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Carta de fecha 7 de octubre de 2016 dirigida al Presidente del Consejo de Seguridad por el Presidente del Comité del Consejo de Seguridad dimanante de las resoluciones 751 (1992) y 1907 (2009) relativas a Somalia y Eritrea

En nombre del Comité del Consejo de Seguridad dimanante de las resoluciones 751 (1992) y 1907 (2009) relativas a Somalia y Eritrea, y de conformidad con lo dispuesto en el párrafo 32 de la resolución 2244 (2015) del Consejo de Seguridad, tengo el honor de transmitir adjunto el informe sobre Somalia del Grupo de Supervisión para Somalia y Eritrea.

A este respecto, el Comité agradecería que la presente carta y el informe adjunto se señalaran a la atención de los miembros del Consejo de Seguridad y se publicaran como documento del Consejo.

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Presidente

Comité del Consejo de Seguridad dimanante de las resoluciones
751 (1992) y 1907 (2009) relativas a Somalia y Eritrea



Carta de fecha 28 de septiembre de 2016 dirigida al Presidente del Comité del Consejo de Seguridad dimanante de las resoluciones 751 (1992) y 1907 (2009) relativas a Somalia y Eritrea por el Grupo de Supervisión para Somalia y Eritrea

De conformidad con el párrafo 32 de la resolución 2244 (2015) del Consejo de Seguridad, tenemos el honor de transmitir adjunto el informe sobre Somalia del Grupo de Supervisión para Somalia y Eritrea.

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Informe del Grupo de Supervisión para Somalia y Eritrea presentado de conformidad con la resolución 2244 (2015) del Consejo de Seguridad: Somalia

Resumen

El programa Visión 2016 estableció tres parámetros ampliamente aceptados para el éxito de la transición política prevista para Somalia a partir de septiembre de 2016: la celebración de elecciones nacionales basadas en el principio de “una persona, un voto”, la finalización del proceso de formación del Estado federal y la aprobación de una nueva Constitución. En el momento de redactar el presente informe, el formato de las elecciones se había modificado y la fecha se había aplazado; el proceso de formación del Estado federal aún tenía que incorporar los estados regionales de Hiran y Shabelle Medio y resolver la situación de la región de Banadir; y la negociación de una nueva Constitución había quedado en suspenso debido a imperativos electorales más inmediatos. Entretanto, la comunidad internacional y el Gobierno Federal de Somalia han dado prioridad a mantener el proceso electoral bien encaminado y han tratado por todos los medios promover un progreso gradual, aunque hayan cambiado los parámetros de lo que constituye el éxito. Por otro lado, las investigaciones del Grupo de Supervisión para Somalia y Eritrea revelan un proceso de transición incompleto y fragmentado, con consecuencias adversas para la paz y la seguridad, la reforma del sector de la seguridad, la aplicación del embargo de armas, las cuestiones humanitarias y de derechos humanos, la financiación del conflicto y la gobernanza de los recursos naturales, y la corrupción.

Harakaat al-Shabaab al-Mujaahidiin (Al-Shabaab) sigue siendo la amenaza más inmediata para la paz y la seguridad en Somalia. Contrariamente a las ideas prevalentes de que la lucha contra la insurgencia y contra el terrorismo está dando frutos, el Grupo de Supervisión considera que la situación de la seguridad en Somalia no ha mejorado durante el mandato actual. Al-Shabaab conserva la capacidad operacional para lanzar ataques a gran escala contra los contingentes de la Misión de la Unión Africana en Somalia (AMISOM), como la ofensiva del 15 de enero de 2016 contra una compañía del ejército de Kenya estacionada en una base de operaciones de avanzada en El Adde, en la región de Gedo. Al-Shabaab también ha seguido lanzando ataques complejos en Mogadiscio; en seis ataques dirigidos contra hoteles durante el mandato actual hubo un total de unos 120 muertos, incluidos tres parlamentarios y el Ministro de Medio Ambiente. También ha surgido una nueva facción rival de Al-Shabaab en la cordillera de Golis, en Puntlandia, compuesta de unas dos docenas de miembros dirigidos por Sheikh Abdulqader Mu'min, que ha prometido lealtad al Estado Islámico en el Iraq y el Levante. En un aparente intento de eliminar esa facción, Al-Shabaab lanzó una fallida incursión anfibia en Puntlandia el 13 de marzo de 2016, que se saldó con más de 300 miembros muertos en enfrentamientos con fuerzas de la Administración Provisional de Puntlandia y Galmudug. Por último, aunque Al-Shabaab no ha logrado lanzar ningún ataque terrorista de envergadura fuera de Somalia desde la masacre cometida el 2 de abril de 2015 en la Universidad de Garissa, en Kenya, el Grupo de Supervisión considera que

tiene tanto la capacidad para llevar a cabo otro ataque de ese tipo como la autoproclamada motivación para atacar a países que aportan contingentes a la AMISOM.

Aunque el Gobierno Federal se ha comprometido a llevar a cabo una reforma a fondo del sector de la seguridad, los constantes problemas de corrupción, mala gestión y limitaciones financieras han comprometido la eficacia del Ejército Nacional Somalí. A pesar de los esfuerzos realizados para abordar la cuestión, el proceso de identificación y registro de las tropas, incluida la exclusión de su nómina de los denominados “soldados fantasma”, sigue incompleto. Las investigaciones del Grupo de Supervisión también han puesto de manifiesto importantes incoherencias en la justificación del pago de salarios. El hecho de que persistan los atrasos en el pago de los salarios ha contribuido al aumento de los repliegues de posiciones estratégicas del sur y el centro de Somalia y al subsiguiente retorno de Al-Shabaab, aunque temporalmente en algunos casos. Las investigaciones del Grupo de Supervisión para Somalia y Eritrea también han puesto de manifiesto la posible apropiación indebida de raciones y suministros destinados a soldados en virtud de un contrato firmado entre el Gobierno Federal y una empresa privada. En el apoyo proporcionado al ejército por los Estados Miembros también podría haber casos de apropiación indebida, en particular cuando las mercancías se proporcionaron a granel y a través de contratistas externos en lugar de entregarse directamente a las tropas.

Ha habido varios problemas graves en la aplicación del embargo de armas durante el mandato actual: el incumplimiento de las obligaciones de presentación de informes por parte del Gobierno Federal, la falta de cumplimiento por los Estados Miembros en lo que se refiere a la prestación de apoyo a las instituciones del sector de la seguridad de Somalia distintas de las fuerzas del Gobierno Federal y el uso de un artefacto explosivo improvisado dirigido contra la aviación civil. Aunque el Gobierno Federal ha mejorado algunos aspectos de su cumplimiento de las obligaciones de presentación de informes en relación con la suspensión parcial del embargo, no ha presentado todos los informes exigidos al Consejo de Seguridad, y aún carece de la capacidad institucional para gestionar armas y municiones de forma eficaz. Las peticiones realizadas por el Gobierno Federal de que se levante totalmente el embargo se basan en una premisa falsa de que el bloqueo constituye un obstáculo a la importación de armas y municiones; sin embargo, los Estados Miembros han presentado notificaciones anticipadas para más de 20.000 armas y 13 millones de cartuchos de munición destinadas a las fuerzas del Gobierno Federal desde que se suspendió parcialmente el embargo en marzo de 2013. Entretanto, los Estados Miembros también han aumentado su apoyo militar a las fuerzas regionales que no son parte del Gobierno Federal, si bien han incumplido repetidamente los requisitos de notificación, permitiendo así que armas y municiones se transfieran a esas entidades sin ningún tipo de control. Esto ha socavado el embargo en su conjunto y reforzado las tendencias hacia un enfoque cada vez más fragmentado del sector de la seguridad. Durante el actual mandato han aumentado las intercepciones de armas ilícitas por vía marítima: tres incautaciones por las Fuerzas Marítimas Combinadas y una incautación por un Estado Miembro. Por último, el ataque con un artefacto explosivo improvisado contra un avión de Daallo Airlines que volaba de Mogadiscio a Djibouti el 2 de febrero de 2016 es indicio de que una nueva amenaza grave se cierne sobre la aviación civil dentro de la región.

La obstrucción de la asistencia humanitaria y las violaciones del derecho internacional humanitario que afectan a la población civil siguen siendo problemas fundamentales. Entre los obstáculos cabe citar la falta de acceso humanitario debido a los bloqueos económicos de Al-Shabaab, los ataques contra el personal humanitario, y el desvío y la apropiación indebida de la asistencia humanitaria. En situaciones extremas, una reducida red de personas ha controlado las operaciones humanitarias con tal firmeza a través de un monopolio del poder político, las finanzas y el uso de la fuerza que constituyen de hecho un cartel de delincuentes. Las tendencias de las violaciones del derecho internacional humanitario padecidas por la población civil durante el mandato anterior se acentuaron durante el actual, especialmente en cuanto a la intensidad y alcance de los ataques de Al-Shabaab, la violencia ejercida contra la población civil por las fuerzas internacionales (en particular como resultado de la utilización de armamento aéreo) y los efectos del conflicto armado asociado a los enfrentamientos políticos y entre clanes en los que muchas veces participaron las fuerzas federales y regionales y milicias locales. Los asesinatos selectivos de civiles cometidos por Al-Shabaab incluyeron cargos gubernamentales, funcionarios públicos, parlamentarios, personal de organismos internacionales, activistas de la sociedad civil y periodistas. Además, hubo un aumento general del número de casos verificados de reclutamiento y utilización de niños soldados, en particular por Al-Shabaab antes de la ofensiva fallida del grupo de marzo de 2016 en Puntlandia. Por último, el conflicto armado y la inseguridad han causado el desplazamiento interno de casi 598.000 somalíes entre el 1 de enero de 2015 y el 30 de junio de 2016, incluidos numerosos desalojos forzosos de asentamientos informales en los centros urbanos.

