rayid, loona diley ama loo dhaawacay si toos ah oo la xariira hawlaha dagaal iyo falalka, go'aamada iyo / ama ujeedooyinka si dhow ula xiriira colaadaha.

Ujeedooyinka warbixintan darteed, UNSOM waxay raacaysaa habka ay ogol yihiin sharciga caalamiga ah ee bani'aadamnimada iyo sharciyada caalamiga ah ee xuquuqda aadanaha, ama habka "ku saleysan xuquuqda". Tanina waxay waafaqsan tahay waajibaadkeeda ilaalinta xuquuqda dadka rayidka ah, oo ay ka mid tahay ilaalinta, baarista iyo ka warbixinta badbaadinta rayidka iyo ka caawinta ka hortagga kufsiga iyagoo u doodaya, iyo taageeridda mas'uuliyiinta Soomaaliya si ay u gutaan waajibaadkooda xuquuqda aadanaha ee caalamiga ah.¹

UNSOM waxay kormeertaa eedaymaha ka dhanka ah dhammaan dhinacyada isku haya colaadaha iyo warbixinnada ku saabsan xadgudubyada iyadoon loo eegin ciddii geysatay. Waxay sameysaa wareysiyo, booqasho goobeed, iyo habab kale oo lagu ururiyo macluumaadka, iyadoo la raacayo sharciyo adag si loo ilaaliyo sirnimada/qarsoonida ilaha xogta loogana fogaado in howsha dhibaato ka timaado, iyo sugida sumcada Qaramada Midoobay. Inkastoo warbixintan ay isku dayayso inay hesho tirada guud ee khasaaroyinka soo gaara dadka rayidka ah ee la diiwaan geliyey muddada warbixintan, haddana waa in la xusuusnaadaa in dhammaan khasaaroyinka soo gaara dadka rayidka ahi aysan ahayn xadgudub sharciga caalamiga ee xuquuqda bani'aadanka iyo sharciga caalamiga ah ee xuquuqda aadanaha. Sharciga caalamiga ah ee xuquuqda aadanaha waxaa uu qabaa in dhinacyada dagaalka qeybta ka ah ay mar walba kala soocaan dadka rayidka ah iyo dagaalyahannada, Alaabaha/waxyaalaha/hantida rayidka iyo ujeedooyinka milatari, waana inay qaadaan dhammaan tallaabooyinka la fulin karo si looga hortago khasaaraha rayidka, haddana dhimashada ama dhaawaca rayidka ama burburinta alaabaha rayidka ee aan ku talagalka aheyn kuwaas oo ka dhashay weerar leh ujeedo milateri ah oo sharci ah ma noqonayaan xadgudub sharciga caalamiga ee xuquuqda aadanaha². UNSOM waxay aqoonsantahay in dhimashada dadka rayidka ah iyo burburinta hantida rayidka ah inta lagu jiro colaad hubaysan, si kastaba dhibka ha weynaadee, in laga yaabo in aysan sidooda iyo keligooda noqon karin xad-gudub loo geystay sharci caalami ah, isla markaana waxay sameyn doontaa dadaal kasta oo lagu aqoonsado sida u saxan ee suura galka ah cidda mas'uul ka ah khasaare gaar ah oo ku dhaca rayidka. Iyadoo ay jirto xaddidaadyo la xariira caqabadaha ammaanka, meesha iyo xaalada shaqadana dhib badan tahay, sida aqoonsiyada aan caddayn ee ciidamada AMISOM iyo kuwa aan ciidamada AMISOM ka tirsaneyn markay ciidamada ka socda waddanada qaar ay isticmaalaan dallado kala duwan, awood la'aanta ilaha

1 UNSOM waxay u heysataa erayga *khasaaraha dadka rayidka ah (dhimasho iyo dhaawac)* marka sharciga caalamiga ah ee bani'aadamnimada uu khuseeyo *halka erayga dhibanaha* loo celinaayo sharciga caalamiga ah ee xuquuqda aadanaha.

2 Diwaangelinta khasaare (dhimasho iyo dhaawac rayid) oo gaar ah maaha had iyo jeer mid qeexeysa ama muujineysa in lagu xadgudbay sharciga caalamiga ah (inkastoo tiro badan oo khasaare ah ay tilmaami karaan xadgudubyo ayna muujinayaan fikradda 'qaababka waxyeellada'). UNSOM waxay diiwaangelisaa khasaaraha rayidka (dhimasho iyo dhaawac) marka ay jiraan xaalado colaadeed kuwaasoo ay jiraan tiro aad u sareeysa oo dhacdooyin ah, kuwaasoo ka dhacaaya meelo aysan u suurageeyn in la gaaro amni daro darteed. Taas awgeed, suurtagal maaha in la aqoonsado dhibbane kasta (tusaale ahaan, marka uu weerar qarax bambo uu ka dhaco meel magaalo), lana go'aamiyo xaaladdooda wakhtigaas (tusaale, haddii ay dukaameysanayeen ama si toos ah uga qaybqaadanayeen colaadaha), melena la saaro masuuliyadda khasaare kastaana (tusaale ahaan, meelaha ay ku sugan yihiin kooxo hubaysan oo badan); isla markaana la go'aamiyo xadgudub la xariira khasaaraha soo gaara rayidka (tusaale ahaan, haddii khasaare loo geysto dadka rayidka ah ama hantida rayidka ah uu aad uga badan yahay faaiidada ciidan (military) ee la filayay)

macluumaadka in ay cad u aqoonsadaan ama kala saaraan jilayaasha, ama maqnaanshaha sheegashada mas'uuliyadda, mar walba suurtagal ma ah in UNSOM ay mas'uuliyadda cid u aaneyso.³

Ilaaha xogta loo isticmaalay si loo soo ururiyo macluumaadka way kala duwan yihiin waxaana ku jira dhibbanayaasha, markhaatiyada, iyo xubnaha qoyska, iyo ururrada aan dawliga ahayn (NGOs) iyo kuwa caalamiga ah. UNSOM waxay sidoo kale ka ururisay macluumaadka saraakiisha maxalliga ah, hoggaamiyeyaasha bulshada, booliska, millateriga, saxafiyiinta iyo hay'adaha Qaramada Midoobay. UNSOM waxay sidoo kale dib u eegtay macluumaadka dokumantiyada oo ay ku jiraan dukumiintiyada rasmiga ah, diiwaannada ay hayaan hay'adaha dowladda iyo / hay'ado kale, sawirro, muuqaaallada fiidiyowga, iyo cajalado, iyo warar laga helay ilo furan ay ku jiraan warbaahinta, internetka, warbaahinta bulshada, iyo warbixinno ka socda ururrada aan dawliga ahayn (NGOs). Ilaaha waxay ahaayeen kuwo asaasi ah (toos) ama ilo labaad (si dadban).

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

Eedeymaha ay ku lug leeyihiin ciidama AMISOM ayaa waxaa si joogto ah lagala xiriiraa AMISOM iyadoo loo raacsiiyo talaabooyin lagula talinayo ama codsiyo looga codsanayo xog ku saabsan talaabooyinka ay qaadeen. Marka ay dhacaan dhacdooyinka la xariira duqeymo loo adeegsaday diyaarado, UNSOM waxay dib-u-eegis ku sameysaa warbixinada ku saabsan adeegsiga AMISOM ee diyaarado dagaal si go'aan looga gaaro in diyaaradaha qumaatiga u kaca (helicopters) ay duulimaad ka sameeyeen goobta dhacdada isla taariikhdaas.

UNSOM waxay bixisay [la wadaagtay] nuqulo hordhac ah oo ku saabsan warbixintan si loo hubiyo khaladaadka dhabta ah, jawaabihii laga helayna waxaa lagu lifaaqay warbixintan⁴. Faalooyinka qaarkood waxaa si toos ah loogaga jawaabay warbixintan dhexdeeda.

3 Iyadoo lagu saleynayo habka kormeerka OHCHR, eedeymaha ay UNSOM ka heshay AMISOM waxaa lagu wareejiyaa AMISOM iyada oo loo marayo qaabka HRDDP. Iyadoo la maraayo isla qaabkan, UNSOM waxay raadisaa macluumaad ku saabsan dhacdooyinka, tallaabooyinka la qaaday si loo baaro iyo haddii loo baahdo in lala xisaabtmo kuwii dhibka geystay. Wadashaqeynta AMISOM ee dhacdooyinka waxaa ay ka dhacdaa iyada oo la adeegsanayo qoraalo la is-weydaarsinayo iyo madalo kala duwan oo ay ka mid yihiin Kooxda Hawl-galinta ee Qaramada Midoobay - AMISOM ee HRDDP taas oo markaa go'aan ka gaarta ama kula talisa AMISOM, kooxaha wada jirka ah ee farsamada ee AMISOM-QM ee baaritaanka iyo talaabooyinka isla xisaabtanka. Dhinaca kiisaska ka faaiideysiga galmada iyo ku takrifalka, waxaa loo soo wariyaa iyadoo la isticmaalaayo habka labada wado ee wada socda iyadoo eedeymaha lala wadaago si qoraal ah ahaan AMISOM oo tilmaamaysa dhibbanaha iyo texgelinta ilaalinta markhaatiga, waxaana bar-bar socoto u-doodis istiraatiijiyadeed oo uu wado xafiiska OHCHR, uuna la kaashanayo dalalka xubnaha ka ah Midowga Afrika. Madasha Isku-xirka Hogaanka Sare (SLCF), oo ah madasha ugu sarreysa ee ay wadajir u daadihiyaan Ergeyga Gaarka ah ee Xoghayaha Guud iyo Ergeyga Gaarka ah ee Guddoomiyaha Guddiga Midowga Afrika ayaa si gaar ah uga wada hadli kara xadgudubyada iyadoo la raacayo ajendaha markaas jira ee HRDDP. Eeg faqradda 34 (50 eedeyn ayaa loo gudbiyay AMISOM waxana jawaab laga helay 26 kamid ah intii lagu jiray muddada warbixintan).

4 Nuqulada waxaa la siiyay mas'uuliyiinta Koonfur Galbeed, Jubbaland, Puntland, Hirshabelle, Somaliland, iyo sidoo kale, AMISOM, Wasaarada Haweenka iyo Xuquuqda Aadanaha ee DFS, iyo Safaaradaha Mareykanka iyo Kenya ee Muqdisho. UNSOM waxay qireysaa oo ay qadarineysaa jawaabaha la helay.

1. Natiijooyinkii soo baxay

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

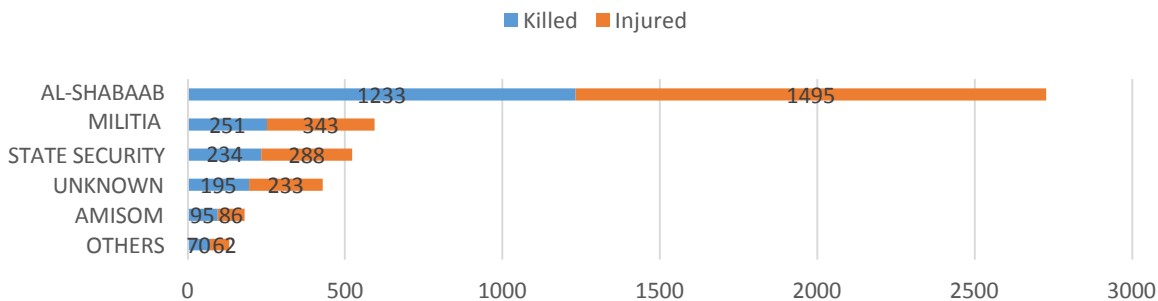
1. Muddada ay ka hadlayso warbixintan waxay kusoo beegantay xilli ay Somaliya ay ka jiro horumar siyaasadeed, iyada oo uu dhammaystirmay asaaska shanta Maamul goboleed ee kamid ah Dawladda Federaalka ah (Jubbaland, Maamulka Koofur Galbeedka, Hirshabelle iyo Galmudug), sidoo kalana bishii December, 2016 la qabtay doorashadii Baarlamaanka oo ka kooban laba aqal, oo lagu soo kordhiyay Aqalka Sare. Waxa kale oo la doortay Madaxweyne cusub bishii Febraayo 2017. Waxa ay Dawladda Federaalka Soomaaliya iyo Dowlad Goboleedyada Xubnaha ka ah Dowladda Federaalka ah ku heshiiyeen Qaab-samayska Amniga Qaran ee Somaaliyeed bishii April 2017, sidoo kalana waxaa Shirweynihii Somaaliyeed ee bishii May 2017 lagu qabtay London lagu ansixiyay Heshiiska Amniga (Security Pact), kaasi oo dhinacyada oo dhan ugu baaqayay (iyadoo ay jiraan arrimo kale) inay joogteeyaan Ilaalinta xuquuqul insaanka, iyo Ku dhaqanka xeerarka caalamiga ah ee xilliyada colaadaha, iyo xoojinta hay'adaha iyo si wax looga qabto ciqaabid la'aanta kuwa xadgudubyada geysta, iyo in lasii horumariyo dadaallada lagu Ilaalinayo dumarka iyo caruurta.⁵
2. Xaaladda nabadgalyo ayaa ahayd mid aan dagganayn xilligii la diyaarinayay warbixintan. Iska-horimaadyada ugu culus waxay ka dhex aloosnaayeen ciidamada amniga qaranka oo gacan ka helaya AMISOM – iyo Alshabaab, oo ah koox si weyn u hubeysan oo gacanta ku heysa deegaanno muhiim ah oo ka tirsan Jubbaland, Koonfur Galbeed iyo HirShabelle. Waxa kale oo jiray dagaallo ay ka dhasheen khasaaro soo gaaray dadka rayidka ah, dagaalladaas oo u dhexeeyay maleeshiyo beeleedyo kala taabacsan kooxaha awoodda ku loolama, waxaana dagaaladaas ay si gaar ah uga dhacaan meelaha aanay joogin ciidamada amaanka qaranka iyo kuwa maamul goboleedyada.
3. UNSOM waxay diiwaan-gelisay xadgubyo ay gaysteen laamo ka tirsan dawladda oo ay kamid yihiin Ciidamada Xoogga Dalka, Hay'adda Sirdoonta Qaranka, Booliska Soomaaliyeed, iyo sidoo kale ciidamada AMISOM, iyo xoogag kale oo caalami ah. Waxa kale oo jiray tacadiyo iyo gabood-fallo ay geysteen dhinacyo aan ka tirsanayn dowladda sida Al Shabaab, maleeshiyo beeleedyo si guud ay u dhexmareen dagaallo hubeysan, iyo maleeshiyaad taabacsan Dowladda Islaamiga ah ee Ciraaq iyo Shaam ee magaceeda loosoo gaabsado (ISIL). Xadgudubyadaasi iyo tacaddiyadaasi waxay isugu jiraan dilal iyo weeraro kale oo lala beegsaday dadka rayidka ah iyo hantidooda, dilal aan lagu salayn shaciyad, xadgubyo ku salaysan jinsi iyo arrimaha dhedig-labka, xadhig iyo xabsi-ku-hayn aan sharciga waafaqsanayn, afduub, jidh-dil iyo xadgubyo ballaadhan oo ka dhan ah caruurta.
4. Laga soo billaabo 1dii Janaayo 2016 ilaa 14kii Oktoobar 2017, wadarta khasaaraha soo gaaray dadka rayidka ah ee la diiwaan-geliyay wuxuu ahaa 4,585 (2,078 dhimasho ah iyo 2,507 dhaawac ah). 60 boqolkiiba khasaarahaas waxaa loo aaneeyay Al Shabaab (2,728, oo u kala qaybsan 1,233 dhimasho ah, iyo 1,495 dhaawacyo ah). Halka 13 boqolkiiba loo aaneeyay maleeshiyaad (594), 11 boqolkiiba loo aaneeyay laamaha dowladda (522), afar boqolkiiba loo aaneeyay AMISOM (181), iyadoo 12 boqolkiiba loo aaneeyay kooxo aan heybtooda la garan.⁶ Waxaa intaas sii dheer, 729 oo

5 11 Maajo 2017 Heshiiska Nabadgelyada, faqradda. 10.

6 Qeybta aan go'aanka laga gaarin ciida ay yihiin waxaa ka mid kuwa dhib geystay balse aan aqoonsan, iyadoo qaar kalena la aqoonsaday laakiin ay ka kala tirsanyihiin Ciidamada Difaaca Kenya iyo Liyu Booliska Itoobiya oo iyagu ka mas'uul ah tiro yar oo xadgudbyo ah marka loo eego xadgudubyada kale.

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

KUWA GEYSTAY KHASAARAHAY RAYIDKA (DHIMASHO IYO DHAAWAC) INTII U DHAXEYSAY JANAAYO 2016 ILAA 14 OKTOBER 2017



5. Sida ay dhigayso xog-ururinta ay Samaysay UNMAS⁷ oo ku ekayd illaa iyo dhammaadkii bishii September 2017, dadka rayidka ah ee ay waxyeellooyinka kasoo gaadheen Walxaha Qarxa waxay ahaayeen 54 boqolkiiba kuwaasi oo ay wadartooda guud noqonayso 2,298 qof (748 dhimasho ah iyo 1,550 dhaawac ah)
6. Ku dhawaad kala bar khasaaraha gaaray dadka rayidka ah ayaa loo aaneeyay weeraro dhinacyo badan iyo adeegsiga Gawaari Laga soo Buuxiyay Walxaha Qarxa (49 boqolkiiba), weerar ismiidaamin ah oo la adeegsaday Gawaari Lagasoo Buuxiyay Walxaha Qarxa, Qof Is-miidaamiye ah (25 boqolkiiba), iyo noocyada kale ee Walxaha Qarxa (26 boqolkiiba)⁸. Ka hor weerarkii ka dhacay Muqdisho 14kii Oktoobar 2017, tirada ugu badan ee khasaaraha dadka rayidka ah ayaa dhacay intii lagu jiray bishii Ramadaan ee ku beegneyd bishii Juun 2016 markaas oo ay socdeen hawlaha loogu diyaar garoobayay doorashooyinkii Janaayo 2017, waxayna khasaarooyinkaas badankood ka dheceen Banaadir, Baay iyo Shabeelaha Hoose.⁹

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

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

7 UNMAS, 2017. Ugu dambeyntii waxaa la booqday 26 Oktoobar 2017, <http://www.mineaction.org/programmes/somalia>.

8 Qarax kaliya oo ka dhashay Walxaha Qarxa ee Macmalka ah iyadoo la isticmaalyo dhowr hab oo sida loo dhigo ah (dhinaca wadada, wadada dhexdeeda, qarsoodi, meel sareeysa, iwm)

9 Weerarkii Octoobar 14keedii 2017 wuxuu si aada kor ugu qaaday tirada khasaaraha rayidka soo gaaray ee loo aaneeyay Al Shabaab.

Goboleedyada (inta badan Puntland iyo Jubbaland), iyo weliba sidoo kale ciidanka nabadsugidda qaranka iyo hay'adaha amniga.

2. Ciidanka Xoogga Dalka ee Soomaaliya

8. Ciidanka Xoogga Dalka wuxuu hoosyimaadaa Wasaarada Gaashaandhiga, wuxuuna ku xaddidanyahay joogitaankoodu Galmudug, HirShabelle iyo Maamulka kumeelgaadhka ah ee Dawlad Goboleedka Koonfur Galbeed (ISWA), Jubbaland, iyo Banaadir¹⁰. Somaliland waxay iskeed u leedahay ciidan nabadgelyo iyo boolis, halka ay qaar kamid ciidamada amniga ee Puntland ay ku socdaan tubtii ay ugu biiri lahaayeen CXD. Kiisaska qaar ee ay hubisay UNSOM ee ku saabsan eedeymo ka-dhan ah CXD ayaa adkaa maadaama aan si joogto ah loo adeegsanaynin lebiska isku-joogga ah ee ciidamada ama aanay jirin wax lagu garan karay¹¹.
9. Ciidamada Xooga Dalka Somaliyaxay ku lug lahaayeen 65 dhacdooyin keenay 145 khasaarayaal rayid oo iskugu jira 85 dhimasho ah iyo 60 qof oo ay soo gaadheen dhaawacyo. Warbixinadda ku saabsan Kufsiga ee lagu eedaynayo Ciidamada Xooga Dalka Soomaaliya ayaa si aada hoos ugu dhacday, waxay ka soo dhaceen 17 kiis oo la sheegay in ay dhaceen sannadkii 2015-kii, iyadoo xili warbixineedkan la soo wariyay sedex kaliya. Waxaana hoos u dhacaasi kufsiga loo tirinayaa inay noqon karto, xog-yaraan, iyo dhimista lagu sameeyay ciidamadii Xooga Dalka ee joogay Bay iyo Bakool (ISWA), oo lagu baddalay ciidamo nabadgalyo oo u dhashay Maamul goboleedkaasi.
10. Dhacdooyinka loo tirinayo CXD ayaa intooda badan ka dhacay Mogadisho (34.1 boqolkiiba), waxaana wadartoodu tahay 51 khasaare oo soo gaaray dad rayid ah, Shabeellaha Hoose (25.6 boqolkiiba), waana 37 khasaare¹². Afartan-iyo-labo khasaare ah waxaa lala xiriirinayaa jid-gooyooyin sharci darro ah iyo lacago baad ah, 25 waxaa lala xiriirinayaa rasaas aan loo aaba yeelin, sidoo kale, 26 ka dhashay iska-hor-imaadyo CXD dhexdooda ah, ama u dhexeeyay CXD iyo ciidamada kale ee amniga, sida nabadsugidda. Sagaal qofood oo rayid ah ayaa la dilay markii ay socdeen hawl-gallo amni oo la sameeyay iyadoo laga shakiyay inay ka tirsan yihiin Al Shabaab, waxaana sideed khasaarooyin ah lala xiriiriyay CXD oo ka qayb qaatay weeraro aargoosi beeled ah. Toban khasaarooyin ah oo loo aaneeyay CXD ayaa ku dhacay xaalado aan kala caddeyn.
11. 65 dhacdo oo ay ku lug lahaayeen CXD, ayaa 13 kamid ah eedeysanayaashii falalkaasi geystay waxaa soo xiray madaxda CXD, halka 52 dhacdo ee kale (oo noqonaya 80 boqolkiiba kiisaskaasi) eedeysanayaashii geystay aan lasoo qaban ama la sheegay inay baxsadeen. UNSOM way u suurto gali wayday inay xaqiijiso in dhamaan kiisaskaasi loo gudbiyay Maxkamadda Ciidamada Qalabka Sida, oo iyadu awood u leh maxkamadaynta xubnaha CXD ah. Kiisaska la ogyahay ee loo gudbiyay Maxkamadda Ciidamada ayaanan ciqaabtooda si joogto ah loo fulin, iyadoo kiisaku isku wada mid

10 Ciidama Xooga ee Somaliya waxay joogaan caasimadda, Muqdisho, iyo siddeed gobol oo ku yaalla Soomaaliya (Shabeelada Hoose, Baay, Bakool, Gedo, Jubbada Hoose, Hiiraan iyo Shabeelada dhexe). Waxa kale oo ay leedahay joogetaan xadidan magaalada Adaado, caasimadda ku meel gaarka ah ee maamulka Galmudug.

11 Shakhsiyaadka ayaa si joogta ah u xiran dharka SNA (gaar ahaan midabka iyo qaababka iyo calanka Soomaaliyeed ee garabka bidix) iyada oo aan ka tirsanayn Ciidanka Xooga Dalka Somalia, sidoo kale askarta CXD had iyo jeer ma xirtaan dirayska loogu talo galay CXD.

12 Tirada dhacdooyinka ee gobol kasta: Muqdisho waxaa ka dhacday 20 dhacdo (gobolka Banaadir) waxaana ka dhashay 29 dhimasho ah iyo 22 dhaawac ah; 19 dhacdana Shabeellaha Hoose, 30 dhimasho ah iyo 7 dhaawac ah; sideed dhacdana Bakool, sagaal dhimasho ah iyo labo dhaawac ah; lix dhacdo HirShabelle, todobo dhimasho ah iyo afar dhaawac ah; shan Hiiraan, shan dhimasho ah; afar dhacdana gobolka Bay, saddex dhimasho ah iyo afar dhaawac ah, labo dhacdana Gedo, labo dhimasho ah iyo saddex dhaawac ah; hal dhacdo oo waxaa jirtay iyaduna ka dhacday Jubbada Hoose ayaa sababtay dhimashada hal qof.

ka ahaayeen xadgudubyada la geystay oo lagu muteysanayay xukuno u dhaxeeya bixinta lacag magdhow ah oo la siiyo qoysaska ilaa ciqaab dil ah.¹³

12. Dagaallo dhexmaray ciidamada amaanka ee dawladda ayaa iyaguna geystay tiro badan oo dhimasho iyo dhaawac iskugu jira, iyo sidoo kale xadgudubyo ka dhan ah xuquuqul insaanka. Dhacdadii ugu weyneyd waxay dhacday bishii Oktoobar 2016, halkaasi oo 25 qofood ay ku dhinteen, 63 kalena ay ku dhaawacmeen dagaalladii Gaalkacyo ku dhexmaray ciidamada Puntland iyo Galmudug, dagaalladaas oo uga sii daray colaad beeleeedyadii horay u jiray, waxaana ku barakacay 180,000 oo qofood. Labada ciidan ayaa sidoo kale mas'uul ka ahaa iska-hor-imaadyo toos ah oo la isku adeegsaday hoobiyeyaal, kana dhacay goobo dadku aad ugu badanyahay iyo meelo dad ay degganyihiin intii uu socday dagaalka.

3. Booliska Somaaliyeed¹⁴

13. Qaab-samayska Amniga Qaran, ee lagu caddeeyay Heshiiskii Amniga (Security Pact) ee 11-kii May, 2017, ayaa lagu qorsheeyay tiro 32,000 oo boolis ah oo hoos imaanaya nidaamka federaalka ah ee arrimaha booliska.¹⁵ Waxaa la rajeynayaa in la asaaso ciidan boolis oo "isku-dhafan" oo ay ku jiraan kuwa hadda qabta hawlaha joogtada ah ee "booliska" iyo kuwa qabta hawlaha ciidanka Daraawiishta (hawlaha waaweyn ee ciidanka booliska ah ee u tababaran sida militariga oo kale) waxaana la hoos-geynayaa nidaam boolis oo ka kooban labo lakab oo is-dul saaran. Dowladdu waxay hadda ka baaraan-degeysaa habkii ciidanka hadda qabta hawlaha booliska loogu biirin lahaa nidaamka cusub ee booliska federaalka ah.
14. Dawlad Goboleed kasta waxay mas'uul ka tahay booliskeeda dowlad goboleed. Ciidanka Booliska Soomaaliyeedna (SPF) wuxuu leeyahay shaqaale/ciidan la geynayo dhamaan Dowlad Goboleedyada iyo Banaadir waxaana saraakiishaas ka tirsan Ciidanka Booliska Soomaaliyeed ay hoos imaanayaan Wasaaradda Amniga Gudaha ee Dowladda Federaalka. Booliska Somaliland waxay hoos tegayaan Dowladda Somaliland. Ciidanka Booliska Soomaaliyeed waxay ku suganyihiin Banaadir¹⁶, Dowlad Goboleedka Koonfur Galbeed¹⁷, HirShabelle,¹⁸ magaalooyinka Cadaado iyo qaybta koonfureed

13 4tii Agoosto 2016, Maxkamadda millatariga ee Ciidamada Qalabka Sida ayaa ku xukuntay hal xubin oo ka tirsan CXD dil ka dib markuu dilay qof rayid ah oo ku nool gobolka Hiiraan. Kiis kalena, , 4tii Agoosto 2016, maxkamad millatari oo ku taal magaalada Beledweyne, ayaa ku amartay laba askari oo CXD ah in ay bixiyaan magdhow, oo loo yaqaan diya, (50 geel ah midkiiba), oo la siinaayo qoyskii ninka rayid ah ay ka dileen labada askari. 19kii Juun 2017, Maxkamadda millatariga ee Muqdisho waxay ku xukuntay askari CXD ah dil sababtoo ah inuu dilay shaqaale dawladeed 3dii May 2017.

14 Ereyga Ciidanka Booliiska Soomaaliyeed waxaa lagu isticmaalay heshiisyada siyaasadeed ee 2016/2017 oo ku saabsan Habka Cusub ee Booliska, oo la dabaqay Juun 2016, kaas oo dejiyey qaabka loogu talagalay horumarinta nidaam boolis oo laba-heer dhexdhexaad ah. Booliska Soomaaliyeed hadda waa hay'ad bixisa adeegyo boolis ah oo ku yaalla Banaadir, halka tiro yar oo ka mid ah shaqaalahooda loo diro dawaldaha xubinah ka ah federaalka Somalia . Ereyga "Ciidanka Booliska Soomaaliyeed" ayaa sidoo kale loo adeegsadey macnaha ereyadan, ujeedooyinka ururada booliska ee rasmiga ah ee ka shaqeeya Soomaaliya, waxaana ka mid ah Ciidanka Booliska Soomaaliyeed, Booliska Puntland, iyo hay'adaha dawladeed ee cusub sida BooliskaJubbaland, Booliska Koonfur Galbeed, Booliska Hirshabelle iyo BooliskaGalmudug. Booliska Soomaaliyeed sidoo kale waxaa ka mid ah hay'adaha booliiska ee la filayo in ay qabtaan mas'uuliyadaha booliska ee rasmiga ah ee ka shaqeeya Soomaaliya sida Daraawiishta (Ciidamada Amniga ama Ciidamada Nabadgelyada ee hawlaha booliska ee ku sugan maamul goboleedyada, oo ay ku jiraan maleeshiyo ay aqoonsan yihiin maamul goboleedyada).

15 3dii Disambar 2017, Gollaha Amniga Qaranka ayaa siku raacay in 32,000 ee ciidamada booliska loo kala qoondeeyo sida soo socota: 4,571 ayuu yeelanayaa Maamul Goboleed kasta, 9145 waxay noqonayaan Boolis Federal ah oo ka dhex shaqeeya iyo Maamulka Gobolka Banadir

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

17 Maamulka Koonfur Galbeed waxaa ka dhex shaqeeyo Ciidanka Booliska Soomaaliyeed iyagoo si dhow ula shaqeeyo hay'adaha dhowaan la asaasay sida Booliska sida Gaarka ah u Tababaran ee Koonfur Galbeed (SWSPF) oo markii hore loo yaqaanay (Daraawiish) iyo Booliska Koonfur Galbeed (SWSP). Ciidanka Daraawiishta waxaa loo bedelay (SWSPF) kadib markii lasoo saaray Wareegto Madaxweyne oo soo baxday 29 Maarso 2016. Boolisku wuxuu inta badan ku kobanyahay Baydhaba halkaas oo door muhiim ah ay ka cayaaraan la-dagaallanka Al Shabaab iyo fulinta hawlgallo amni.

18 Ciidanka Booliska Soomaaliyeed waxay joogaan Maamulka HirShabelle oo ay ku sugan yihiin saldhigyada booliska ee Jowhar iyo Beledweyne

ee Gaalkacyo ee dhanka Dowlad Goboleedka Galmudug. Magaalada Dhuusamareeb, magaalo madaxda Galmudug, waxaa maamulayay Ahlu Sunna Wal Jamaaca (ASWJ) tan iyo sanadkii 2009, waxayna bedel u ahaayeen maamul qaran ama mid Dowlad Goboleed. Tiro yar oo ka tirsan Ciidanka Bilayska Soomaaliyeed ayaa jooga Magaalooyinka Kismaayo iyo Dhoobley ee ka tirsan Jubbaland¹⁹, waxaa sidoo kale ay joogaan Dugsiga Tababarka Booliska ee Carmo ee ku yaal Puntland. Iyadoo Ilaalinta sharciya iyo kala dambaynta ay tahay shaqada asaasiga ah ee booliska, waxa hawlagallada lagu soo qab-qabanayo argagixisada, Al Shabaab iyo falal dembiyeedyada kale fuliya NISA ama dhiggooga heer gobol ee ka hawlgala Jubbaland iyo Puntland.

15. Khasaaraha rayidka ee loo aaneeyay Ciidamada Boolisku waxay ka ahaayeen boqolkiiba 20 guud ahaa khasaaraha rayidka ee loo aaneeyay guud ahaan ciidamada amniga ee Somaliya. UNSOM waxay diiwaangalisay 38 dhibane, oo 17 kamid ahi dhinteen, halka ay 21 kalana dhaawacyo soo gaadheen, loona aaneeyay Ciidanka Booliska. Dhacdooyinkaas badankood waxay la xiriireen is ku dhacyo hubeysan oo dhex maray Booliska Soomaaliyeed iyo ciidamo kale ee amni, gaar ahaan CXD, waxayna isku-dhacyadaasi ka dheceen Muqdisho, Shabeellaha Hoose, HirShabelle iyo Dowlad Goboleedka Jubbaland.

“ 24-kii Luulyo 2017, afar rag ah oo rayid ah oo lagu eedeeyay inay xidhiidh la lahaayeen Al Shabaab ayaa lagala baxay saldhigga booliska ee Beled Xaawo waxaana toogtay ciidamada Daraawiishta. Mid kamida dhibanayaashaasi wuxuu ahaa qof Soomaaliyeed oo kasoo noqday Itoobiya, wuxuuna xidhnaa todoba bilood, isagoon wax dacwad ah lagu soo oogin; laba kale oo kamid ahaa dhibanayaashaasi waxa lasoo xidhay bishii Maarso 2017, halka qofka afaraadna lasoo xidhay 23-kii Luulyo 2017. Lamana xaqiijin wax xidhiidh ah oo dhibanayaashaasi kala dhexeeyay ururka Alshabaab, waxaana 25-kii Luulyo, Wasiirka Amniga ee Jubbaland uu warbaahinta u sheegay in “mabda’ ahaan” dilalka ay geysteen ay ahayd inay soo maraan maxkamad sharci oo dembiga soo caddeysa. 4-tii Agosto, Maxkamadda Darajada Koowaad ee Ciidamada ee Jubbaland, waxay amartay saddexdii saraakiil ee ka mas’uulka ahaa dilka dadkaasi inay bixiyaan magta dhiigga ee loo yaqaan Diyo, una dhiganta 100 geel ah oo la siiyo qoysaska labo kamid ah dhibanayaasha. Saraakiishaasi waa lasii daayay kadib markii ay ballan qaadeen inay Diyada bixinayaan. ”

16. UNSOM waxay diiwaan gelisay isku-dhacyo dhex maray Booliska Soomaaliyeed iyo ciidamo kale oo amniga qabilsan waxaana ka dhashay [khasaaraha] 23 dhibbane (10 dhimasho ah iyo 13 dhaawac ah), oo shan ka mid ah ay isku-dhac la galeen CXD iyadoo hal qof oo kamid ahna ay isku-dhac la galeen NISA²⁰. Ma jiraan wax baadhitaano ah oo dhacdooyinkaas lagu sameeyay iyo cid loosoo qabtay toona. Todoba kale ayuu iyaguna khasaare kusoo gaadhay markii ay boolisku fureen rasaas

19 Booliska Gobolka ee Jubbaland waxay ka kooban yihiin 600 saraakiil bilays oo tababaran , oo ay ku jiraan 61 haween ah. Tababarka askarinta bilayska waxaa bixiyeey booliska AMISOM inta u dhaxaysa Febraayo 2016 iyo Abriil 2017.

20 Laba ka mid ah kiisaska, isku dhac hubeysan ayaa yimid markey CXD is ku dayeen in ay xoog ku marayaa bar kontorool oo booliska ay ilaalinayeen oo ku kala yaal Muqdisho iyo Jowhar (Shabeellaha Dhexe). Labada dhacdooyin ee kale ayaa ka dhacay degmada Hodan ee magaalada Muqdisho, waxaana ku jira dhacdo ay booliisku isku dayayeen in ay ka saaraan dad dhul qabsaday, halka mid kale oo ka mid ah dhacdooyinkan uu ka dhacay suuqa qaadka. Isku dhaca dhexmaray booliska iyo NISA waxaa uu ku lahaa ilaalda hogaamiye maxali ah oo iyaga ka barbar dagaalamaayey magaalada Jowhar, Shabeellaha Dhexe.

aan loo meel dayin iyagoo kala ceyrinaya dad ku kala sugnaa Muqdisho iyo Jowhar (Shabeellaha Dhexe), waxaana sidoo kale hal qof ay boolisku ku dileen Beled Xaawo, oo ka tirsan gobolka Gedo²¹.

17. Xadgudubyada kale ee ka dhanka ah Xuquuqda Aadamaha ee loo aanaynayo Booliska Somaaliyeed (SP) waxaa kamid ah xadhiga iyo xabsi-ku-haynta sharci-darro ah. UNSOM waxay diiwaan-galisay 5,821 kiis oo boolisku ku guuldarraysteen inay u maraan hab sharciya markii ay fulinayeen hawlgallo ay kusoo xidh-xidhayeen xabsigana ugu hayeen shakhsiyaad muddo ka badan 48 saacadood iyagoo aan wax dacwad ah lagusoo oogin. Taasi oo jabinaysa Dastuurka Federaalka ah Kumeelgaarka ah iyo Xeerarka Caalamiga ah ee Xuquuqda Aadamaha ee la adeegsan karo. Laga soo bilaabo bishii Maarso 2016, waxaa Puntland kasoo if-baxay hawlgallo ballaadhan oo xarig iyo xabsi u taxaabid loogu geysanayo dad rayid ah oo u badan rag da'doodu ka sarreyso 15 sano waxayna oo lagasoo qabqabanayay barta kontarool ee koonfurta Puntland. Dadkaasi waxaa loosoo xiray xabsigana loogu hayay si sharci darro ah muddo dhowr maalmood ah ilaa dhowr bilood, sababtuna tahay tuhun looga qbo inay ka tirsanyihiin Al Shabaab.²² Boolisku si joogto ah ayuu ugu guul-darreystaa ka-hortagga xadgudubyada ka-dhanka ah xuquuqul insaanka ama inay iyagu gudahooga iskula xisaabtamaan markii ay ka gaabiyaan baadhista iyo sharci hor keenista kuwa faldambiyeedyadaasi loo tirinayo.

“ 7-dii Nofembar 2016, boolisku waxay rasaas nool u adeegsadeen sidii ay u kala ceyrin lahaayeen dad gadoodsan oo isku-dhacay oo taageerayaal u ahaa tartan kubadda cagta ah oo ka dhacay garoonka ciyaaraha Hargeisa ee Somaliland, waxaana ku dhaawacmay 17 qof oo rayid ah. Inkasta oo ay ururadda bulshada rayidka ah, iyo xisbiyada mucaaradka ahi ay soo jeediyeen in lagu sameeyo baadhitaan madaxbannaan qaabka ay boolisku u xakameeyeen rabshadahaasi, haddana ma jirto wax tallaabo ah oo arrintaasi laga qaaday ilaa iyo [hadda oo la joogo] Nofembar 2017.”²³

”

4. Hay'adaha Sirdoonka iyo Amniga

18. Saddex hay'adood oo Sirdoon ayaa si rasmiya uga hawlgala Soomaaliya, kuwaasi oo ay kala duwantahay jaran-jarrooyinkooda maamul iyo awooddooduba, waxaanay hay'adahaasi kala yihiin: NISA, Ciidamada Amniga ee Puntland (PSF)²⁴ iyo Ciidamada Nabadsugidda iyo Sirdoonka Jubbaland (JISA).
19. NISA oo ka hawlgasha Gobollada Banaadir, Hirshabeelle, Galmudug, iyo Koonfur Galbeed, waxaa asaastay Dowladda Federaalka Soomaaliya bishii Janaayo 2013-kii, inkasta oo aan lagu asaasin xeer ama wareegto Madaxweyne, awoodaheeda iyo waajibaadkeeduna aanay si cad u qeexanayn²⁵.

21 8tii Abriil 2017, bilayska ayaa dilay qof rayid ah oo laga sii daayay saldhiga bilayska ee degmada Xaawo ee gobolka Gedo. Bilayska ayaa maxkamad madani ah ku xukuntay isla maalintaas oo aan la helin fursad ay ku codsadaan rafcaan, sida looga baahan yahay Xeerka Ciqaabta Soomaaliyeed.

22 Waxaa lagu dhaqaaqay xarig iyo qab-qabasho saf-mareen ah intii lagu guda jiray hawl-gallada nabadgelyada, guri-guri ayaana loo baaray, dadkana waxaa lagu baaray baraha baaritaanada. Waxay beegsadeen dad looga shakiyay inay ka tirsanaayeen Al Shabaab, intooda bandanna waxay ahaayeen dhalinyaro rag ah oo kusii socday Puntland si ay shaqo u helaan ama ay dibadda u aadaan. Dadka ay xabsiga ku hayeen hay'adaha amniga ayaa badanaa loo diiday inay helaan qareen u dooda ama ay xiriir la sameeyaan qoysaskooda. Waxana loo diiday xuquuqdaas ay lahaayeen ilaa laga soo daayay dhowr bilood kadib markii lagu waayay waxa cadeymo ah. Xeerka Ka-hortagga Argagixisada ee Puntland waxaa adeegsada booliska iyo ciidamada PSF si ay qiil ugu raadsadaan tacaddiyada ka dhanka ah nidaamka cadaalada ee u ogolaanayo muwaadinka in la horgeeyo maxkamadda 48 saacadood gudohood.

23 Wasaaradda Arrimaha Gudaha ee Somaliland ayaa beenisay in bilaysku mas'uul ka ahaa, isla markaana sababay dhacdada “kubbadda cagta,” eeg lifaaqa.

24 Puntland waxay isticmaashaa ergya “Adeegyada Sirdoonka Puntland (PIS)” iyo “Ciidamada Nabadgalyada ee Puntland (PSF)” oo isbarbar dhigaya marka ay tixraacayaan adeegyadooda sirdoonka.

25 NISA waxay bedeshay Hey'adda Adeegga Ammaanka Qaranka, kaas oo la baabi'iyey 1990-kii.

Sidaas oo ay tahay, NISA oo ah hay'ad amni, waxaa waajib ka saaranyahay oo awoodaheeda xakamaynaya Dastuurka Federaalka Kumeelgaarka ah, kaasi oo sheegaya in kuwa u xilsaaan adeegyada amniga ay noqdaan kuwa lala xisaabtami karo, oo u hogaansamaya ku dhaqanka sharciga, isla markaana arrimahooda loo maaraynayo hannaan rayid ah²⁶. Si kastaba ha ahaatee, qaabka ay NISA wax u soo xir-xirto ama ay xabsiga ugu hayso dadka ayaa ah qaab si joogto ah iskaga dhega tiraya qodobadaas iyo qodobo kale oo uu damaanad-qaaday sharciga caalamiga ah ee xuquuqul insaanka, oo ay ku jiraan xaqa qofku u leeyahay in uu helo qareen iyo in goyskiisu ay booqan karaan, iyo xaqa ah in si degdeg ah lagu horgeeyo hay'adaha garsoorka.²⁷ Waxaa walaac gaara ah in hogaamiyeyaal siyaasadeed, dad u ololeeya arrimaha bulshada, joornaalisteyaal iyo milkiileyaan xarumo warbaahin ay soo xirto NISA kadibna geliso xabsi iyadoo aan wax dembi ah lagusoo oogin, waxayna ku heysaa xarunta Godka Jilacow ee Muqdisho, halkaas oo sidoo kale lagu xiro dad lagu tuhunsanyahay inay xiriir la leeyihiin Al Shabaab, iyadoo si joogto ah loogu xadgudbo xaqii ay dadkaasi u lahaayeen marinta hab sharci, oo ay ku jiraan helitaanka kor-joogteynta garsoor ama helitaanka qareen matala.

20. Xilli warbixineedkan, UNSOM waxay diiwaan-gelisay 63 kiis, oo xadgudub xuquuqda aadnaha ah oo loo aanaynayo NISA. Xadgudubyadaasi ayaa iskugu jira, dilal bilaa garsoor ah, jidh-dil, xadhig iyo xabsi-ku-hayn aan sharciga loo marin, iyo iyadoo la xakameeyay xorriyadda aragti-cabbirista, iyo xorriyadda ururo-yeelashada iyo isku-imaanshaha (kulan-qabashada). Xadgudubyadaasi waxaa ka mid ah kuwo sababay khasaaroyin (toddo dhimasho ah iyo saddex dhaawac ah), waxaana intooda badan lala xiriiriyay khilaaf iyo dhacdooyin loo adeegsaday awood xad-dhaaf ah iyo rasaas aan loo aaba yeelin oo lagu furay goobo dadweyne. Waxaa lasoo xiray oo kaliya hal qof oo loo aaneeyay fal dembiyeeyada.
21. Xilli warbixineedka, UNSOM waxay diiwaan-galisay xarig iyo xabsi-ku-hayn sharci darro ah oo NISA kula kacday 53 rag ah oo rayid ah iyo 11 joornaalistic oo midi tahay gabar lagu tuhmay inay tahay Al Shabaab. Dhamaantood waa lasoo xidhay ama xabsi ayaa lagu hayay iyadoo aanay jirin ogolaansho maxkamadeed oo laga haysto maxkamad awood u leh. NISA si joogto ah ayay waqti dheer u heysaa maxaabiista, iyadoo mararka qaar aan marsiin waddo sharci ah, mararka qaarna ku wareejisa maxkamad ciidan oo ku dhex-taal dhismayaasha NISA, taas oo aan saamaxaynin in la helo kor-joogtayn madaxbanaa. Sidaas darteed, wariyaha lagusoo eedeeyay xiriir la yeelashada Al Shabaab ayaa muddo 15 bilood ah ku jiray xabsiga NISA iyadoo aan wax dacwad ah lagusoo oogin. Waxaa jira labo kiis oo UNSOM ay heshay [warbixin] eedeyn oo ku saabsan jir-dil oo dhacday intii ay socdeen su'aalo weydiinta. Qiraalka khasabka ah ee lagu khasbay maxaabiista ayaa loo adeegsaday inay yihiin caddeymaha ugu muhiimsan ee maxkamaddu adeegsatay, taas oo xadgudub ku ah sharciga caalamiga ah ee mamnuucaya adeegsiga caddeymo lagu keenay jir-dil.
22. Waxa jira saddex kiis oo NISA ay kusoo bandhigtay afar rag ah oo la-tuhunsanayaal ah ayna kusoo bandhigtay telefishinka qaranka iyadoo ku tilmaantay inay yihiin Al Shabaab. Markaa kadib waxaa lagu soo oogay dambi, dil ayaa lagu xukumay waana la toogtay. Saddex kamid ah lixda xarumo warbaahineed ee lagu xiray Muqdisho sanadkii 2016, ayaa saddex kamid ah waxaa albaabada u

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

27 Heshiiska Caalamiga ah ee Xuquuqda Madaniga ah iyo tan Siyaasadeed, Qodobadiisa 9aad iyo 14aad iyo Dastuurka Federaalka Kumeelgaarka, Qodobkiisa 35 (6)

laabay NISA iyadoo aan heysanin amar maxkamadeed, NISA ayaa waxay taas qiil uga dhigtay inay muhiim ahayd sababo la xiriira amniga qaranka.

23. Ciidamada Amniga ee Puntland ee loo yaqaan Adeegga Sirdoonka ee Puntland, ayaa u hawl-gala sida waax la-dagaallanta argagixisada.²⁸ Waxay ka koobanyihiin 500 illaa 600 askari oo la fahamsanyahay in Mareykanku tababaro, waxaana waajibkooda kamid ah hawlaha la-dagaallanka argagixisada (inta badan xog-ururin, iyo hawlgallo ciidam). Ciidamada Amniga ee Puntland waxay fulinta hawlgalladooda u maraan Xeerka La-dagaallanka Argagixisada ee Puntland, kaas oo aan qeexayn qaab-dhismeedka hay'adeed ee Ciidamada Amniga ee Puntland ama hawlaha ay qaabilsanyihiin, waxaana taliyohoodu si toos ah warbixinnada u siiyaa Madaxweynaha Puntland. La-xisaabtanka Ciidamada Amniga ee Puntland waxaa caqabad ku sii noqonaya xaqiiqada jirta ee ah inay dembi-baarista kiisaskooda ay iyagu sameeyaan, oo ay fuliyaan hawl-gallo amni²⁹ oo ay dad kusoo qab-qabtaan, isla iyaguna ay maamulaan xabsiyada ku yaal Boosaaso iyadoo aanay jirin la-socod madax banana oo wax ku ool ah.
24. Hay'adda Sirdoonka iyo Nabadsugidda Jubbaland (JISA) waxay qayb ka tahay ciidamada amniga ee lagu dhisay Dastuurka³⁰ Jubbaland, inkasta oo waajibaadkooda iyo hawlaha ay u xilsaaranyihiin aanay qeexneyn³¹. JISA waxay hoos tagaan Wasaaradda Amniga ee Jubbaland. Marka uu meesha ka maqanyahay ciidan boolis ah oo shaqeynaya, ayay fuliyaan hawlaha fulinta sharciga laakiin waxay ku koobanyihiin degmada Kismaayo, gobolka Jubbada Hoose. Sida laamaha kale ee Dowladda, ayaa JISA waxay si weyn ugu xad-gudubtaa xuquuqul insaanka ee ay ka geysato magaalada Kismaayo gudeheeda.
25. Intii u dhaxaysay Janaayo 2016 illaa 14-kii Oktoobar 2017, UNSOM waxay diiwaan-galisay 12 qof oo rayid ah khasaare loo geystay, iyadoo falalkaasina loo aaneeyay JISA. Waxaana la dilay lix qof oo ka mid ahaa dadkaas oo kala ahaa (saddex haween ah, oo ay ku jirtay gabar lix sano jir ah iyo seddex rag ah), waxaana la dhaawacay lix qofood (oo kala ah labo haween ah iyo afar rag ah). Waxaa lagu warbixiyay in shan ka mid ahaa dhibanayaashaas ay u hogaansami waayeen amar lagu joojinayay, halka saddex kale loo dilay ama loo dhaawacay sababo la xiriira muran dhuleed oo ay qayb ka ahaayeen saraakiil ka tirsan JISA; labo waxaa qabsaday rasaastii la is weydaarsanayay ee u dhexeysay saraakiisha JISA; labana waxa loo adeegsaday awood dheeraad ah.³² Saraakiishii ka tirsanaa JISA ee falalkaasi loo aaneeyay inay ku keceen, ayaa loo soo xiray sideed dhacdo oo kamid ahaa dhacdooyinkaas, mid kamid ahna waxaa maxkamadda ciidamadu ay ku xukuntay dil toogasho ah waxaana la toogtay 20kii Janaayo 2017. Xilli warbixineedkan, waxay UNSOM xaqiijisay

28 Waxay xarun ku leeyihiin Boosaaso, Garoowe iyo Gaalkacayo.

29 PSF iyo ciddmaada Daraawiishta waxay fuliyeen hawlgalo wadajir ah oo ka dhana Al Shabaab, gaar ahaan Buuraha Galgala, 2016 iyo 2017.

30 Qodobka 91aad ee dastuurka Jubaland: Ciidamada ammaanka Jubaland waxaa ka mid ah Ciidanka Booliska ee maxabista, Ciidamada Sirdoonka, Ciidamada Daraawiishta, iyo ilallada Xeebta.

31 Qodobka 91aad (2) ee Dastuurka Jubbaland wuxuu u xilsaaray Golaha Jubbaland in ay sameeyaan "sharciga qaab dhismeedka iyo shaqada iyo waajibaadka Ciidamada Jubbaland". Sharcigan lama dhaqan gelin weli, kaalinta JISA weli wali lama yaqaan.

32 Mid ka mid ah ayaa waxaa ku dhacay xabad habow ah oo uu soo ridayn askari ka tirsan JISA si uu u baneeyo gawaarida oo isku xirmay wado magaalada Kismaayo, mid kalena waa la dhaawacay markii sarkaalka JISA ahi uu rasaas ku furay guriga dhibbanaha.

in ay jiraan 73 qof oo rayid ah oo ay soo qabteen ciidamada JISA , ayna ku jiraan la-tuhunsanayaal aan qaangaadh ahayn oo lagu tuhunsan yahay xiriir kala dhexeeyay Al Shabaab.

5. Hawlgalka Midowga Afrika ee Soomaaliya

26. Hawlgalka Midowga Afrika ee Soomaaliya³³ (AMISOM) waxa dhisay Golaha Amaanka iyo Nabadda ee Midowga Afrika bishii Janaayo 2017, waxayna ogolaansho lagu siiyay Qaraarka Golaha Amaanka ee Qaramada Midoobay ee tirsigisu yahay 1744 (2007).³⁴ Waxay ka koobanyihiin ciidamo ka kala socda dalalka Burundi, Djibouti, Itoobiya, Kenya iyo Uganda, iyo ciidamo boolis ah oo iyaguna ka kala socda Ghana, Kenya, Nigeria, Sierra Leone iyo Uganda.³⁵
27. Waxa kale oo jira ciidamo Itoobiyaan iyo kuwo Kenyan ah oo aan hoos iman Taliska Guud ee AMISOM, kuwaas oo goonidooda uga hawlgala Soomaaliya. Caqabadaha ugu waaweyn ee hortaagan in la diiwaan geliyo lana ogaado cidda iska leh eedda xadgudubyada ay geystaan AMISOM ayaa ah inay adagtahay in la kala aqoonsado ciidamada ka-tirsan AMISOM iyo kuwa aan ka tirsanayn, marka ciidan ka wada socda hal dal, haddana ka amar qaadanayo labo talis oo kala duwan. Inta badan, ciidamo ka tirsan AMISOM iyo kuwo aan ka tirsanayn ayaa wada deggan hal xero, waxayna fuliyaan hawlgallo ciidan oo wadajir ah³⁶.
28. Laga soo bilaabo Janaayo 2016 ilaa October 2017, 178 khasaare oo soo gaaray dad rayidka ah³⁷ (95 dhimasho ah iyo 83 dhaawac ah) ayaa loo aaneeyay AMISOM.³⁸ Guutada Uganda, oo ah guutada ugu ballaaran ciidamada AMISOM una dhiganta 28 boqolkiiba tirada guud ee ciidamada, ayaa sida la sheegay waxay mas'uul ka ahaayeen 34.81 boqolkiiba khasaaraha (38 dhimasho ah iyo 25 dhaawac ah), waxaa ku soo xiga guutada Itoobiyaanka (25 dhimasho ah iyo 15 dhaawac ah, labo kufsi ah, iyo mid isku-day kufsi ah), guutada Burundi (14 dhimasho ah iyo 11 dhaawac ah), guutada Kenya (afar dhimasho ah iyo shan dhaawac ah) iyo guutada Djibouti (hal dhimasho ah iyo 10 dhaawac ah). Soddon kiis oo kale oo khasaare ah ayaa loo tiiriyay AMISOM iyadoo aan la garan guuto si gaar ah mas'uul uga ahayd (23 dhimasho ah iyo 17 dhaawac ah) khasaaraha soo gaaray dadka rayidka ah wuxuu inta badan ka dhashay rasaas aan loo meel dayin oo ay furaan ciidamada AMISOM marka kolonyadooda lagu weeraro Walxaha Qarxa, miinooyinka dhulka lagu aaso ama bamboo gacmeedyo. Xadgudubyada kale waxaa kamid ah dilal aan sharciiga waafaqsanayn, hab-dhaqan aan wanaagsanayn oo lala kulmo inta xabsiga lagu jiro, iyo xadgudub jinsi. Labo kiis oo kufsi wadareed ah, hal kiis oo isku-day kufsi ah, iyo lix kiis oo garaacis daran ah ayaa loo aaneeyay ciidamada Itoobiya ee ka tirsan AMISOM, waxaa kale oo jira shan kiis oo si xun ula dhaqan ah, oo

33 AMISOM waxay beddeshay Howlgalka Taagerada Nabada Soomaaliya ee urur goboleedka IGAD (Nofeembar 2004-Maarso 2006), kaasoo waajibkiisu ahaa inay hubiyaan in kuwa ku lahaa wadahadalada nabada ay helaan dhaqdhaqaaq xor ah iyo mariin (jid) nabad ah, ilaalinta iyo ilaalinta ammaanka Baydhabo, ilaaliyaan xubnaha Dawladda Federaalka Ku-meel-gaarka ah (TFG) iyo kaabayaasha, iyo inay tababaraan hay'adaha dawladda ku meel gaarka ah si ay u bixiyaan amniga ayna awood ugu yeeshaan dib-u-dhiska ciidamada ammaanka qaranka.

34 Go'aanka Golaha Amniga S / RES / 1744, taariikhda 21-Febrayo 2007.

35 Sanadkii 2017, Ciidamada AMISOM ee tiradoodu dhan tahay 21,435 (Ciidamada Difaaca Dadka Ugandha 6,022, Ciidamada Difaaca Qaranka Burundi 5,073, Ciidamada Difaaca Kenya 4,046, Ciidanka Difaaca ee Itoobiya 4,323, Ciidamada Difaaca Qaranka ee Jabuuti 1,872 iyo FHQ 119), tirada ciidan ee mandaatada heysta waa 22,126, sida uu dhigayo Xeerka Golaha Ammaanka 2232 (2015) iyo 2297 (2016). Qaraarka Golaha Ammaanka ee 2372 (30 August 2017) wuxuu soo jeedinayaa hoos u dhac ku yimaada shaqaalaha AMISOM ee askarta ah ugu yaraan 21,626 ilaa 31 Disember 2017, si loogu daro ugu yaraan 1040 askari oo bilays ah oo leh shan unug oo booliis qaabaysan. Hoos-u-dhac dheeraad ah oo ku yimaada askarta AMISOM ilaa 20,626 ilaa 31 Oktoobar 2018 ayaa sidoo kale la filayaa.

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

37 Tiradani kuma jiraan sadexda kiis ee xadgudubka galmada ee loo aaneeyay Ciidamada AMISOM ee Ethiopia intii lagu jiray warbixinta. Laba ka mid ah kiisaskaas waxaa lagu qoray "baaritaan aan dhammeystirneen" warbixinta Xoghayaha Guud ee 2017 ee ku saabsan tallaabooyinka khaaska ah ee looga hortagayo galmada dhiig-miirashada ah iyo xadgudubka: hab cusub, A / 71/818, bogagga 63-64 (2017)

38 Dacwad ka dhan ah ciidamada AMISOM waxaa si joogta ah loogu wargeliyaa AMISOM oo ay soo saartey Qaramada Midoobay.

uu ku jiro hal dhimasho ah oo ka dhacday xabsiga dhexdiisa ayaa loo aaneeyay ciidamada Djibouti ee ka tirsan AMISOM.

“ Dhaqdada qudha ee ay khasaaraha ugu badan geysteen Ciidamada AMISOM waxay ahayd 17-kii Luulyo 2016, markaa oo sida lasoo sheegay AMISOM ay 14 qof ku dileen, saddex kalana ku dhaawaceen guri dhexdiis, gurigaas oo ku yaal magaalada Wardiinle ee gobolka Bay. War Saxaafadeed ku taariikheysan 19kii Luulyo 2016, ayaa AMISOM ku qirtay dhaqdada, waxayna soo gudbisay natiijo hordhac ah oo ku saabsan baaritaanadeeda,³⁹ waxayna ballan-qaaday inay baaritaano dheeraad ah ku samayn doonto. Baaritaano ay samaysay UNSOM ayay ku ogaatay in dhibbanayaashu ahaayeen dad rayid ah oo meel iskugu tegay si ay ugu duceeyaan qof rag ah oo xanuunsanaa, mana jirin wax dagaallo ah oo ka dhacay meeshaas ka-hor musiibada lagu laayay dadkaas.⁴⁰ AMISOM waxay si dhab ah arrinka ugu saartay guddi baaritaan, kaas oo diiday in ciidamadoodu ay ku lug lahaayeen dhaqdadaas, waxayna sheegeen in khasaaruhu ka dhashay rasaas ay is-weydaarsadeen Ciidamada Difaaca Qaranka Itoobiya ee aan ka tirsanayn AMISOM (ENDF) iyo Al Shabaab. Joogitaan ciidamo ENDF ka socda oo aan ka tirsanayn AMISOM ee markaasi ku sugnaa goobta falku ka dhacay ayaa ah hadal mugdi sii gelinaya warbixinta uu soo saaray guddiga waxaana adkaanaysa in la xaqiijiyo cidda iska leh mas’uuliyadda. Iyadoo Guddiga AMISOM u saartay arrinta uu soo saaray warbixintiisa, ayay haddane adagtahay in meesha laga saaro in ciidamada AMISOM aanay ku lug lahayn kiiska Wardiinle. ”

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

29. Golaha Ammaanku wuxuu soo saaray Qaraar, 2010(2011), uu markii ugu horraysay ku sheegay waajibaadka AMISOM ka saaran inay ka hortagto khasaaraha soo gaadha dadka rayidka ah isla markaana la aasaaso Unugga Ka-dabatagga, Falanqaynta iyo Ka-jawaabista Khasaaraha Rayidka ah (CCTARC) si loo diiwaan-geliyo loona falanqeeyo xogta lagasoo ururiyo khasaaraha soo gaara dadka rayidka ah iyo hantidooda. Qaraaro kale oo kaasi dabasocday ayaa AMISOM ku dhiiri-geliyay inay xaqiijiso hawl-gelinta Unugga CCTARC oo taageero ka helaya beesha caalamka.⁴¹
30. Unugga (CCTARC) waxaa la asaasay 2015kii, waana la hawlgaliyay, walow ay jiraan caqabado xagga tayada ah, gaar ahaan shaqaale yaraan⁴². Shaqada ugu muhiimsan ee Unuggani u xilsaaranyahay waa lafagurista xogaha lasoo ururiyo ee ku saabsan khasaarayaasha soo gaadha dadka rayidka ah iyo inuu ka caawiyo AMISOM hababka ay u qorsheeyaan, ugana go’aan gaadhaan hawlgalladooda. Lafoguristaasi [ama falanqayntaasi] waxaa kasoo baxaya talooyin iyo tabo lagu yaraynayo khasaaraha madaniga ah, tusaale ahaan, in laxaadka hubka la adeegsanayo iyo waxa la bartilmaameedsanayo ay isu dhigmaan. Inkasta oo UNSOM lagu war-geliyay inay jiraan falanqayn uu diyaariyay unugga CCTARC, haddana ma cadda illaa heerka ay gaarsiisantahay saamayn unuggani ku leeyahay tabaha

39 War saxaafadeedkey AMISOM soo saareen 19kii July ee 2016-ka, AMISOM waxay tiri: “Baaritaan hordhac ah ayaa muujinaya in ciidamada AMISOM ay heleen macluumaad sirtoon oo lagu kalsoonaan karo oo ku saabsan jiritaanka howlo xagjireyn oo Al-Shabaab ay ka waday tuulada isla markaana ay ciidamada AMISOM u socdeen inay soo baaraan. Ciidamada ayaa lagu soo qaaday weerar gaadmo ah markii ay u soo dhawaadeen tuulada dagaal culus ayaana dhacay. Dagaalyahannada argagixisada ayaa laga awood badiyay kana baxsaday goobta, ka dib markii uu khasaare soo gaaray. Hadda aan joogno ma cadda in dagaalkii dhacay uu dhaliyay khasaaro. “Natiijooyinka hordhaca ah ee AMISOM waxay soo jeedinayaan in ciidamada AMISOM ay ka ag dhowaayeen tuulada Wardinle xilliga dhaqdada. <http://amisom-au.org/2016/07/amisom-investigates-claims-of-civilian-deaths-in-wardinle-bay-region/>.

40 Human Rights Watch (HRW) waxay ogaatay in ciidamada Itoobiyaanka ah la soo sheegay inay si toosa xabad ugu fureen guriga dhibanayaashu ay isugu yimaadeen si ay u duceystaan. Dhibbanayaashu waxay ahaayeen waayeel, hoggaamiye diimeed iyo macalimiin iskuulada Islaamiga. https://www.hrw.org/sites/default/files/supporting_resources/hrw_letter_to_ambassador_madeira_re_wardinle.pdf.