Se han observado algunas tendencias positivas en la aplicación de la prohibición relativa al carbón vegetal y con respecto a la gobernanza de los recursos naturales durante el mandato actual. Como ya observó por primera vez el Grupo de Supervisión a finales de 2015, Al-Shabaab prosiguió su abandono estratégico del comercio de carbón vegetal centrándose en su lugar en atacar o encarcelar a carboneros y comerciantes de carbón vegetal en el territorio donde ejerce influencia. También ha mejorado la aplicación de la prohibición relativa al carbón vegetal por los países importadores, en particular los Emiratos Árabes Unidos, lo cual ha generado un efecto de disuasión identificable en los exportadores de carbón vegetal de Somalia a partir de mayo de 2016. Estos dos factores han contribuido a una tendencia a la disminución del volumen de las exportaciones de carbón procedente de Somalia en relación con los últimos años. No obstante, las redes comerciales que sustentan las exportaciones de carbón vegetal desde Somalia y la importación a los Emiratos Árabes Unidos siguen en pie, el Grupo de Supervisión sigue recibiendo información sobre la partida de *dhow*s cargados de carbón vegetal desde Somalia con rumbo a los Emiratos Árabes Unidos, y en la actualidad no hay barreras eficaces para impedir que Al-Shabaab vuelva a solicitar el pago sistemático de tributos por la producción y el transporte de carbón. Al-Shabaab también ha demostrado su habilidad para compensar la disminución de los ingresos del carbón aumentando la tributación por otros recursos naturales y productos básicos, como el comercio ilícito de azúcar, la producción agrícola en el sur de Somalia, y el ganado en el centro de Somalia. En lo que respecta a la gobernanza de los recursos naturales, el Ministerio de Petróleo y Recursos Minerales ha adoptado medidas positivas para establecer un marco regulatorio de la industria del petróleo, en particular preparando un modelo de

acuerdo de división de la producción para los contratos de exploración y explotación, pero siguen existiendo otros problemas, como la creación de instituciones viables y el establecimiento de un acuerdo de distribución de los ingresos entre el Gobierno Federal y las entidades regionales que sea constitucional.

Si bien se han tomado algunas medidas para mejorar la regulación del sector financiero, el Gobierno Federal no obstante carece de capacidad institucional suficiente para una aplicación efectiva. Las remesas del exterior siguen representando una proporción considerable de la economía de Somalia, y en 2015 se enviaron al menos 1.200 millones de dólares de los Estados Unidos a través de compañías del sistema bancario *hawala*. Si bien las remesas siguen siendo un medio de sustento crucial para muchos somalíes, en particular para los que viven en zonas rurales, las compañías del sistema *hawala* no tienen suficientes sistemas de vigilancia ni procedimientos de diligencia debida para asegurar que esas remesas no se utilicen para financiar el terrorismo. Los servicios nacionales de dinero móvil mediante empresas de telecomunicaciones plantean un problema similar, ya que siguen en gran medida sin regular en Somalia, lo cual permite que Al-Shabaab los pueda utilizar. En un intento de abordar este tipo de problemas, el Presidente firmó en mayo de 2016 una ley para contrarrestar el blanqueo de dinero y la financiación del terrorismo; sin embargo, los órganos encargados de su ejecución carecen tanto de recursos financieros como de capacidad institucional. De manera más general, el Grupo de Supervisión estima que el Gobierno Federal no tiene capacidad para aplicar de manera creíble la congelación de activos impuesta por el Consejo de Seguridad sobre personas y entidades específicas de Somalia. Por último, la corrupción sigue siendo un problema, en particular con respecto a los contratos públicos y en otras esferas, como la apropiación indebida de tierras públicas para beneficio privado.

Las sanciones nunca han sido más pertinentes para ayudar a Somalia a sobrellevar el difícil proceso doble de solución del conflicto y formación del Estado: Al-Shabaab sigue constituyendo una amenaza inminente para la paz y la seguridad; la reforma del sector de la seguridad de Somalia dista mucho de estar completa; el incumplimiento por el Gobierno Federal de las condiciones de la suspensión parcial del embargo de armas y el incumplimiento por los Estados Miembros de sus obligaciones de presentación de informes cuando prestan apoyo a las fuerzas regionales deben abordarse; la obstrucción de la asistencia humanitaria y las violaciones del derecho internacional humanitario cometidas contra la población civil continúan; la financiación del conflicto con los recursos naturales sigue siendo un problema importante y solo se han adoptado medidas iniciales para establecer una gobernanza efectiva de los recursos naturales; y la corrupción sigue siendo un problema porque los marcos regulatorios que se establecen carecen de instituciones que se encarguen de aplicarlos. De conformidad con su mandato, el Grupo de Supervisión ha propuesto 14 recomendaciones para que las examine el Consejo de Seguridad destinadas a mejorar la eficacia del diseño y la aplicación de las sanciones.

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Anexos*

* Los anexos se distribuyen en el idioma original únicamente y sin revisión editorial.

I. Introducción

A. Mandato

1. El mandato del Grupo de Supervisión para Somalia y Eritrea figura en el párrafo 31 de la resolución 2244 (2015) del Consejo de Seguridad, y en el párrafo 13 de la resolución 2060 (2012). En las resoluciones 2093 (2013) y 2142 (2014) se asignaron tareas adicionales al Grupo.

2. De conformidad con lo dispuesto en el párrafo 31 de la resolución 2244 (2015) y en el párrafo 13 l) de la resolución 2060 (2012), el Grupo de Supervisión presentó al Consejo de Seguridad, por conducto de su Comité dimanante de las resoluciones 751 (1992) y 1907 (2009) relativas a Somalia y Eritrea, información actualizada de mitad de período el 22 de abril de 2016. El Grupo también presentó al Comité informes mensuales sobre los progresos realizados a lo largo de su mandato.

3. En el curso de sus investigaciones, los miembros del Grupo de Supervisión viajaron a Angola, Bahrein, Bélgica, el Canadá, las Comoras, Djibouti, los Emiratos Árabes Unidos, los Estados Unidos de América, Etiopía, Finlandia, Francia, el Irán (República Islámica del), Noruega, los Países Bajos, el Reino Unido de Gran Bretaña e Irlanda del Norte, la República Unida de Tanzania, Rumania, Seychelles, Somalia, Sudáfrica, Suecia, Suiza y Uganda. Los miembros del Grupo hicieron visitas periódicas a Somalia (Baidoa, Bosaso, Galgala, Galkayo, Garowe, Hargeisa, Kismayo y Mogadiscio).

4. El Grupo de Supervisión tuvo su base en Nairobi y estuvo integrado por los siguientes expertos: Christophe Trajber (Coordinador), Jay Bahadur (grupos armados), Charles Cater (recursos naturales), Bogdan Chetreanu (finanzas), Déirdre Clancy (asuntos humanitarios), Tapani Holopainen (finanzas), Rufus Kalidheen (armas) y James Smith (regional).

B. Metodología

5. Los criterios probatorios y los procesos de verificación descritos en los informes anteriores del Grupo de Supervisión se aplican a la labor realizada durante el mandato que se examina. El Grupo reafirmó la metodología utilizada en sus informes anteriores. La metodología aplicada en el presente informe es la siguiente:

a) Se reúne información sobre hechos y temas de múltiples fuentes, cuando es posible;

b) Se reúne información de fuentes con conocimiento directo de los hechos, cuando es posible;

c) Se determina la coherencia de la información y se comparan los datos existentes con la información nueva y las tendencias emergentes;

d) Siempre se tiene en cuenta la capacidad técnica y el juicio del experto competente del Grupo de Supervisión y la evaluación colectiva de este en lo que respecta a la credibilidad de la información y la fiabilidad de las fuentes;

e) Se obtienen pruebas materiales, fotográficas, de audio y de vídeo o documentos probatorios para corroborar la información reunida.

6. El Grupo de Supervisión hizo un esfuerzo consciente y sistemático por acceder a los implicados en violaciones por medio de personas que tenían conocimiento directo de los detalles de dichas violaciones o que conocían a personas que lo tuvieran. En algunas ocasiones, el Grupo de Supervisión fue testigo de primera mano de las violaciones que se estaban produciendo.

7. El Grupo de Supervisión se entrevistó con una gran variedad de fuentes que poseían información pertinente, como funcionarios gubernamentales y representantes de misiones diplomáticas, organizaciones de la sociedad civil y organismos de asistencia. Los miembros del Grupo se reunieron con varios cargos públicos, como el Presidente y algunos ministros, y con representantes de los organismos de seguridad. El Grupo también se reunió o se comunicó con funcionarios de las administraciones de Puntlandia, Somalilandia y las administraciones provisionales regionales, representantes de grupos políticos y grupos armados, disidentes y miembros de las comunidades de empresarios y de la sociedad civil somalí.

8. Con el fin de que el Comité cuente con la información más importante y esté al tanto de los principales acontecimientos de forma oportuna, el Grupo de Supervisión decidió incrementar el contenido de sus informes mensuales.

9. De conformidad con el boletín del Secretario General sobre la confidencialidad, la clasificación y el manejo de la información (ST/SGB/2007/6), el Grupo de Supervisión presenta al Comité, junto con el presente informe, varios anexos estrictamente confidenciales que contienen información cuya divulgación podría ser perjudicial para el buen funcionamiento de las Naciones Unidas o para el bienestar y la seguridad de su personal o de terceros, o podría contravenir las obligaciones jurídicas de la Organización. Estos anexos no se publicarán como documento del Consejo de Seguridad.

II. Actos que amenazan la paz, la seguridad y la estabilidad de Somalia

A. Harakat al-Shabaab al-Mujaahidiin

Situación actual

10. El grupo de militantes islamistas Hakarat Al-Shabaab al-Mujaahidiin (“Al-Shabaab”) representa la amenaza más inmediata para la paz y la seguridad en Somalia, y sigue siendo una fuerza desestabilizadora en toda la región de África Oriental y el Cuerno de África.

11. Al igual que en el mandato anterior del Grupo de Supervisión, el recurso por parte de los Estados Miembros, el Gobierno Federal y las administraciones regionales a acciones letales dirigidas específicamente a dirigentes clave de Al-Shabaab se ha saldado con varias muertes. Tal vez el más importante de los asesinatos selectivos tuvo lugar el 2 de diciembre de 2015, cuando un alto mando de Al-Shabaab Amniyat, Sultan Mohamed Sandhere, alias “Ukash”, resultó muerto en

un ataque con drones de los Estados Unidos. “Ukash” estaba vinculado al ataque perpetrado contra el centro comercial Westgate de Nairobi el 23 de septiembre de 2013, así como al atentado terrorista suicida cometido el 24 de mayo de 2014 en el restaurante Chaumière de Djibouti (véase S/2014/726, anexos 2.1 y 2.3). A finales de mayo de 2016, fuerzas de la Administración Provisional de Yuba mataron a Mohamed Mohamud Kuno (alias “Dulyadeyn” o “Gamadhere”), el más alto comandante militar de Al-Shabaab en las regiones de Bajo Yuba y Yuba Medio, en una incursión cerca de Bulagadud (Bajo Yuba). Kuno, natural de Garissa (Kenya), podría haber intervenido en la organización del ataque perpetrado en la Universidad de Garissa el 2 de abril de 2015, que causó la muerte de 148 personas, la mayoría estudiantes (véase S/2015/801, anexo 4.2). Ma’alim Daud, o Yusuf Haji, también resultó muerto en el ataque; según el Gobierno de los Estados Unidos, que había ofrecido una recompensa de 5 millones de dólares por información sobre él, fue responsable de planificar, reclutar, adiestrar y organizar operaciones contra el Gobierno Federal y objetivos occidentales¹. Sin embargo, no se sabe qué efecto a largo plazo tendrá la política actual de atacar a la cúpula de Al-Shabaab para menoscabar la capacidad operativa del grupo. Al-Shabaab posee un grupo sólido e ideológicamente comprometido de mandos medios, con capacidad para asumir sin problemas las responsabilidades que dejan los dirigentes asesinados.

12. Desde que comenzara la última fase de la Operación Corredor del Yuba en julio de 2015, que llevó a la captura por la Misión de la Unión Africana en Somalia (AMISOM) de los bastiones de Al-Shabaab de Bardera y Dinsor, han cesado las operaciones de ofensiva de la AMISOM. Por consiguiente, Al-Shabaab sigue teniendo el control directo de gran parte del territorio del valle del Yuba, lo que permite al grupo mantener una importante fuente de ingresos: la tributación (azaque) por las tierras agrícolas.

13. Al igual que en el mandato anterior del Grupo de Supervisión, la estrategia general de Al-Shabaab ha consistido en retirarse a las zonas rurales y cortar el acceso por carretera a los centros urbanos ocupados por la AMISOM y el Ejército Nacional Somalí (ENS) (véase el anexo 6.1). De esta forma, el grupo pretende socavar el apoyo local a las fuerzas que luchan contra él, reduciendo al mismo tiempo las posiciones militares de la AMISOM a enclaves aislados y cada vez más insostenibles. Otra tendencia de Al-Shabaab es la de recapturar poblaciones tras el repliegue de las fuerzas nacionales y de la AMISOM.

Ataques contra contingentes de la Misión de la Unión Africana en Somalia

14. En su informe final de 2015, el Grupo de Supervisión expresó su preocupación por el hecho de que Al-Shabaab hubiera reanudado los ataques convencionales contra objetivos militares, que el grupo había evitado hasta entonces tras su retirada de Mogadiscio en 2011 (S/2015/801, párr. 88). En particular, el Grupo destacó los

¹ Departamento de Estado de los Estados Unidos, “Rewards for justice: reward offers for information on al-Shabaab key leaders”, comunicado de prensa, 10 de noviembre de 2015. Otro importante dirigente de Al-Shabaab, Ali Hassan Dhoore, resultó muerto en un ataque con drones de los Estados Unidos realizado el 31 de mayo de 2016. Según funcionarios de los Estados Unidos, Dhoore había planeado el ataque perpetrado el 25 de diciembre de 2014 contra fuerzas de la AMISOM en el complejo del aeropuerto internacional de Aden Adde, así como el ataque perpetrado el 27 de marzo de 2015 en el hotel Makka al-Mukarama de Mogadiscio.

atentados perpetrados el 26 de junio y el 1 de septiembre de 2015 contra contingentes burundianos y ugandeses de la AMISOM en Leego y Jannaale respectivamente (*ibid.*, párr. 91).

15. Al despuntar el día 15 de enero de 2016 se produjo un ataque de mucha mayor magnitud contra una compañía militar keniana estacionada en El Adde, en una base de operaciones de avanzada de la AMISOM cerca de la frontera con Kenya, en la región de Gedo. Dos artefactos explosivos improvisados colocados en sendos vehículos fueron detonados, el primero en la puerta principal y el segundo en medio del campamento², tras lo cual cientos de militantes lo invadieron encontrando relativamente poca resistencia por parte de las tropas kenianas.

16. Aunque el Gobierno de Kenya aún tiene que anunciar oficialmente el número de víctimas, el Grupo de Supervisión calcula que unos 150 soldados kenianos murieron durante el ataque, lo que le convierte en la mayor derrota militar de la historia de Kenya³. Además, al menos 11 soldados fueron capturados y posteriormente retenidos como rehenes por Al-Shabaab en dos grupos separados en Yuba Medio. Desde su secuestro, el Grupo ha recibido información sobre el cambio de paradero y la situación de los prisioneros, que ha compartido con las autoridades de Kenya a través de un intermediario.

17. Además, las fotografías publicadas por Al-Shabaab junto con un comunicado de prensa el 17 de enero de 2016 dejaron de manifiesto que el grupo había capturado una gran cantidad de equipo militar en El Adde, incluidos vehículos blindados de transporte de tropas y cañones autopropulsados (véase el anexo 1.1).

18. El 9 de abril de 2016, Al-Shabaab publicó un vídeo de propaganda de 48 minutos, presentado principalmente en inglés y suajili, titulado: *The Sheikh Abu-Yahya al-Libi Raid: Storming the Kenyan Crusaders' Base*⁴. Si bien en el vídeo se mostraba un ataque muy descoordinado y tácticamente ineficaz por parte de Al-Shabaab, las fuerzas kenianas tampoco aplicaron medidas defensivas básicas, como la construcción de barreras fortificadas a la entrada del campamento y el emplazamiento de soldados en ametralladoras y morteros.

19. Además, el ataque puso de relieve la falta de coordinación entre los países que aportan contingentes a la AMISOM y la fractura de los mecanismos de mando y control de la AMISOM. Aunque los refuerzos de la AMISOM más cercanos a El Adde estaban estacionados en Busaar, en una base al suroeste guarnecida con tropas etíopes, al no haber un sistema de comunicaciones seguras de la AMISOM, las tropas kenianas no pudieron ponerse en contacto con sus homólogos etíopes para pedir asistencia. Por consiguiente, el personal militar más cercano que respondió

² Una fuente de los organismos de seguridad presente sobre el terreno tras el ataque contó al Grupo de Supervisión el 17 de marzo de 2016 que los artefactos explosivos improvisados colocados en los vehículos contenían entre 30 y 50 kg de explosivos, y que tales vehículos tenían carrocería normal, no blindada, como se había informado extensamente en los medios de comunicación.

³ Según información difundida en los medios de comunicación y una entrevista del Grupo de Supervisión con un experto en seguridad y testigo presencial después del ataque, 17 de marzo de 2016.

⁴ Disponible en <http://jihadology.net/2016/04/09/new-video-message-from-harakat-al-shabab-al-mujahidin-the-raid-of-shaykh-abu-yahya-al-libi-storming-the-base-of-the-crusader-kenyan-army/>.

fueron los efectivos kenianos con base en Kenya, que llegaron demasiado tarde para poder prestar apoyo⁵.

20. El hecho de que la AMISOM no reuniera inteligencia ni estableciera contactos con las comunidades locales contribuyó a la eficacia del ataque⁶. Fuentes de los organismos de seguridad somalíes informaron al Grupo de Supervisión de que habían tenido conocimiento de una concentración de combatientes de Al-Shabaab en El Adde, aunque se desconocía el objetivo preciso, y que habían transmitido la información a sus interlocutores kenianos⁷. Sin embargo, tras el ataque, las fuerzas kenianas negaron que hubieran sido advertidos⁸.

21. El efecto acumulado del ataque perpetrado en El Adde y los dos ataques anteriores de Leego y Jannaale ha sido reafirmar la tendencia de la AMISOM de operar en “modo de acuartelamiento”, consolidando fuerzas en posiciones concentradas, lo cual corta aún más la interacción con las comunidades locales. El 26 de enero, por ejemplo, las fuerzas kenianas se retiraron de sus posiciones en El Adde y también de Badhaadhe y Bulagadud (Bajo Yuba). En febrero, la AMISOM también abandonó varias bases de operaciones de avanzada, como las de Fafadum y Khadija Haji (Gedo). Como es habitual, Al-Shabaab ha podido aprovechar el territorio del que se ha retirado la AMISOM; por ejemplo, 200 combatientes de Al-Shabaab fueron avistados en la zona de Khadija Haji a principios de marzo⁹.

22. Otro potencial ataque contra las fuerzas de la AMISOM fue neutralizado el 5 de marzo de 2016. Un ataque aéreo de los Estados Unidos sobre un campamento de entrenamiento de Al-Shabaab en Raaso, 120 km al norte de Mogadiscio, eliminó a por lo menos 150 militantes en el ataque con drones más mortífero de la historia de los Estados Unidos. Según un portavoz del Pentágono, el ataque tenía como objetivo una ceremonia de graduación de Al-Shabaab, y añadió que los combatientes iban a dejar el campamento y “planteaban una amenaza inminente para los Estados Unidos y las fuerzas de la AMISOM” en Somalia¹⁰.