41 Qaraarkii Golaha Amniga ee Qaramada Midoobay 2036/2012, 2093/2013, 2124/2013 iyo 2372/2017.

42 CCTARC waxaa ka maqan shaqaale xirfad u leh inay soo ururiyaan oo ay falanqeeyaan macluumaadka.

iyo qorsheynta hawlgalka AMISOM. Qaabka looga daba-tago khasaaraha dadka rayidka ah loogana jawaab celiyo eedeymaha ay soo jeediyaan shakhsiyaad ayaa ku yimaada warbixin laga helo taliye qaybeed, cabasho dadweyne, iyo mid shaqsiyeed oo muwaadiniinta soo gudbiyaan. Si kastaba ha ahaatee xidhiidhada laga helo CCTARC ayaa aad u kooban. Iyadii lagu dhex-shaqaynayo hab-samaynta Siyaasadda Ka-taxaddarka Xad-gudubyada Xuquuqul Insaanka (HRDDP), CCTARC iyo Qaramada Midoobay – gaar ahaan UNSOM iyo Kooxda qaabislan Wadashaqaynta Ciidamada iyo Shacabka, ayaa waxaa la wadaagaa xogaha ku saabsan khasaaraaasha rayidka ah [ee ka dhasha hawlgallada AMISOM]. Xafiiska Taakulada Qaramada Midoobay ee Soomaaliya (UNSOS) iyo UNSOM ayaa taageero farsamo u fidiya AMISOM iyadoo la eegayo horumarinta Halbeegga Habraacyada Hawlgallada iyo wax ka bedeliddooda⁴³

31. AMISOM waxay baaritaano asaasi ah ku samaysaa xadgudubyada lagusoo eedeeyo, kuwaasi oo haddii la ogaado inay jiraan, la asaaso guddi xaqiiqo raadin ah oo baaritaan ku sameeya xadgudubyada ka dhanka ah sharciga caalamiga ah ee xuquuqul insaanka iyo sharciga caalamiga ah ee xilliyada dagaallada iyadoo la raacayo talooyinka ku xusan Siyaasadda Ka-taxaddarka Xad-gudubyada Xuquuqul Insaanka (HRDDP). Si kastaba ha ahaatee, tallaabooyinkaasi ma aha kuwo ku filan. Waxaa adag in la helo dembi baarayaal u jajaban hawshooda oo ka mid noqda guddiga baaritaanka, iyadoo khubarada aqoonta u leh arrimahaas ee ka socda Dalalka Ciidamadu Ka-joogaan halkan (TCCs), ee aan ahayn kuwo wax laga tirsanayo, inta badan hawsha iyaga loo dhiibo. Waxa intaas sii dheer, iyadoo ay yartahay wercelinta laga helo tallaabooyinka baadhitaan ee ay AMISOM qaaddo, ha noqdaan baadhitaano hordhac ah, ama kuwo guddiyo xaqiiqo-raadin ah loo saaray, UNSOM si buuxda uma qiimayn karto illaa inta lagu kalsoonaan karo baadhitaannada ay sameeyaan AMISOM.
32. Waxaa sidoo kale jira caqabado dheeraad ah oo AMISOM ka heysta xaqiijinta in natiijooyinka baaritaanadooda ay aqbalaan dalalka ciidamada iyo booliska ku deeqay (TCCs/PPCs), iyo in daka loo aaneeyay inay galeen dembiyada si degdeg ah dacwad maxkamad loo soo saaro, dacwad lagusoo oogo, haddii dembi lagu helana la xukumo. Hadaba si loo hirgaliyo in si wax ku ool ah loola xisaabtamo kuwa xadgudubyadaasi geystay, waxay ku xidhantahay Dalalka Ciidamada ku Deeqay (TCCs/PPCs), kuwaasi oo laga filayo inay iskood u baadhaan iyo inay tixgaliyaan talo-soojeedimaha kasoo baxa baadhitaannada ay sameeyaan AMISOM ama guddiyada loo xil-saaro baaritaanada. Dalalka ciidamada iyo booliska ku deeqay (TCCs/PPCs) waxaa mas'uuliyad ka saarantahay xaqiijinta isla-xisaabtanka iyagoo u maraya hababka cadaaladda ee iyagu ay leeyihiin. Tusaale ahaan, Maxkamadda Ciidan ee Uganda ee fadhiga ku leh Soomaaliya ayaa dacwad ku qaadday askar ku lug yeelatay falal dembiyeedyo, sida khiymooyin lagu dhacay shidaal iyo tuuganimo. Si kastaba ha ahaatee, in la helo baadhitaan deg-deg ah, oo ay si daahfuran ay dalalka ciidamada ku deeqay ay sameeyaan ama dacwado ay kusoo oogaan kuwa loo haysto inay geysteen xadgudubyo ka dhan xuquuqda aadamaha iyo xeerarka caalamiga ahi, ma ahayn hawlo si waafi ah loo qabtay. AMISOM sidoo kale lama wadaagin Qaramada Midoobay, natiijooyinka kasoo baxay baadhitaannada iyo dambi-ku-oogista ay sameeyeen dalalka ciidamada soo diray. Sidoo kale, waxaa walaac laga muujiyay sidii loo xaqiijin lahaa, in falal aargoosi ah laga ilaaliyo dhibanayaasha iyo markhaatiyaalka ku markhaati fura xadgudubyo ka dhan ah sharciga caalamiga ah ee xilliyada dagaallada iyo sharciga

43 Wax ka beddelidda sida lagu qeexay qoraalka nidaamka hawlgalka caadiga ah ee AMISOM ee ku saabsan ka jawaabida waxyeellada rayidka: “Dhaqanka dhinacyada qeybta ka ah dagaalka oo siinaya aqoonsi iyo gargaar dadka rayidka ah ee ku waxyeeloobaya hawlgalada dagaalka inta uu sharciga ogol yahay, inkasta oo aysan jirin waajibaad sharciiyeed si loo sameeyo. Sameynta wax ka beddelid waxay qaadan kartaa noocyo kala duwan, oo ay ka mid yihiin raali-gelin, bixin ta magdhaw lacageed, kaalmo caynsan, barnaamijyada gargaarka nolol- maalmeedka, iyo waxyaabo kale oo loogu talagalay baahida iyo rabitaanka dhibbanayaasha. Waa inay noqotaa mid caddaalad ah oo dhaqan ahaan ku haboon. “

caalamiga ah ee xuquuqul insaanka, maadaama AMISOM aanay weli diyaarinin tallaabooyin cad cad oo arrinkaas wax looga qabto.

Tallaabooyin lagu yaraynayo khasaaraha oo ay soo jeedisay Qaramada Midoobay

33. Siyaasadda Qaramada Midoobay ee Ka-taxaddarka Xad-gudubyada Xuquuqul Insaanka (HRDDP) waa qaab-samays ay Qaramada Midoobay u adeegsato fulinta taxadarka lagama maarmaanka ah si loo xaqiijiyo in ciidamada aan ahayn kuwa Qaramada Midoobay balse taageerada ka hela Qaramada Midoobay aanay u geysan xadgudubyo ka dhan ah sharciga caalamiga ah ee xilliyada dagaallada iyo sharciga caalamiga ah ee xuquuqul insaanka. Qaramada Midoobay waxay aasaastay Guddi Hawl-wadeen ah⁴⁴ oo soo diyaariya qiimeynta khataraha soona bandhiga tallaabooyin lagu yareen karo⁴⁵ si loogu caawiyo ciidmada aan ahayn kuwa Qaramada Midoobay, oo ay ku jiraan AMISOM. Ilaa iyo hadda, Qaramada Midoobay waxay fulisay afar [daraasad] qiimeyn oo lagu qiimeynayo khataraha oo la xiriira howlgallada AMISOM ama ciidamo kale oo la rajeynayo inay hoos iman doonaan AMISOM⁴⁶ marka ay fulinayaan hawlgallo gaar ah, wuxuuna Guddigaasi soo jeediyay talooyin looga hortegayo iyo tallaabooyin loogaga jawaabayo xadgudubyada, talooyinkaas oo ay dib-u-eegis ku sameeynayaan Koox Hawleedka Isku-dhafan ee UN-AMISOM ee ku hawlan arrimaha (HRDDP).
34. UNSOM waxay 50 dacwadood oo eedeymo ku saabsan xadgudubyo ka dhan xeerka caalamiga ah ee xuquuqda aadamaha iyo xeerarka caalamiga ah ee xilliyada dagaallada u gudbisay AMISOM, waxayna kasoo jawaabeen 26 dacwadood oo kaliya. AMISOM waxay dafirtay 14 dhacdo oo kamid ah 26 dhacdo; waxay qiratay iyo/ama ay guddi u saartay todobo dhacdo waxayna si gaar ah ugala hadashay unugga CCTARC,⁴⁷ waxayna qiratay shan dhacdo oo ay u aaneysay qolyo kale ama ay u weysay cid qaadata mas'uuliyadda.
35. Waxa kale oo walaac ka jiraa sida gaabiska ah ee AMISOM uga soo jawaabto eedamyaha loo soo jeediyo. Waxa kale oo naadir ah in la helo jawaabcelin ka wabixinayso tallaabooyin cad-cad oo la qaaday markii baadhitaanka la samaynayay, sida waraysiyo laga qaaday dhibanayaasha, markhaatiyaasha ama maamullada hoose. In la qaado tallaabooyin la isku-xisaabiyo oo la isku-saxo waxay kamid ah tallaabooyinka mudnaanta leh ee lagu yaraynayo khasaaraha, sida lagusoo bandhigay qaab-samayska QM ee ku aaddan HRDDP, kaas oo lagu kaalmaynayo AMISOM. Markii ay dhacdo in aanay waafi noqon ama la waayo baaritaano la aamini karo oo lagu sameeyo eedeymaha, aya taasi waxay horseedi kartaa in Qaramada Midoobay ay dib uga fiirsato iyo/ama ay hakiso taageerada ay siiso shakhsiyaadka iyo guutooyinka ku lug yeesha xadgudubyada.

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

36. Dagaallada Soomaaliya ka jira iyo hawlgallada ciidan ee socda ee ka dhanka ah Al Shabaab, iyo weliba meelaha ay ku yaryihiin ciidamada/hay'adaha sharci fulinta, ayaa soo jiidatay dhinacyo kala-duwan oo xiriir la leh ciidamo amni oo heer qaran ama caalami ah oo ku lug yeesha tacadiyada ka dhanka ah sharciga caalamiga ah ee xuquuqul insaanka iyo sharciga caalamiga ah ee xilliyada

44 Iyadoo la raacayo qoraalka nidaamka hawlgalka ee caadiga ah (SOP) ee 2014 hirgelinta Siyaasadda HRDDP ee Soomaaliya, ayaa Guddi-Hawleedku wuxuu ka koobanyahay dhamaan hay'adaha Qaramada Midoobay ee taageerada siiya ciidamada amniga ee aanahayn kuwa Qaramada Midoobay

45 Kooxda HRDDP ee Qaramada Midoobay, oo la aasaasay sannadkii 2016, waxay kobcisaa qiimeynta halista iyo dib u eegista tallaabooyinka looga hortago iyo ka jawaabida xadgudubyada. Waxay kulantay shan goor muddada warbixinta.

46 Qiimeynta khataraha ee ciidamada Ethiopia (ENDF) iyo kuwa Kenya (KDF) ee aan ka tirsanayn AMISOM iyo Ciidamada Darawiishta Jubbaland.

47 Xaaladdan, tixraac CCTARC oo la xidhiidha dabagalka tixgelinta suurtagalka ah ee qaabeynta SOP-yada oo wax laga beddelayo.

colaadaha. Tacaddiyadaas waxaa intooda badan geysta maleeshiyo beeleedyo iyo ciidamada loo yaqaan Liyu Boolis ee Itoobiya.

C. Duqaymaha Hawada ee Ciidamada Caalamiga ahi fuliyaan

37. UNSOM waxay diiwaagnalisay 74 duqaymood oo ay fuliyeen ciidamo kala-duwan intii lagu guda jiray diyaarinta warbixintan⁴⁸, waxaana ka dhashay khasaare soo gaaray dad rayid ah oo tiradoodu tahay 57 (41 dhimasho ah iyo 16 dhaawcyo ah). Ciidamada Difaaca Kenya ee aan ka tirsanayn AMISOM ayaa iyaguna lagu eedaynayaa inay masuul ka yihiin khasaare soo gaadhay 42 qofood oo rayid ah (36 dhimasho ah, iyo lix dhaawac ah)⁴⁹.
38. Tirada dadka rayidka ah ay waxyeellooyinku kasoo gaadheen weerrarada cirka waa kuwa ay adagtahay in la xaqiijiyo maadaama ay duqaymahaasi intooda badani ka dhacaan meelaha ay gacanta ku hayso Alshabaab. Meelahaasi oo Qaramada Midoobay iyo hay'adaha kaleba ay ku adagtahay inay gaaraan ama aanay gaari karinba.
39. Bishii Disembar 2016, iyadoo la raacayo Qaraarkii Qaramada Midoobay ee tirsigiisu ahaa 2036 (2012), AMISOM waxay soo kireysatay saddex diyaaradood oo nooca qumaatiga u kaca ah, waxaana ay kasoo kireysteen Kenya, waxaana diyaaradahaas duuliya oo ku shaqeeya Ciidamada Difaaca Kenya ee ka tirsan AMISOM. Waxa taasi garab socday isla sannadkaasi 2016, in Ciidamada Difaaca Kenya ee hoos taga AMISOM ay adeegsanayeen qalabkooda dagaalka cirka ee iyaga u gaarka ah. Sidaas darteed, asteynta cidda qaadaysa mas'uuliyadaha khasaaraha ay geystaan Ciidanka Difaaca Kenya ee hoos taga AMISOM iyo Ciidanka Difaaca Kenya ee aan hoos tegin, ayaa noqonaysa arrin mar kasta sii cakirmeysa.⁵⁰
40. Waxa la fuliyay 74 duqaymood oo cirka ah, oo ay ku jiraan 18 weerar oo lagu fuliyay diyaaradaha qumaatiga u kaca oo ay si wadajir ah u fuliyeen cutubka gaarka ah ee CXD ee loo yaqaan Danab⁵¹ iyo Ciidamada Maraykanka oo loo aaneeyay (14 kiisas). Waxaa jira afar weerar cir ee kale ee ay fuliyeen Ciidanka Difaaca Kenya keligood. Sagaal weerar oo ay taageerayso Dowladda Mareykanka

48 dhammaan duqeymaha cirka ee la soo sheegay lama kulmin khasaaraha rayidka ah.

49 Fadlan fiiri jawaabta lifaaqan ee Jamhuuriyadda Kenya, ref. maya. KES / MGD / ADM.1 / 31 / (03) taas oo lagu caddeeyey in KDF aysan si siman u shaqaynayn.

50 Tusaale ahaan, fiiri war saxaafadeed ay soo saartay Wasaaradda Gaashaandhigga ee Jamhuuriyadda Kenya 2 iyo 27 Maarso 2017, taas oo sheegaysa in ciidamada KDF ee ka hawlgala AMISOM ay si guul leh u fuliyeen hawada iyo howlgallada ka dhanka ah Al Shabaab. Isgaadhsiinta ka soo baxday Dowladda Kenya ee howlgallada AMISOM ayaa ahayd mid aan caadi ahayn, maadaama AMISOM hawlgalladeeda caadiyan ay iyadu ka warbixiso. Safaarada Jamhuuriyadda Kenya waxay sheegtey in warbaahintu ay si fudud u xaqiijineyso macluumaadka laga helay AMISOM waxaana ay la jaan qaadaayaan sharciga Kenya kaas oo looga baahan yahay Dowladda Kenya inay war ka siiso dadka Kenya howlaha millatari ee ay ka wado Soomaaliya.

51 Danab waa unug CXD ka tirsan oo ka kooban 500 saraakiil si fiican loo tababaray oo ku lug leh hawlgallada ammaanka oo ay ka garab shaqeeyaan ciidamada qalabka sida ee caalamiga ah, badanaa Maraykanka iyo Kenya. Waxaa lagu soo warramey in ay ka qeyb qaadanayaan weerarrada hawada ee ka dhanka ah Al-Shabaab, waxaana uu saldhigoodu yahay garoon diyaaradeed ku yaal Shabeelaha Hoose oo ay maamulaan ciidamada Mareykanka.

ayaa sida lasoo weriyay ka dhacay Shabeellaha Hoose, labo kale ayaa ka dhacday Bakool, saddex ayaa ka dhacday Jubbada Hoose⁵².

41. Weerarada cirka ah waxay burburiyeen guryo waxayna baabi'iyeen xoolo nool, waxaa sidoo kale ay barakiciyeen xoolo dhaqatadii iyo dadkii kale ee ku noolaa deegaanada la bar tilmaameedsaday. Waxa la sheegayaa inay Alshabaab afduubtay afar qof oo ay ku eedeeyeen inay weeraradaasi cirka kuso hagayeen saldhigyadooda. 27-kii September 2016, Maraykanka ayaa duqayn cirka ah ku bartilmaameedsaday Ciidamada amaanka ee Galmudug oo loogu khaldamay inay ahaayeen Al Shabaab, dhacdadaas oo sii kordhisay xiisaddii ka dhexeysay dowlad goboleedyada Galmudug iyo Puntland. Dagaal culus ayaa ka dhex qarxay ciidamada Puntland iyo Galmudug, dagaalkaas oo ka dhacay magaalada Gaalkacayo ayaa socday muddo ka badan laba bilood. Dagaalladaasi ayaa sababay ugu yaraan 25 dhimasho ah iyo 48 dhaawac ah. Kiisas badan ayaa Dowladda Mareykanku ay war saxaafadeedyo kasoo saartay duqeymo cirka ah oo ay ku fulisay diyaaradaha aan duuliyaha lahayn, waxayna sheegtay in aanay jirin khasaare lagu gaarsiiyay dad rayid ah. Si kastaba ha ahaatee, ma cadda sida mareykanku uu ku xaqiijiyay in aanay jirin khasaare soo gaaray dad rayid ah.
42. Marka laga hadlayo xadgudubyada loo aaneeyo inay geysteen hay'ado dawladda ka tirsan iyo ciidamo caalami ah, UNSOM wax war ah kama hayso baadhitaannada arrimahaasi laga furay. Si kastaba ha ahaatee, lagasoo billaabo 2016kii, DFS ayaa magacawday saddex guddi oo soo baadha seddex dhacdo oo kala duwan oo loo arkay inay halis ku yihiin xaaladaha badbaadinta dadka rayidka ah. Eedeysanayaashii falal dembiyeedyada ee dhacdo kasta oo kamid ahayd saddexdaas dhacdo waxay ahaayeen ciidamo dowladdu leedahay ama ciidamo shisheeye, sida Ciidamada Difaaca Kenya⁵³. Hal kiis oo kaliya ayaa guddigu natiijo kasoo saaray, laakiin natiijooyinkaas lama shaacin. In la daaboco natiijooyinkaas ayaa lagu xaqiijin lahaa daah-furnaan iyo isla-xisaabtan, oo labadooduba lagama maarmaan u ah abuurista kalsoonida muwaadiniintu ay ku qabaan Dowladda.

D. Xadgudubka Xuquuqda Aadanaha iyo Gabood-fallada loo aaneeyo Kooxaha Hubaysan

43. UNSOM waxay aqoonsatay in ka badan 40 kooxood oo hubeysan oo Soomaaliya jooga. Kuwa ugu muhiimsan ee ku lug leh xadgudubyada waa Al-Shabaab, Ahlu Sunna Waljamaaca, iyo kooxo kale oo hubaysan oo inta badan lala xiriiriyo qabaa'lladooda.

1. Al Shabaab

44. Al-Shabaab waxay asalkeedii ka soo dhex baxday Midowgii Maxkamadaha Islaamiga (ICU), oo mar gacanta ku hayay inta badan deegaannada loo yaqaan Koonfurta iyo Bartamaha Soomaaliya. Intii u dhexeysay 2007 iyo 2011, Al Shabaab waxay maamulaysay qaybo badan oo ka mid ah Galmudug,

52 Madaxweynaha Mareykanka, Donald Trump ayaa saxiixay amar madaxweyne bishii Maarso 2017, isagoo ku dhawaaqay in qaybo kamid ah Soomaaliya ay tahay goobo ay ka jiraan "colaad dhab ah" wuxuuna amar buuxa ku siiyay taliyayaasha Taliska Mareykanka ee Africa (AFRICOM) inay weeraro iyo duqeymo cirka ah ku qaadaan dagaallamayaasha loo maleynayo inay xiriir la leeyihiin Al Shabaab. Amarka oo sii kordhinaya awoodda beegsiga isla markaasina adeegsanayaa "xeerarka beegsiga aagagga dagaalka" ayaa si degdeg ah ku dhaqan galay wuxuna socon doonaa 180 maalmood. Amarkani wuxuu hoos u dhigay halbeegyadii uu kusoo rogay Madaxweynihii Hore Barack Obama sanadkii 2013 ee ku qornaa "Siyaasadda Hagidda ee Madaxweyne" taas oo dalbanaysa in "lagu dhaqaaqo wax la hubo ama hubanti ku dhow" si hawlgallada ciidan aanay uga dhalanin khasaare dadka rayid ah soo gaara (Habraacyo loo maro Tallaabooyinka Tooska ah ee lagu beegsanayo goobaha Argagixisada, 2013). Amarka lasoo saaray 2017 wuxuu u fasaxayaa hawlgalka AFRICOM inuu weeraro ku qaado dadka looga shakiyo inay yihiin dagaallamayaal Al Shabaab ah ee kaligood ku sugan goobta la bartilmaameedsanayo. Hagayaashu waxaa kale oo ay fasaxayaan khasaaraha rayidka ah ee laga fursan waayo.

53 31-kii Janaayo 2016, Ra'iisal Wasaaruhu wuxuu magacaabay guddi baaritaan ku sameeya saameynta weerarada cirka, taasoo uu hoggaamiyay Wasiirka Difaaca. 8 May 2016, Ra'iisul Wasaaruhu wuxuu magacaabay guddi shan xubnood oo baaritaan ku sameeya eedeymaha isticmaalka carruurta sida basaasiinta. 26-kii Maajo 2016, Wasaarada Ammaanka ayaa loo doortay guddi baadhitaan ku sameeya eedeymaha saraakiisha NISA ee jirdil loo geystay.

HirShabelle, Koonfur Galbeed, Jubbaland iyo Banaadir, oo ay ku jirto caasimadda, Muqdisho, ka-hor intii aanay hawlgallada amni qaadin CXD iyo AMISOM, hawlgalladaas oo gacanta maamulka DFS dib ugu soo celiyay xarumaha/magaalooyinka waaweyn ee bulshadu ku nooshahay. Al-Shabaab ayaa markaa door-bidday degaannada miyiga ah waxayna dhiseen xeryo tababar oo ciidan iyo saldhigyo ay ka hirgeliyeen meelaha ay ku xoogan yihiin ee Jubbada Dhexe, Degmooyinka Bu'aale, Saakow, iyo Jilib ayaa weli ku jira gacanta Al-shabaab oo ay heysataa⁵⁴.

45. Markii Al-Shabaab ay saldhigatay degaannadaas waxay bilowday adeegsiga xeelado sida Walxaha Qarxa ee Macmalka ah, is-miidaamiyeyaal, iyo dilal qorsheysan. Bartilmaameedkooda koowaad waxaa ka mid ah saraakiisha dawladda, CXD, AMISOM iyo ciidamada kale ee caalamiga ah, iyo sidoo kale goobaha ay ku badanyihiin dadka rayidka ah sida suuqyada, hoteelada iyo makhaayadaha.⁵⁵

46. Awoodda ama tirada ciidan ee Al-Shabaab ayaa lagu qiyaasay in ay u dhexeeyso 7,000 iyo 9,000 sanadkii 2014, laakiin tiradaas ayaa la sheegay in ay hoos u dhacday maadaama sida lasoo wariyay ay gacantooda kasii baxayaan deegaanada waaweyn ee dadku ku badanyahay. Si kastaba ha ahaatee, ugu yaraan boqolkiiba 61 dadka rayidka ah (446,582) ee ku nool Jubbaland, oo ay ku jiraan dadka gudaha ku barakacay (IDPs) ee ku nool degaannada miyiga ah, ayaa weli halis ugu jira oo u nugul weerarrada Al Shabaab⁵⁶.

47. Macluumaad yar ayaa laga hayaa xaaladda dadka ku nool deegaanada gacanta ugu jira Al-Shabaab, waxaana caqabad ka taagantahay sida lagu hubinayo xadgudubyada xuquuqul insaanka iyo gabood-fallada ka dhaca aagaggaas maadaama aan la geli karin ama ay jirto cabsi laga qabo in falal aargoosi ah ay Al Shabaab kula dhaqaaqdo ciddii ka warbixisa tacaddiyada xuquuqul insaanka ee ay geystaan Al Shabaab. Al-Shabaab ayaa diyaarisay nidaam cadaaladeed bar-bar socda hawlohooda kale, nidaamkaas oo lagu magacaabo "Maxkamadaha Al-Shabaab", oo amar ku bixiya jar-jaridda xubnaha jirka iyo dilal. Bishii April 2017, Al Shabaab waxay markii ugu horreysay daabacday manhajkooda waxbarasho, oo loogu talagalay in lagu soo bandhigo fikradaha xagjirnimada, iyadoo afka Carabiga looga dhigay afka waxbarasho⁵⁷. Tan iyo markaas, Al Shabaab waxa ay manhajkaas ka hirgeelnaysay dugsiyada waxbarasho ee ku yaal deegaanada ay gacanta ku heyso waxayna uga digtay waalidiinta ku nool Soomaaliya in aanay caruurtooda ka diiwaan-gelin dugsiyada laga dhigo manhajka "reer-galbeedka"⁵⁸

2. Kooxaha Kale ee Hubaysan

Kooxda Xiriirka la leh Dowladda Islaamiga ah

48. Kooxda Xiriirka la leh Dowladda Islaamiga ah (ISAG), oo ah koox dagaalyahanno ah oo xifaaltan kala dhexeeyo Al-Shabaab ayaa sida la sheegay waxaa hogaamiya Cabdul Qadir Mumin, oo ahaa afhayeenkii hore ee Al Shabaab, waxayna kooxdaasi aan soo sheegnay ay ka hawl-gashaa gobolka Bari ee woqooyiga Puntland. ISAG waxay saldhiggeedii ciidan ee ugu horreeyay ka dhisatay gobolka

54 Qiyaasta dadweynaha 362,921, Qorshaha Horumarinta Qaranka Soomaaliya, 2017.

55 <http://www.sawirroTV.com/2017/02/19/ururka-al-shabaab-oo-markii-u-horeyn-ka-hadlay-madaxweyne-farmaajo/> (oo ka soo horjeesatay faragalinta FGS ka dib doorashadii Madaxweynaha Farmaajo); <http://www.raxanreeb.com/2017/02/speechka-al-shabaab-oo-u-hanjabay-madaxweyn-dowsta-faderaalaal/> (ujeedada ujeedadu tahay in la sii wado la dagaallanka Xukuumadda soo galeysa); <https://www.youtube.com/watch?v=BJwuw-H0mgs> (Afhayeenka al-Shabaab ee geeddi-socodka doorashada 2017).

56 Marka laga reebo qiyaastii 282,003 oo qof oo ku nool magaalooyinka hoos yimaada maamulka Jubbaland ee Gedo (109,142) iyo gobollada Jubada Hoose (172,861), Qorshaha Horumarinta Qaran ee Soomaaliya, 2017.

57 Mawduucyada waxaa ka mid ah: Juqraafiga, Taariikhda, Sayniska, Xisaabta, Soomaali, Carabi, Fiqh, Tawheed, Xadiiska (dhaqanka Nabi Maxamed), iyo Tajweed (sharciyada xukumaya qabka akhrinta Quraanka) War saxaafadeedka al-Shabaab, 19 Abriil 2017

58 War saxaafadeedka al-Shabaab, 19 Abriil 2017.

bishii April 2016, waxaana tirada ciidankeeda markaas lagu qiyaasayay 100⁵⁹. ISAG ayaa markaas wixii ka dambeeyay isku dayday inay isku sii ballaarisoo gobollada Bay, Shabeellaha Hoose iyo labada Jubba, laakiin waxaa jebiyay Al Shabaab bishii Disembar 2016.

49. Bishii Abriil 2016, ISAG waxay sheegatay mas'uuliyadda dhowr bam-gacmeedyo iyo Walxaha Qarxa oo lagu weeraray AMISOM iyo ciidamada amniga, waxaana ka dhashay dhowr khasaaro oo soo gaaray dad rayid ah, oo intooda badan ku sugnaa gobolka Banaadir. Bishii Oktoobar 2016, ISAG waxay qabsatay magaalada Qandala ee gobolka Bari, taas oo sababtay barakaca dadkii deegaanka. Bishii Disembar 2016, ciidamada Puntland ayaa magaalada ka xoreeyay kooxda ISAG iyadoo aanay ka hor-imaanin wax iska-caabbin ah. ISAG ayaa sii wadday in ay weerarro ku qaaddo goobaha ciidan ee ku yaalla qaybo kala duwan oo kamid ah gobolka Bari, laakiin sidoo kale waxay ku hawlaneed falal dambiyeedyo saameeynaya dadweynaha, sida boobka cuntada iyo sahayda beeraha iyo tuulooyinka.

Ahlu Sunna Waljamaaca

50. Ahlu Sunna Waljamaaca (ASWJ) waa urur qunyar-socod ah oo ka dhisan Soomaaliya. Dagaallamayaal ka tirsan [dariiqooyinka] Suufiyada ayaa xoogeystay kadib soo if-baxitaankii Al Shabaab. Waa koox hubeysan oo leh maamul iskiis u taagan oo ka jira gobolka Galguduud – degmooyinka Guriceel iyo Dhuusamareeb. Waxay sheegataa in Hiiraan, Galguduud iyo Mudug ay qayb ka yihiin deegaannada ay ka taliso, waxayna xurguf kala dhexeysay ciidamada amaanka iyo maamulada dowladda ee ka arrimiya deegaannada ay kooxdu gacanta ku hayso. Waxay ka kooban tahay dhaq-dhaqaaq siyaasadeed iyo maleeshiyaad ku sugan Galmudug, waxaana tirada askartooda lagu qiyaasaa 3,000-4,500.⁶⁰ Tiradaasi wey is bed-dedehaa, maadaama xubnaha ASWJ qaarkood ay ka tirsanyihiin CXD isla markaasina ASWJ, markii ay u baahato, ay abaabusho mutadawiciin aan si buuxda u shaqayn oo gelin shaqeeya [gelinka kalena aan shaqayn].⁶¹ Kooxdu ma lahan muuqaal beeleed oo gaar ah. Xiriirka iyo isla macaamilka beelaha waa mid adag oo beelaha badankoodu waxay leeyihiin maleeshiyaad u gaar ah, oo aan sal ku lahayn sharciga Soomaaliya, mana aha maleeshiyaadkaasi kuwo ku shaqeeya hab-dhismeed rasmi ah. Colaadhaha ka dhexeeya beelaha ayaa ah kuwo baahsan waxayna la xiriiraan guud ahaan colaado hubeysan oo aan ahayn caalami, waxayna colaadahaasi si gaar ah ugu badanyihiin gobollada aanay ka jirin ama ku awood yaryihiin DFS ama maamullada dowladda. Dhibaatooyin soo jireen ah oo la kala tabanayay, faquuqid siyaasadeed, muran dhuleed iyo helidda kheyraadka ayaa ah sababaha ugu weyn ee dhaliya colaadda, iyadoo inta bandanna colaadda xalkeeda lagu raadiyo colaad kale, waxaana colaadahaas ka faa'iideysta Al Shabaab. Maleeshiyo beeleedyadu waxay ku kacaan dilal qorsheysan, xadgudub jinsi, iyo burburin ay kula dhaqaaqaan hantida dadka rayidka ah.

Maleeshiyo Beeleedyo

51. Xiriirka iyo isla macaamilka beelaha waa mid adag oo beelaha badankood waxay leeyihiin maleeshiyaad u gaar ah, oo aan sal ku lahayn sharciga Soomaaliya, mana aha maleeshiyaadkaasi kuwo ku shaqeeya hab-dhismeed rasmi ah. Colaadhaha ka dhexeeya beelaha ayaa ah kuwo baahsan waxayna la xiriiraan guud ahaan colaado hubeysan oo aan ahayn caalami, waxayna colaadahaasi si gaar ah ugu badanyihiin gobollada aanay ka jirin ama ku awood yaryihiin DFS ama maamullada

59 Ilaha UNSOM ayaa sheegay in ISAG aysan laheyn wax ka badan 100 dagaalyahan oo ka tirsan Puntland, taas oo ay xaqiijiyeen Kooxda Kormeerka Soomaaliya iyo Eritrea. Ilaha kale ayaa qiyaasaya tirada xagjiriintu inay yihiin inta u dhaxaysa 200 ilaa 400.

60 Qiyaasta Qaramada Midoobay ee tirada/awoodda jilaayaasha amniga, bishii Sptember 2016.

61 Qoraalo loo gudbiyay y CXD (2014) iyadoo madaxda rasmiga ah ee kooxdu ay sheegeen inay diyaar u yihiin in xubnaha ASWJ kusoo biiraan CXD, bishii Febraayo 2017. 11kii Febraayo 2017, arrinkan waxaa si cad u taageeray Taliyaha Ciidanka Xoogga ee Soomaaliya, laakiin ma jirin wax ballan-qaadyo dheeraad ah oo la sameeyay.

dowladda. Dhibaatooyin soo jireen ah oo la kala tabanayay, faquuqid siyaasadeed, muran dhuleed iyo helidda kheyraadka ayaa ah sababaha ugu weyn ee dhaliya colaadda, iyadoo inta badanna colaadda xalkeeda lagu raadiyo colaad kale, waxaana colaadahaas ka faa'iideysta Al Shabaab. Maleeshiyo beeleedyadu waxay ku kacaan dilal qorsheysan, xadgudub jinsi, iyo burburin ay kula dhaqaaqaan hantida dadka rayidka ah.

“10:30 habeenimo, qiyaastii 10-12 rag hubeysan, oo dhamaantood ah rag ka tirsan maleeshiyaadka beesha habargidir, oo ah beel ka tirsan Hawiye, ayaa weeraray Essow, oo ah tuulada aan ku wada nooleyn annaga iyo 14 qoys oo xoolo dhaqato ahaa oo dhamaantood ahaa dad qaraabo ah oo u dhashay jufada Biyomaal ee beesha Dir. Rasaas ayay marka hore cirka u rideen abaarihii 10:30. Markii aan maqalnay rasaasta, hooyaday ayaa igula talisay in aan meesha ka cararo oo aan ka wado wiilkeyga 13-sano jirka ah oo aan meelo fog aadno. Hooyaday waxay moodday, maadaama ay tahay qof waayeel ah, caruurta lixda ahna ay yihiin caruur yaryar, in maleeshiyaadku aanay beegsan doonin. Waan diiday in aan iyaga mesha uga tago laakiin hooyaday ayaa igu cadaadisay in aan meesha ka tago haddii kale ragga weerarka soo qaaday ay I dilayaan aniga iyo wiilkeyga caruurta ugu weyn. Cadaadis kadib, aniga iyo wiilkeyga waan ka cararnay goobta si aan nafteenna u badbaadsano, isaga ayaana noqday canugga kaliya ee iigaga badbaaday sagaal caruur ah. Intii aan sii cararayay, waxaan fursad u helay in aan arko oo aan aqoonsado kuwa weerarka soo qaaday. Dadki ayay qof qof guriga uga baareen. Halkii aan ku dhuumaaleysanayay ee aan ka daawanayay, waxaan maqlayay caruurtii oo qeylinaysa xabadaha dartood. Markii kuwii weerarka soo qaaday ay maqleen codadka caruurta, ayay galeen gurigeena waxayna dileen dhamaan lixdeydii caruurta ahayd iyo ayeeyadood. Gurigiina dab ayaa la qabadsiiyay waxaana lagu dhex gubay meydadkii ku jiray.” – Dhibbane weerar kala kulmay maleeshiyaad beesha Habar-Gidir ah ee goobolka Shabeellaha Hoose, 18kii April 2016, weerarkaas oo sababay dhimashada lix kamid ah caruurteeda gurigeediina lagu burburiyay. Maleeshiyo Beeleedyo

”

52. Dabeecada isla dhaqanka iyo xiriirka macaamil ee ka dhaxeeya qabiilada ayaa ah mid aan deganayn isla markaana ay soo foodsaraan isbedbedelo marka la eego qaababka socdaalka, hababka siyaasadeed iyo barakaca⁶². Isba-haysiyada dhex-mara beelaha iyo taageerada loo fidiyo Al Shabaab ayaa inta badan ku yimaada fursado waxaana is-bedel ugu dhacaa si lama filaan ah. Beelo aan tiro badnayn (waaba haddii ay jiraane) ayaa la safta dhinac kamid ah dhinacyada colaadda qaybta ka ah, inkasta oo ciidamada CXD ay ku dhex jiraan xubno maleeshiyo beeleedyo ah. Tani waxay saamayn ku yeelan kartaa isku-xirka amarka iyo kala-dambaynta ee ciidamada waxayna sii hurin kartaa colaadaha la xiriira beelaha. Sanadkii 2014ki, Kooxda La-socodka [Cuna-qabataynta] Soomaaliya iyo Eretrea (SEMG) ayaa soo tebisay inay jiraan eedeymo ah in “saraakiil sare oo ka tirsan CXD oo si toos ah uga qayb-qaatay colaadyo beeleedyada [iyo] hubka CXD oo si qarsoodi ah loogu gudbiyay maleeshiyo beeleedyo.”⁶³ Xadgudubyada kale ee la diiwaan-geliyay ee ay ku keceen xubno “amar diidayaal ” oo ka tirsan CXD ama maleeshiyo beeleedyo ka tirsan askarta CXD waxaa kamid ah “qaadashada lacago baad ah, dhac hubeysan, jir-dil iyo xarig lagula kaco dadka deegaanka ee

62 Warbixinta Kooxda Kormeerka Cunaqabataynta Hubka ee Saaran Soomaliya iyo Eritrea 2015kii, S/2015/801: “9. Shabeellaha Hoose, tusaale ahaan, Kooxda Cunaqabatayntu ay baaritaan ku hayso masuuliyad shakhsiyeed oo weeraro taxane ah oo lagu qaaday dad rayid ah kana dhacay degmada Qoryooley, gaar ahaan xaafadaha Buulo Sheikh, Hadoman iyo Farhano horraantii Janaayo, Febrayo iyo Maarso ee sanadkii 2015. Waxaa weeraradaas wada geystay ciidamo ka tirsan CXD (waxaana loo adeegsaday qalab/hub uu leeyahay CXD), maleeshiyo beeleed iyo xubno ka tirsan Al Shabaab. Weeraradu waxay ka markhaati kacayaan awoodda is-bahaysiyada iyo danaha kala-duwan ee soo kordhaya ee u dhexeeya dhinacyada qaybta ka ah colaadda Soomaaliya ee heer deegaan. Xadgudubyada ayaa isa soo taray iyadoo ay jiraan colaado u dhexeeya maleeshiyo beesha Saalax ah iyo maleeshiyaad Hawiye ah (gaar ahaan Habargidir, xataa Xawaadle iyo Murusade) oo ku dagaallama deegaanadaas iyo dagaalka guud ee lagula jiro Al Shabaab. Maleeshiyaadka Saalax waa maleeshiyaad difaac waxaana aasaasay beelaha Baantuuga, waxaana hogaamiya Baantu Digil-Mirifle/Dube, Sheekh Saalax”

63 S/2014/726, Lifaaq 3.2. Halista ku wajahan nabadda iyo amniga ee Shabeellaha Hoose iyo Shabeellaha Dhexe, faqradda. 18.

lagusoo eedeeyo inay gacan siiyaan Al Shabaab”.⁶⁴ Warbixinnada Kooxda SEMG ee 2014 iyo 2015 waxay iftiimiyeen in “hogaanka ciidan iyo kan siyaasadeed ee nidaamka federaalka ah la af-duubtay si loogu horumariyo dano beeled iyadoo ciidamada amniga ee DFS iyo agabkoodaba la geeyo goobaha dagaalka si ay uga qayb-qataan dagaal beeledyada.”

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

53. Muddadii ay socotay dib-u-eegista, khasaaraha soo gaaray dadka rayidka ah wadartiisuna tahay 3,322 (1,484 dhimasho ah iyo 1,838 dhaawac ah) ayaa loo aaneeyay kooxaha hubeysan ee dagaalka kula jira ee ciidamada qaranka iyo kuwa caalamiga ah , khasaarahaasina wuxuu boqolkiiba 72 ka yahay khasaaraha guud. Kuwa falalka geystay ayaa u badnaa Al Shabaab laakiin xataa waxaa dagaal hubeysan uu dhex maraa Kooxda Xiriirka la leh Dowladda Islaamiga ah ee ka hawlgasaha Puntland iyo maleeshiyo beeledyada. Khasaaraha dadka rayidka ah soo gaara ee loo aaneeyay Al Shabaab iyo Kooxaha Xiriirka la leh Dowladda Islaamiga ah ayaa ah 60 boqolkiiba wadarta khasaaraha. Waxaa intaas sii dheer, kuwa dhib geystay oo aan heybtooda la garan ayaa adeegsada tabaha ay adeegsadaan Al Shabaab sida Walxaha Qarxa ee Macmalka ah, hoobiyeyaal, iyo dilal qorsheysan. Sidaas darteed, qiyaastii 10 boqolkiiba khasaaraha loo geystay dadka rayidka ah ayaa la waayay meel loo tiiriyo.
54. Khasaaraha loo geystay dadka rayidka ah, loona aaneeyay Al Shabaab ayaa ka dhasha adeegsiga hubka qarxa, iska-hor-imaad toos ah, khaarijin qorsheysan iyo dilal aan sharciga waafaqsanayn. Gobollada ay khasaarooyinkaas aadka u saameeyeen waa Banaadir, Shabeellaha Hoose, Bay iyo Shabeellada Dhexe.⁶⁵ 64 boqolkiiba khasaaraha rayidka ee loo aaneeyay Al Shabaab waxaa uu ka dhashay Qaraxyada loo adeegsado Gawarida (VBIEDs) halka 15 boqolkiiba loo adeegsaday Walxaha Qarxa ee Macmalka ah. Weerarada iska-hor-imaadka ah waxay sababeen 15 boqolkiiba qasaaraha, inta kale ee soo hartay ee khasaaraha waxay ka dhasheen khaarijin qorsheysan (waxayna u dhigantaa 4 boqolkiiba), toogasho (1.8 boqolkiiba) iyo ciqaabta jirka, oo ay kamid yihiin xubnaha jirka oo qaybo laga gooyo iyo karbaash/tacziir (oo noqonaya 0.2 boqolkiiba). Inta badan Qaraxyada loo adeegsaday Gawarida iyo Walxaha Qarxa ee Macmalka ah waxay ka dheceen Muqdisho, iyadoo dagaallada dhulka ah ay badankood ka dheceen gobollada Shabeellad Hoose, Jubbada Hoose iyo Bay.
55. Inkasta oo Al Shabaab ay caadiyan sheegato mas’uuliyadda weerarada ka dhanka ah ciidamada Dowladda iyo bartilmaameedyada kale ee ciidan sida baraha ciidamadu wax ku baaraan (checkpoints) iyo xeryaha tababarada, iyo goobaha kale ee ay ka midka yihiin hoteelada, makhaayadaha iyo suuqyada ay sida joogtada ah u tagaan madaxda/saraakiisha, ayaa haddana mar kasta aanay caddeyn in dhab ahaan ay iyagu fuliyeen weerarada ay sheegtaan. Si kastaba ha ahaatee, Al Shabaab ayaa ka aamustay inay sheegato mas’uuliyadda hawlgallo geystay dhibaato iyo burbur weyn, waxayna taa u yeelayaan inay ku ilaaliyaan sawirkooda ay ku dhex leeyihiin bulshada. Tusaale ahaan, kooxdu ma sheeganin weerarkii 14kii Oktoobar, markaas oo labo qarax oo loo adeegsaday gawaari goob dadku ku badanyahay oo faras-magaalo ah oo ka tirsan degmooyinka Hodan iyo Wadajir ee magaalada Muqdisho, qaraxyadaas oo sababay dhimashada ugu yaraan 512 ruux iyo dhaawaca 316 qofood, sida ay sheegeen guddi ay dhistay DFS, waxaana halkaas ku burburay hoteelo, maqaayado iyo xafiisyo

64 Ibid.faqrada. 24.

65 Weerarada loo adeegsaday Walxaha Qarxa ee inta badan ka dhaca koonfurta Soomaaliya, gaar ahaan Shabeellaha (135) iyo Banaadir (129). Tirada weerarada ka kala dhacay maamul goboleedyada iyo gobollada xilli warbixineedkan waa sida soo socota: 210 Koonfur Galbeed (135 Shabeellaha Hoose, 67 Bay iyo sideed ka dhacday Bakool), 125 Banaadir, 84 Jubbaland (50 Jubbada Dhexe iyo 34 Gedo), 63 HirShabelle (36 Shabeellaha Dhexe iyo 27 Hiraan) iyo saddex Galgaduud.

ay leeyihiin Hay'ado aan Dowli ahayn iyo ganacsiyo gaar loo leeyahay. Dhacdaasi waxay ahayd dhacdo argagixiso tii ugu dhimashada badnayd ee ka dhacda Soomaaliya ilaa waqtigan, haddana inkasta oo Al Shabaab aanay sheeganin mas'uuliyaddeeda, waxay horay u geysatay weeraro kaas lamid ah oo ay la beegsatay goobaha dadka rayidka ah ee Muqdisho ku yaal.⁶⁶

“ 20kii Disembar 2016, subaxnimadeedii, shan qofood (laba odayaal ah iyo saddex wiil oo yaryar oo da'doodu kala ahayd 9, 12, iyo 13 sanadood) ayaa la dilay. Dhamaantood waxay ahaayeen xoolo dhaqato. Waxay geeleena daajinayeen duurka markii rag hubeysan ay weerar ku soo qaadeen, dhamaan shantoodii waxaa la iskugu geeyay hal meel, waa la isku xirxiray kadibna waa la toogtay. Sidoo kale waxay maleeshiyaadku kaxaysteen dhamaan geelii. Dhamaantood isku beel ayaan ahayn (Cowrmale) mid kamid ahna wuxuu ahaa walaalkey iga yar. Al Shabaab waxay beegsanaysaa dadkeena sababtoo ah odayaasheenii ayaa diiday inay geel u siiyaan 'Zako' ahaan”. – Ruux goobjoog u ahaa weerarka Al Shabaab ee ka dhacay Silow, Jubbada Hoose, 20kii Disembar 2016. ”

56. Lagasoo billaabo Janaayo 2016 ilaa 14kii Oktoobar 2017, sideed weerar oo dhinacyo badan oo loo aaneeyay Al Shabaab ayaa ka dhacay Muqdisho (todobo ayaa ka dhacday) iyo Baydhaba (hal), waxaana ka dhashay khasaaro soo gaartay 363 dad rayid ah (93 dhimasho ah iyo 270 dhaawac ah).⁶⁷ Jubbaland, waxaa Al Shabaab loo aaneeyay 10 Qaraxyo loo adeegsaday walxaha qarxa iyo sideed bambaanooyinka gacmaha laga tuuro ah waxayna ka kala dheceen gobollada Gedo iyo Jubbada Hoose, waxaana ka dhashay khasaaro soo gaaray 76 dad raid ah (19 dhimasho iyo 57 dhaawac ah).
57. Ururada bulshada ee Soomaaliyeed waxay wajahayaan caqabado fara badan iyo khataro iyagoo dowlad muhiim ah ka cayaaraya horumarka dalka iyo wax ka qabashada arrimaha badbaadinta. Ururo bulsho oo aan tiro badnayn ayaa ka hawl-gala goobaha ay gacanta ku heyso Al Shabaab, waxayna ururadaasi u hawl-galaan si is-muujiin la'aan ah. War badan lagama hayo in Al Shabaab ay beegsato ururadaas, laakiin Al Shabaab waxay si weyn u beegsataa goobaha ay ka hawl-galaan ama ay deganyihiin saraakiisha dowladda iyo dhiggooda. Tusaale ahaan, Agaasimaha Fulinta ee Ururka Badbaadinta iyo Horumarinta [dadka] Soomaaliyeed ee loosoo gaabiyo (OSPAD) ayaa la dilayn waxaana la dhaawacay saddex qofood oo u dhaq-dhaqaaqa arrimaha bulshada oo ka kala tirsanaa saddex urur oo kala duwan, dhibtaas oo ka dhalatay weerar dhinacyo badan oo Al Shabaab ku qaaday Hotel Ambassador ee magaalada Muqdisho bishii Juun ee sanadkii 2016.
58. Wadarta ugu yaraan 594 ayaa ahaa khasaare gaaray dad rayid ah (251 dhimasho iyo 343 dhaawac ah) waxana loo aaneeyay maleeshiyaad ay dhex mareen colaado hubeysan, taas oo boloqlkiiba 13 ka noqonaysa wadarta khasaaraha. Abaartii ayaa sii hurisay colaado beeledyada maadaama lagu kala tartamayay kheyraadka, iyadoo isku dhacyada beelaha ay dhaceen rubicii labaad ee sanadka 2017ka (bilaha April, Maarso iyo May) ay sababeen khasaaraha 144 dad oo rayid ah. Labo isku dhac oo waaweyn maleeshiyaadka Gaaljecel iyo Jajele ku dhex maray deegaanada HirShabelle ayaa

66 Al Shabaab si rasmi ah uma sheeganin mas'uuliyadda weerarka, laakiin waxay uga hadleen mid kamid ah barhooda internetka: <http://somalimemo.net/articles/8110/Abuu-Mansuur-Oo-Magaalada-Xudur-Gaaray-iyo-Saraakiil-Itoobiyaan-Ah-Oo-Soo-Dhaweeyay-Sawirro>, <http://somalimemo.net/articles/7848/Khasaaraha-Ka-Dhashay-Qaraxii-isgoyska-Zoobe-Oo-Sii-Kordhay>, <http://somalimemo.net/articles/7897/Al-Jazeera-Qaraxii-Ka-Dhacay-Zoobe-Waxaa-Lagu-Beegsan-Rabay-Saldhigga-Turkiga>.

67 Afar weerar oo iskugu jiro kuwo dhinacyo badan iyo kuwo si-miidaamin ah ayaa ka dhacay Jubbaland waxaana ka dhashay sagaal khasaare oo soo gaaray dad rayid ah (saddex dhimasho ah, lix dhaawac ah). 31kii Maarso 2016, afar qofood oo rayid ah, oo ay ku jiraan labo caruur ah oo kala jiray da'da 10 iyo 13 sanadood, iyo labo ganacsato ah, ayaa dhaacmay kadib markii qof is-miidaamiyay oo isku soo xiray suunka qaraxa uu is-qarxiyay, sida la sheegayna uu bar-tilmaameedkiisu ahaa Agaasimaha maaliyadda ee gobolka Mudug, Gaalkacyo. 23kii May 2017, waxaa la dilay saddex rayid ah, waxaana la dhaawacay shan kale, kadib markii qof is-miidaamiyay oo ka tirsan kooxda la baxday Dowladda Islaamiga ah uu waxyaabaha qarxa iskula qarxiyay bar koontarool oo ku taal Bosaaso, gobolka Bari.

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

59. Somaliland gudeheeda, isku-dhacyada beelaha ayaa ah sababta ugu weyn ee khasaaraha dadka rayidka ah. Gaar ahaan, dagaal beeledka gobolka Sool (deegaan ay ku muransanyihiin Somaliland iyo Puntland) una dhexeeyay jufooyinka Qayaad iyo Bahararsame ee beesha Dhulbahante (Daarood) ee ka dhacay Laascaanood, ayaa lagu dilay 78 qofood⁶⁸ (oo ay ku jireen saddex haween ah) ilaa iyo markii ay colaaddu bilaabatay sanadkii 2016.⁶⁹

1. Hababka kale ee ay ku dhacaan weerarada

60. Muddadii ay socotay dib-u-eegista, Al Shabaab iyo Kooxada Xiriirka la leh Dowladda Islaamiga ah ee ka hawl gasaha Puntland ayaa fuliyay weeraro dhulka ah [toos ah] oo ay ku qaadeen fariisimo ciidan waxana ka dhashay khasaaraha dad rayid ah oo gaaraya 383 (132 dhimasho iyo 251 dhaawac). Dadka rayidka ah ayaa inta badan ku waxyeelooba rasaasta ay is-weydaarsanayaan Al Shabaab iyo ciidamada amniga. Dadka rayid ah ee ku nool goobaha ku dhow saldhigyada ciidan ayaa ah kuwo si gaar ah u nugul, sida horay loogusoo faah-faahiyay dhacdadii dhacday 8dii Juun 2017, ee saddex haween oo rayid ah lagu dilay, halka saddex kalena lagu dhaawacay markii Al Shabaab ay weerareen xero ciidan oo ku taal gobolka Bari. Dhibanayaashu waxay ku noolaayeen xerada dhineceeda waxayna sahay iyo badeecooyin u daabuli jireen askarta.

61. Waa sidoo kale la diiwaan-geliyay dhowr dhacdooyin oo la xiriira miinooyinka dhulka lagu aaso oo ay aaseen kooxo hubeysan. Miinooyinka dhulka lagu aaso waxaa intooda badan la dhigaa waddooyinka ay adeegsadaan kolonyada ciidamada amniga, gaar ahaan AMISOM. 6dii April 2017, lix haween ah ayaa la dilay, afar kalena waa dhaawacmeen markii miino dhulka lagu aasay ay la qaraxday gaari caasi ah [minibus] tuulda Golweyn, ee degmada Marka, ee gobolka Shabeellaha Hoose. Puntland, bambo/qarax lagu aasay waddada dhineceeda ayaa waxaa ku dhintay laba qof oo rayid ah deegaanka Buuraleyda Galgala, oo 37 kilo-mitir koonfur uga began Bossaso, gobolka Bari, 30kii May 2017.

62. Al Shabaab waxay mas'uul ka ahayd 86 dilal qorsheysan ah iyo khaarjinta 46 qofood muddada warbixintan. Al Shabaab waxay u beegsataa dadka rayidka ah sababo la xiriira mucaamalka dadka rayidka ah kala dhexeeya hay'adaha dowladda, iyo dhaqdhaqaaqooda bulsho iyo kan siyaasadeed,⁷⁰ ama in dadka rayidka ah ay ka qayb-qaataan hawlo ay mamnuuceen Al Shabaab, sida ka-ganacsiga dhuxusha.⁷¹ Dhibanayaasha waxaa kamid ahaa madax lasoo doortay, shaqaale dowladeed, madax

68 Wasaaradda Arrimaha Gudaha ee Somaliland ayaa beenisay in deegaanada Sool ay yihiin "deegaano lagu muransanyahay", waxayna aaminsantahay in tirada khasaaraha rayidka ah "laga bad-badiyay" (eeg Lifaaqa).

69 Bishii Juun 2016, kadib go'aankii Maxkamadda Shareecada iyo guddigii dhex-dhexaadintu ku gaareen in lasoo afjaro dagaalka Koonfurta Laascaanood, ayaa waxaa billowday wadaxaajood u dhexeeya labada dhinac, waxaana goobjoog ka ahaa wadaxaajoodka Wasiirka Arrimaha Gudaha ee Somaliland. https://www.youtube.com/watch?v=w54mrxQj_Og

70 Waxaa la beegsaday toban qofood oo iskugu jiray odayaal dhaqameedyo iyo ergo doorasho xilligii doorashooyinka 2016. <http://radioalfurqaan.com/wp-content/uploads/2016/03/Qeybta-1-aad-ee-wareysiga-Sh-Cali-Dheere-15-03-2016.mp3> Afhayeenka Al Shabaab ayaa u hanjabay hoteellada iyo doorashooyinka. http://f.top4top.net/m_262mrsj1.mp3 Afhayeenka Al Shabaab ayaa diray hanjabaado ku aaddan doorashooyinka.

71 Jubbaland, 29 qofod oo ka ganacsata dhuxusha ayaa Al Shabaab waxay ka dhigtay wax ay disho iyo wax ay dhaawacdo, 80 boqolkiiba dadkaasi waxay ku sugnaayeen degmada Badhadhe, gobolka Jubbada Hoose. Maarso 2016, Al Shabaab ayaa dishay sideed, waxayna dhaawacday 13 qofood oo ka shaqaynayay dhuxusha magaalada Burgabo, degmada Badhadhe.

dhaqameedyo beeled iyo dad kale oo caan ah. Weeraradaas intooda badani waxay ka dheceen Muqdisho iyo xarumo kale oo dadku ku badanyahay oo ku yaalla Soomaaliya.

63. UNSOM waxay diiwaan-gelisay toogasho ay Al Shabaab kula dhaqaaqeen 32 qofood oo ay ku rideen “xukun” ay usoo mareen nidaamkooda garsoor ee is-bar-bar yaalla,⁷² waxaana sida lasoo weriyay ay ku eedeeyeen basaasid iyo xog-siinta hay’adaha maamul/dowlad ama ciidamada amniga qaran ama kuwo caalami ah, iyo xataa xubno ka tirsan Al Shabaab oo lagu tuhmay inay goosan rabeen. Hababka khaarijinta waxaa kamid ah toogasho rasaas-ku-furid ah iyo qoor-goyn.⁷³ Marka la fulinayo khaarijinta waxaa inta badan lagu khasbaa dadweyne fara badan inay kasoo qayb-galaan.
64. Al Shabaab ayaa sidoo kale fulisa ciqaab jirka bani’aadamka loo geysto iyo jar-jaridda xubnaha bani’aadamka iyadoo u eegeysa hadba sida ay u fasirtaan Qaanuunka Shareecada. Toddobo dhacdo oo jar-jarid xubnaha jirka bani’aadamka ah ayaa lasoo weriyay, oo sida loo badinayo lagu ciqaabayay falal dhac ah, waxaa sidoo kale dadweynaha hortooda lagu karbaashay shan qofood (oo ay ku jirtay hal haween ah) kadib markii lagusoo eedeeyay dhaqan xumo ama dhaqan aan habboonayn.

2. Af-duubka La-xiriira Colaadaha ee loo geysto Dadka Rayidka ah

65. UNSOM waxay diiwaan-gelisay 729 af-duub oo Al Shabaab kula kacday dad rayid ah muddadii u dhexeysay 1dii Janaayo 2016 iyo 14kii Oktoobar 2017. Ujeeddada af-duubka ayaa caadiyan ahaa sababo la xiriira ka hor-imaanshaha amarrada iyo xeerarka Al Shabaab, sida xilliyada ay ururinayaan canshuurta (Zakat) markaas oo lasoo xiro dadki awoodi waaya inay bixiyaan ilaa ay canshuurtasi ka bixiyaan qoyska ama beesha uu ka dhashay qofka la xiray, ama waxaaba dhacda in Al Shabaab ay af-duubato caruur si ay u qorato oo ay u askarayso. Bishii Luulyo ee sanadkii 2017, Al Shabaab waxay af-duubatay 412 qofood, oo caruur u badnaa. Sanadkii 2016, 86 shaqaale oo ka shaqeynayay dhuxusha ayaa lagu af-duubtay Jubbada Hoose sababo la xiriira inay faraha kula jireen ka-ganacsiga dhuxusha oo ay mamnuucday Al Shabaab. Waxaa la beegsadaa dadka lagu tuhmo inay wada-shaqayn kala dhexeyso dowladda ama ciidamada caalamiga ah ama xubno qoyskooda ama beelhooda ah ay xiriir la leeyihiin dowladda ama ciidamada caalamiga ah. Tusaale ahaan, muddadii u dhexeysay bilihii Luulyo iyo Disembar ee 2016ki, Al Shabaab ayaa waxay beelaha Cawramale ku eedeysay la-shaqaynta maamulka Jubbaland waxayna si aar-goosi ah u dishay 14 xoolo-dhaqato ah, waxayna af-duubatay sideed kale.
66. 729ka qofood ee Al-Shabaab af-duubatay, 403 kamid ahaa waaa lasoo daayay sida la sheegay, caadiyan waxaa siideynta wada-xaajood ka gala odayaal dhaqameedyo waxaana sida dhacda lagu bedeshaa lacag iyo hub.⁷⁴ 3dii April 2016, kadib wada-hadallo deegaanada Jubbaland lagula galay odayaal dhaqameedyo, ayaa Al Shabaab kusii deysay 50 shaqaale oo ka shaqeynayay dhuxusha kuwaa oo 10 maalmood ka hor ay af-duubatay. Sanadkii 2017, Al Shabaab ayaa af-duubatay 35

72 Sagaak iyo Toban sanadkii 2016, iyo 13 sanadkii 2017.

73 19kii Janaayo 2016, Al Shabaab ayaa gobolka Gedo ku toogatay oday 65-sano jir ah oo xoolo dhaqato ahaa oo ay ku eedeeyeen inuu hooy ama gabaad siiyay afar askeri oo kamid ah Ciidank Difaaca Kenya ee AMISOM, kadib weerar lagu qaaday saldhigga Ciidanka Kenya ee deegaanka Ceel Cadde. 22kii April 2016, Al Shabaab ayaa degmada jilib ku toogatay shan haween ah oo markaas aqal galay waxayna ku eedeeyeen inay u basaasayeen ciidamada shisheeye iyo maamulka Jubbaland. Bilihii Oktoobar iyo Nofembar ee sanadkii 2016, lix rag ah, oo ay ku jiraan mid Kenyan ah iyo mid Tanzanian ah, ayaa lagu kala toogtay degmooyinka Jilib iyo Saakow, ee gobolka Jubba Dhexe. 5tii Febraayo 2017, magaalada Jamaame, ee gobolka Jubba Hoose, Al Shabaab ayaa dadweynaha hortooda madaxa uga goysay afar rag ah oo rayid ahaa oo ay ku eedeeyeen wada-sahqayn ay la lahaayeen maamulka Jubbaland.

74 13kii Agosto 2016, Al Shabaab waxay sii deysay shan odayaal dhaqameedyo ah, oo sida la sheegay ay ku bedesheen qoryo AK-47s ah.

shaqaale oo gargaar bani'aadan u fidinayay dad ay abaartu saameysay oo ku sugnaa gobollada Gedo iyo Hiiraan, kuwaa dhamaantoo lasii daayay markii dambe.⁷⁵

3. Cafiska Guud

67. Iyadoo qayb ka ah dagaalka ay kula jirto Al Shabaab, ayaa Dowladda Soomaaliya waxay ku dhaqaaqday inay cafis fidiso, taas oo looga dan leeyahay in la dhiiri-geliyo kasoo-goosashada xubnaha kooxda ay kasoo goosanayaan Al Shabaab. Si kastaba ha ahaatee, ma jiraan wax hab-samayn sharci ah ama hab loo maro cafiska [guud]. Diiwaanku wuxuu tilmaamayaa in cafiskii ugu horreeyay ee rasmiga ahaa la bixiyay 3dii Janaayo ee sanadkii 2011 waxaana cafiskaas fidiyay Golihii Wasiirrada ee Dowladdii Federaalka Kumeelgaarka ahayd oo uu markaa Ra'iisul Wasaare ka ahaa Madaxweynaha hadda talada haya ee Maxamed Cabdullaahi Farmaajo. Bishii April 2017, Madaxweynaha ayaa mar kale cusbooneysiisay, isagoo soo marsiiyay warbaahinta, fidintiisa cafiska guud ee muddo saddex bilood ah.⁷⁶ Dowlad Goboleedyada Xubnaha ka aah Dowladda Federaalka ah ayaa iyaguna fidiyay cafis guud.⁷⁷
68. Ma jirto siyaasad dhamays-tiran oo lagu maareeyo cafiska, inkasta oo uu jiro Barnaamij Qaran oo loogu talo galay Dagaalamayaasha Ka-tanaazula hawlaha ay ku jireen, barnaamijkaas oo loogu faa'iideeyo dagaallamayaasha khatartoodu hooseyso ee ka soo taga Al Shabaab. Bishii Juun ee sanadkii 2016, Golaha Wasiirada ee Dowladda Federaalka ah ayaa meel mariyay "siyaasadda cafiska", ee uu soo diyaariyay Wasiirka Cadaaladda, waxaana ku jira arrin muhiim ah oo ah in baaxadda hirgelinta cafiska aan lagu darin "dembiyada dagaalka, dembiyada ka dhanka ah bani'aadamka, dembiyada xasuuqa ah, dembiyada la xirira xadgudubka jinsiga, iyo dembiyada waaweyn ee ka dhanka ah xuquuqul insaanka iyo sharciga xilliyada colaadaha." Si kastaba ha ahaatee, waxay u muuqataa in cafiska la fidiyay ee afka laga sheegay lana soo marsiiyay warbaahinta ka-hor intii aan la meel marin siyaasaddan, in cafisyadaas aanay ku qotomin hab-samayntan. Tusaale ahaan, Dowladda Federaalka ah waxay cafis guddoonsiisay ugu yaraan afar kamid ahaa xubnihii caanka aha ee Al Shabaab kuwaa oo aan weli lagusoo oogin wax dacwad ah, inkasta oo dhamaantood lagu eedeynayo inay geysteen xadgudubyo halis ku ah sharciga xuquuqul insaanka iyo sharciga caalamiga ah ee xilliyada dagaallada, waxaana xadgudubyadaas kamid ah dil, af-duub, qorista iyo askareynta caruurta, iyo is-hor-taagga hawlaha gargaarka bani'aadanimu.⁷⁸

75 UNSOM waxay diiwaan gelisay afduub loo geystay 36 shaqaale gargaar, 35 kamid ah waxaa afduubtay Al Shabaab, mid kamid ahna waxaa afduubtay maleeshiyo beeleedyo.

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

77 Tusaale ahaan, Madaxweynaha Koonfur Galbeed ayaa xilliyo kala duwan ku dhawaaqay cafis guud, sida xafladdii furitaanka "Aqalka Madaxtooyada" ee laga furay Baraawe 29kii Agosto 2016, iyo xafladdii qalinjebinta saraakiisha Daraawiishta ee ka dhacday Baydhaba bishii Disembar 2014. Sanadkii 2014, Madaxweynaha Puntland, isagoo adeegsanaya warbaahinta, ayuu sheegay in hay'adaha Puntland ay maxkamad la tiigsan doonaan xubin caan ah oo Al Shabaab ka tirsanaa (Maxamed Saciid Atom) oo markaas ka hor isku dhiibay Dowladda Federaalka ah, wuxuuma Madaxweynaha Puntland sheegay in wadaadku uu galay xadgudubyo waaweyn oo ka dhan ah xuquuqul insaanka maadaama uu kooxda Madax uga ahaa Hawlgallada Puntland. Madaxda Puntland ayaa markii dambe u ogolaaday ninka baxsarka ahaa inuu ku noolaado Muqdisho iyadoo la raacayo Cafiskii [saamaxaaddii] Madaxweyne ee lagu dhawaaqay Maalintii 17 guuradii kasoo wareegtay Asaaska Puntland.

78 Hawl-wadeennada sare ee ka tirsanaa Al Shabaab ayaa helay cafis guud: Xasan Daahir Aweys (Madixii Xisbul Islaam) 30kii Juun 2013; Zakariye Ismaaciil Xersi (Madixii Wardoonka), Disembar 2014; Maxamed Saciid Atom (Madixii Al-Shabaab ee deegaanada Puntland), Juun 2014; iyo Muktar Robow (Kuxigeenkii Hogaamiyaha Al Shabaab), 13kii Agosto 2017. Warbixinta Kooxda Cunaqabataynta 2016, S/2016/919, lifaaqa 1.5. Cabdullaahi Cabdi Xaaji, xubin ka tirsanaa Al Shabaab lagasoo billaabo 2006, oo la qabtay bishii Agosto 2015 lana sii daayay iyadoo la tixgelinayo cafiskii guud ee uu fidiyay Madaxweynaha Puntland Cabdiweli Maxamed Cali "Gaas". Waa tusaale kamid ah siyaasadda maamulka Puntland ee ah in "la-qabto lana sii daayo" la-tuhunsanayaasha Al Shabaab, waxaana arrintaan diiwaan-gelinayay Kooxda Kor-joogteynta iyo Cunaqabataynta lagasoo billaabo 2014 (eeg S/2014/726, lifaaqa 1.4 iyo S/2016/919, lifaaqa 1.5).