23. A pesar de ese revés, en la madrugada del 9 de junio de 2016, tras la detonación de un vehículo con un artefacto explosivo improvisado, unos 500 militantes irrumpieron en una base de operaciones de avanzada de la AMISOM

⁵ Véase Paul D Williams, “The battle at El Adde: the Kenya Defence Forces, al-Shabaab, and unanswered questions”, Informe temático, International Peace Institute, julio de 2016.

⁶ Además de las dificultades para establecer relaciones con las comunidades estaba la percepción del clan marehan, dominante a nivel local, de que las fuerzas militares kenianas apoyaban activamente al clan rival de los ogaden.

⁷ Reunión con agentes del cuerpo federal de seguridad, 3 de febrero de 2016. Además, un comandante militar somalí de la región de Gedo afirmó públicamente que los efectivos kenianos habían sido advertidos de un ataque inminente. Véase Harun Maruf, “Somali general: Kenyans were warned of Al-Shabaab attack”, VOA News, 18 de enero de 2016.

⁸ Véase “[VIDEO] KDF camp had 240 soldiers, half missing”, *Star*, 20 de enero de 2016. Disponible en www.the-star.co.ke/news/2016/01/20/video-kdf-camp-had-240-soldiers-half-missing_c1279464.

⁹ Informe confidencial de la policía keniana, 2 de marzo de 2016. Para más información sobre los repliegues de la AMISOM y el ENS, véase la sección II.B.

¹⁰ Véase Departamento de Defensa de los Estados Unidos, “U.S. conducts airstrike against terrorist camp in Somalia”, 7 de marzo de 2016. Disponible en www.defense.gov/News/Article/Article/687353/us-conducts-airstrike-against-terrorist-camp-in-somalia.

dotada con efectivos etíopes en Halgan, en la carretera principal entre Buloburde y Belet Weyne, en la región de Hiran. Entre 100 y 150 combatientes más bloquearon la carretera de Buulobarde con el fin de impedir la llegada de refuerzos desde el contingente de Djibouti estacionado allí. Si bien las fuerzas etíopes lograron frenar el ataque, hubo numerosas bajas en ambas partes, y al menos 30 soldados resultaron muertos¹¹. El combatiente extranjero Khattab al-Masri, ciudadano egipcio y exasociado cercano del miembro estadounidense de Al-Shabaab asesinado Omar Hammami, o “Abu Mansour Al-Amriki”¹², resultó muerto durante el ataque¹³.

Ataques contra hoteles de Mogadiscio

24. Durante el mandato actual, Al-Shabaab siguió lanzando, más o menos cada dos meses, constantes ataques complejos contra hoteles de Mogadiscio frecuentados por funcionarios del Gobierno Federal, tendencia señalada en el informe final del Grupo de Supervisión de 2015 (S/2015/801, anexo 4.1). El modus operandi de los ataques ha sido generalmente siempre el mismo: un artefacto explosivo improvisado colocado en un vehículo se utiliza para vulnerar el perímetro de un complejo, a lo cual normalmente sigue un ataque llevado a cabo por entre tres y seis hombres armados suicidas.

25. Durante el presente mandato hubo seis ataques destacables contra hoteles de Mogadiscio: el hotel Sahafi (1 de noviembre de 2015); el hotel Beach View (22 de enero de 2016); el hotel SYL (26 de febrero y 30 de agosto de 2016); el hotel Ambassador (1 de junio de 2016); y el hotel Naso Hablod (25 de junio de 2016). Los ataques causaron en total la muerte de unas 120 personas, incluidos tres parlamentarios y el Ministro de Medio Ambiente, Buri Hamza¹⁴. Al-Shabaab llevó a cabo cuatro ataques complejos contra hoteles durante el mandato anterior del Grupo de Supervisión, lo cual indica que la capacidad del grupo para llevar a cabo operaciones asimétricas en la capital de Somalia no se redujo de manera significativa durante el año pasado.

Aparición de la facción del Estado Islámico en el Iraq y el Levante

26. El 22 de octubre de 2015, un clérigo de Al-Shabaab basado en la cordillera de Golis de Puntlandia, Sheikh Abdulqader Mu'min (Majeerteen/Ali Salebaan), declaró su lealtad al Estado Islámico en el Iraq y el Levante (EIIL). Mu'min había estado ejerciendo de imán en Londres antes de regresar a Somalia en septiembre de 2010, momento en el que asumió el papel de “líder ideológico” de Al-Shabaab del Noreste (véase S/2013/413, anexo 1.7).

27. Mu'min probablemente creyó que su desertión al EIIL provocaría que los adeptos de Al-Shabaab se alejaran de Al-Qaida. En lugar de ello, la cúpula de Al-Shabaab reaccionó con rapidez y castigó severamente a los elementos del grupo

¹¹ Informe confidencial de seguridad, 13 de junio de 2016.

¹² Véase S/2013/413, anexo 1.2, donde se ofrece una reseña sobre Omar Hammami.

¹³ Hay información sin confirmar pero creíble que indica que al-Masri tenía vínculos con la Organización de Al-Qaida en el Magreb Islámico y también podría haber servido de intermediario de un facilitador del EIIL en el Yemen. Entrevista del Grupo de Supervisión con un agente de inteligencia regional, 8 de julio de 2016.

¹⁴ Los parlamentarios muertos fueron Abdi Mohamed Abtidon, Abdullahi Jama Kabaweyne y Mohamud Mohamed Gure. Véase también el anexo 7.1 que contiene un análisis sobre la creciente intensidad de la violencia de Al-Shabaab contra objetivos civiles.

partidarios del EIIL, tanto en Puntlandia como en el sur de Somalia. En noviembre de 2015, elementos de Al-Shabaab del Noreste leales a Al-Qaida expulsaron a Mu'min y varias docenas de sus seguidores de la cordillera de Golis tras mantener enfrentamientos armados. Este posteriormente huyó al distrito de Iskushuban, en la región de Bari, donde se asienta el clan de los ali salebaan al que pertenece.

28. Si bien Mu'min y sus dos docenas de seguidores siguen ideológicamente alineados con el EIIL, el Grupo de Supervisión no sabe si los dos grupos tienen vínculos operacionales. No obstante, se sabe que Mu'min recibe apoyo material de su primo del clan de los ali salebaan, el traficante de armas y expirata, Isse Mohamoud Yusuf, o "Yullux" (véase S/2013/413, anexos 1.7 y 3.1.c). Tanto Mu'min como Abdisamed Gallan, exgobernador de la región de Bari que inició una insurgencia abierta contra las autoridades de Puntlandia en junio de 2016, han recibido armas importadas a través del puerto de Qandala, facilitadas por "Yullux" (véase el anexo 1.2).

29. Los detalles sobre la facción de Mu'min leal al EIIL en la región de Bari figuran en el anexo 1.2.

Al-Shabaab en Puntlandia

Al-Shabaab del Noreste en la cordillera de Golis

30. En su informe final de 2015, el Grupo de Supervisión presentó información actualizada sobre la insurgencia de Al-Shabaab del Noreste contra las autoridades de Puntlandia en la cordillera de Golis, y manifestó su preocupación por el hecho de que la zona pudiera servir de cobijo para los militantes de Al-Shabaab que huían de la presión militar en el sur de Somalia, así como de conducto entre Al-Shabaab y Al-Qaida en la Península Arábiga (S/2015/801, párr. 96).

31. El 24 de febrero de 2016, el Grupo de Supervisión realizó una misión a Galgala, 30 km al suroeste de Bosaso, que fue el cuartel general de la insurgencia de la cordillera de Golis antes de una gran ofensiva llevada a cabo por las autoridades de Puntlandia por la que se liberó a la ciudad en octubre de 2014. Las entrevistas con los mandos militares y de policía de Puntlandia estacionados allí revelaron que los efectivos de la insurgencia se habían reducido a entre 70 y 100 combatientes, de un total estimado en unos 120 a 150 en 2013 (véase S/2013/413, anexo 1.7)¹⁵. Alrededor de 850 miembros de distintos componentes de la estructura de seguridad de Puntlandia —fuerzas regulares, fuerzas de seguridad, policía marítima y policía de Galgala— están acuartelados en Galgala y la zona circundante. Debido a su relativa disparidad en cuanto a efectivos y armamento, los militantes de Al-Shabaab no pueden atacar directamente a las fuerzas de Puntlandia, pero siguen dirigiendo contra ellas artefactos explosivos improvisados, en particular a lo largo de la carretera a Galgala¹⁶.

¹⁵ La estimación de la Administración de Puntlandia siempre ha sido muy superior, oscilando entre 250 y 500. En agosto de 2016, la Administración estimaba que Al-Shabaab del Noreste tenía en todo Puntlandia entre 400 y 500 miembros, como se indicó en una carta dirigida al Grupo de Supervisión por la Oficina del Presidente de Puntlandia el 17 de agosto de 2016.

¹⁶ El 25 de mayo de 2016, por ejemplo, un artefacto explosivo improvisado detonó al paso de un vehículo de la Fuerza de Policía Marítima de Puntlandia que se dirigía a Galgala, causando la

32. Una descripción completa de los efectivos y la cúpula actuales de Al-Shabaab del Noreste en la cordillera de Golis, así como la disposición táctica de las fuerzas de Puntlandia, figura en el anexo 1.4.

Incurción en Puntlandia realizada por Al-Shabaab en marzo de 2016

33. El 13 de marzo de 2016, una unidad de Al-Shabaab, la brigada Khalid ibn al-Walid, compuesta de entre 350 y 400 combatientes, llevó a cabo una incurción anfibia en Puntlandia. Los combatientes partieron del distrito de Harardhere a bordo de cinco *dhow*s y llegaron a tierra firme en dos puntos de la costa de Puntlandia, cerca de las ciudades de Garacad y Garmaal.