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

A. Xadgudubyada Jinsiga

69. Khilaafka joogtada ah ee ka socda Soomaaliya wuxuu dhaliyey baahsanaanta xadgudubyada jinsiga ee ka dhanka ah haweenka, ragga, wiilasha iyo gabdhaha, haweenka iyo gabdhaha oo uu si gaar ah u saameeyey. Amni-darrada sii socota, sarreynta sharciga oo liidata iyo helitaan la'aanta gargaarka bini'aadminimo ayaa sii xumeeyay xadgudubka jinsiga. Sinnaan la'aanta jinsiga,[ama arrimaha dhedig-labka], isu-dheeli-tirnaanta awoodaha, horumarka gaabis ah xagga fulinta waajibaadka Soomaaliya ka saaran heshiisyada caalamiga ah ee xuquuqda aadanaha, barakicinta tiro badan oo dad ah sababo la xiriira colaadda iyo abaaraha, iyo weliba soo celinta qoxootiga ka imaanaya Kenya ee intooda badan ay kusoo noqonayaan magaaloyinka Baydhaba, Luuq iyo Kismayo, arrimahaas oo dhan ayaa waxay gacan ka geysanayaan abuurista jawi dumarka iyo gabdhaha ay si gaar ah ugu nugul yihiin xadgudubyada ku salaysan jinsiga, oo ay ku jiraan rabshadaha xadgudubyada la xiriira galmada iyo ka faa'iideysiga galmada iyo ku-takri-falka. Haweenka iyo gabdhaha barakacayaasha ah ama ka soo jeeda beelaha laga awooda badan yahay ayay soo gaartaa dhibaata ugu badan, waxaana taas ugu wacan hababkii badbaadinta oo aan ahayn kuwo waafi ah oo ku filan, in aanay jirin amay yartahay sida lagu helo hababka cadaaladda ee rasmiga ah iyo kuwa aan rasmiga ahayn, iyo in ay yartahay badbaadadii ay ka heli lahaayeen beelaha.
70. Hababka Kor-joogtaynta, Falanqaynta, iyo Ka-warbixinta (MARA)⁷⁹ waxay heshay warbixinno ku saabsan Rabshadaha Galmada ee La-Xiriirra Colaada (CRSV) oo ay ka heshay UNSOM iyo Koox-Hawleedka Dalka u Qaabilsan Kor-joogtaynta iyo Ka-warbixinta Caruurta iyo Colaadaha Hubeysan (CTFMRM)⁸⁰. Muddadii la diyaarinayay warbixintan, UNSOM waxay diiwaankalisay 35 kamid ah dhibbanayaasha CRSV oo ka kooban 32 dumar ah iyo saddex rag ah, 14 ka mid ahi waxay ahaayeen carruur (11 gabdhood iyo saddex wiil)⁸¹. kuwa dhib geystay waxaa ka mid ahaayeen Ciidanka Difaaca Qaranka Itoobiya ee ka tirsan AMISOM, Ciidamada Daraawiishta ee Dowlad Goboleedka Koonfur Galbeed, SP, rag hubaysan oo xiran dhar ciidan, oo aan heybtooda la garan, xubno ka tirsan CXD iyo Al Shabaab⁸². Taas barbar-dhigeeda, CTFMRM waxay diiwaan gelisay 228 dhacdooyin kufsi iyo noocyo kale oo xadgudub jinsi ah oo miisaankoodu gaarsiisanyahay CRSV, oo saameeyay 230

79 Nidaamka Maaraynta Macluumaadka Xadgudubyada Jinsiga ku salaysan ee UNPFA wuxuu ururiyaa macluumaad dheeraad ah oo lagu daro MARA ujeedooyin wargelineed iyo jawaab-celinta barnaamijeed dartood. .

80 Farqiga u dhexeeya tirooyinka CRSV, MARA, UNSOM iyo CTFMRM waxay ku xiran tahay siyaabaha farsamo mid kasta uga shaqeeyo Soomaaliya iyada oo ku xiran ammaanka iyo helitaanka. Macluumaadka ay qabteen CTFMRM waxaa laga helay kooxo kormeera ka shaqeeya goobaha colaaduhu saameeyeen. Waxay awood u leeyihiin inay gaaraan bulshooyinka dhulkaas taasi oo u suuragelinaysa helitaanka xog aad u badan. Macluumaadka ay soo ururisay UNSOM iyo MARA waxaa badanaa laga soo ururiyaa warbixinno laga helay ilo kala duwan oo u yimaada Qaramada Midoobay. Waxana socda dadaalo lagu midaynayo xogahaas.

81 UNSOM waxay billaabatay diiwaangelinta kiisaska CRSV bishii Sebtembar 2016 ka dib markii la hirgeliyay xoojinta hawlaha ilaalinta ee qaybta xuquuqda aadanaha.

82 22kii Luulyo 2016, wiil ayaa waxaa kufsaday laba xubnood oo Al Shabaab ah oo u dhow magaalada Afgooye ee gobolka Shabeellaha Hoose. Waxaa lagu eedeeyay in uu haysto fiidiyoowyo ay ku jiraan sawirro qaawan oo qaniisnima ah. Mid ka mida kuwa dambilaayaasha ah ayay al-shabab dhagax ku dileen halka uu asxaabtiisana lagu hayo xabsiga Al-Shabaab. 10kii Janaayo 2017, Al Shabaab waxay si bareer ah u kufsadeen una dileen labo rag, 15 iyo 20 sano jir, oo ku saabsan dhaqanka qaniisnimada, gobolka Jubbada Hoose. 14kii Oktoobar, saddex askari oo ka tirsan ciidamada SNA ayaa kufsadey wiil 11 jir ah oo ku nool xaafada Hawo tako ee gobolka Beledweyne, gobolka Hiiraan. Taliyaha SNA waxa uu xiray askarta lagu aqoonsaday badbaadaha.

gabdhoo⁸³. Kala badh kufsiyada ay diiwaangelisay CTFMRM waxaa geystay xubno hubaysan oo aan la heybtooda la garan.

71. Dhaqanka guurka khasabka ahi waa mid walaac badan leh. MRM waxay soo warisay 18 kiis oo ku saabsan guurka khasab ah kuwaas oo ay ku lug yeeshen xubno ka tirsan CXD (saddex)⁸⁴, Al-Shabaab (13), iyo ASWJ (laba). Tusaale ahaan, 14kii September 2017, xubno aad u hubeysan oo Al Shabaab ka tirsan ayaa gabadh 15-sano jir ah ka afduubtay gurigeeda oo ku yaal xaafadda Waaberi, degmada Ceelbuur, gobolka Galgaduud, waxayna ula dhaqaaqeen meel aan la garanayn ka dib markii aabaheed uu diidey soo jeedin guur oo ka timid mid kamid ah ragga. Ka hor afduubka, kiiska soo-jeedinta guurka waxaa loo gudbiyay “maxkamad” Al Shabaab lahayd halkaas oo gabadha aabeheed uu “maxkamadda” horteeda ku diiday so-jeedinta guurka isagoo u cuskaday in gabadhiisa ay weli yartahay. Markaa kadib, aabihii waa lasoo xiray, waxyar kadibna, gabadhii ayaa la afduubtay.
72. Maamulada dowladda ayaa haweenka Al-Shabaab ku soo rogay ciqaab wadareed, xarig aan loo aaba-yeelin, iyo barakicin khasab ah. Hab-dhaqankaasi waxay u sabababeynayaan in dadka qaraabada la ah xubnaha Al Shabaab ay taageeraan hawlaha dowlad-diidnimada ah, sidaas darteedna ay khatar ku yihiin amniga. Tani waa arrin soo noqnoqota, iyada oo dhacdooyin noocaan oo kale ah la diiwaan geliyey sannadkii 2015⁸⁵. Bilihii Sebtembar iyo Oktoobar ee sanadkii 2016⁸⁶, Maamulka Jubbaland wuxuu amar ku bixiyay in xaasaska Al-Shabaab ay ka baxaan dhammaan goobaha uu gacanta ku hayo maamulku, wuxuuna ugu hanjabay inay si khasab ah uga saari doonaan haddii ay si iskood ah uga bixi waayaan.
73. 7-dii May 2013, DFS iyo Qaramada Midoobay waxay wada saxiixeen War-murtiyeed Wadajir ah oo ku saabsan Xadgudubyada Galmada ee ka dhaca Soomaaliya. Markaa kadib, bishii May ee sanadkii 2014, DFS waxay ansixisay Qorshe-Hawleed Qaran ee Ciribtirka rabshadaha galmada ee Xilliyada Colaadaha (NAP/SVC) iyo istiraatiijiyad dhamaystiran oo looga hortegaayo lagulana dagaallamayo rabshadaha galmada iyo Rabshadaha Galmada ee La-Xiriirra Colaada (CRSV)⁸⁷. Qorshe-Hawleedka waxaa ku jira in adeeg sharci oo lacag la'aan ah loo fidiyo dhibbanayaasha CRSV, qaybaha qaabilsan Colaadaha Ku-salaysan Jinsiga iyo Galmada (SGBV) ee hoos taga Xeer Ilaaliyaha Guud si ay dacwad ugusoo oogaan kiisaska la xiriira CRSV, maxkamadaha guurguura ee meelaha miyiga ah iyo meelaha fog fog si ay u bixiyaan adeegyada cadaaladda, iyo sidoo kale olole wacyi-gelin oo ku saabsan sharciga.⁸⁸

83 Laga bilaabo 1da Jannaayo ilaa 30 Sebtembar 2017.

84 10kii July 2016, MRM waxay soo warisay in gabadh yar oo 15-jir ah lagu khasbay in ay guursadaan askari SNA ah tuulada Busul ee gobolka Gedo, kadib markii askarigu u hanjabay hooyadeed. Wasaaradda Jubbaland ee Jinsiga, Arrimaha Qoyska, iyo Xuquuqda Aadanaha ayaa baartay dhacdadan waxayna ku soo gabogabaysay in sheekada sida horay loogu soo wariyay aysan ahayn mid xaqiiqo ah (eeg lifaaqa).

85 Dhacdooyin dhowr ah ayaa dhacay sanadkii 2015-ka kadib markii 65 looga shakiyay in ay yihiin xaasaska Al-Shabaab laga mastaafuriyay magaalooyinka Kismaayo iyo Afmadoow ee gobolka Jubbada Hoose ee jubaland loona mastaafuriyay deegaanada ay maamulaan Al-Shabaab.

86 Gobolka Gedo, maamulka degmada Baardheere ee maamulka Jubbaland ayaa mudo todoba cisho ah ku siiyay haweenka Al Shabaab inay kaga baxaan magaalada. Ka qayb qaadashada odayaasha beelaha iyo maamulka degaanka ayaa ka hortagay ka-eryidda la qorsheeyey waxayna horseeday in ugu dambeyntii la joojiyo amarkaas 21ka Oktoobar 2016.

87 Horumarinteeda waxaa ku jira Wasaaradaha Difaaca, Caafimaadka, Amniga Qaranka, Cadaaladda, Haweenka, Xuquuqda Aadanaha iyo Horumarinta, Arrimaha Diinta, Waxbarashada, Ciidamada Booliska Soomaaliyeed, Ciidamada Qaranka Soomaaliya iyo Ururada Bulshada Rayidka ah.

88 Taageerada dhibanayaashu waa qayb muhiim ah oo ka mid ah Qorshaha Qaranka; 71 xarumood oo dalka oo dhan ah ayaa taageero siiya dadka ka badbaaday GBV iyo qoysaskooda, oo ay ku jiraan hoy ku meel gaar ah oo loogu talagalay ilaalinta dadka ka badbaaday iyo shan guryo badbaado oo dalka oo dhan ah; 61 dadkii ka badbaaday waxa ay ka faa'iideysteen badbaadin ku-meel-gaar iyo guryo ammaan ah sideedii bilood ee ugu horreeyay sannadkii 2016-ka.

74. Caqabadaha ugu waaweyn ee badbaadinta dhibanayaasha rabshadaha galmada la kulma waxay la xiriiraan awooddaha xadidan ee booliska si ay wax uga qabtaan kiisaska noocaas ah iyo sidoo kale rabitaan la'aan, oo uu ugu horreeyo hoggaanka booliska, oo aan u diyaar ahayn inuu adeegsado nidaamka cadaaladeed ee rasmiga ah ah si wax looga qabto kiisaska xadgudubyada galmada⁸⁹. Bishii Nofeembar 2016, Qaybta Badbaadinta Haweenka iyo Carruurta waxaa laga dhex aasaasay Xarunta Dhexe ee Booliska ee magaalada Muqdisho⁹⁰ iyada oo ay jiraan qorshayaal lagu kordhinayo tirada askarta booliska ee dumarka ah ee ka hawlgala, laakiin waxaa weli meesha ka maqan hantidii iyo xirfadihii lagu baari lahaa warbixinnada la xiriira dembiyada rabshadaha galmada.. Adeegsiga hababka cadaaladda ee ku dhisan dhaqanka ayaa loo arkaa hab fudud oo loogu talagalay oday dhaqameedyada si ay u joogteeyaan saameynta ay ku leeyihiin beelaha dhexdooda iyo inay saameyn ku yeeshaan adeegyada booliska. Helidda xog/macluumaad dhamaystiran oo sax ah oo ku saabsan kiisaska CRSV ee Soomaaliya ayaa weli ah caqabadda ugu weyn sababtoo ah waxaa xaddidan ama aan suurto-gal ahayn in la gaaro meelo badan oo dalka kamid ah iyo in aanay jirin adeegyo loogu talo galay dadka soo badbaaday, iyo sidoo kale nuglaanshaha dadka soo badbaaday ay u nugulyihiin aargoosiga uga imaan kara dembiilayaasha.

B. Carruurta iyo Colaadaha Hubaysan

75. Carruurta ayaa weli waxaa si ba'an u saamaynaya colaadaha daba-dheeraaday. Bilihii Luulyo iyo Agosto ee sanadkii 2012, DFS ayaa saxiixday labo Qorshe-Hawleedyo: mid kamid ah waxaa lagu cirib-tirayaa qorista/askareynta caruurta iyo adeegsigooda, kan kalena waxaa lagu cirib-tirayaa dilka iyo dhaawicidda cauurta. Waxaa la meel-mariyay Siyaasado Gaar ah⁹¹, waxaana la diyaariyay qaab-dhismeedyo iyo habab⁹² lagu horumarinayo tayada, lagu abuurayo wacyi-gelin, laguna taageerayo dadaallada maamulada. Intaas waxaa sii dheer, UNSOM ayaa waxay ku taageertaa CXD dhiiri-gelinta iyo baaritaanka askarta si loo xaqiijiyo inay ka maran-yihiin [oo aanay ku jirin] caruur. Taageeradaas waxaa kamid ah kor-joogteynta isku-dhafka ciidamada gobollada ee lagu biirinayo CXD, iyo sidoo kale in lala shaqeeyo ciidamada gobollada ee aan weli la rasmi noqon.⁹³

76. Inta badan xogta iyo macluumaadka lagu soo bandhigay cutubkan waxaa diiwaangeliyay oo hubiyay Koox-Hawleedka Dalka u Qaabilsan Kor-joogtaynta iyo Ka-warbixinta Caruurta iyo Colaadaha Hubaysan (CTFMRM). Kiisaska badankood waxaa ku lug lahaa Al-Shabaab, ASWJ, iyo CXD, iyadoo Al Shabaab ay mas'uul ka ahayd 60 boqolkiiba xadgudubyada.⁹⁴

77. Dhamaan dhinacyada ku lugta leh colaadaha waxay qorteen carruur. Tirada carruurta la qortay ee la adeegsaday ayaa laba-laabantay (1,915) marka loo barbardhigo sannadkii 2015-ka, taas oo keentay

89 Wax ka qabashada rabshadaha galmada la xiriirta colaadda waxay u baahan tahay in saddex arrimood oo muhiim ah la xaliyo: gaaritaan la'aanta qaybo badan oo dalka ka mid ah; warbixinadda ku saabsan rabshadaha galmada la xiriirta colaadda oo yar isla markaana sii xumeeynaya hanjabaadaha badbaadayaasha; iyo nidaam sharci iyo mid hay'adeed oo aan ku filnayn wax ka qabashada rabshada galmada.

90 Iyadoo la raacayo Habka Booliska ee cusub oo ujeedkiisu yahay dhisidda awoodda booliska iyo hagaajinta dheelitirka jinsiga ee booliska. Jubbaland, Xarumaha Jinsiga ayaa laga aasaasay afar saldhig booliis oo ku yaalla Kismaayo, oo ay ku jiraan laba kamid ah xeryaha barakacayaashu.

91 2014 nidaamka hawlgalka ee caadiga ah (SOP) ee soo qaabilaada iyo gudbinta carruurta horeyna ula xidhiidhay kooxaha hubaysan; liiska hubinta ee caadiga ah ee go'aan ka qaadashada da'da; 2016 Amarka Guud ee ku saabsan siyaasadda qorista ee mamnuucaya shaqaaleynta kuwa aan qaan-gaarin.

92 Horumarkan waxaa ka mid ah: i) Guddiga Wadajirka ee DFS / UN ee ka shaqeeya fulinta qorshe hawleedka, ii) Dejinta Qaybta Ilaalinta Carruurta ee Wasaaradda Gaashaandhigga iyada oo loo magacaabay wakiilo millatariga ah, ii) abuuritaanka Koox Wadajirka oo ka kooban DFS / Qeybta Badbaadada Caruurta iyo kooxda wareegta ee Qaramada Midoobay u qaabilsan hubinta caruurta..

93 Tusaale ahaan, 235 ka mid ah 310 xubnood ee ka tirsan Ciidanka Booliska Gaarka ah ee Koonfur Galbeed (SWSPF) ayaa lagu sameeyay baaritaan, waxana laga helay laba wiil oo da'doodu loo aqoonsaday inay ahayd 16 jiro waana laga saaray ciidanka 17kii Maajo.

94 Al-Shabaab waxa lagu qoray lifaaqyada warbixinta sannadlaha ah ee Xoghayaha Guud ee sannadka 2016 ee ku saabsanaa carruurta iyo iskahorimaadka hubaysan ee qorista, isticmaalka, dilka, dhibaateynta iyo afduubidda carruurta. CXD ayaa weli ku baaqiya liiska qorista, isticmaalka, dilka iyo dhibaateynta carruurta, halka ASWJ ay ku baaqi tahay liiska qorista iyo isticmaalka carruurta.

koror laba laab ah kiisaska loo aaneynayo Al Shabaab (1,206)⁹⁵. Sidaa daraadeed, Al-Shabaab ayaa ku qoran liiska warbixinta sannadlaha ah ee Xoghayaha Guud ee sannadkii 2016 ee ku saabsanayd carruurta iyo colaadaha hubaysan, qorista, adeegsiga, dhilka, dhaawiciddooda, iyo afduubka carruurta. CXD ayaa weli ku jira liiska dhinacyada loo aaneeyo qorista caruurta, adeegsigooda, dilkooda iyo dhaawiciddooda, iyadoo ASWJ ay ku jirto liiska dhinacyada loo aaneeyo qorista iyo adeegsiga caruurta. Intaa waxaa sii dheer, carruurta waxaa soo gaara waxyeellada xadgdubyo culus inta lagu guda jiro hawlgallada ciidan, oo ay ku jiraan dil iyo dhaawicid, iyo xarig iyo xabsi gelin ay kula dhaqaaqaan ciidamada amaanka ee Soomaaliya marka ay socdaan hawl-gallo iyo baaritaano ciidan. Warbixinnada ku saabsan qorista carruurta ayaa korortay 269 boqolkiiba iyadoo sanadkii 2015 aya ahayd (903 kiisas) ilaa 2017 (3,335). Sanadkii 2017, 71.5 boqolkiiba qorista waxaa loo aaneeyey Al Shabaab, 14.6 boqolkiiba waxaa loo aaneeyay maleeshiyo beeleedyo, halka 7.4 boqolkiiba loo aaneeyay CXD.⁹⁶

78. Al Shabaab waxay olole caruur qorasho ah ka samaysay deegaanada Dowlad Goboodka Galmudug iyo gobolka Jubbada Hoose sanadkii 2016 markalena Galmudug sanadka 2017ka. Xaaladda dambe, Al Shabaab waxa ay ku khasabtay odayaal ka kala yimid tuulooyin kala duwan inay keenaan caruur ku biirta kooxda oo lagu tababaro xeryo ciidan⁹⁷. Al Shabaab waxa ay caruurta inta badan ka qortaa degaannada miyiga ah ee koonfurta iyo bartamaha Soomaaliya waxayna kasoo qorataa dugsiyada waxbarasho, malcamadaha, masaajidada, iyo xafladaha diiniga ah. Saboolnimada iyo fursad la'aanta ayaa kooxda fursada u siisay inay si fudud uqorato caruurta.⁹⁸
79. Si kastaba ha ahaatee, waxaa weli walaac weyn ka jiraa halbeegga habraacyada hawlgallada ee loogu talo galay la-wareegidda iyo sii gudbinta caruurta horay uga midka ahayd kooxaha hubaysan, iyo in ciidamada amniga iyo Al Shabaab ay si sharci darro ah caruurta uga qaadaan xorriyaddooda. Tiro caruur ah oo gaareysay 581 oo la xiray sanadkii 2016 (oo ay ku jireen 21 gabdhood), ayaa 70.9 boqolkiiba waxaa hayey CXD, halka 14.9% ay hayeen Al-Shabaab⁹⁹. Wadar ahaan, 110 carruurtaas ayaa waxaa lagusoo qab-qabtay hawlgallo amni oo ka dhan ah Al Shabaab oo ka dhacay Puntland¹⁰⁰. Markii hore waa la maxkamadeeyay waxaana loo xukumay sida dad waaweyn oo kale, iyadoo sagaal kamid ah ay maxkamad ciidan ku xukuntay dil, ka-hor intii aan xukunkooda la khafiifin oo aan laga dhigin 10-20 sanadood oo xabsi ah, halka 27 kale, oo da'doodu u dhaxaysay 15 iyo 17, ay maxkamad ciidan ku xukuntay 10 ilaa 20 sanadood oo xarig ah. Dhammaan carruurtaas ayaa markii dambe loo wareejiyay xarumo dhaqancelin oo ku kala yaalla Muqdisho iyo Garoowe¹⁰¹.
80. Sannadkii 2016, CTFMRM waxay xaqiijisay dil iyo dhaawicid loo geystay 1,847 carruur ah, waxaana dhacdooyinkaas intooda badan loo aaneeyay kooxo hubaysan oo aan heybtooda la garan (44.1

95 Warbixinta Sanadlaha ah ee Xog-hayaha Guud ee ku saabsan Carruurta iyo Colaadaha Hubaysan - 2016, S / 2017/821, para. 134

96 Sanadka 2016 iyo 2017, 258 carruur ah ayaa waxaa soo qortay CXD. ASWJ (3.8 boqolkiiba); Galmudug, Jubbaland iyo ISWA waxay ka muuqdeen wax ka yar 1 boqolkiiba mid kasta (xogta CTFMRM).

97 Bishii Maarso 2016, Al-Shabaab ayaa lagu soo wargeliyay in 60 carruur ah ay ka diiwaan gashey xerada tababarka Al-Shabaab ee Jilib, gobolka Jubbada Dhexe. Bishii Luulyo 2016, kooxdu waxay cadaadis saartay odayaasha qabiilka Cowrmale ee Hawiye ee Jubbada Hoose si ay u siiyaan wiilasha da'doodu u dhaxayso 10 iyo 17 sano. Odayaashu way diideen waxaana loo soo wargaliyay in ay bixiyaan 360 geel ah iyo 120 dhalinyaro. Bishii Sebtembar 2016, Al Shabaab waxay ku qasbeen odayaasha degaanka Galmudug inay siiyaan 100 wiil, oo loo wareejiyay xerada tababarka milatari ee Khalid Bin Walid ee degmada Ceel Buur. Bishii Juun 2017, Al-Shabaab ayaa lagu soo warramey inay si qasab ah ugu qorayso carruurta dugsiyada Al-Shabaab ee Galmudug.

98 Carruurta la xiriirta Al-Shabaab oo la qabtay bishii March 2016-kii, maamulka Puntland ayaa sheegay in Al-Shabaab ay u ballan-qaadday waxbarasho iyo hab-nololeed si ay u qortaan, halka xaaladaha kale carruurta loo isticmaalay inay inay qalqalayaan asxaabtooda inay ku biiraan.

99 Tirada maxaabiista ay hayaan Ciidamada Xooga (405 wiil iyo 7 gabdhood); Alshabaab (76 wiil iyo 11 gabdhood); maleeshiyo beeleedyada (15 wiil iyo 2 gabdhood); ASWJ (12 wiil), Booliska Somaaliyeed (31 wiil), AMISOM (7 wiil), Ciidamada Jubaland (9 wiil), Ciidamada ISWA (2 wiil iyo hal gabar).

100 Puntland si cad uma qeexin cunug ama ilmo yar iyogoo xitaa ay meel mariyeen xeerka nidaamka garsoorka caruurta, dastuurka dawlad goboleedka Puntland iyo Xeerka nimaadka garsoorka caruurtuba wuu ku qeexayaa cunug ama ilmo yar; qofkasta oo ka hooseeya da'da 15 iyadoo ay liddi ku tahay dastuurka dawlada federaalka iyo xeerarka caalamiga ahba

101 44 Galmudug, 66 Puntland.

boqolkiiba)¹⁰², Al Shabaab (24.3 boqolkiiba), CXD (11.2 boqolkiiba), iyo maleeshiyo beeleedyo (10.7 boqolkiiba), Dhibaatooyinka badankood waxay ka dhasheen rasaas ay is-weydaarsanayeen dhinacyo ay dirir ka dhexeysay. Weerarada loo adeegsado hoobiyeyaasha, weerarada loo adeegsado Walxaha Qarxa¹⁰³, iyo dhacdooyin ku lug leh haraadiga walxaha qarxa ee kasoo haray dagaallada ayaa si iskumid ah uga qayb qaata dhibaatooyinka soo gaara caruurta. Caruurta waxaa sidoo kale ay dhibanayaal u noqeen duqeymaha diyaaradaha¹⁰⁴ ee lagu eedeeyo ciidamada MAREYKANKA, Ciidanka Difaaca Kenya, iyo ciidamo kale oo aan la bar-garanin.¹⁰⁵

81. CTFMRM waxay diiwaangelisay kufsiga 535¹⁰⁶ carruur ah (533 gabdhood iyo laba wiil) iyadoo boqolkiiba 35.8 kuwa geystay kiisaskasi ay ahaayeen kooxo hubeysan oo aan heybtooda la garanin¹⁰⁷. Tirada kasoo hartay ayaa loo aaneeyay maleeshiyo beeleedyo (20.7 boqolkiiba), CXD (21.1 boqolkiiba), Al Shabaab (15.8 boqolkiiba), Ciidamada Dowlad Goboleedyada (8.9 boqolkiiba), ASWJ (0.7 boqolkiiba), AMISOM (0.7 boqolkiiba) iyo Ciidanka Difaaca Qaranka ee Itoobiya (0.1 boqolkiiba).
82. CTFMRM waxay sidoo kale diiwaangelisay 76 dhacdo oo ah weeraro loo geystay dugsiyo waxbarasho iyo 20 dhacdo oo ah weeraro loo geystay isbitaalo¹⁰⁸. Intaa waxaa sii dheer, dugsiyadii waxbarasho ayaa la burburiyay lana bililiqeystay intii ay socdeen iska-hor-imaadyada u dhexeeyay dhinacyada colaaddu ka dhexeysay. Al Shabaab waxay mas'uul ka ahayd 54 weerar oo loo geystay dugsiyo waxbarasho, waxaana kusoo xiga CXD (12), ASWJ (saddex) iyo maleeshiyo beeleedyo (saddex), halka AMISOM, Ciidamada Difaaca Kenya, Ciidamada Qalabka sida ee Koonfur Galbeed iyo kooxo hubaysan oo aan heybtooda la garan uu midkiiba mas'uul ka ahaa min hal weerar oo lagu qaaday dugsi waxbarasho.
83. CTFMRM waxay diiwaan gelisay afduubka 2,265 carruur ah, oo badankood loo aaneeyay inay geysatay Al-Shabaab (1,991), maleeshiyo beeleedyo (119) iyo CXD (108)¹⁰⁹. Sidii hore loo soo sheegay, afduubka waa tab ay Al Shabaab badanaa ugu adeegsato qorista caruurta. Sanadkii

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

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

104 24kii Maarso 2016, wiil ayaa la dilay shan kalena (oo da'doodu u dhaxayso sadex iyo 14 sano jir) ayaa lagu dhaawacay weerar xaga circa ah oo ay fuliyeen Ciidamada Kenya ee Jubbada Hoose. Ciidamada Kenya waxay sheegteen in ay beegsanayeen xerada milatari ee Al-Shabaab. 15kii Maajo 2016, weerar xiga circa ah waxa lagu dilay wiil 16 jir ah degmada Afoooye ee Shabeellaha Hoose. 22kii Juunyo 2016, afar carruur ah ayaa lagu dilay duqeyntii xaga circa oo ay geysteen ciidama Keynya degmada Ceel Waaq eegobolka Gedo. Natiijooyinkaas waxaa lala wadaagay Xafiiska Jamhuuriyadda Kenya u qaabilsan xarunta Qaramada Midoobey ee New York, iyada oo la raacayo nidaamka warbixinta Xoghayaha Guud ee Carruurta iyo Colaadaha. Xukuumadda Kenya ayaa ka jawaabtay oo beenisay natiijooyinkii. Ka eeg lifaaqa jawaab dheeri ah oo ay bixisay Safaaradda Jamhuuriyadda Kenya..

105 UNSOM waxa ay diiwaan-galisay 29 dhaawac ah (12 qof, 17 dhaawac ah) oo ka dhacay Jubbaland; 11 ayaa loo aaneynayaa hawlgallo dhuleed ama duullaano ay sameeyeen ciidamada shisheeye, sagaal qof oo Al Shabaab ah, iyo mid ka mid ah ciidamada ammaanka Jubbaland. Lix dhaawac ayaa lala xiriiriyay Walxaha qarxa eek a hara dagaalada (ERW) iyo laba kale oo IEDs lagu qarxiyay by weeraro aan la garanayn.

106 Qiyaasta rabshadaha galmada ee saameeya carruurta ayaa la rumeeyan yahay in warbixin yar uun laga bixiyo sababo la xiriira cabsida cambaareynta, aargoosi, iyo la'aanta adeegyo ku filan oo loogu talagalay badbaadayaasha.

107 Dhibaatooyinka ay geysteen kooxaha mucaaradka ah (192 dhibbanayaasha), maleeshiyaadka qabiilka (111), SNA (113), Al-Shabaab (83), ciidamada Jubbaland (19), Ciidamada Koofur Galbeed (19), ASWJ (afar), ciidamada Puntland (laba), Ciidamada Galmudug (saddex), Ciidamada AMISOM ee Guutada Ethiopia(3), Ciidamada AMISOM Djibouti (mid) iyo Ciidamada Ethiopia (mid).

108 15kii Abriil 2016, dugsi hoose ayaa qayb ahaan uu burburiyay madfac ay soo rideen Al-Shabaab ee gobolka Shabeellaha Hoose. 28kii Agoosto 2016, xarun caafimaad oo ku taal degmada Hobyo, gobolka Mudug, ayaa la xiray ka dib markii shaqaaluhu ay la kulmeen hanjabaad dil ah oo uga timid Al Shabaab ka dib dagaallo ka dhex dhacay ciidamada Al Shabaab iyo kuwa Galmudug.

109 Qaar kale waxaa ka mid ah kooxaha hubaysan ee aan la aqoonsaneyn (22), ASWJ (afar), AMISOM (mid), Ciidamada Koonfur Galbeed (saddex) iyo ciidamada booliska (17).

2016kii, 548 caruur ah ayaa waxaa afduubtay Al Shabaab¹¹⁰ si ay u askareeyaan. Kiisaskaas mid kamid ah waxaa lala xiriiriyay rabshadaha galmada ee oo La-xiriira Colaadda (CRSV).¹¹¹

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

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

111 Bishii Luulyo 2016, labo xubnood oo ka tirsan Al-Shabaab ee ku sugan gobolka Gedo ayaa wiil 16 jir ah afduubatay waa ayna kufsadeen.

III. Talo soo jeedin

85. Dowladda Federaalka Soomaaliya, Dowlad Goboleedyada Federaalka iyo ciidamada caalamiga ah waa inay horumariyaan, hirgeliyaan, dhinacyada kalena la wadaagaan siyaasadaha hawlgalka iyo tallaabooyin wax ku ool ah si loo xoojiyo ixtiraamka sharciga caalamiga ah ee xuquuqda aadanaha iyo sharciga caalamiga ah ee bini'aadanimada xilliyada colaadaha, kana fogaadaan waxyeellada dadka rayidka ah, iyada oo si dareen gaar ah la siinayo fulinta hawlgallada ciidan ee magaaloooyinka. Gaar ahaan,
86. Dhinacyada colaadda isku haya, oo ay ku jiraan dalalka AMISOM ciidamada/booliska u soo diray waa inay:
- (a) U hoggaansamaan oo xaqiijiyaan ixtiraamka sharciga caalamiga ee xuquuqda aadanaha iyo sharciga caalamiga ee bini'aadanimada xilliyada colaadaha, oo ay ku jiraan amarrada ama jiheynta, iyo inay la xisaabtamaan kuwa beegsanaya, dilaya ama dhaawacaya dadka rayidka ah;
 - (b) Qaadaan dhammaan tallaabooyinka taxadarka ee suurtagalka ah ee lagu ilaalinayo dadka rayidka, gaar ahaan haweenka iyo carruurta, lagana ilaaliyo saameynta hawlgallada ciidamada;
 - (c) Iska ilaaliyaan inay yoolalka/ujeeddooyinka ciidamada dhexdhigaan gudaha iyo meel u dhow goobaha dadka rayidka deganyihiin;
 - (d) Inay joojiyaan ciidamada aan caadiga ahayn, miliishiyoooyinka iyo kooxaha hubaysan u adeegsadaan hawlgallada CXDS iyo AMISOM, ay kala diraan hub ka dhigisna ku sameeyaan dhammaan kooxaha iyo maleeshiyada sharci-darrada ah ee hubaysan;
 - (e) Taageero ku filan siiyaan ururinta nidaamsan iyo falanqaynta macluumaadka ku saabsan ilaalinta dadka rayidka ah, oo ay ka mid tahay xogta oo loo kala soocay jinsiga iyo da'da iyo falanqaynta jinsiga, ayna xaqiijiyaan inay u adeegto oo ay ka mid noqoto falanqaynta, ka hortagga iyo ka jawaabidda colaadda;
 - (f) Xaqiijiyaan in baaritaan wax ku ool ah deg-deg ah, oo madax-bannaan, dhexdhexaad ah, dhameystiran iyo maxkamadeyn lagu sameeyo arrimaha la xiriira eedeymaha qatarta ah ah ee loo aaneeyo AMISOM iyo ciidamada kale ee caalamiga ah, la xisaabtamaan kuwa geystay xadgudubyada, isla markaana siiyaan kaalmo iyo garnaq ku filana dhibanayaasha.
 - (g) Dejiyaan, ayna hirgeliyaan siyaasado wax ku ool ah oo lagu yareeyo khasaaraha, oo ay ka mid yihiin tilmaamo hagid oo lagu go'aamiyo bartilmaameedka.
87. Dhinacyada aan Dowladda ahayn sidoo kale waa inay:
- (a) Joojiyaan isticmaalka dhammaan walxaha qarxa ee macmalka ah (IEDs), iyo weerarrada isku jirka ah, , ayna joojiyaan rididda dhammaan hubka qarxa ee saamaynta ballaaran leh, oo ay ku jiraan hoobiyeyaasha, gantaalada iyo bambo gacmeedyada, oo laga soo rido loona rido meelaha ay dadka rayidka ah deganyihiin;
 - (b) Joojiyaan bartilmaameedsiga ula kaca ah ee dadka rayidka ah (oo ay ku jiraan saraakiisha Dowladda, shaqaalaha rayidka, suxufiyiinta, ururrada bulshada rayidka ah, oday dhaqameedyada beelaha iyo shaqaalaha gargaarka) iyo waxyaabaha/agabka rayidka ah;
88. Intaas waxaa dheer, DFS iyo Dowlad Goboleedyada waa inay:
- (a) Ku biiraan dadaalka caalamiga ah ee sare loogu qaadayo ixtiraamka iyo u hoggaansanaanta sharciga caalamiga ee xuquuqda bani'aadamka xilliyada dagaallada iyo sharciga caalamiga ah ee xuquuqda aadanaha si kor loogu qaado ilaalinta dadka rayidka;
 - (b) Qaadaan tallaabooyin dhab ah oo lagu joojinayo rabshadaha ka dhanka ah haweenka iyo gabdhaha iyagoo si wax ku ool ah u fuliya Qorshe Hawleedka Qaran ee lagu Dhameynayo

rabshadaha Galmada waqtiga Colaadaha oo ay ka mid tahay shirar soo noqnoqda oo uu yeesho Guddiga Qabanqaabada iyo iyagoo baaritaan ku sameynaya dacwadna ku soo oogaya kuwa lagu eedeeyo inay ka dambeeyaan xadgudubyada, oo ay ku jiraan xadgudubyada ay geystaan saraakiisha ciidanka xooga iyo kuwa nabadgelyada, si waafaqsan sharciga caalamiga ah.

- (c) Taageeraan ururinta nidaamsan iyo falanqaynta macluumaadka ku saabsan ilaalinta dadka rayidka ah, oo ay ka mid tahay xogta oo loo kala soocay jinsiga iyo da'da, ayna xaqiijiyaan inay u adeegto oo ay ka mid noqoto falanqaynta, ka hortagga iyo ka jawaab-celinta colaadda;
- (d) Qaataan tallaabooyinka sharci dejin, siyaasadeed iyo sharci fulineed ee lagama maarmaanka u ah si loo xaqiijiyo in in baaritaan deg-deg ah, madax-bannaan, dhammeystiran oo wax ku ool ah lagu sameeyo dacwadna lagu soo oogo kuwa geysta xadgudubyada sharciga caalamiga ee bani'aadanka ee xilliyada dagaalka iyo sharciga caalamiga ah ee xuquuqda aadanaha, oo ay ku jiraan kuwa geysta dembiyada khatarta ah;
- (e) Si dhakhso ah, madaxbannaan, wax ku ool leh, hufan oo aan eexasho lahayn baaritaan ugu sameeyaan ee deymaha xadgudubyada sharciga caalamiga ee bani'aadamnimada xilliga dagaalka iyo sharciga caalamiga ah ee xuquuqda aadanaha ee ay geystaan ciidamada amniga iyo kooxaha hubaysan iyo, marka loo baahdo, dacwad lagu soo oogo kuwa lagu eedeeyo dembiyada;
- (f) Sameeyaan habraacyo cadcad oo baaritaan oo lagu aqoonsanayo laguna maxkamadaynayo shakhsiyaadka mas'uulka ka ah xadgudubyada halista ah ee xuquuqda aadanaha, gaar ahaan marka la eego haweenka iyo carruurta;
- (g) Dadka la wadaagaan natiijooyinka hay'adaha loo xilsaaray inay baaraan dhacdooyinka ayna fuliyaan talooyinkooda;
- (h) Ansixiyaan heshiisyada caalamiga ah oo loogu talagalay ilaalinta dadka rayidka, oo ay ku jiraan heshiisyada caalamiga ah iyo heshiis gobolyada xuquuqda aadanaha, iyo Heshiiska Ka Ganacsiga Hubka iyo heshiis goboleedyada la midka ah, ayna xaqiijiyaan in sharciyada qaranka iyo siyaasaduhu ay waafaqsan yihiin waajibaadka caalamiga ah;
- (i) Dardargeliyaan hannaanka sameynta Guddiga Qaran ee Xuquuqda Aadanaha kaas oo ah inuu u shaqeeyo sidii hay'ad madax-bannaan oo waxyaabaha ay qabanayso ay ka mid yihiin, inuu baaritaan ku sameeyo xadgudubyada xuquuqda aadanaha ee dagaalka dhexdiisa lagu geysto;
- (j) Dejiyaan siyaasad guud oo dhammeystiran oo ku saabsan bixinta cafis la siiyo dadka ka qayb qaatay colaadda, geystayna dembiyada ka dhan ah dadka rayidka, iyagoo maxkamadaynaya kuwa laga yaabo inay masuul ka yihiin xadgudubyada daran ee sharciga caalamiga ah ee xuquuqda aadanaha iyo sharciga caalamiga ee xuquuqda dadka xilliyada dagaalka, oo ay ku jiraan dembiyada dagaalka iyo dembiyada ka dhanka ah aadanaha; xaqiijiyaan in cafis waliba oo loo fidiyo xubnihii hore ee Al-Shabaab ama ciidamada amniga ee federaalka uu buuxiyo waajibaadka Dowladda ee ku aadan sharciga caalamiga ah ee xuquuqda aadanaha, sharciga caalamiga ah ee bini'aadamnimada ee xilliga dagaalka iyo sharciga caalamiga ah ee qaxootiga, una hoggaansamo ballan-qaadkeedii ay ku sameysay Shirkii London oo ahaa in aysan taageerin cafis isku duuban oo loo fidiyo kuwa geysto xadgudubyada daran ee xuquuqda aadanaha;
- (k) Xaqiijiyaan la xisaabtanka dembiyada laga galay dadka Soomaaliyeed, oo ay ka mid tahay dib-u-eegista sharciga iyo meelmarinta sharciyo cusub si loo xoojiyo ilaalinta dadka rayidka ah;
- (l) Ka shaqeeyaan horumarinta/xoojinta dib-u-heshiisiin qaran si rabshadaha dalka looga ciribtiro;
- (m) Dardargeliyaan dadaallada hadda jira ee lagu hirgelinayo labada Qorshe Hawleed ee sannadkii 2012kii ee ku saabsan Carruurta iyo Colaadda Hubeysan, oo ay ku jirto in dembi laga dhiyo ciidan ka qorista carruurta iyo adeegsigooda, nidaaminta kala soocidda/baaritaanka askarta iyo fulinta Amarka Taliska 1 ee Taliyaha Ciidamada XDS, ee mamnuucaya oo ciqaabaya ciidan ka qorista carruurta iyo xadgudubyada kale ee halista ah ee ka dhan ah carruurta.
- (n) Xaqiijiyaan in dhibbanayaasha, oo ay ka mid yihiin kuwa loo geystay tacaddiyada galmada iyo rabshadaha jinsiga ku saleysan, ay helaan magdhow, oo ay ku jirto taageero caafimaad iyo mid bulsho;

- (o) La shaqeyaan hay'adaha caalamiga ah iyo kuwa maxaliga ah si loo xoojiyo farsamooyinka ilaalinta loona xaqiijiyo u hoggaansamida sharciga caalamiga ah ee xuquuqda aadanaha, oo ay ku jirto hirgelinta Istaraatiyada Hawsha Qaran ee Soomaaliya ee sannadkii 2016kii iyo Qorshe Hawleedka Ka Hortagga iyo La-Dagaallanka Xagjirnimada Rabshadaha wata, iyo hababka kale ee aan militariga ahayn oo qayb ka ah hab isku-xiran oo dhammeystiran oo amniga lagula tacaalo;
- (p) Xaqiijiyaan in dib-u-habeeynta amniga qaranka loo fuliyo si waafaqsan waajibaadka xuquuqda aadanaha ee caalamiga ah, ayna sameeyaan habab kormeer ah oo ku haboon;
- (q) Xaqiijiyaan in ololaha millatari ay la jaanqaadaan dadaallada dib-u-habeeynta amniga qaran taasoo qayb ka ah dib-u-soo-celinta iyo fidinta Awoodda Dowladda si sare loogu qaado ilaalin waxtar leh oo loo sameeyo dadka rayidka ah, ay ka hortagaan, kana joogsadaan askar ka qorista iyo afduubidda iyo xadgudubyada kale ee halista ah ee ay geysato Al-Shabaab.

AMISOM:

- (a) Xooji iskaashiga idin kala dhaxeeya dhammaan hay'adaha Qaramada Midoobey ee ay arrintu khuseyso iyo hay'adaha kale ee bani'aadamnimada iyadoo loola danleeyahay in sare loo qaado tayada ciidamada AMISOM si ay u gutaan waajibaadkooda iyadoo si buuxda ugu hoggaansan waajibaadka Dowladaha ka qeybgalaya ee sharciga caalamiga ee xuquuqda aadanaha ee xilliga dagaalka iyo sharciga caalamiga ah ee xuquuqda aadanaha.
- (b) Hirgeli Amarrada Taliska Ciidamada ee ilaalinta dadka rayidka ah, oo ay ku jirto Amarka ilaalinta xuquuqda carruurta iyo una hoggaansan halbeegyada habraacyada howlgalka AMISOM ee ku saabsan soo dhoweynta iyo u gudbinta carruurta horey loola xiriiriyay kooxaha hubaysan; ogeysiinta Qaramada Midoobay mar kasta oo ciidamadeedu ay carruurta ku qabtaan howlgallo si ay u sameeyan dabagal ku filan una xaqiijiyaan ilaalintooda.
- (c) Baaritaan ku sameeya dhammaan eedeymaha ku saabsan xadgudubyada iyo ku takrifalka sharciga caalamiga ah ee xuquuqda aadanaha iyo xadgudubyada sharciga caalamiga ee xilliyada dagaalka, warbixina ka bixi baaritaan waliba iyo natiijo kasta.
- (d) Iskaashi la yeelo Dowladaha ciidamada iyo booliska ku deeqay (TCCs / PCCs) si loo xaqiijiyo in dhammaan saraakiisha ciidamada iyo booliska AMISOM ay si ku filan ugu tababaran yihiin sharciga caalamiga ah ee xuquuqda aadanaha iyo waajibaadka sharciga caalamiga ee ee xilliga dagaalka, iyo cawaaqibta ka dhalanaysa xadgudubyada ka hor inta aan dalka la keenin.
- (e) Sii wad dadaallada dib-u-eegista hanaanka iyo hirgelinta guddiyada baaritaanka, iyada oo xoogga la saarayo hababka la xiriira xadgudubyada iyo takrifalka sharciga caalamiga ah ee xuquuqda aadanaha iyo sharciga caalamiga ee xuquuqda aadanaha ee xilliga dagaalka; taageero ka codso Qaramada Midoobay, hadba sida ku habboon.
- (f) Xooji Cutubka Raad-raaca, Baaritaanka iyo Jawaab ka bixinta Khasaaraha Dadka Rayidka (CCTARC) si looga dhigo uu u noqdo mid xoog leh awoodna u leh raadraaca iyo diiwaangelinta khasaaraha dadka rayidka ah isla markaana sare u qaadi tayada iyo dhaqaalaha si wax looga qabto dhacdooyinka.

Midowga Afrika:

- (a) Sare u qaad shaqaalaha qaybta xuquuqda aadanaha ee AMISOM si waafaqsan Qaraarka Golaha Amaanka 2723 iyada oo loola danleeyahay kordhinta tayadeeda si ay u kormeerto unna xoojiso ixtiraamka sharciga caalamiga ee xilliyada dagaalka iyo sharciga caalamiga ah ee xuquuqul insaanka, isla markaana si deg deg ah ugu jawaabto kiisaska xadgudubyada iyo takrifalka, oo ay ku jiraan eedaymaha xadgudubyada iyo takrifalka loo geysto carruurta;
- (b) Dhameystir dib-u-eegista iyo ansixinta siyaasadaha Midowga Afrika ee ku saabsan Anshaxa iyo Anshaxmarinta iyo Ka-hortagga Ka Faa'ideysiga iyo xagdubka Galmada; inta sida rasmiga ah looga ansaxinayo, taageer in siyaasadahan gudaha AMISOM si ku meelgaar ah looga hirgeliyo.
- (c) Xaqiiji in dukumiintiyada gaarka u ah hawlgalka AMISOM ay ka tarjumayaan awoodaha uu ansaxiyay Golaha Nabadda iyo Amniga ee Midowga Africa iyo Golaha Amaanka ee Qaramada

Midoobay, oo ay ka mid tahay marka la eego u hoggaansamidda xuquuqda aadanaha iyo sharciga bani'aadamnimada ee xilliga dagaalka. Gaar ahaan, xooji iskaashiga ee hirgelinta Siyaasadda Taxadirka Waajibka ah ee Xuquuqul Insaanka (HRDDP) iyada oo loo marayo in tallaabooyinka yareynta dhibaatooyinka lagu ballaariyo Heshiisyada Xaaladda Hawlgalka, Heshiiska Isfahamka ee u dhexeeya Guddiga Midawga Afrika iyo dalalka ciidamada keenay (TCCs/PCCs), Xeerarka Hawlgalka, Tilmaamaha Gaarka ah ee AMISOM ee ilaalinta dadka rayidka, Halbeegyada Habraaca Hawlgalinta ee la xiriira guddiyada baaritaanka AMISOM, iyo awaamirta kala duwan ee Ergeyga Gaarka ah ee Guddoomiyaha Guddiga iyo Taliyaha Ciidamada ama Taliyaha Booliska ee Hawlgalka.

- (d) Tixgeli dejinta hage/tilmaame waafaqsan xuquuqda aadanaha ee Siyaasadda HRDDP ee ku saabsan taageerada iyo hawlgallada wadajirka ah ee ciidamada aan Midowga Afrika ahayn, in laga ambaqaado casharadii laga bartey tababarka ay AMISOM siiyaan CXDS.
- (e) Xaqiiji in dhammaan dalalka TCCS/PCCs ay tababaro ku qaateen sharciga caalamiga ah ee xuquuqda aadanaha iyo waajibaadyada sharciga caalamiga ah ee bini'aadamnimada ee xilliga dagaalka iyo cawaaqibta xadgudubyada uga dhalan karta dhammaan ciidamada la keeni doono Soomaaliya.

Hay'adaha/dhinacyada Bani'aadamnimada:

- (a) Ku xisaabtan in si siman loo gaarsiiyo helitaanka gargaarka bini'aadanimada iyo adeegyadooda, taasoo u baahan in fiiro gaar ah loo yeesho shakhsiyaadka iyo kooxaha laga yaabo inay si gaar ah u nugul yihiin ama ay ku adagtahay helitaanka gargaarkaas.
- (b) Ka hortag isku day kasta oo si ula kac ah meesha uga saara qaybo ka mid ah dadka ay dhibaatu saameysey iyo iyada oo ku saleysan baahida iyo in laga fogaado nooc kasta oo ah takoorid toos ah ama dadban.

Beesha Caalamka:

- (a) Inay sii wadaan dhiirigelinta iyo xoojinta taageerada Dowladda Federaalka Soomaaliya iyo Dowlad Goboleedyada sidii loo hirgelin lahaa Heshiiska Amniga, iyo inay xaqiijiyaan in Qaab-dhismeedka Amniga Qaran uu ku salaysanyahay sharciga caalamiga ah ee xuquuqda aadanaha iyo sharciga caalamiga ee xilliyada dagaallada;
- (b) Dowladda Federaalka Soomaaliya iyo Dowlad Goboleedyada ku taageeraan xoojinta booliska iyo hay'adaha kale ee fulinta sharciga si loo damaanad qaado ilaalinta iyo helitaanka garsoor caddaalad ah oo la awoodi karo.

LIFAAQYADA

Qaab-dhismeedka Sharciga

Qaab-dhismeed Sharci

1. UNSOM mowqifkeedu waa in colaadaha hubaysan ee ka jira Soomaaliya ay yihiin colaado aan ahayn caalami una dhexeeya Dowladda Soomaaliya iyo ciidamadeeda qalabka sida (ciidamada amniga qaranka Soomaaliya oo ay taageerayaan ciidamo military oo caalami ah) iyo kooxo hubaysan oo aan ka tirsanayn Dowladda. Dhamaan dhinacyada qaybta ka ah colaadda - Ciidamada qalabka sida ee Soomaaliyeed, ciidamada militari ee caalamiga ah, iyo kooxaha hubaysan ee aan ka tirsanayn Dowladda – waxaa waajibaad cad ka saaranyahay sharciga caalamiga ah ee ilaalinta dadka rayidka ah.

Qaab-samaynta Sharciga ee Caalamiga ah: Waajibaadka Sharciga Caalamiga ah ee Xilliyada Colaadaha iyo Sharciga Caalamiga ee Xuquuqda Aadanaha

Waajibaadka ku xusan Sharciga Caalamiga ah ee Xilliyada Colaadaha

2. Waajibaadka dawladdaha ee xurmeynta sharciga caalamiga ah ee xilliyada colaadaha ayaa qayb ka ah waajibaadkooda guud ee xurmeynta sharciga caalamiga ah, sida ku cad Heshiiskii Geneva ee 1929 iyo 1949. In kastoo Soomaaliya ay qayb ka tahay Heshiisyadii afarta ahaa ee Geneva ee 1949,¹¹² ayaa Soomaaliya aanay qayb ka ahayn Heshiiska Dheeraadka ah ee kowaad iyo Heshiiska Dheeraadka ah ee labaad ee 1977 toona, iyadoo Heshiiska dambe ee labaad uu wax ka qabanayo badbaadinta dadka rayidka ah ee xilliyada ay jiraan colaadaha aan caalamiga ahayn, iyadoo sharcigu waxyaabo kale uu wax ka qabanayo ayaa wuxuu mamnuucayaa weeraro ka dhan ah dadka rayidka ah iyo hantidooda (waxaa lagu qeexay in uu lagama maarmaan u yahay samata-bixinta dadka rayidka ah). Si kastaba ha ahaatee, marka ay jiraan colaado hubaysan oo aan caalami ahayn, Soomaaliya waxaa waajib ku ah qodobada ku hoos qoran Qodobka guud ee 3aad ee Heshiisyadii Geneva iyo Qodobka 4aad ee Heshiiska Dheeraadka ah ee II kuwaas oo loo asteeyay inay noqdaan xeer dhaqameedka caalamiga ah.¹¹³ Waxaa intaas dheer, in Soomaaliya ay waajib ku yihiin qodobada ku qoran afarta Heshiis ee Geneva ee 1949 iyo xeerarka kale ee Heshiisyada dheeraadka ah ee ka midka ah xeer

112 Heshiishkii Geneva 1929 ee xanaanada dhaawaca iyo bukaanka, Qodabkiis 25aad (ee ku qoran Vol.II, Cutubkiisa 40, 1) Heshiishkii Geneva 1929 ee la xidhiidhay dawaynta maxaabiista dagaalka, Qodobka 82 (ibid 2); Heshiishkii Geneva 1949, Qodobka 1 (ibid 3). Qodabka kowaad ee Heshiishkii Geneva 1949 ayaa wuxuu faahaahiyay in baahiyadkan la fuliyo si loola xidhiidhiyo waajibaadka lagu xaqjiinayo u hogaanasanaanta sharciga caalamiga ah ee bani aadantinimada. Waajibaadkan in la qadariyo lana xaqiijiyo waxaa sidoo kale laga helaa paratakoolka I. Waajibaadka dawladeed ee xeerkanii kaliya kuma koobna in ciidankoodu u u hogaansamaan sharciga caalamiga ah ee bani aadantinimadaa, laakiin waxaa sidoo kale la rabaa inay u hogaansamaan shaqsiyaadka kale iyo kooxaha ku shaqaynaya nidaamdayadiisa ama raacaya sharcigan. Tani waa natiijadii xeer lambar 149, iyadoo loo eegayo in dawladuhu in ficiilada shaqsiyaadkan ama kooxahan masuuliyadooda qaadaan sida uu dhigayo xeerka caalamiga ah ee dacwadaha. Waxay tani si gaar ah ula xidhiidhaa colaada ka jirta Soomaaliya, madaama oo ay AMISOM ka kooban tahay ciidamo kala yimid Uganda, Burundi, Djibouti, Kenya, iyo Ethiopia. Iyagoo ku hawlgalaya heshiishka u dhaxeeya qaramada midoobay iyo wadamada ciidamada ugu deeqaay, dhaqamada iyo ciqaab marinta ciidanka milatariga waxaa masuuliyadooda iska leh dalalkii ay ka kala yimaadeen

113 Qodobka guud ee 3aad wuxuu mamnuucayaa “rabsho loo geysto qofka iyo noloshiisa”, “In arxandaro ah loola dhaqmo” ama danbiyada kale ee ka dhanka ah sharafta iyo karaamada qofka”. Qodobka 4 ee baratakoolka labaad wuxuu ilaaliyaa shacabka ku dhex sugan goobaha rabshadaha hubaysan, “dambiyada ka dhanka ah karaamada qofka” gaar ahaan bahdilka, kufsiga, in xoog jidhkooda looga ganacsado iyo dhacdo kasta oo waxyeelaysa. Uganda, Burundi, Djibouti, Kenya, iyo Ethiopia waa wadamada ku deeqay ciidamada AMISOM waxayna dhamaantood xubno ka yihiin paratakoolka labaad. Qodobka 3aad ee ee heshiishka Geneva 1949 wuxuu dhigayaa heerarka ugu horeeya ee xubnuhu, oo ay ku jiraan dawlada iyo hayadaha aan dawliga ahaynba, ayaa laga rabaa inay dhawraan colaadaha hubaysan ee aan caalamiga ahayn. Qodobka 3aad wuxuu si cad u reebayaa tacadiyada nololsha qof taabanaya iyo shaqsiyadiisa qofnimo, oo ku jirto dhagartu, dhaawaca, dhaqamada arxandarada ah iyo jidh dilka iyo sidoo kale danbiyada ka dhanka ah sharafta iyo karaamada shaqsiya iyo oogista dacwado sharciga baalmarsan goob kasta iyo waqti kastaba.

dhaqanka caalamiga ah ee xilliyada colaadaha xeerkaas oo la adeegsado xilliyada ay jiraa colaado hubaysan oo aan caalami ahayn.¹¹⁴ Kooxaha aan hoos imaanin dowladda waxaa iyaga xataa waajib uu ka saaranyahay sharciga caalamiga ah ee xilliyada colaadaha madaama ay kooxahaasi qayb ka yihiin colaadda.

3. Dhammaan dowladaha ku deeqay ciidammada caalamiga ah ee jooga Soomaaliya ama gacanta ka geysanaya hawlgallada Soomaaliya waxay saxiixayaal ka yihiin Heshiisyaa afarta ah ee lagu gaaray Geneva 1949-kii. Inkastoo aaney dhammaan dalalka ku deeqay ciidamada AMISOM aanay saxiixin Heshiiska Dheeraadka ah ee labaad ee 1977kii, ayaa haddana iyaga iyo dalalka kale ee caawinaya Soomaaliya waxaa waajib ku ah u hogaansanaanta xeerarka sharci dhaqameedka caalamiga ah ee xilliyada colaadaha ee lagu dhaqmo marka ay jiraan colaado hubaysan oo aan ahayn kuwo caalami ah. Ugu dambeyntii, AMISOM waxay bishii May ee sanadkii 2013ka meel-marisay istiraatiijiyad ballaaran oo dalka oo dhan laga hirgeliyo oo lagu ilaalinayo dadka rayidka ah bishii Maayo 2013, taas oo “qeexaysa hanaan dhamaystiran oo si ballaaran u wada saamaynaya Hawlgalka looguna talo galay taabba gelinta hawlaha badbaadinta ee taabanaya dhinac kasta ee hawl-gallada.”¹¹⁵

Waajibaadka ku xusan Sharciga Caalamiga ah ee Xuquuqda Aadanaha

4. Xeerka caalamiga ah ee xuquuqul insaanka waa mid dhaqan gal ah xilliyada nabdoon iyo weliba xilliyada ay jiraan colaadaha hubaysan. Marka ay jiraan colaadaha hubaysan, sharciga caalamiga ah ee xuquuqul insaanka iyo sharciga caalamiga ah ee xilliyada dagaallada ayaa is-kaabaya oo midba midka kale uu ku xoojinayaa badbaadinta [rayidka]. Soomaaliya waxay qayb ka tahay heshiisyo xuquuqul insaan oo heer caalami iyo heer goboleedba leh, waxaana kamid ah Heshiiska Caalamiga ee Xuquuqda Madaniga iyo Kuwa Siyaasadda iyo Heshiiska Afrikaan ee Xuquuqul Insaanka iyo Xuquuqda Dadyowga. Dhammaan xeerarkani si gaar ah ayay u ilaalinayaan xaq nolosha. Waxay ku waajibinayaan dowladaha inay ilaaliyaan xuquuqul insaanka asaasiga ah ee dadka ku nool dhulka iyo maamulada ay ka taliyaan.¹¹⁶
5. In kastoo aynan qayb ka noqon heshiisyada caalamiga ah ee xuquuqul insaanka, jilayaasha aan dowliga ahayn, oo ay ku jiraan kooxaha hubaysan ee aan dowlad ka amar qaadanin ee fulinaya hawlo u eg hawlaha dowladda isla markaasina gacanta ku haya dhul, sida Al Shabaab, waxaa waajib ku ah inay ixtiraamaan xeer dhaqameedyada caalamiga ah ee xuquuqul insaanka haddii hawsha ay fulinayaan ay saamayn ku yeelanayso xuquuqul insaanka dadka ku hoos nool maamuladooda. Waxaa hoosta laga xariiqi karaa in waajibaadka xuquuqul insaanka ee saaran kooxaha hubaysan ee aan ka amar qaadanin dowlad eek a hawl-gala Soomaaliya (hoos ka eeg) aysan saameyn ku

114 Kuwan soo socdaa waa maabaa'diida ugu haboon ee qabta dhaqamada dhamaan xubnaha ujooga coolada maxaliga ah ee Somaaliya: (a) Yoolka: dadka iyo shaqsiyaad shacab ahi waa inaanay badhtilmaameed u noqon weererka. (b) Saamiga: “weerar ka dhan ah ciidan militari kasoo lafilan karo in khasaaro nololeed u gaysan karo shacabka, ama dhaawac, ama waxyeelo u gaysan kara shacabka ama isku darka intaas waa la mamnuucay.”(c) Difaaca dagaalka...” Dadka shacabka ah waa inay helaan gabaad guud oo kaga gaashaman karaan khataraha kaga iman kara hawlgalada milatari” “Habdhaqanka hawlgalada milatari, waa in taxadar xoog leh laga moojiyaa sidoo loo badbaadin lahaa shacabka iyo hantidooda” sidoo kalana waa in dhamaan la sameeyaa waxyaabaha lagaga hortagi karayo iyadoo ujeedku yahay “in laga fogaado iyo in la yareeyo khasaaraha nololeed ee dadka shacabka ah, dhaawaca iyo waxyeelada handtida shacabka.”

115 Warbixinta gudoomiyaha komishanka ee ku aadan xaalada Somaaliya. Dokumentiga Midawga Africa PSC/PR/2. (CCCLXXIX), 13 June 2013.

116 Xeerka caalamiga ah ee xuquuqul insaanka, dawladdu waa inay baadhaan adeegsiga xooga daran ee hayadahooda, gaar ahaan kuwa kushaqada leh ku dhaqanka sharciga. Waajibkan, iyo sidoo kale in lagu guul daraysto in lagu dhaqmo, ayaa wuxuu ka imanayaa waajibaadka ah in la ilaaliyo xaq nolosha. Si loo xoojiyo baadhintaana dawlada, waa inay sida ugu macquulsan ugu dadajiyaan, u dhamaystiraan, dhexdhexaad ka noqdaan, madax banana yahay una furan yahay dadka inay waxka dhahaan. Waajibka dawlada ee baadhitaanka waxaa uu ka shaqeeyaa dhamaan goobaha sharciga laga dhaqan galiyay. Sidoo kale fiiri mabaa'diida aasaasiga ah ee xaq dawaynta iyo magdhawga ee dhimanayaasha tacadiyada daran ee sharciga caalamiga ee xuquuqul insaanka iyo tacadiyada daran ee sharciga caalamiga ee bani'aadanka; Maabaa'diida aasaasiga ah ee adeegsiga awooda iyo hubka fudud ee hayadaha sharci dajinta, xeerka anshaxmarinta saraakiisha hayadaha sharci fulinta.

lahayn waajibaadka Soomaliya ka saaran ilaalinta sharciga caalamiga ah ee xuquuqda aadanaha ee la xidhiidha dhulkooda iyo meelaha kale ee ay maamusho. Dawladdu waxay ku qasban tahay in ay ku dadaasho siyaasadda taxadarka ayna samayso wax kasta oo ay awood u leedahay si ay u ilaaliso dhamaan dadka ku nool dhulkeeda iyo dadyowga ku hoos nool xukunkeeda ayna ka ilaaliso halista ka dhanka ah ku naaloonta xuquuqul insaanka, halistaas oo ka imaan karta jilayaasha aan dowliga ahayn, oo ay ku jiraan maamulada waaqica ama dhab ahaan u jira (de facto) iyo kooxaha hubeysan. Soomaaliya waa inay raadisaa sidi ay [sharciga hortiisa] ugula xisaabtami lahayd kuwa geysta xadgudubka ka dhanka ah xuquuqul insaanka waana inay xaqiijisaa xuquuqda dhibanayaasha, oo uu ku jiro xaq u dhimanaha u leeyahay daweyn iyo xaal marin wax ku ool ah.

Waajibaadka ku xusan Sharciga Dembiyada ee Caalamiga ah

6. Sharciga caalamiga ah ee dembiyada waxa uu u taagan yahay xakamaynta iyo ciqaabista shakhsiyaadka geysta falal aad u xun, Soomaaliyana waxaa mas'uuliyad muhiim ah ay ka saarantahay inay baarto oo dacwad kusoo oogto dembiyada caalamiga ah sida dembiyada dagaal, dembiyada ka dhanka ah aadanaha, iyo xasuuqa, eek a dhaca deegaanada ay leedahay. Heshiiska/Sharciga Rome wuxuu dowladaha xubnaha ka ah ku waajibinayaa inay la shaqeeyaan Maxkamadda Caalamiga ah ee Dembiyada oo ay kala shaqeeyaan baaritaanka iyo dacwad-ku-qaadista dembiyada, oo ay ku jiraan sii xiritaanka iyo isasoo dhiibista la-tuhunsanayaasha. Inkastoo Soomaaliya aysan qayb ka ahayn Sharciga Rome, waxay caddeysay in ay "si buuxda u taageersan tahay mabaadi'da ku xusan Sharciga Maxkamadda Caalamiga ah ee Dembiyada "oo ay ka go'antahay in la soo afjaro dhaqanka joogtada ah ee ciqaabid la'aanta dembiyada iyo in la xaqiijiyo in kuwa geysta xadgudubyada ka dhanka ah sharciga caalamiga ah ee xuquuqul insaanka iyo sharciga caalamiga ah ee xilliyada colaadaha lagula xisaabtamo falalkooda oo cadaaladdu dhaqan gasho. "¹¹⁷
7. Dowladaha ciidamoodu ay ka mid yihiin ciidamada milatariga ee caalamiga ah ee ku lugta leh [wax-ka-qabashada] colaadaha Soomaaliya ayaa sidoo kale mas'uuliyad ka saarantahay inay baaraan oo ay maxkamadeeyaan dembiyada ay muwaadiniintoodu ku galaan Soomaaliya. Tusaale ahaan, dawlada waxaa waajib ku ah in ay baaritaan ku sameeyaan ayna dacwad kusoo oogaan xadgudubyada ku xusan Qodobka 8 (2) (e) (i) ee Sharciga Maxkamadda Caalamiga ah ee Dembiyada, sharcigaas oo tilmaamaya haddii "si ula kac ah weerar loogu geysto dad rayid ah, ama shakhsiyaad rayid ah oo aan ka qayb-qaadanayn colaadaha" ay ka dhigantahay dembi dagaal oo ka dhex dhacay colaado hubeysan oo aan caalami ahayn.