34. Los militantes no contaban con vehículos, y las fuerzas de Puntlandia descendieron rápidamente sobre sus posiciones en lo que la Administración denominó “Operación Trueno”. Los militantes fueron abatidos con rapidez y contundencia; según la versión oficial de las autoridades, hubo 208 muertos, principalmente durante los combates cerca de Garacad. Después de los enfrentamientos, las fuerzas de la Administración Provisional de Galmudug interceptaron a combatientes de Al-Shabaab que huían hacia el sur, y alegan haber dado muerte a 115 y capturado a otros 110¹⁷.

35. Los días 10 y 11 de mayo de 2016, el Grupo de Supervisión entrevistó a combatientes de Al-Shabaab detenidos en la operación, que se encontraban en la prisión de Garowe¹⁸. Sobre la base de esas entrevistas y otras celebradas con fuentes del ejército, la marina y organizaciones no gubernamentales, el Grupo ha determinado que el objetivo de la operación podría haber sido enfrentarse y eliminar a la facción alineada con el EIIL liderada por Abdulqader Mu’min basada en la región de Bari.

36. La brigada Khalid ibn al-Walid constaba principalmente de combatientes de a pie, muchos de los cuales al parecer habían sido alistados a la fuerza u obligados a participar, y durante la operación no había ningún alto dirigente de Al-Shabaab. Muchos eran niños; y en el momento de redactar el presente informe, 54 menores capturados durante la operación seguían retenidos en la prisión de Garowe (véase el anexo 7.2). Además, la Administración Provisional de Galmudug informó del traslado de 44 niños prisioneros a un centro de reintegración patrocinado por el Fondo de las Naciones Unidas para la Infancia en Mogadiscio¹⁹.

37. La incurción de la brigada en Puntlandia fue la única operación marítima de envergadura de Al-Shabaab llevada a cabo en todo el tiempo que ha existido el grupo. La destrucción total de la brigada representa para Al-Shabaab una importante pérdida en personal; con un máximo de 400 combatientes, tal vez constituía entre el

muerte de dos infantes de marina y heridas a otros seis. Informe confidencial de seguridad de un organismo internacional, 29 de mayo de 2016.

¹⁷ Véase “Somalia: Galmudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas”, comunicado de prensa, AllAfrica, 28 de marzo de 2016. Se puede consultar en <http://allafrica.com/stories/201603280382.html>.

¹⁸ En el momento de la visita del Grupo de Supervisión, había en la cárcel 97 detenidos de Al-Shabaab de la brigada Khalid ibn al-Walid.

¹⁹ Véase “Somalia: Galmudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas”, comunicado de prensa, AllAfrica, 28 de marzo de 2016.

5% y el 10% de la capacidad de combate del grupo. Los varios centenares de militantes que se entregaron a las autoridades de Puntlandia y Galmudug también constituyeron la rendición más numerosa de la historia de Al-Shabaab. Debido al fracaso de la misión, el Grupo de Supervisión considera que es muy poco probable que Al-Shabaab vuelva a intentar llevar a cabo otra operación anfibia compleja.

38. Una descripción completa de la incursión de la brigada se presenta en el anexo 1.5.

Política de captura y liberación de la Administración de Puntlandia

39. En su informe final de 2014, el Grupo de Supervisión describió la política sistemática adoptada por la Administración de Puntlandia de detener a presuntos miembros de Al-Shabaab y ponerlos luego en libertad, en algunos casos cuando había pruebas abrumadoras de vinculación creíble con Al-Shabaab (S/2014/726, anexo 1.4, nota de pie de página 48).

40. Durante el mandato actual, el Grupo de Supervisión descubrió pruebas documentales, corroboradas por observaciones de fuentes secundarias, de que las autoridades de Puntlandia siguen empleando una política de “captura y liberación”, según la cual hay detenidos que son puestos en libertad a pesar de la existencia de pruebas convincentes de vínculos con Al-Shabaab. El Grupo ha obtenido copias de las órdenes de libertad de siete sospechosos y reclusos de Al-Shabaab fechadas entre junio de 2015 y el 16 de abril de 2016, firmadas por varios altos funcionarios de Puntlandia. El Grupo también tiene en su poder notas internas de la Agencia de Inteligencia de Puntlandia en las que se describe el perfil de cada persona y su afiliación a Al-Shabaab.

41. Según funcionarios de Puntlandia, hubo reclusos de Al-Shabaab que fueron liberados después de un proceso judicial legítimo y los sospechosos habían sido puestos en libertad bien debido a la falta de pruebas o porque se acogieron a una amnistía anunciada por el Presidente de Puntlandia, Abdiweli Mohamed Ali “Gaas”, en agosto de 2015²⁰.

42. Los perfiles de esas siete personas y las copias de las órdenes de libertad figuran en el anexo 1.6 (estrictamente confidencial).

Al-Shabaab como amenaza regional

43. Aunque Al-Shabaab sigue siendo una amenaza terrorista transnacional, en particular para los países que aportan contingentes a la AMISOM, la capacidad del grupo para llevar a buen término operaciones regionales ha disminuido durante el mandato actual. En particular, Kenya, el Estado Miembro que siempre ha sido más vulnerable a las operaciones terroristas de Al-Shabaab, ha logrado evitar un ataque de gran envergadura en su territorio después del asesinato en masa de estudiantes perpetrado en la Universidad de Garissa el 2 de abril de 2015.

²⁰ Reuniones con el Jefe de Gabinete del Presidente de Puntlandia, Deeq Yusuf, Nairobi, 2 de septiembre de 2015, y un oficial de inteligencia de Puntlandia, Garowe, 7 de septiembre de 2016.

44. Una tentativa de asesinar a los pasajeros de un autobús cerca de Mandera, similar a un ataque que Al-Shabaab llevó a cabo con éxito el 23 de noviembre de 2013, fue frustrada en gran medida porque los pasajeros musulmanes impidieron la ejecución de los no musulmanes²¹. El 9 de julio de 2016, Al-Shabaab realizó una atrevida incursión nocturna en Kenya, en la que, según se informó, 100 militantes cruzaron la frontera y atacaron una comisaría de policía en Diff (condado de Wajir). Los medios de comunicación locales informaron de que un agente de policía había resultado herido y que los militantes lograron llevarse unos 10.000 cartuchos y una docena de fusiles AK-47²².

45. Una unidad de Al-Shabaab, Jaysh Ayman, ha sido responsable de una serie de mortíferos artefactos explosivos improvisados y otros ataques contra las fuerzas de seguridad kenianas y objetivos civiles no locales en el condado de Lamu (Kenya)²³. La unidad, integrada por varios centenares de combatientes, utiliza la vasta zona forestal de Boni que se extiende a ambos lados de la frontera entre Kenya y Somalia como base para sus operaciones de preparación de ataques en la región costera²⁴. En septiembre de 2015, las autoridades de Kenya pusieron en marcha la operación Linda Boni, operación de seguridad en la que participaron varios organismos dirigida a expulsar a la unidad de la zona forestal. Desde entonces han disminuido el número y la frecuencia de los ataques en Lamu y la región costera, aunque continúan los ataques esporádicos. Gracias a una mejor recopilación de inteligencia y a unas proactivas operaciones antiterroristas, los organismos de seguridad de Kenya han desbaratado planes de ataques que Al-Shabaab tenía planeado llevar a cabo en las ciudades costeras de Mombasa y Kilifi en 2016 contra, entre otros objetivos, el transbordador de Likoni, un conocido club nocturno y una comisaría de policía²⁵. Varios casos recientes indican que los combatientes de Al-Shabaab, en particular los tanzanos, siguen cruzando Kenya de camino hacia Somalia, y los organismos de seguridad kenianos detuvieron a varios sospechosos²⁶.

²¹ Véase “Kenyan Muslims shield Christians in Mandera bus attack”, *BBC News*, 21 de diciembre de 2015. Se puede consultar en www.bbc.co.uk/news/world-africa-35151967.

²² Véase Lucas Barasa y Angira Zadock, “Shabaab militants attack Diff police station in Wajir”, *Daily Nation*, 9 de julio de 2016. Se puede consultar en www.nation.co.ke/counties/Shabaab-militants-attack-Diff-Police-Station-in-Wajir/1107872-3287386-6ufkg7/index.html.

²³ Véase, por ejemplo, “Kenyan soldiers hurt as gunmen ambush convoy in Lamu”, *Standard Digital*, 3 de enero de 2016. Se puede consultar en www.standardmedia.co.ke/article/2000186885/kenyan-soldiers-hurt-as-gunmen-ambush-convoy-in-lamu.

²⁴ Jaysh Ayman también ha atraído a varios combatientes extranjeros, incluidos tanzanos y europeos. Thomas Evans, ciudadano británico que resultó muerto durante una batalla con las fuerzas militares kenianas en el condado de Lamu el 12 de junio de 2015, y Andreas Martin Muller, ciudadano alemán conocido también como Abu Nusaybah, son destacados combatientes extranjeros de Jaysh Ayman.

²⁵ Véase Alloys Musyoka y Brian Otieno, “Police foil two attacks in Kilifi and Mombasa”, *Star*, 2 de enero de 2016. Se puede consultar en www.the-star.co.ke/news/2016/01/02/police-foil-two-attacks-in-kilifi-and-mombasa_c1268590.

²⁶ Véase, por ejemplo, Abdimalik Hajir, “Police in Garissa arrest 6 Tanzanians heading to Somalia, recover weapons”, *Daily Nation*, 25 de agosto de 2015. Se puede consultar en www.nation.co.ke/counties/Tanzanians-arrested-Garissa/1107872-2845738-3oqjmwz/index.html. El Grupo de Supervisión también obtuvo un informe confidencial de la policía de Kenya sobre la detención de seis sospechosos en Mtwapa, al norte de Mombasa, el 16 de septiembre de 2015 cuando trataba de incorporarse a Al-Shabaab en Somalia.