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

8. Dastuurka Federaalka Ku-meelgaarka ah ee Soomaaliya wuxuu ilaaliyaa xuquuqda nololaha, xorriyadda, amniga, iyo xorriyadda kulanka, ka-mid-noqoshada, iyo isusoo-baxyada, iyo xuquuq kale.¹¹⁸ Nidaamka sharci ee Soomaaliya waa nidaam isku dhafan oo ka kooban xeerka guud, Shareecada, iyo xeer dhaqameed (Xeerka Soomaliga).
9. Awoodda nidaamka garsoorka rasmiga ah ee lagu maareeyo kiisaska ayaan wali si buuxda loo soo celin kadib markii uu dhacay burburkii dagaalkii sokeeye ee bilaabmay 1991. Dawlad Goboleedyada Xubnaha ka ah Dowladda Federaalka ah waxay billaabeen inay dhistaan hay'addooda caddaaladda, inkastoo shaqaalaha hay'adaha cadaaladda intooda badani aysan haysan tababarka rasmiga ah. Ma jiraan habab kormeer, maxkamaduhuna ma heystaan awood ay ku dhaqan geliyaan go'aanada.

¹¹⁷ Jawaabta Soomaaliya ee talooyinka laga siiyay Dib-u-eegista Caalamiga ah ee Mudeysan §98.1.

¹¹⁸ Dastuurka kulmeedhgaadhka ah ee Soomaaliya 124: "Waxay dawlada federaalku damaanad qaadaysaa nabada, madaxbanaanida iyo amniga qaranka ee Jamhuuriyada Federaalka Soomaaliya iyo badqabka dadkeeda iyadoo u adeegsanasa taas ciidamadeeda amniga."

Iyadoo ay ku larantahay aragtida xididdeysatay ee laga qabo musuqmaasuqa, ayaa tani waxay si xun u saameynaysaa kalsoonida dadweynahu ku qabaan nidaamka cadaaladda ee rasmiga ah. Dadyow badan ayaan gaari karin [heli karin] nidaamka rasmiga ah waxayna door bidaan inay khilaafaadkooda ula tagaan habab dhaqameedka cadaaladeed, oo ay kamid yihiin “maxkamadaha” ay maamulaan Al Shabaab ee ku yaal deegaanada ay maamusho [Al Shabaab].

Qaab-samaynta Qaran ee Wax ka Qabashada Rabshadaha Galmada

10. Nidaamka sharciyeed ee Soomaaliya ee wax ka qabashada rabshadaha galmada wuxuu ka kooban yahay Shareecada, nidaamka caddaaladda ee dhaqanka (Xeer), iyo nidaamka garsoorka rasmiga ah, inkasta oo kiisaska intooda badan lagu xalliyo Xeerka iyo Shareecada. Sida hadda lagu dhaqmo, nidaamyadani waxay badanaa keenaan dhibbaatooyin dheeraad ah oo soo wajaha dumarka iyo gabdhaha, iyada oo aan caddaalad loo helin kuwa ka badbaaday, haddana aan la ciqaabin kuwa dembiileyaasha ah.¹¹⁹
11. Puntland ayaa hadda ah Dowlad Goboleedka kaliya ee leh sharci gaar u ah wax ka qabashada xadgudubka jinsiga - Xeerka Xadgudubyada Galmada ee Puntland - oo la ansixiyay 20kii Agoosto 2016. Dejinta xeerar wax looga qabanayo xadgudubyada galmada ayaa hawshoodu u socotaa dowladda federaalka ah iyo Somaliland. Sheybaarro casri ah (forensic laboratories) ayaa laga hirgeliyay Muqdisho iyo Garowe si ay u sameeyaan diiwaan-gelin iyo qoraalo caafimaad oo rasmi ah, qoraaladaas oo dadka soo badbaaday ay ka dhigan karaan cadeeymo marka ay maxkamadda la tiigsadaan fal dembiyeedka khuseeya xadgudubka galmada.¹²⁰

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

12. Dastuurka Federaalka Ku-meelgaarka ah ee 2012 ayaa caddeynaya qodobga gaar ah oo ilaalinaya xuquuqda carruurta ee xilliyada ay socdaan colaadaha hubeysan, gaar ahaan qodobkiisa 29aad, oo qeexaya ‘ ILmo kasta wuxuu xaq u leeyahay in laga ilaaliyo, oo aan loo adeegsan dagaallada hubaysan’. Isla qodobkaas ayaa sidoo kale wuxuu ereyga caruur ku qeexayaa ‘ qof kasta oo da’diisu ka yar tahay 18-jir ‘.
13. Iyadoo ku beegneyd waqtigii la ansixinayay Dastuurka Kumeelgaarka ah sanadkii 2012kii, ayaa Dowladda Federaalka ah iyo Qaramada Midoobay waxay saxiixeen labo Qorshe-Hawleedyo oo loogu talagalay inay soo afjaraan qorista iyo adeegsiga iyo dilka carruurta ee ay geystaan ciidamadeeda marka ay fulinayaan hawlgallada ciidan iyadoo diiradda lagu saarayay fulinta waajibaadka ka saaran sharciga caalamiga ah.¹²¹

119 Nidaamka cadaalada dhaqanku waxay la xidhiidhaa dhexdhexaadinta isku dhacyada qabiilada iyo magdhawga oo sida badan ku dhacda gacanta qoyska halkii laga siin lahaa dhibanaha tacadiga galmada. Ka dibna Eedaynihii la sii daayo, dacwadana lasoo afjaro. UNSOM waxa soo gaaray warbixino haween iyo gabdho oo lagu qasbay in loo guuriyo danbiilihii. Nidaamka dhaqanka aad ayaa loo tixgaliyaa, qoysaska iyo qabaa’ilkuna waa ay ku tiirsan yihiin. Waxay Qaramada Midoobay soo saartay siyaasad dhaqameed lagu xalinayo dhaqamada nuucaas ah. kana

120 Iyadoo ay qayb ka tahay maamulka caafimaad ee baratakoolka kufsiga si kor loogu qaado tayada adeeg gaadhsiinta dhibanayaasha.

121 Caruurta waxaa la siiyay damaanad qaad aasaasi ah ee dadka aan qayb toos ah ka qaadan colaadaha maxaliga ah. (Qodabka 3 ilaa Faalada Guud (GC) iyo Qodobka 4aad ee baratakoolka II). Waxaa ilaalin gaar ah la siiyay caruurta waxaana la xadiday kaqaybgalkooda colaadaha iyadoo ay ka mid tahay xiristaiyo mamnuucida xukunka dilka ah (Paratakoolka II, Qodabka 4, faqradiisa 3c; .3d GCIV Art. 68 Paratakoolka II qodobka 6). Xeerarka 135, 136 iyo 137 waxay ka kooban yihiin qodobo gaar ah oo ilaalinaya caruurta kusugan goobaha colaadaha hubaysan.

14. Dowladda Federaalku waxay horumar ka gaareysaa hirgellinta labada Qorshe-Hawleedyo, iyadoo taageero ka heleysa Xafiiska Badbaadinta Caruurta ee UNSOM iyo Koox Hawleedka Dalka u qaabilsan Kor-joogteynta iyo Ka-war-bixinta (CTFMR), ayay ansixisay siyaasado gaar ah¹²² waxayna dhistay qaab-dhismeed iyo habab lagu horumarinayo tayada iyo awoodda, lagu abuurayo wacyi laguna taageerayo dadaallada maamullada dowladda.¹²³ Waxaa intaa dheer, taageero la siiyay dhiiri-gelinta iyo baarista (screening) ciidamada si loo hubiyo in aanay jirin caruur ka tirsan CXD, iyadoo sidoo kale lala shaqaynayo ciidamo goboleedyada aan weli la sharciyaynin.¹²⁴
15. Guul taariikhi ah ayay ahayd in bishii Oktoobar ee sanadkii 2015ki Soomaaliya ay xubin ka noqotay Heshiiska Xuquuqda Caruurta, oo weliba bishii Maarso ee sanadkii 2014ki ay dhaqan gelisay Heshiiska Lr. 182 ee Ururka Shaqaalaha ee Caalamiga ah kuna saabsan Hababka ugu Xun ee Shaqaaleynta Caruurta.¹²⁵ Sidoo kale, Sharciga Caalamiga ah ee Xilliyada Colaadaha ayaa ka hadlaya badbaadinta caruurta.¹²⁶
16. Caqabadda ugu weyn ayaa ah is-waafajinta qeexidda ay Dowladda Federaalka ah siisay ereyga 'Caruur' iyo qeexidda Dowlad Goboleedyada ee isla ereygaas. Tusaale ahaan, Dastuurka Puntland wuxuu ereyga 'Caruur' ku qeexayaa ilmaha da'doodu ka hooseyso 15 sano.¹²⁷ Wixii ka dambeeyay soo qabashadii caruur lagu qiyaasay 100 oo ay soo qabteen maamulada Puntland iyo Galmudug sanadkii 2016kii, waxaa ugu dambeyntii lagu guuleysatay in lasii daayo dhamaan caruurtii lasoo qabtay, inkasta oo 40 kamid ah ay yihiin xukun sugayaal.

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

123 Guulahan waxaa ku jira: i) Gudi isku dhaf ah oo ka booban DFS/Qaramada Midoobay oo shaqaynaysa taasoo dusha kala socota dhaqan galinta qorshayaasha, ii) In Wasaarada Difaaca laga dhiso gudida ilaalinta caruurta iyadoo loo magacaabay xubno militariga ah oo arintan qaabilsan, iii) In la dhiso gudi isku dhaf ah oo ka kooban FGS/CPU iyo kooxda waregta ee Qaramada Midoobay.

124 Tusaale ahaan, 235 oo ka mida 310 xubnood ee booliska gaarka ah ee koonfur galbeed ayaa la waraystay, halkaasoo laba wiil oo da'doodu tahay 16 jirro laga helay lagana saaray 17 bishii May 2017kii.

125 Wali waxaa jira caqabado iyo galdaloolo waaweyn waxaana loo baahan yahay in dadaalada la sii wado si si buuxda loogu kantaroolo qodobadan si loo xoojiyo qaabdhismeedka sharciga ah ee hada jira. Waqtiga warbixintan, Wasaarada Haweenka iyo Horumarinta Xuquuqda Bani'aadamku (MoWHRD) waxay diyaarinaysaa warbixintii ugu horaysay ee dawlada Somaaliya si loogu gudbiyo Gudida Xuquuqda Caruurta, iyadoo wadatashi balaadhan la yeelanaysa Dawlad goboleedyada xubnaha ka ah federalka(FMS). Wasaaradu waxay sidoo kale bilowday 17kii bishii November iyadoo taagero ka helaya UNICEF, Geedi socodka lagu curinayo Xeerka Xuquuqda Caruurta, hawl aad u muhiim ah oo lagu dhaqan galinayo Heshiishka Xuquuqda Cruurta.

126 Keydka Macluumaadka ee Gudida Caalamiga ah ee laanqeerta cas, rule 135: Caruurta ay saamayeen colaadaha hubaysani waxay leeyihiin ixtiraam iyo ilaalin gaar ah.

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

Jawaabaha La helay

Somaliland

Faallooyinka ku saabsan Warbixinta UNSOM:

- Marka la tixraaco qaybaha ka hadlaya Sool, Sanag iyo Buhoodle ee lagu tilmaamayo “Dhul lagu muransan yahay” waa arrin dareen-kicin leh oo wax u dhimaysa wadahaadalka u dhexeeya Somaliland iyo Soomaaliya. Waxa xaqiiqo la wada ogyahay ah in Maxmiyaddii Talyaaniga ee Soomaaliya iyo Maxmiyaddii Ingiriiska (Britishka) ee Soomaali ay lahaayeen xuduudo kala soocan oo ay aqoonsanaayeen Midowga Afrika iyo Qaramada Midoobay. Si aan kuula socodsiino xaaladda jirta, cabashooyinkii siyaasadeed ee deegaannada Sool iyo Buuhoodle waa la xalliyay waana taas midda keentay in madaxdii deegaannadaas ee kala ah Cali Khaliif iyo Dr. Saleban Xagla Toosiye (Wasiirka Caafimaadka) ay joogan Hargaysa. UNSOM waxaa waajibkeeda shaqo uu yahay inay nabad iyo maamul dowladeed kusoo celiso Soomaaliya ee ma aha inay noqoto wakiil sii dheereeya dhibaataada oo u maraya xasilooni darri siyaasadeed.
- Dhacdadda ka dhacday garoonka kubadda cagta ee Hargeysa wuxuu ahaa fowdo iyo isku-dhac u dhexeeyay taageeyayaal kooxo kubadda cagta ah “Football Hooliganism” oo ay dad rayid ah oo aan waxba galabsan iyo Booliska labaduba ay dhibbanayaal u noqdeen oo ay soo gaareen dhimasho iyo dhaawac intaba, waxaana dhibaataadaas geystay qas-wadayaal taageerayaal u ahaa [kooxaha] kubadda cagta kuwaas oo aqbali waayay guul darrada kooxdooda. Isku-day kasta oo la isku dayo in xaaladdaas lagu eedeeyo booliska waa in lagu dilo sumcadda dalkeenna iyadoo loo marayo warbixinno khaldan oo bareer ah, waxaana joogitaanka UNSOM ee Hargeysa loo arki doonaa qas iyo dhinac u xaglin.
- Maxaa keenay in la adeegsado oo carrabaabo dadkii dhintay oo lagu kala sheego Daarood, Baharsame iyo Qayaad iwm? Soo daabicidda magacyada dhibbanayaashii dagaallada jufooyinka ayaa ku-filnayd muhiimna u ahayd dhamaan dadka danaynayay ee arrintu khusaysay, haddii aanay UNSOM lahayn ujeedo qarsoon oo ay kusii daba-dheeraynayso colaadda iyo dirirta beelaha gobolka Sool. Sidee ayaad ku hubiseen in tirada dadkii dhintay ay ahayd 78 qofood, maadaama Wasaaradda Arrimaha Gudaha ay aaminsantahay in laga bad-badiyay, Wasaaradduna waxay soo bandhigi kartaa liiska saxda ah ee dadkii dhintay, haddii loo baahdo.

Mudane Yasseir Arish Kalinle

Jamhuuriyadda Somaliland

Wasaaradda Arrimaha Gudaha.

Xiriiriyaha Amniga Gudaha & La-taliyaha Saree ee Wasiirka

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Iyadoo la tixraacayo kulankii wadatashiga ahaa ee laga yeeshay warbixinta Ilaalinta Dadka Rayidka ah ee dhacay taariikhdu markii ay ahayd 29kii Nofeember, 2017 Wasaaradaha Dowlad Goboleedka Jubaland way ka mahad celiyeen walaaca laga muujiyay in la ilaaliyo sumcadda Dowlad Goboleedka Jubaland ee Soomaaliya. Waxaan ku faraxsannahay in aan idinla wadaagno walaaceenna ku aadan warbixinta guud.

Faqrada 24aad:

Hey'adadda Adeegga Sirdoonka ee Jubaland ma jiraan wax xabsiyo ah oo ay gacanta ku haysay ilaa markii ciidamada booliska Jubaland la tababaray. Ilaa inta aan ka warheyno, Hey'adda Adeegga Sirdoonka ee Jubaland ma jiraan wax xadgudubyo xaga xuquuqda Aadanaha ah oo ay geysatay mana loo ogola [sideedaba] inay ka hawl-gasho magaalada Kismayo. Ciidamada booliska ayaa hadda ah kuwo shaqeeya oo loo xilsaaray maamulka. Ma la ogola in ciidamo kale ay ka dhinac shaqeeyaan. Hay'adda Sirdoonka iyo Amniga Jubaland waa garab kamid ah ciidanka militariga waxayna la dagaallamaan kooxda argagixisada ah ee Al Shabaab waxayna soo ururiyaan xogta ku saabsan kooxda argagixisada ah.

Faqrada: 70aad

Wasaarda Xuquuqda Aadanaha, Arrimaha Qoyska iyo Jinsiga, ayaa si weyn gacan uga geysata ilaalinta dadka dib ugu soo laabanaya wadanka ee ka imaanaya Kenya si loo ilaaliyo sumcadda qof kasta oo muwaadin ah iyo dadka ku soo laabanaya dalka. Wasaaraddu waxay mar kasta wacyi gelin ka samaysaa ilaalinta iyo badbaadinta haweenka, gabdhaha iyo caruurta, waxaana si guud wacyi gelinta looga sameeyaa arrimaha galmada iyo jinsiga ee ku salaysan colaadda. Wasaaraddu waxay si adag ugu ololeeyaa ka-qaybqaadashada haweenka ee arrimaha siyaasadda si wax looga qabto kala-duwanaanta awoodaha. Waxaa si buuxda u jira [u shaqeya] arrimaha ku saabsan ilaalinta beelaha saboolka ah iyo beelaha la liido. Dhamaan beelaha ku nool Jubaland waxaay leeyihin xuquuq isku mid ah, mana jiraan beelo liida beelaha kale. Haweenka iyo Gabdhaha soo barakacay waxaa si buuxda loogu dhowraa deegaanada ay gacanta ku hayso Jubaland, mana jirto cid ku xadgudbi karta xuquuqdooda. Wasaaradda ayaa majaraha u haysa ololaha loogu doodayo xuquuqda dadka lagu xadgudbay laakiin caqabaddu waxay ka jirtaa in dadka qaar ee kasoo badbaada xadgudubyada aanay doonaynin inay arrimohooda la wadaagaan [hay'adaha] weyna la aamusaan.

Faqrada 72aad:

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

nikaaxa] ayaa dhacay iyadoo aabaha uu ka maqanyahay goobta. Markii gabadhii guriga lagusoo celshay si loo abaabulo arooskii, ayaa aabihii ka-horyimid wuxuuna ku adkeystay go'aankiisii, gabadhiina ay qaadacday go'aankii aabeheed waxayna raacday ninkeedii. Aabaha dhalay gabadha wuu diiday in uu nala wadaago xogtaan laakiin waxaan ka helnay ilo wareedyo kale, waana taas midda keentay inay sheegtaan in gabadhooda xoog looga watay si ay danhooda u meel mariyaan. Guurka waxaa keenay sabab la xiriirta in gabadhu ay diiday in sidi addoon loo iibsado maadaama guurku uu yahay xaqeeda.

Wasiir Qamar Dek Khaliif

Wasaaradda Xuquuqul Insaanka, Arrimaha Qoyska iyo Jinsiga
Saxiix: =saxiixday

Wasiir Cabdinuur Cali Adan

Wasaaradda Warfaafinta, Isgaarsiinta iyo Teknolojiyadda
Saxiix: =saxiixay

TIX: AMISOM/HOM/22/475.17
Mogadishu, 08^{da} Disember 2017

Mudane,

Waxaan ka fal-celinayaa warbixinta cinwaankeedu yahay *'Badbaadinta Dadka Rayidka ah: Dhisida Asaaaska Nabadda, Amniga iyo Xuquuqul Insaanka Soomaaliya'* taas oo ay si wadajir ah u diyaariyeen Kooxda Badbaadinta iyo Xuquuqul Insaanka (HRPG) ee UNSOM iyo Guddiga Sare ee Qaramada Midoobay u qaabilsan Xuquuqul Insaanka (OHCHR). Warbixintu waxay ka hadlaysaa falal waxashnimo leh iyo tacadiyo lagu soo waramay inay dheceen lagasoo billaabo 1dii Janaayo 2016 ilaa 14kii Oktoobar 2017. Waxay eedaymo usoo jeedinaysaa dhamaan dhinacyada qaybta ka ah colaadda Soomaaliya oo ay ku jiraan tacadiyo lagu soo waramay inay gaysteen ciidamada AMISOM. Waxaanu daraasadeynay warbixinta iyadoo aan ognahay xaqa ay Qaramada Midoobay u leedahay inay wax ka qorto arrintan, ayaan waxaan aaminnsanahay in warbixintan ay ka kooban tahay dhacdooyin gaar ah oo si qaldan loo dhigay kana dhacay gudaha Somaliya kuwaas oo lala xiriiriyay hawlgalada AMISOM. Waxaa sidii la filayay aan laga dheegan niyad wanaag qaybo ka mid ah warbixinta.

Eedaymaha loo soo jeediyay AMISOM

Eedaymaha culculus ee loo soo jeediyay AMISOM waxaa laga heli karaa faqradda 28aad ee Warbixinta. Eedaymaha halkaas ku xusan ayaa ah:

- (i) Muddada ay warbixintu ka hadlayso, 178 khasaare oo soo gaaray dad rayidka ah (95 dhimasho ah iyo 83 dhaawac ah) ayaa loo aaneeyay AMISOM;
- (ii) Laba kiis oo kufsi wadareed ah iyo hal kiis oo iskuday kufsi ah ayaa sidoo kale loo aaneeyay AMISOM;
- (iii) Inta badan khasaaraha dadka rayidka ah kasoo gaaray AMISOM wuxu dhacay xilli ay ciidamada AMISOM iska difaacayeen weeraro ka dhan ah gaadiidkooda/kolonyadooda oo loo adeegsaday miinooyinka waddada la dhigo, Walxaha Qarxa iyo/ama iyadoo weerer lagu soo qaaday. Marka loo fiiriyo Warbixintan, ciidamada AMISOM waxay si aan loo meel dayin u toogteen dad rayid ah si sharciga ka baxsan;
- (iv) Dhacdooyinka gaarka ah ee kor ku xusan waxaa sii dheer, in Warbixintu ay sidoo kale curyaaminayso kalsoonida lagu qabo nidaamka baarista ee AMISOM gaar ahaan Guddigeeda Xaqiiqo Raadinta, iyadoo taasi ay wax kama-jiraan ka dhigeysa baaritaannada Hawlgalka AMISOM ku sameeyay eedaymaha gaarka ah.
- (v) Ugu danbayntii, Warbixintu waxay walaac ka muujisay mad-madow ku aaddan isla-xisaabtanka la xiriira hawlaha ay qabtaan dalalka ku jooga Soomaaliya heshiis laba-geesood ah oo ay la galeen Dowladda Federaalka Soomaaliya (DFS).

A. Eedaymaha kufsigu iyo isku dayga kufsi

Warbixinta waxaa ku jira eedaymo dhacdooyin dhacay laga soo bilaabo bishii *'Janaayo 2016 ilaa 14 Oktoobar 2017'*....*Laba dhacdo oo kufsi iyo hal isku day kufsi ah oo lala xiriiriyay AMISOM'*. Eedayntan ayaa dhowr jeer lagu xusay warbixinta. Inkastoo faahfaahin dhamaystiran aan si cad loogu xusin Warbixinta, wuxuu hawlgalku ka warqabaa saddex eedaymo oo galmo la xidhiidha laguna soo eedeeyay AMISOM mudada ay warbixintu ka hadlayso. Sidaas darteed, waxaan u qaadannay in warbixintu ay ka

hadlayso isla eedaymahaas. Sidaas darteed, ii ogolaw hadaba in aan si kooban uga warbixiyo waxaa uu hawlgalku ka qabtay eedamayahaas.

I. Dhacdadii Ceelbuur ee 7dii May 2016kii.

14kii bishii May 2016 kii, waxaad ii soo dirtay warqad taas oo aad uga hadashay eedayn ku saabsan labo caruur ah oo kala jiray da'da 15 iyo 17 sanno kuwaas oo ay kufsadeen 14 ka mid ah ciidamada milatariga Ethiopia ee ka mid ah hawlgalka AMISOM. Iyadoo la fiirinayo halista ay ku yeelanayso AMISOM, ayaan waxaan magacabay koox si ay usoo baaraan eedaymahaas. Kooxdu waxay ka koobnayd 3 rayid ah (Laba saraakiil Xuquuqul Insaanka ah iyo hal sarkaal oo arimaha Jinsiga ah) iyo sarkaal ka socday Cutubka Raad-raaca, Baaritaanka iyo Jawaab ka-bixinta Khasaaraha Shacabka (CCTARC) iyo Xiriirka Shacabka iyo Ciidamaada ee xafiiska AMISOM. Kooxdu waxay booqdeen Baydhabo, Ceelbuur, Ceelshiil iyo Ceelqoxle iyadoo waraystay 39 qofood oo markhaati ah oo deeganaa magaalooyinkaas. Baaritaankeeda kadib, iyo qiimeynta ay ku samaysay caddeymaha, kooxdu waxay kusoo gunaanaday in dhacdadaasi aanay kaba dhicin halkaas. Waxa xusid mudan, in warqaddii aad iisoo qortay ee ku saabsanayd eedeymaha aad ku xustay in dhibanayaasha la sheegay lagu daweyay isbitalka Xalaane ee ku yaala magaalada Ceelqoxle kadib dhacdadii la sheegay ee kufsiga. Si kastaba ha ahaatee, kadib wadatashiyo qoto dheer, waxay kooxdu soo ogaatay in aanu wax isbitaal ah ama xitaa farmashi aanu ku oolin magaalada. Natijoooyinkii kooxda baaritaanka waan kula wadaagay waxaana isla natijada si shakhsi ah aan kala hadlay saraakiisha hayada UNICEF.

Li ogolaw inaan mar kale ku celiyo xaqiiqada ah in baadhitaankan lasoo sameeyay iyadoo ay deeganadaa ka jirto walaac aad u sarreeya oo dhinaca amniga ah. Hadana iyadoo baaritaanka la dhamaystiray, wixii kasoo baxayna lasoo gaarsiiyay xafiiskaaga, ayaa warbixintu waxay ka dhigaysaa dhacdadii Ceelbuur eedaymo lasoo cadeeyay oo ka dhan ah AMISOM. Iyadoo la eegayo cadaaladda/dhexdhexaadnimada lana dhowrayo dhamaystirnaanta, waxaa wanaagsanaan lahayd in kuwii soo qoray warbixintan ay xog ka siiyaan AMISOM arrimaha soo socda:

- (a) Waa kee baaritaanka madaxabanaan ee QM sameysay kaas oo ku qanciay kooxda soo qortay warbixinta inay gaaraan gunaanadka ah in kufsi dhacay?
- (b) Dhacdadan waxaa la sheegay inay dhacday bishii May 2016, warbixintii kooxdayda baadhitaankuna waxay kusoo gaartay isla bishii May 2016, maxay QM ay AMISOM u siin weysay faahfaahin ku saabsan baaritaanka ay samaysay iyo waxyaabihii kasoo baxay baaritaankaas, gaar ahaan maadama oo ay ka hor imanayso warbixintii AMISOM? Tani waxay qayb ka noqonaysaa heshiishyadii kooxda wada shaqaynta ee AMISOM-UNSOM-UNSOS-HRDDP, taas oo sida aad ogtahay ah koox joogto ah oo wax ka qabata arrimahaas oo kale.

II. Dhacdadii Buulo-Burte ee bishii April 2016kii

Waxaa laga yaabaa inaad xasuusato in 26kii bishii April 2017ka aad iisoo dirtay qoraal sheegaya in askari ka tirsan guutada Jabuuti ee AMISOM uu kufsaday gabadh 16 jir ah oo cuntada u karin jirtay askarta ku sugan xerada AMISOM ee degmada Bullo-Burto. Markii aan helay warqadaada, waxaan magacaabay koox baaritaan hordhac ah soo samaysa, iyadoo si cad usoo ogaaday xaqiiqada ah in dhacdo kufsi ay dhacday balse eedaysanuhu uu ahaa askari loo tobobarayay ciidanka Xooga Dalka ee Soomaaliya (SNA) ee aanu ahayn askari ka tirsan ciidamada AMISOM. Xogta lasoo ogaaday waxay ahayd in hawlo lagu qorayay askar ay ka socotay Xerada AMISOM waqtigaas. Eedaysanahu wuxuu ahaa muwaadin Soomaaliyeed oo kamid ahaa kuwa la tababarayay. Waa la xiray waxaana lagu wareejiyay booliska si ay tallaabooyinka xiga iyo dambi oogis ugu qaaadaan. Dabcan, waxaa loo soo diray xafiiskaaga sawirkii eedaysanaha iyo warbixintii ciidanka booliska. Wali waxay warbixantu ka dhigaysaa dhacdadan eedaymo kufsi oo lagu soo cadeeyay AMISOM. Sidii dhacdadii Ceelbuur, waxaa muhiim ah in QM ay faahfaahin

ka bixiso baaritaan kasta oo ay samaysay kaas oo horseeday gunaanad ka hor imaanaya warbixinta ay soo saartay AMISOM.

III. Dhacdadii Garastaan ee 18kii June 2017

Waxaa la sheegay in 18kii bishii Juun 2017ka gabar 35 jir ah oo ku nool tuulada Gaarastaan ee deegaanka Baydhabo oo la joogtay geel kaynta halkaas oo ay soo gaareen koox ka tirsan ciidamada Itoobiya si ay xaabo/qoryo dabka lagu shito ay uga gurtaan meesha. Waxaa la sheegay in mid kamid ah askarta uu xageeda u dhaqaaqay soona qabtay kadibna isku dayay inuu kufsado laakiin ay ku qaylisay taasoo gaartay askartii kale. Iyadoo sidaa xaalku u socdo ayuu askarigii sii daayay kadib markii uu middi uga dhuftay lugta. Waxaa la sheegay in dhibanaha lagu daweyay isbitaalka lana fasaxay. Waxay kadib dhacdadan kusoo wargalisay ciidanka booliska ee Baydhabo. 7dii bishii Luulyo 2017kii. Waxaan kusoo ogaysiiyay in baaritaan hordhac ah lagu samayn doono eedaymahan. Baadhitaanka hordhaca ah ayaa lasoo sameeyay, iyadoo la fiirinayo khatarta ay leedahay eedayntani, waxaan diyaariyay koox baaritaan oo ka kooban gabdho kaliya si ay usoo badhaan eedaymahan. Dabcan, kooxdu waxay lasoo xidhiidhi doonaan saaxiibada UNSOM ee arintani qusayso si ay usiiyaan xog ka caawisa inay gaaraan gunaanad cadaalad ah. Marka la fiiriyo tan, maadaama dadka qoray warbixintana ay u muuqdaan inay cadayn u hayaan masuuliyada eedaymahan in ay leedahay AMISOM, waa inay si lamid usoo gudbiyaan guddiga maadaama la rabo in laga gun gaaro eedaytan.

B. Eedaymaha ku saabsan dilalka sharci daradda ah.

Warbixintu waxay muujinaysaa eedaymo waawayn oo [la galay] intii u dhaxaysay bishii Janaayo 2016 kii iyo 14 kii Oktoobar 2017, AMISOM iyaga ooka jawaab celinaya walxaha qarxa, miinooyinka dhulka lagu aaso iyo weeraro ayay si aan kalasoo lahayn xabad ugu fureen dad rayid ah, iyagoo dilay, sidoo kalena dhaawac u geystay boqol iyo todobaatan-iyo-sideed (178) ka mid ah dadkaas rayidka ah. Waxay warbixintu sidoo kale sheegtay in ciidamada AMISOM ay mas'uul ka ahaayen dilal sharci darro ah iyo si-xun ula-dhaqan ay kula keceen dadkii xabsiyada ay ku hayeen. Sidoo kale dhacdadii Wardinle ka sokow, warbixintu waxay ku guul daraysatay inay wax faahfaahin ah ka bixiso inay caddayso eedaymahaa culculus. Mudadadii ay warbixintu socotay, wuxuu xafiiskaagu iisoo gudbiyay tiro dhacdooyin ah oo lagu soo eedayay inay AMISOM ku lug lahayd. Marka laga tago dhacdooyinka ay hadda AMISOM ku waddo baaritaannada, eedeymaha intooda badan waa laga jawaabay waxaana lala wadaagay xafiiska Hawlgalka. Sidaa darteed, hawlgalku kama warqabo dhacdooyin ay ciidankoodu si aan kala sooc lahayn rasaas ugu fureen dad rayid ah ama dilal sharci darro ah oo loo geystay dad rayid ah. Sidaas darteed, AMISOM waxay codsanaysaa inay hesho xog dheeraada oo laga yaabo inay ku jirto gacanta dadka qoray warbixintan kuwaas oo cadaynaya eedaymaha ay warbixintani ka kooban tahay. In eedeymahan oo kale lasoo jeediyo iyadoo aan loo helin caddeymo lagu xaqiijiyo ayaa waxay kasoo horjeeddaa habka wadashaqaynta ee AMISOM-UNSOM-UNSOS-HRDDP.

C. Hawlaha ay Soomaaliya ka wadaan Dalalka Ku-deeqay Ciidamada ee aan hoos tegin AMISOM iyo mad-madowga ku jira xaqiijinta cida qaadaysa mas'uuliyaddooda.