46. Otros países que aportan contingentes a la AMISOM, como Djibouti y Etiopía, que han afrontado amenazas creíbles de Al-Shabaab en los últimos dos años, también han logrado evitar operaciones terroristas en sus territorios durante el mandato actual. El Grupo de Supervisión, sin embargo, considera que la amenaza que representa Al-Shabaab para la región no ha disminuido, habida cuenta de que uno de los principales objetivos del grupo sigue siendo expulsar a las fuerzas de la AMISOM de Somalia, pues considera que están ocupando tierras musulmanas de forma ilegítima.

Mohamed Abukar Zubeyr

47. En su informe final de 2014, el Grupo de Supervisión informó incorrectamente de que una persona con el nombre de Mohamed Abukar Zubeyr había llevado a cabo un atentado terrorista suicida atribuido a Al-Shabaab en la comisaría central de Bosaso el 4 de agosto de 2014 (S/2014/726, anexo 1.4, párr. 22). El anexo 1.8 contiene una corrección relativa al incidente.

B. Sector de la seguridad

48. En su informe final de 2015 (S/2015/801, anexo 3), el Grupo de Supervisión expresó su preocupación por los numerosos casos de apropiación indebida observados dentro del Ejército Nacional Somalí (ENS). Tras las conversaciones mantenidas por el Grupo con el Gobierno Federal a principios de septiembre de 2015, el Presidente Hassan Sheikh Mohamud anunció que se comprometía a efectuar una reforma sustantiva del sector de la seguridad²⁷. Si bien algunos actores han tomado medidas tangibles durante el mandato actual para solucionar el problema, entre ellos el Ministro de Finanzas y el General de División Mohamed Aden Ahmed, designado recientemente Jefe de las Fuerzas de Defensa, la corrupción entre los oficiales superiores persiste, en particular dentro del Departamento de Logística del Ejército.

49. El Grupo de Supervisión ha hallado pruebas que indican que se habrían malversado fondos asignados al pago de salarios y gastos corrientes del ENS, así como fondos acumulados cuando se puso en marcha un sistema de tarjetas de identificación defectuoso (véanse los anexos 2.2 y 2.3). A pesar de que el 9 de septiembre de 2015 el Presidente se comprometió a licitar la adquisición de suministros logísticos destinados al ENS, al momento de la preparación de este informe una empresa estrechamente vinculada al Director de Logística, el General de Brigada Abdullahi Moalim Nur, mantenía un lucrativo contrato de distribución de raciones y efectivo en nombre del ENS, que probablemente son, en su gran mayoría, objeto de apropiación indebida. El 10 de septiembre de 2016, luego de que el Grupo y el Gobierno Federal dialogaran nuevamente sobre esta cuestión, finalmente se convocó la licitación del contrato a través del sitio web del Ministerio de Finanzas (véase el anexo 2.4).

²⁷ Véase Dirección de Comunicaciones de la Oficina del Presidente de Somalia, “The President: We are committed to substantive security sector reform”, 9 de septiembre de 2015, el cual se puede consultar en <https://madmimi.com/s/b368a6>.

50. Debido al continuo retraso en el pago de los salarios de los soldados, atribuible en parte a la persistente crisis presupuestaria, el mandato actual se ha caracterizado por un aumento de los repliegues de efectivos de posiciones estratégicas del sur y el centro de Somalia y el consiguiente retorno de Al-Shabaab, aunque temporalmente en muchos casos²⁸. El alcance de la extorsión, en particular mediante bloqueos ilegales de carreteras, cometida por soldados a los que se adeuda el salario o están mal retribuidos, también ha aumentado, lo cual agrava el impacto en los civiles y socava aún más la confianza en las nuevas instituciones públicas (véase el anexo 2.6).

51. La composición por clanes de la mayor parte de las unidades del ENS sigue comprometiendo su imparcialidad, en particular en los distritos donde la relación entre las comunidades es compleja. En su informe final de 2015 (S/2015/801, anexo 6), el Grupo de Supervisión documentó las alianzas oportunistas que algunas unidades habían forjado con las milicias de clanes regionales o con Al-Shabaab durante períodos de conflicto. Durante el mandato actual, el Grupo tuvo conocimiento de múltiples incidentes similares —en las regiones de Bajo Shabelle, Hiran y Mudug— en los que elementos del ENS habían perpetuado conflictos locales en lugar de prevenirlos (véase el anexo 7.5).

52. El proceso de integración de las fuerzas regionales al Ejército Nacional Somali ha sido lento y no se ha gestionado correctamente. Si bien en Kismayo (Bajo Yuba) hasta unos 1.350 efectivos se incorporaron oficialmente al Ejército en el mandato anterior, al momento de la preparación del presente informe estos solo contaban con 100 armas suministradas por el Gobierno Federal, con lo cual es poco probable que puedan participar en la ofensiva que tendrá lugar próximamente en el valle del Yuba. El Gobierno Federal no ha impulsado el proceso de integración, mientras se reciben denuncias de que las armas solo se entregan a unidades integradas por ciertos clanes²⁹.

53. Sin el nivel de apoyo internacional que recibe actualmente el sector de la seguridad, el ENS probablemente se hundiría. No obstante, y pese a las medidas tomadas para solucionar este problema, el Grupo de Supervisión ha determinado durante el mandato actual que el apoyo internacional que se presta al Ejército no está coordinado. Las pruebas recopiladas por el Grupo también parecen apuntar a numerosos casos de apropiación indebida de las raciones de alimentos suministradas a granel al ENS por algunos donantes. Por último, al Grupo le preocupa que, si no se tiene debidamente en cuenta la composición de los clanes ni se toman medidas para asegurar una vigilancia adecuada de las tropas, los programas de entrenamiento podrían estar contribuyendo inadvertidamente a crear posibles amenazas a la paz y la seguridad. (véase el anexo 2.5).

54. El Grupo de Supervisión expresa su preocupación por la posibilidad de que el ENS se convierta en una amenaza para la paz, la seguridad y la estabilidad en Somalia si no se lleva a cabo una reforma sustantiva y se revisa detenidamente su

²⁸ El Ministro de Finanzas reconoce claramente que a muchos efectivos no se les paga el sueldo desde hace varios meses debido a que las previsiones presupuestarias de años anteriores no fueron realistas. El repliegue de la AMISOM de posiciones estratégicas del sur y el centro de Somalia es igualmente preocupante.

²⁹ Entrevistas mantenidas en Kismayo y Nairobi con personal auxiliar del sector de la seguridad, abril y septiembre de 2016 .

composición y estructura general. En el anexo 2 figuran más detalles sobre las conclusiones del Grupo con respecto al ENS durante el mandato actual.

Sector de la seguridad en Puntlandia

55. El Grupo de Supervisión observa con preocupación la dificultad que tiene actualmente la Administración de Puntlandia para pagar los salarios de sus fuerzas de seguridad. Durante el mandato actual, ha habido protestas de los soldados de Puntlandia por el impago de sus salarios y el jefe de las Fuerzas de Defensa de Puntlandia amenazó con renunciar si no se remuneraba a los efectivos militares y policiales³⁰. Aún más preocupante fue la respuesta de la Administración a la crisis presupuestaria, al abonar los salarios tanto de las fuerzas de seguridad como de los funcionarios públicos en billetes falsos de nueva impresión, lo cual ha desestabilizado el nivel de inflación tanto dentro como fuera de la región (véase el anexo 4.1).

56. En abril de 2015 se llegó a un acuerdo con el Gobierno Federal para que 3.000 efectivos militares de Puntlandia se integraran al ENS, en parte para aliviar la carga financiera que afrontaba la Administración de Puntlandia. El acuerdo, no obstante, no se ha aplicado con celeridad³¹. Durante el mandato actual, Puntlandia ha enfrentado otros problemas de seguridad, como la incursión anfibia de Al-Shabaab en marzo de 2016 (véase el anexo 1.5) y la insurgencia de un exgobernador, que tornan aún más imperiosa la necesidad de acelerar el proyecto de integración (véase el anexo 8.10).

C. La política de las redes obstruccionistas

57. En su informe de 2015 (S/2015/801), el Grupo de Supervisión puso de relieve la manera en que el resurgimiento de la amenaza planteada por Al-Shabaab y los conflictos entre comunidades estaban cada vez más vinculados a la incapacidad de los actores políticos de fomentar la reconciliación mediante un proceso político incluyente y transparente que abordara la corrupción. Durante el mandato actual, en general se ha dado más prioridad a captar y obtener recursos políticos que a establecer formas efectivas de gobernanza y lograr la reconciliación entre las regiones y dentro de ellas.

58. La relación entre Puntlandia y la Administración Provisional de Galmudug sigue tensa, pues no hay avances en la demarcación de límites comunes entre ambos territorios. El 22 de noviembre de 2015, la construcción de una carretera cerca de la “línea verde” de Galkayo que divide la ciudad movilizó rápidamente fuerzas de

³⁰ Véase “Somalia: Puntland soldiers stage protest over unpaid salaries”, Garowe Online, 11 de junio de 2016, el cual se puede consultar en <http://www.garoweonline.com/en/news/puntland/somalia-puntland-soldiers-stage-protest-over-unpaid-salaries>, y “Puntland army chief threatens to resign if the forces are not paid”, Goobjoog News, 28 de septiembre de 2015, el cual se puede consultar en <http://goobjoog.com/english/?p=20011>.

³¹ El Grupo de Supervisión tiene entendido que 600 de los 3.000 puestos disponibles se han reservado a los servicios de seguridad de Puntlandia, una unidad de élite estacionada en Bosaso que recibió entrenamiento de los Estados Unidos. Los 2.400 puestos restantes serán ocupados por fuerzas regulares de Puntlandia, que actualmente son objeto de un proceso de verificación de antecedentes. Entrevista del Grupo de Supervisión con Deeq Yusuf, Jefe de Gabinete de la Presidencia de Puntlandia, Nairobi, 2 de septiembre de 2016.

ambos bandos y provocó un breve pero violentísimo período de conflicto, en el que murieron unas 20 personas y 120 resultaron heridas, y que obligó a unas 90.000 personas a abandonar temporalmente la zona (véase el anexo 7.4, párrs. 39 a 43).