Mid ka mid ah dhacdooyinka lala xiriiriyay AMISOM taasoo ay warbixintu si gaar ah u xustay waa dhacdadadii ka dhacday Wardinle laguna eedeeyay AMISOM. Warbixinta waxay QM ku sheegtay in:

“Joogitaanka Ciidamada Difaaca Qaranka Itoobiya ee aan ka midka ahayn hawlgalka AMISOM ee isla goobta hawlgalka ku jooga magaca Ciidamada Itoobiya ee AMISOM, ayaa abuuraysa mugdi kana dhigeysa xaqiijinta mas'uuliyadaha mid culays lagala kulmo. Iyadoo maanka lagu hayo gunaanadka ay gaareen kooxda baarista ee AMISOM, waxaa wali adag in meesha laga saaro inay ciidamada AMISOM ku lug lahaayeen dhacdadadii Wardinle’

Mudane, ii ogolaw in aan caddeeyo qodobadan soo socda:

- (i) Isla markii aan helay caddeymo hordhac ah oo u baahan in baaritaan dheeraad ah lagu sameeyo, waxaan magacaabay oo aan u diray guddi soo baara . Gudigu waxay booqdeen Baydhabo, Wardiinle, iyo Awdinle waxayna wareysteen dad farabadan oo ay kamid yihiin Wasiir kamid ah Dowlad Gobaleedka Koonfur Galbeed, Guddoomiye Degmo, Odayaal Dhaqameedyo, Dhibanayaal, xubno kamid ah qoysaska dadkii dhintay, askarta AMISOM iyo guutada Itoobiya ee goobtaas ku sugan. Waxaa cadaatay in dhibaataada halkaas ay ka dhacday iyadoo Ciidamada AMISOM aanay joogin halkaas. Dhab ahaantii, inta lagu gudajiray baaritaanka, guddiga ayaa ka xaqiijiyay UNSOS in aanay ka warqabin goobo AMISOM ay ku lahayd agagaarkaas iyo in aysan jirin wax saad bixin ah ee deegaankaas ka jiray.
- (ii) Inkastoo aragti ahaan ay dhici karto inay masuuliyadaha lakala leeyahay ay isku milmaan oo uu mugdi soo galo, haddana taasi ma aha dhib ama culays uu la kulmo hawlgalka AMISOM ee Soomaaliya. Dhacdadii ka dhacday Wardinle waa dhacdada kaliya ee AMISOM iska diidday mas'uuliyaddeeda una tiirisay ciidamo aan kamid ahayn AMISOM, kana hawlgala aaggaas ee ka socda Dalalka Ku-deeqay Ciidamada. Waxaa muhiimada gaar ah leh in hoosta laga xarriiqo markii la gaarayay gunaanadkan, in horay loo sameeyay baaritaano qoto dheer, ayna kamid tahay xaqiijinta ay UNSOS xaqiijisay in aanay hawlo saad bixin ah ka fulin aaggaas sababtoo ah ma jiraan askar ka tirsan AMISOM oo ku sugan aaggaas.
- (iii) Iyado maskaxda lagu hayo arrimahaas , waxaan si adag dood uga qabnaa gunaanadka warbixinta ee sheegeysa in askarta AMISOM ay si uun ugu lug lahaayeen kiiska Wardiinle. Arrinta ku saabsan joogitaanka ciidamo aan ka tirsanayn Ciidamada Qalabka Sida ee Soomaaliyeed iyo ciidamo kale oo aan hoos tegin AMISOM, ayaa ah arrin waajibkeedu saaranyahay Dowladda Soomaaliyeed, oo AMISOM aanay awood u lahayn. Bedelkii loo hawlgeli la lahaa in mas'uuliyadda loo kala qaybiyo oo loo saariyo AMISOM marka xaaladahaan oo kale ay yimaadaan, waxaan ku talinaynaa in tallaabta waxtarka leh ay tahay in QM ay arrinta kala hadasho dalka kamidka ah Dalalka Ku-deeqay Ciidamada ee aan sheegnay in uu mas'uul ka yahay dhacdadaas.

D. Dhaliisha loo soo jeediyay habka baarista ee AMISOM

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

'Waxa kale oo walaac ka jiraa sida gaabiska ah ee AMISOM uga soo jawaabto eedaymaha loo soo jeediyay. Waxa kale oo naadir ah in la helo jawaabcelin ka wabixinayso tallaabooyin cad-cad oo la qaaday markii baaritaanka la samaynayay, sida waraysiyo laga qaaday dhibanayaasha, markhaatiyaasha ama maamullada hoose. In la qaado tallaabooyin la isku-xisaabiyo oo la isku-saxo waxay kamid ah tallaabooyinka mudnaanta leh ee lagu yaraynayo khasaaraha, sida lagusoo bandhigay qaab-samayska QM ee ku aaddan HRDDP, kaas oo lagu kaalmaynayo AMISOM. Markii ay dhacdo in aanay waafi noqon ama la waayo baaritaano la aamini karo oo lagu sameeyo eedeymaha, aya taasi waxay horseedi kartaa in Qaramada Midoobay ay dib uga fiirsato iyo/ama ay hakiso taageerada ay siiso shakhsiyaadka iyo guutooyinka ku lug yeesho xadgudubyada'

Mudane, ii ogolaw in aan jawaabahan ka bixiyo arrimaha ku xusan faqradda kore:

- (i) Marka hore, waxaa nalagu eedeeyey eedaymaha ku xusan faqraddan. Dhamaan baaritaanada uu sameeyay Guddiga Baaritaanka, waxaan la kulmeynay markhaatiyaal xog-ogaal ah. Tusaale ahaan, sida dhacdada kor ku xusan ee kiiskii Ceelbuur ka dhacay, waxaan wareysannay 39 qof oo ay ka mid yihiin madaxda dawladda, hogaamiyeyaasha diinta, madaxda Ciidanka Booliska Soomaaliyeed, madaxda CXD iyo madax dhaqameedyada. Dhacdadii Wardinle ka dhacday, waxan warbixinno ka ururinay Wasiir ka tirsan Dowlad Goboleedka Koonfur Galbeed, Guddoomiye Degmo, Odayaal Dhaqameedyo, Dhibanayaasha , xubno kamid ah qoysaska dadkii geeriyooday,

askarta AMISOM iyo guudtada Itoobiya eek u sugan deegaankaas, iwm. Dhamaan natiijada baaritaanadaasi waxaa loo soo gudbiyay xafiiskaada. Wararka sheegaya in aanan wax talaabo ah u qaadin in aan wareysano dhibanayaasha, markhaatiyada iyo dowladda hoose ayaa ah mid marin habaabin ah.

- (ii) Midda labaad, Warbixinta waxaa ku xusan in jawaab-celinta AMISOM iyo baaritaanadeeda ay yihiin kuwo gaabis ah. Waa maxay fasiraadda ay QM u heyso ereyga “dhakhso” marka laga hadlayo jawiga hawlgal ee sida Soomaaliya oo kale ah, halkaas oo dhacdooyinku ay ka dhacaan meelo ay ka jirto xaalad amni darro oo sarreysaa? Baaritaannada lagu sameynayo eedeymaha halista ah waxay qaadanayaan waqti waxayna u baahanyihiin in la geliyo maskax si gunaanadka la sameeyo loogu sii sameeyo hubin iyo turxaan-bixin dheraad ah.
- (iii) Midda saddexaad, qaar kamid ah baaritaanada aan sameynay waxaan ku gaarnay gunaanad cad oo ah in qaar kamid ah dhibbanayaasha dhibaataadu kasoo gaartay hawlgallada AMISOM la siiyo lacago xaal marin ah (ex gratia). Hadda waxaa la diyaariyay Siyaasad iyo Halbeegga Habraacyada Hawlgallada ee loogu talo galay Cutubka Raad-raaca, Baaritaanka iyo Jawaab ka-bixinta Khasaaraha Shacabka (CCTARC) waxayna naga caawin doonaan sidii aan u gudan lahayn waajibaadkaas. Caqabadaha xagga kharashka ku saabsan waxaan waqtigii loogu talo galay u gudbinay QM si loo horgeeyo Shirweynaha Deeq-bixiyeyaasha ee dhici doona horraanta bisha Oktoobar ee sanadkan. Tani waa hab kamid ah hababka wax ku oolka ah ee QM ay ku caawin karto Hawlgalka.
- (iv) Sidoo kale, waxaan ogsoonnahay qodobka ku xusan jumlada lagusoo gabagabeeyay faqradda kor ku xusan. Sida aan u fahamsannahay ayaa ah in hanaanka HRDDP aanu ahayn hanaan ciqaab marin ama hanaan hadba sidii la rabo looga tanaasuli karo. AMISOM waxay u fahamsantahay in uu yahay hanaan fulineed oo xuquuqul insaanka lagu hago kaasoo u baahan in QM ay hagto ayna ka talo siiso jihada ama hay’adda loogu adeegayo marka ay jiraan sababo lagu rumaysan karo in ciidamo aan ka tirsanayn QM ay geysteen xad-gudubyo ba’an kuwaas oo ah kuwo lasoo qorsheeyay oo baahsan. Joojinta iyo la-noqoshada taageerada waa xalka ugu dambeeya, marka xadgudubyadaas oo kale ay dhacaan loona waayo caddeyn ah in la qaaday wax tallaabooyin ah oo lagu saxayo laguna yaraynayo saameynta, marka laga reebo indha-indheynta QM. Waxaan u aragnaa in aanu jirin qodob kamid ah qodobbadaas oo la dhihi karo wuu qabanayaa ama waa lagu qabsan karaa AMISOM.

Mudane, ii ogolow in aan soo gunaanado hadalkayga anigoo markale ku celinaya sida AMISOM ay uga go’antahay in fulinta hawlgalladeeda ee Soomaaliya ay waafajiso dhamaan sharciyada lagu dhaqmo ee kala ah Sharciga Caalamiga ah ee Xilliyada Colaadaha (IHL) iyo Sharciga Caalamiga ah ee Xuquuqul Insaanka (IHR). Xaaladda deeganada laga hawlgalo waa mid adag iyadoo maanka lagu hayo tabaha iyo qorshayaasha dagaal ee Al Shabaab. Si kastaba ha ahaatee, askarteenna waa la tababaray waxaana si cad loo faray inay u hogaansamaan sharciyada dhaqan-galka ah. Si looga guul gaaro hawshaas, AMISOM waxay soo saartay siyaasado kala duwan iyo tallaabooyin muhiim ah si ay u hagaan ciidamooda ku sugan Soomaaliya. Waxaan kusoo dhoweynaynaa UNSOM inay Hawlgalka ku taakulayso sidii loo xoojin lahaa hababka hadda jira ee ay adeegsato AMISOM si ay u sii wadato fulinta hawlgalladeeda iyadoo u hoggaansan dhamaan xeerarka degsan.

Iga guddoon, Mudane, tixgelinta qadarinteyda ugu sarreysa.

Danjire Francisco C. Madeira

Ergayga Gaarka ah ee Gudoomiyaha Guddiga

Midowga Afrika u qaabilsan Soomaaliya, ahna Madaxa AMISOM

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SAFAARADDA KENYA, MUQDISHO
GEGIDA CAALAMIGA AH EE MUQDISHO
MUQDISHO

Ref. No. KES/MGD/ADM.1/31/(03)

Hawlgalka Kaalmaynta Qaramada Midoobay ee Soomaaliya – Xafiiska Ergeyga Sare ee Qaabilsan
Xuquuqul Insaanka
Muqdisho

(Ku: Kirsten Young)

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

Dhisidda Aasaaska Nabadda, Amniga iyo Xuquuqda Aadanaha Diseembar, 2017

Waxaan tixraacaynaa qoraalka [dokumentiga] kor ku tilmaaman ee anaga naloosoo diray 28dii Nofeembar, 2017. Dokumentiga waxaa ku qoran eedeymo la xiriira xadgudubyo ka dhan ah Sharciga Caalamiga ah ee Xilliyada Dagaallada iyo Sharciga Caalamiga ah Xuquuqul Insaanka, eedeymahaas oo loo soo jeediyay Ciidamada Difaaca Kenya ee ka tirsan AMISOM kana hawlgala Soomaaliya, ciidamadaas oo warbixintu ku tilmaantay in ay yihiin Ciidamada Difaaca Kenya ee aan ka tirsanayn AMISOM. Waxaan rabnaa in aan si cad u sheegno in Dowladda Kenya ay warbixintan u aragto wax aad iyo aad xiiso abuur u ah , isla markaana xambaarsantahay eedeymo aan loo heyn wax caddeyn ah oo saameyn khatar ah ku yeelanaya Ciidamada Difaaca Kenya (CDK) oo ah ciidan xirfad leh. Si aan u kala caddeyno, jawaabteenna hoos ku qoran ayaa noqon doonta qoraalka farta maddow ee italics – ka ah . Waxaana jawaabteenna diiradda ku saari doonnaa faqraddaha 28, 29, 38, 40, 41, 43, 78 iyo 81 ee warbixinta, taas oo qaab xun loogu tilmaamay CDK. Waxaa kale oo jawaabta kamid noqon doona qoraal indha-indhayn ah oo ku saabsan warbixinta, waxayna jawaabtu u qorantahay sida soo socota:

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

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

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

Faqradda 28aad: Dhamaan guutooyinka AMISOM waxay ku lug leeyihiin xadgudubyo – dilal, kufsi wadareed, isku-day kufsi. **Guutada Kenya oo dishay 4 qof oo rayid ah dhaawacdayna 5 kale.** Khasaaraha soo gaaray dadka rayidka ah wuxuu inta badan ka dhashay rasaas aan loo meel dayin oo ay furaan ciidamada AMISOM marka kolonyadooda lagu weeraro Walxaha Qarxa, miinooyinka dhulka lagu aaso ama bamboo gacmeedyo. Xadgudubiyada kale waxaa kamid ah dilal aan sharciga waafaqsanayn, hab-dhaqan aan wanaagsanayn oo lala kulmo inta xabsiga lagu jiro, iyo xadgudub jinsi.

Jawaab: Hadal qoraaleedkan guud ma khuseeyo Ciidanka Difaaca Kenya oo iyagu ku dhaqma hab-dhaqanka ugu wanaagsan ee hawlgallada. Xaalad kasta ee ay dhacaan khasaare soo gaara dadka rayidka ah ama ay jiraan cabashooyin noocii ay doonaa ha ahaadaane, habraaca ayaa ah in lagusoo wargeliyo kadibna la baaro, laakiin habraacyadaas mid kamid ah ma lama marin. Kenya weli ma soo gaarin cabasho ku saabsan dhimasho dad rayid ah oo lagusoo eedeeyay CDK intii lagu guda jiray muddada dib-u-eegista. Haddii ay soo gaari lahaayeen cabashooyin, si dhakhso leh ayaa loo baari lahaa, waxaana laga qaadi lahaa tallaabooyinka lagama maarmaanka ah. Eedaynta halista ah ee loosoo jeediyay CDK ma aha wax xaqiiqo ah oo caddeyn ku fadhiya. Sidaas darteed, waa in aanay kasii qayb ahaanin warbixintan. Walxaha qarxa ee lala beegsado kolonyada waxaa sii kordhiyay dhabba-galka Al-Shabaab ee caadiyan ka dhaca Wddooyinka Waaweyn ee Sahaydu marto. Caqligal ma aha in dadka rayidka ah ay fuliyaan dhabba-gal. Xaaladda iyo sawirka suurto-galka ka ah warbixinta ayaa ah in dagaallamayaashu ay iska dhigayaan dhibbanayaal. Ciidanka Difaaca Kenya ee ka tirsan AMISOM waxay si sax ah u raacaan mabaadi'da dhigaysa in tallaabooyinka la qaadayo ay noqdaan kuwa lagama maarmaanka ah [principles of necessity], kala-soocidda, iyo isku-dhiganka marka ay fulinayaan hawlgallo ka dhan ah Al-Shabaab. Sida horay loosoo sheegay, weerarada Al Shabaab ay u adeegsato walxaha qarxa iyo miinooyinka dhulka lagu aaso ayaa waxaa ku xigsada ama daboolo rasaas. Jawaab kasta oo guutada CDK ay ka bixiyaan xaaladahaas oo kale ayaa sida asalka ah lala beegsadaa argagixisada Al Shabaab ee lalama eegto dad rayid ah. Intaas waxaa sii dheer, CDK weligood kama qayb qaadanin dhacdooyin la xaqiijiyay oo lagu geystay dilal sharciga ka baxdsan, kufsi ama in si xun loola dhaqmo dadka lo xiraa.. Run ahaantii, CDK weligood dad xabsi kuma gelin Soomaaliya gudeheeda.

Sidaas darteed, Ciidanka Difaaca Kenya kama war hayo eedeymo gaar ah oo ku saabsan dilal sharci darro ah, hab-la-dhaqan xun ama xadgudub galmood oo ay geysteen xubnaha ciidanka ee jooga Soomaaliya. Iyagoo ka warqaba inay waajib tahay in la ilaaliyo dadka rayidka ah, lana xaqiijiyo taageeriddooda, ayaa CDK waxay goobaha ay mas'uulka ka yihiin ka fuliyaan Wada-shaqaynta Rayidka iyo Ciidamada (CIMIC) si loosoo jiito quluubta iyo dareenka bulshada guud. Tusaale ahaan [waxaa kamid ah], Goobo caafimaad oo toddobaad kasta Dadka lagu Daweeyo oo laga hirgeliyay dhamaan goobaha ay CDK mas'uulka ka yihiin, Dhismaha dugsiyo waxbarsho (Madrasooyin) oo laga dhisay deegaannada Busaar, Taabta, Hoosingo, waxaa kale oo ay ku deeqeen qalabka codbaahiyaha ah ee lagula hadlo dadweynaha, miisas ayay u qeybiyeen dugsiyo waxbarasho oo ku yaal Hoosingo, waxay ceelal biyood ka qodeen Afmadow, Billis Qooqaani, Taraka iyo Dhobley. Sidaas darteed, waxaan dalbanaynaa in eedeymaha aan saxda ahayn ee ka dhanka ah CDK laga saaro warbixinta.

Faqradda 29aad: CDK ee aan ka tirsanayn AMISOM waxay mas'uul ka ahaayeen 64 khasaaroooyin soo garay dadka rayidka ah (32 dhimasho ah iyo 32 dhaawac ah) sanadkii 2016. Deegaanada Jubbaland, xadgudubyada badankood waxaa loo aaneynayaa inay ka dhasheen duqeymo cirka ah oo ay geysteen CDK, oo sida lasoo weriyay loola kaashaday warar sirdoon oo laga helay CDK ee AMISOM.

Jawaab: Ilaha sirdoon ee ka jira Soomaaliya ayaa tiradoodu badantahay weyna ka ballaaranyihiin ilala sirdoon ee Dalalka Ku-deeqay Ciidamada. In la yiraahdo duqeymaha cirka ah waxaa la fuliyaa iyadoo la adeegsanayo warar sirdoon oo laga helay CDK ee AMISOM, ayaa ah wax xushmo la'aan waxayna u baahanatahay in loo caddeeyo si aan shaki laheyn. Warbixintan waa wax laga xumaado waxayna u muuqataa inay tilmaameyso in CDK ee ka tirsan AMISOM ay rasaas ku furaan dadka rayidka ah. Iyadoo la raacayo Qaraarka Golaha Amaanka ee tirsigiisu yahay 2036 (2012), Ciidanka Difaaca Kenya waxay ku hawl-galaan saddex diyaaradaha qumaatiga u kaca ah oo ka amar qaata kana dambeeya Taliyaha Ciidamada AMISOM. Diyaaradaha qumaatiga u kaca ee weerarada geysta waa agabka kaliya ee duqeymaha cirka lana adeegsado marka Al Shabaab ay geysato ama ay

geysan rabto weeraro aad u ballaaran oo ka dhan ah Guutooyinka AMISOM. Waxaa xusid mudan in argagixisada Al Shabaab ay adeegsadeen hub cul-culus sida “Tiknikada” lagu xiro gawaarida, Madaafiic iyo hoobiyeyaal, taas oo khasab ka dhigeysa in la adeegsado diyaaradaha qumaatiga u kaca ee wax duqeeya.

Eedeymaha khuseeya duqeymaha cirka ee ay geysteen ciidamada caalamiga ah

Faqradda 38aad: 74 duqeymo cirka ah ayaa dhacay muddadaas waxaana ka dhashay 57 khasaare dad rayid ah (23 dhimasho ah iyo 34 dhaawac ah). 26 kamid ah duqeymahaas cirka ah waxaa geystay CDK ee aan ka tirsanayn AMISOM waxaana ka dhashay 48 khasaare dad rayid ah (19 dhimasho ah iyo 29 dhaawac ah). Waxaa lagusoo warramay in duqeymaha cirka ah lala beegsanayay goobaha ay jooheen Al Shabaab, kadib weerarkii lagu qaaday saldhigga CDK ee AMISOM ee gobolka Gedo bishii Janaayo 2016.

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

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

Jawaab: Eeg jawaabaha laga baxshay faqradda 29 iyo 38. Sida muuqata, wabixinta Kooxda Badbaadada iyo Xuquuqul Insaanka (HRPG) waxay soo xigatay war saxaafadeed ay soo saartay Wasaaradda Gaashaandhigga Kenya oo warbixintu u soo qaadatay caddeyn ahaan. Waxaa xusid mudan, marka la eego hab-samaynta sharciga ee Kenya, in Wasaaradda Gaashaandhigga looga baahanyahay inay si joogto ah dadweynaha ula socodsiiiso horumarka CDK ay ka sameeyaan Soomaaliya. Xogta ku qoran [qoraalka] Wasaaradda Gaashaandhigga Kenya waxaa lagasoo dheehday warbixinnada warbaahinta AMISOM iyo kuwa caalamiga ah. Guutada Ciidamada Difaaca Kenya, inkasta oo ay ka tirsanyihiin kana amar qaataan AMISOM, haddana waxaa la xisaabtamaya muwaadiniinta iyo hay’adaha Jamhuuriyadda Kenya. Sidaas darteed, waa mas’uuliyad saaran Wasaaradda Gaashaandhigga inay muwaadiniinta ku wargeliso horumarrada la taaban karo ee la xiriira hawlgallada CDK ay ka fuliyaan Soomaaliya. Si kastaba ha ahaatee, waa muwaadiniinta Kenya kuwa, iyagoo adeegsanaya dowladdooda, dirsaday CDK si ay u caawiyaan walaalhooda Soomaaliya, waxayna [muwaadiniinta Kenya] xaq u leeyihiin inay ogaadaan xaaladda halka ay marayso.

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

Jawaab: CDK weligood ma fulin hawlgallo wadajir ah oo ay la fuliyeen DANAB. Danab waa la tababaraa waxayna la hawlgalaan ciidamo kale. Hawlgallada wadajirka ah waa inay lahaadaan qaab-samayn sharciyadeed oo leh tilmaamo iyo mas’uuliyado cad-cad oo lagu fuliyo hawlgallada si looga dheeraado mugdiga ku imaan kara haddii lasoo jeediyo eedeymo, sida kuwa ay soo bandhigtay warbixinta. Waxaa kale oo aan caddeynaynaa in CDK aanay weligood duqeymo cirka ah ka geysanin

deegaanka Badhaadhe sida lagusoo edeeyay. Sidaas darteed, eedeymaha loosoo jeediyay CDK eek u xusan faqraddan ma aha kuwo xaqiiqo ah waana in laga tiro warbixinta.

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

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

Eedeymaha ku aaddan xadgudubyo loo geystay caruur

Caruurta waxay dhibanayaal u noqeen duqeymaha diyaaradaha ee lagu eedeeyo ciidamada Mareykanka ,, Ciidanka Difaaca Kenya, iyo ciidamo kale oo aan la bar-garanin. Xusid 95 - 24kii Maarso 2016, wiil ayaa la dilay 5 kalena waa la dhaawacay waxaana dhibtaas geystay duqeymo cirka ah oo CDK ka fuliyeen Jubbada Hoose. KDF waxay sheegteen in ay beegsanayeen xero ciidan oo ay lahayd Al-Shabaab. 22^{kii} Juun 2016, 4 carruur ah ayaa lagu dilay duqeyntii CDK ee degmada Ceel Waaq, gobolka Gedo.

Jawaab: CDK weligood weeraro hawada ah kama fulin gudaha Jamhuuriyadda Federaalka Soomaaliya taariikhda lagu sheegay warbixinta. Si kastaba ha ahaatee, sida lagu sheegay warbixinta faqradda 78aad, dhinacyo badan oo ay kamid tahay Al Shabaab ayaa qorta oo askareeya caruurta si ay u dagaal geliyaan. Sidaas darteed, wax la qaadan karo ma aha in warbixintu ay dhacdada la xiriiriso khasaaro gaaray caruur, waxay u badantahay in khasaaraha caruurta ee lagu sheegay warbixinta ay ahaayeen caruur ka tirsanaa kooxaha dagaallama. Tusaale ahaan, waxaa la mid aha caruurta ka qayb qaadatay duullaankii lagu qaaday qaybo kamid ah Puntland ee lagu xusay faqradda 80aad ee warbixintan. Sidaas darteed, eedeymahaan ma aha kuwo xaqiiqo ah. Waxaa xusid mudan in Ceelwaaq ay tahay Kenya oo aanay ahayn meel ku taal gobolka Gedo ee Soomaaliya, sidaas darteed, sida warka loo dhigay juquraafi ahaan waa khalad.

Faqradda 83aad: 76 dhacdooyin lagu weeraray dugsiyo waxbarasho iyo 20 kale oo lagu weeraray isbitaallo, ayaa CDK waxay mas'uul ka ahaayeen weerar loo geystay hal dugsi waxbarasho.

Jawaab: CDK kama war qabo wax weerar ah oo xubnihiisu u geysteen dugsi waxbarasho oo ku yaal gudaha Jamhuuriyadda Federaalka Soomaaliya. Marka laga hadlaayo dugsiyada waxbarasho, isbitaallada iyo goobaha loo bulshadu isticmaasho, , CDK waxay dayac-tireen dugsiyo badan oo waxbarasho, madrasooyin, goobo caafimaad iyo masaajidyo ku yaalla goobaha ay mas'uulka ka ahaayeen. Sidaas darteed, lama filan karo in CDK ay burburriyeen kaabayaal ay horumar ku sameeyeen si ay u kasbadaan kalsoonida iyo taageerada dadka. Sidaas darteed, warbixintu sax ma aha. Waxaa intaas sii dheer, in CDK ay aqoon u leeyihiin Sharciga Caalamiga ah ee Xilliyada Colaadaha / Sharciga Colaadaha Hubeysan, sidaas darteed, waxay awood u leeyihiin inay hubiyaan sharcinimada goobaha la beegsanayo. Inkasta oo argagixisada Al Shabaab ay si joogto ah gabbad uga dhigtaan goobaha ay dadku degganyihin/joogaan sida dugsiyada waxbarasho, isbitaallada iyo meelaha la degganyahay, ayaa CDK si ku-talaggal ah uga fogaadaan inay weeraro ka fuliyaan goobaha ay kamid yihiin dugsiyada waxbarasho iyo isbitaallo si looga fogaado khasaare kale. Sidoo kale, waxaa xusid mudan in CDK si quman loogu tababaray Sharciga Caalamiga ah ee Xilliyada Colaadaha iyo dhinacyada guud ee bani'aadamimada. Ka hor inta aan loo dirin hawl, askartu waxay maraan tababar kale oo lagu cusbooneysiinayo tababarradoodii hore ee ku saabsan dhinacyadaas, waxayna tababarradaas ku qaataan Xarumaha Taageerada Hawlgallada Nabadda ee ku kala yaal Embakasi iyo Karen ee dalka Kenya. Sanadkii 1999 ayaa dhinacyadaas aan soo sheegnay lagusoo

daray barnaamijyada tababarrada ciidan. Tababarrada la bixiyo ka-hor inta aan ciidanka la qaadin iyo weliba inta ay qaybta ka yihiin hawlgalka, tababarradaas oo ku saabsan Xeerarka Caalamiga ah ee lagu maamulo hawlgallada ciidan ayaa waxaa tababarradaas fuliya Guddiga Caalamiga ah ee Bisha Cas (ICRC), waxaana tusaale ahaan kamid ah tababarki hawlgalka lagu dhex qaatay bishii September 2017 ee ka dhacay Dhobley. Waxaa intaas dheer, in taliyeyaal badan iyo saraakiil sharci yaqaanno ah oo ka tirsan CDK ay tababarradaas oo kale kusoo qaateen dalalka Talyaaniga, Australia iyo Ghana waxaana soo qabanqaabiyay ICRC.

Indha-indhayn Guud

Saaxada Soomaaliya waxaa ka hawlgala dhinacyo badan oo leh ujeedooyin kala-duwan, lugahana la galay xadgudubyo ka dhan ah Sharciga Caalamiyada Caalamiga ah ee Xuquuqul Insaanka, haba ugu tun weynaadaan Al Shabaab. Kooxda Badbaadada iyo Xuquuqul Insaanka (HRPG) waxay u muuqataa in aanay kala saarin dagaallayaal, dad rayid ah iyo dhibbanayaal. Warbixinta ayaaba la moodaa in loo diyaariyay si loo kobciyo agendaha kooxda argagixisada ah maadaama sawir xun laga baxshay hawlgallada la-dagaallanka argagixisada iyadoo lagu buun-buuniyay dacaayadaha [borobagaandada] Al Shabaab. Eedeymahaas joogtada ah oo kale ee aan loo haynin wax xaqiiqo ah ayaa waxay dhibaato ku noqonayaan sidii looga guul gaari lahaa waajibaadka shaqo ee Qaramada Midoobay / Midowga Afrika, maadaama warbixintu ay niyad-jebinayso Nabad-ilaaliyeyasha.

Ka siyaasad ahaan, dhamaan hawlgallada CDK waxay waafaqsanyihiin Sharciga Caalamiga ah ee Xuquuqul Insaanka iyo Sharciga Caalamiga ah ee Xilliyada Colaadaha. Dowladda Jamhuuriyadda Kenya, iyadoo fulineysa waajibaadkeeda caalamiga ha, kama gaabin doonto inay marsiiso hababka iyo tallaabooyinka ku habboon qof kasta ee lagu tuhmo ku-xadgudubka Sharciga Caalamiga ah ee Xilliyada Colaadaha iyo Sharciga Caalamiga ah ee Xuquuqul Insaanka. Intaas waxaa sii dheer, Dowladda Kenya, marka laga hadlayo dhamaan hawlgalladeeda, waxay qaaddaa tallaabooyin kasta oo taxaddar ah si loo ilaaliyo dadka rayidka ah.

Gaar ahaan, geedi-socodka beegsiga waxaa si sarreysa ula socda oo xakameeya Sharciga Caalamiga ah ee Xilliyada Colaadaha iyo Sharciga Caalamiga ah ee Xuquuqul Insaanka. Waa geedi-socod qiimeyn oo joogto ah isla markaasina dhamaystiran, waxaana si sare loola kaashadaa xogo sirtoon oo laga helo dad iyo sahan farsamo, kor kala socod xog raadin, iyo xog buuxda oo laga helo halka bar-tilmaameedka ah. wada-shaqaynta iyo hubinta waxay ku timaadaa oo kale in xogaha sirtoon lala wadaago bahda sirtoonka. Geedi-socodkan waxaa looga dan leeyahay in la xaqiijiyo in hawl-galladu ay noqdaan kuwo si toos ah u abbaara Al Shabaab, laguna ilaalinayo dadka rayidka ah. Dowladda Kenya waxay qabtaa oo u muuqata aragtida ah in diiradda iyo xoogga warbixinta la saaro xadgudubyada ka dhanka ah Sharciga Caalamiga ah ee Xilliyada Colaadaha ee ay geystaan Al Shabaab oo markii ay doonaan sheegta inay yihiin rayid/dhibbanayaal kadib markii ay geystaan falal waxashnimo ah marka loo fiiriyo xeeladaha isu-dhigan la'aanta ah ee ay adeegsadaan. Sida iska cad, Al Shabaab iyo taageerayaashooda ayaa adeegsada xadgudubyadaas si ay u sameystaan dacaayado (borobagando). Dowladda Kenya ayaa sidoo kale ka walaacsan eedeymaha halista ah ee loosoo jeediyay CDK, eedeymahaas oo ah kuwo guud oo aan weli la caddeynin [la sugin].

Ugud dambeyntii, waxaa doonaynaa in aan sheegno in Dowladda Kenya iyo dadka Kenya ay taageersanyihiin sarreynta sharciga, oo aanay fududeysanin xadgudubyada ka dhanka ah Sharciga Caalamiga ah ee Xilliyada Colaadaha iyo Sharciga Caalamiga ah ee Xuquuqul Insaanka meel kasta oo dunida kamid ah, sidaas darteed, warbixintaan waxaan u qaadanaynaa si dhab ah. Eedeymaha ka dhanka ah CDK ayaa saameyn halis ah ku yeelanaya CDK, qoysaskooda iyo dadka Kenya oo iyaga oo u maraya dowladdooda, wax kasta u huray meel marinta iyo fulinta waajibaadka caalamiga ah iyo kuwa

heer gobol. Dowladda Kenya waxaa [mar kasta] ka go’an inay taageerto dadaallada nabadda iyo amniga ee caalamiga ah iyo hay’adaha caalamiga ah ee ku hawlan dadaalladaas sida Qaramada Midoobay iyo hay’adeheeda hawsha wada, gaar ahaan, UNSOM/OHCHR. Sidaas darteed, waxaa la rajeynayaa in si dhakhso leh looga laabto ee deymaha.

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

Lucas K. Tumbo, CBS

DANJIRE

Safaaradda Kenya ee Muqdisho-Soomaaliya