59. La Administración Provisional de Galmudug sigue afrontando momentos de oposición violenta de la facción septentrional de Galgadud, Ahlu Sunna Wal Jama'a, la cual controla la capital, Dhusamareeb, y las zonas circundantes. Los intentos de negociación de una solución política entre las dos partes luego de reavivarse la violencia en septiembre de 2015 y nuevamente en marzo de 2016 finalmente fracasaron. La facción Ahlu Sunna Wal Jama'a, que participó activamente en los acuerdos de los Principios de Garowe en 2011 y 2012 y que culminaron en el establecimiento del primer Gobierno no provisional de Somalia desde que colapsó el Estado en 1991, dejó de participar en el proceso federal de transición en 2016, tras ser excluida de las negociaciones con los líderes regionales.

60. La Administración Provisional del Estado Sudoccidental ha perdido casi totalmente el control en el conflicto endémico de la región del Bajo Shabelle (véase el anexo 7.6, párr. 58) y, si bien ha consolidado su autoridad en la ciudad de Baidoa, esta sigue prácticamente aislada del resto de la región. Los intentos fallidos de integrar satisfactoriamente a las comunidades aulihan (de los clanes ogaden y darod) en la asamblea regional creada recientemente llevaron a la declaración de independencia del estado de "Alto Bakool". En agosto de 2016, una delegación de la Autoridad Intergubernamental para el Desarrollo encabezada por Mohamed Abdi Affey fracasó en su intento de restablecer relaciones, y la región secesionista sigue afirmando su independencia, aunque probablemente nada más que con la intención de lograr finalmente mayor representación en la Administración Provisional del Estado Sudoccidental.

61. La Administración Provisional de Yuba, dominada por el clan ogaden (rama del clan darod), consiguió avances tangibles en la incorporación de representantes del clan marehan (rama del clan darod) en su asamblea regional creada recientemente y en el gabinete de ministros, tras un proceso de reconciliación relativamente fructífero en marzo de 2015. No obstante, sigue siendo la única Administración aspirante a estado miembro federal que, cuando se preparaba este informe, contaba con toda una región, Yuba Medio, aún bajo el firme control de Al-Shabaab. Como la Administración depende en exceso de unos decrecientes ingresos procedentes del comercio ilícito de carbón vegetal para mantener la estabilidad política y pagar los salarios de las fuerzas de seguridad regionales de Ras Kamboni, puede que pronto tenga que afrontar nuevas dificultades en Kismayo, históricamente una de las ciudades somalíes más disputadas, si no consigue diversificar sus ingresos u obtener más apoyo externo³².

62. El proceso para establecer la única administración regional que queda, constituida por las regiones de Hiran y Shabelle Medio, continuaba al momento de la preparación del presente informe, pese a haber comenzado durante el anterior mandato del Grupo de Supervisión. La disputa entre los clanes dominantes de la región por cuál sería el lugar de celebración de la conferencia para la formación de los estados y cuál el clan que asumiría la presidencia de la nueva administración,

³² En la sección VI que figura a continuación se ofrece más información sobre la economía local de carbón vegetal.

llevó a que varias partes interesadas se retiraran del proceso y provocó numerosas demoras. Al igual que ocurrió con la formación de la Administración Provisional de Galmudug, el Grupo recibió mucha información sobre intentos del Gobierno Federal de manipular el proceso. Al momento de la preparación de este informe, pese a los intentos de reactivar la conferencia en Johwar, la información disponible indicaba que los ancianos de la región de Hiran seguirían ejerciendo presión para posponer nuevos avances hasta tanto finalizara el proceso de transición federal (véase el anexo 3.1).

63. El Gobierno Federal, que durante los primeros tres años de su mandato prácticamente ignoró el período de transición de 2016, finalmente reconoció abiertamente que no sería posible celebrar elecciones democráticas basadas en el principio “una persona, un voto” en octubre de 2016. Las negociaciones de transición celebradas durante el año siguiente estuvieron posteriormente dominadas por los dirigentes del Gobierno Federal y las administraciones regionales existentes, excepto Somalilandia, en el Foro de Líderes Nacionales de reciente creación mientras el espacio político se reducía cada vez más.

64. La mayor parte de la sociedad civil fue excluida del proceso, y los grupos de la oposición denunciaron en numerosas ocasiones los intentos de obstaculizar el debate político. El Grupo de Supervisión recibió información sobre las amenazas recibidas por los medios de comunicación para que no informaran negativamente sobre el proceso, o sobornos para que respaldaran las campañas de dirigentes en funciones³³. Luego de la controversial decisión de volver a adoptar el “modelo 4.5” para elegir a los miembros de la cámara baja del Parlamento, el Grupo de Supervisión también recibió numerosos informes de intentos de manipular la lista de 135 ancianos de los clanes encargados de poner en marcha el proceso. Al Grupo le preocupa que aumente la amenaza de conflicto intercomunal, a medida que haya más comunidades que se retiren del proyecto más amplio de formación del Estado, si hay una percepción general de que el proceso de transición es ilegítimo y en especial si algún miembro del Foro de Líderes Nacionales también gana las elecciones (véase el anexo 3.2).

D. Gestión de las finanzas públicas y apropiación indebida

Gestión de las finanzas públicas

65. La distribución inequitativa de los recursos, la corrupción y la incapacidad del Gobierno Federal de recaudar ingresos para proporcionar seguridad básica son las causas de la continua inestabilidad en Somalia. Las iniciativas adoptadas por el Banco Central de Somalia para formalizar y regular la economía han dado algunos resultados, pero no han conseguido impedir que esta se aleje aún más del mercado financiero mundial. Con una deuda nacional que supera el producto interno bruto y un Gobierno Federal que se enfrenta a la ineficiencia de sus instituciones fiscales, Somalia es uno de los países más pobres, y el más corrupto, del mundo³⁴. Los seis

³³ Entrevistas mantenidas en julio y agosto de 2016 en Nairobi y Mogadiscio con candidatos presidenciales y miembros del equipo federal para la celebración de elecciones indirectas.

³⁴ Producto interno bruto: 5.400 millones de dólares; deuda nacional: 5.600 millones de dólares. División de Estadística (2014): el país ocupa el puesto 191 y último en el *ranking* de pobreza.

bancos comerciales autorizados por el Banco Central solo operan en zonas urbanas, pese a que las licencias se concedieron basándose en la disposición de los bancos a operar en zonas rurales³⁵. El gobernador del Banco Central cree que el principal obstáculo al crecimiento económico de Somalia es la incapacidad de los bancos de conceder préstamos comerciales³⁶.

66. La economía somalí sigue operando principalmente en efectivo, y todas las transacciones importantes se efectúan en dólares de los Estados Unidos. El chelín somalí dejó de imprimirse en 1990 y la mayor parte de los billetes en circulación son falsos. No obstante, el tipo de cambio se ha mantenido sorprendentemente estable, con una cotización de entre 23.400 y 23.600 chelines somalíes por dólar de los Estados Unidos. No obstante, a principios de mayo de 2016 hubo violentas manifestaciones en Garowe y Bosaso en protesta por el desorbitado aumento de los precios de los productos básicos. La inflación a nivel local fue provocada por la emisión de billetes utilizando una máquina del Banco del Estado de Puntlandia ubicada en Bosaso para pagar los salarios adeudados a los funcionarios públicos y las fuerzas de seguridad. Posteriormente, el tipo de cambio aumentó a 30.000 chelines somalíes por dólar en mayo. Las protestas amainaron luego de que las autoridades locales establecieran tipos de cambio fijos³⁷ (véase el anexo 4.1).

67. La circulación de billetes falsos de dólares de los Estados Unidos siguió socavando la estabilidad financiera de Somalia. Si bien la calidad de los billetes falsos es mala, se han utilizado con éxito en diversas actividades delictivas. En agosto de 2016, el gerente de una sucursal y un cajero del Banco Central consiguieron malversar 530.000 dólares de los Estados Unidos de la cámara del banco sustituyendo los billetes auténticos de 100 dólares que se guardaban ahí por billetes falsos (véase el anexo 4.2).

68. En mayo de 2016, en Kampala, representantes del Banco Central de Somalia y el Fondo Monetario Internacional comenzaron las negociaciones para iniciar una reforma monetaria del chelín somalí. Si bien el Grupo de Supervisión reconoce los esfuerzos del Banco Central y los beneficios que podrían derivarse de una reforma monetaria para promover y formalizar la economía del país, considera que el calendario publicado, según el cual se empezaría a imprimir dinero a principios de 2017, es demasiado ambicioso³⁸. El Fondo ha declarado que no ofrecerá apoyo

Grupo Banco Mundial (2015): 172/183. Las remesas, que no figuran en las estadísticas, dan lugar a un ajuste de los ingresos per cápita de entre el 20% y el 40%. Tanto Somalia como la República Popular Democrática de Corea obtuvieron una puntuación de 8 sobre 100 en el Índice de Percepción de la Corrupción de 2015 publicado por Transparency International.

³⁵ Los bancos son: Amal Bank Group, Dahabshiil Bank International, International Bank of Somalia, Salaam Somali Bank, Premiere Bank y TrustAfrica.

³⁶ Entrevista con el Gobernador del Banco Central, Bashir Issa Ali, Nairobi, mayo de 2016.

³⁷ Tipo de cambio de 23.600 chelines somalíes por dólar de los Estados Unidos para la compra y de 23.400 chelines para la venta.

³⁸ Véase Felix Njini, "Somalia intends to print its own currency by early next year", Bloomberg, 27 de mayo de 2016, el cual se puede consultar en www.bloomberg.com/news/articles/2016-05-27/somalia-intends-to-print-its-own-currency-by-early-next-year.

financiero al proceso, con lo cual será el Gobierno Federal el que deberá sufragar el costo de la reforma, que se calcula ascenderá a 45 millones de dólares³⁹.

69. La diáspora somalí envió en 2015 al menos 1.200 millones de dólares a Somalia a través de compañías *hawala* de envío de remesas⁴⁰. Durante el mandato actual, el Grupo de Supervisión mantuvo numerosas entrevistas con intermediarios de *hawala* para evaluar las herramientas de cumplimiento y supervisión que utilizaban⁴¹. Las remesas siguen constituyendo un recurso crucial para el sustento de muchos somalíes, en especial para quienes viven en zonas rurales. No obstante, muchos bancos internacionales han cerrado las cuentas de estos sistemas *hawala* debido a que las compañías y los agentes no han hecho nada para poner en práctica sistemas de vigilancia y medidas de diligencia debida básicas, a diferencia de los reguladores internacionales, que sí han adoptado medidas adicionales. Tras las campañas constantes para que siguieran enviándose remesas, algunos bancos han aceptado seguir operando con algunas compañías *hawala*.

70. Las entrevistas y las investigaciones realizadas por el Grupo de Supervisión han revelado que las autoridades somalíes no siempre consiguen congelar los activos de las personas y las entidades que son objeto de sanciones. Los agentes *hawala* bien no poseen las herramientas de vigilancia adecuadas o sencillamente optan por no utilizarlas. Otra deficiencia grave es que los intermediarios de *hawala* que efectúan el pago de las remesas en Somalia no conocen a sus clientes. Si bien en ocasiones les piden identificación, pagan las remesas de todos modos al titular del número de teléfono móvil indicado por el remitente, sin importarles el nombre. Debido a las variantes ortográficas de los nombres y la ausencia de documentos de identificación verificables, la mayor parte de las transacciones se basan únicamente en el número de teléfono del beneficiario. El Grupo considera que esto tiene un efecto negativo importante en la aplicación de la congelación de activos impuesta por el Consejo de Seguridad⁴².

71. La unidad de inteligencia financiera de Somalia, el Centro de Informes Financieros, se fundó a principios de 2016. La nueva unidad, que cuenta con dos empleados, es un órgano independiente ubicado en las instalaciones del Banco Central y sus responsabilidades se definen en la Ley contra el Blanqueo de Dinero y de Lucha contra la Financiación del Terrorismo firmada por el Presidente en mayo de 2016. La nueva legislación se ha preparado con el fin de que se ajuste a la mayor parte de los requisitos establecidos por el Grupo de Acción Financiera⁴³. Además,

³⁹ Entrevistas mantenidas con los representantes del Gobierno Federal, Nairobi, 13 de agosto de 2016.

⁴⁰ Véase Grupo Banco Mundial, “Somalia economic update: October 2015”, el cual se puede consultar en www.worldbank.org/content/dam/Worldbank/document/Africa/Somalia/somalia-economic-update-october-2015.pdf.

⁴¹ Entrevistas mantenidas entre febrero y junio de 2016 en Dubái, Mogadiscio, Helsinki, Londres, Minnesota (Estados Unidos) y Estocolmo.

⁴² Si bien las entradas de la lista de sanciones del Comité incluyen el nombre y el alias, no ofrecen suficientes elementos de identificación como para aplicar con eficiencia las medidas de congelación de activos a quien corresponda. Por otra parte, las compañías de remesas y los proveedores de servicios monetarios móviles no están tomando suficientes medidas para aplicar las sanciones de congelación de activos.

⁴³ Órgano intergubernamental encargado de establecer criterios y promover la aplicación efectiva de medidas jurídicas, regulatorias y operacionales para combatir el blanqueo de dinero y la

contiene artículos sobre la declaración de divisas en las fronteras nacionales, la congelación de activos y el establecimiento de una unidad de inteligencia financiera y un comité nacional contra el blanqueo de dinero y la financiación del terrorismo. Si bien la nueva ley y el Centro son avances positivos, al Grupo de Supervisión le preocupa que la aplicación de esta nueva ley pueda tropezar con múltiples dificultades, como la falta de recursos y capacidad institucional, la ausencia de redes de cooperación internacional y el posible incumplimiento por parte de las entidades que se encargarían de informar, como las del sistema *hawala* y otros servicios informales de transferencia de valor o dinero. Al Grupo también le preocupa la modificación realizada en la versión final de la ley, según la cual se establece que sea el Ministro de Finanzas y no el Gobernador del Banco Central el que presida el Comité contra el Blanqueo de Dinero y de Lucha contra la Financiación del Terrorismo, puesto que ello daría lugar a un claro conflicto de intereses, ya que el Ministerio de Finanzas sería una de las entidades informantes.

Contratos y concesiones públicas

72. El nuevo proyecto de ley de contratación pública, concesiones y enajenación fue firmado por el Presidente en agosto de 2016, y así se dispuso la creación de nuevas instituciones públicas con el objetivo de mejorar la transparencia. En virtud de la reglamentación preexistente, todo contrato que supere los 5 millones de dólares debe darse a conocer públicamente, ser aprobado por la Junta Provisional de Adquisiciones y revisado por el Comité de Gobernanza Financiera. El Grupo de Supervisión observó que se habían celebrado nuevos contratos públicos en los que no se cumplían estos principios.

73. El Grupo de Supervisión sabe que el Ministro de Finanzas, Mohamed Aden Ibrahim, firmó un acuerdo el 15 de septiembre de 2015 con la empresa Smart Company for Public Services (SMART), en el que le otorgó la concesión para recaudar el impuesto de circulación de vehículos en Somalia. En abril de 2016, Ibrahim abrió una cuenta en el Banco Salaam donde se depositarían los impuestos recaudados por SMART, a pesar de que la legislación somalí establece que estos ingresos deben transferirse al Banco Central. Cuando el Auditor General, Nur Farah Jimale, intervino, Ibrahim autorizó que SMART recaudara impuestos directamente a través de sus agentes (véase el anexo 4.3, figs. 1, 2, 4 y 6).

74. El 22 de julio de 2016, Ibrahim envió una carta en la que autorizaba a Modern Technologies Inc. a recaudar impuestos de manera directa. Mohamed Hersi Farah, también conocido como “Suldan”, firmó el contrato en nombre de la compañía (véase *ibid.*, figs. 7 y 8).

75. Al Grupo de Supervisión también le preocupa la falta de transparencia en los contratos públicos celebrados por el Gobierno Federal con dos compañías turcas encargadas de operar el puerto de Mogadiscio y el aeropuerto internacional de Aden Adde. El contrato para la gestión del puerto que renegociaron en marzo de 2016 el Ministro de Finanzas y Albayrak Turizm Insaat Ticaret A.S. plantea interrogantes respecto a los beneficios efectivos que se destinarían al Gobierno Federal (véase

financiación del terrorismo. Somalia no es miembro del Grupo de Acción Financiera ni de su subsidiaria, el Grupo contra el Blanqueo de Dinero de África Oriental y Meridional.

ibid., fig. 14)⁴⁴. El contrato entre el Gobierno Federal y Favori LLC para la gestión del aeropuerto parece ser otro ejemplo de contrato ejecutado por una firma privada sin las debidas especificaciones técnicas⁴⁵.

76. En el anexo 4.4 figura información sobre el contrato entre el Gobierno Federal y Chinook Urban Mining International que no llegó a materializarse.

Sector de las telecomunicaciones

77. El competitivo mercado de las telecomunicaciones está dominado por Hormuud Telecom, empresa que opera en el sur y centro de Somalia⁴⁶. Esta controla el 45% del mercado de Somalia y cuenta con más de 6.000 empleados y más de 5.000 accionistas. También participa en un consorcio que opera en Somalilandia y Puntlandia.

78. La regulación inadecuada de las empresas de telecomunicaciones, entre ellas los proveedores de servicios de transferencias monetarias, podría representar una amenaza para la paz y la seguridad en Somalia. Los combatientes de Al-Shabaab son remunerados principalmente a través del servicio de transferencias monetarias EVC-PLUS, que ofrece Hormuud⁴⁷. Según fuentes del Gobierno Federal, Hormuud no coopera con las autoridades en lo que se refiere a la entrega de datos de los registros de las transferencias monetarias (véase el anexo 4.5).

Apropiación de terrenos públicos

79. El Grupo de Supervisión ha documentado múltiples casos de apropiación de terrenos públicos para su posterior venta al sector privado ocurridos en Mogadiscio entre 2014 y 2016. Terrenos públicos ocupados desde siempre por varios ministerios han sido transferidos a propietarios privados por la Administración Regional de Banadir, al menos desde que Hassan Mohamed Hussein, alias “Mungaab”, asumió su cargo de Gobernador de la región en febrero de 2014. Es ampliamente sabido que Mungaab se benefició directamente de la recalificación de terrenos públicos a privados durante su mandato en la Administración⁴⁸.

80. El 28 de julio de 2016, el Primer Ministro Omar Abdirashid Ali Sharmarke promulgó un decreto en el que se estableció el Comité para la Protección de Bienes Públicos, al que se encomendó la labor de recopilar datos sobre los bienes que poseían en ese momento los ministerios y los organismos subsidiarios, así como los terrenos públicos apropiados ilegalmente. En el decreto, que fue enviado a todos los ministros

⁴⁴ El contrato autoriza a la compañía a deducir 60.000 dólares al mes en concepto de seguridad, pese a que la seguridad del puerto está a cargo de las fuerzas del orden somalíes.

⁴⁵ El Comité de Gobernanza Financiera recomendó en varias ocasiones que se renegociara el acuerdo, y el Parlamento Federal objetó oficialmente al proceso de selección del contratista el 27 de mayo de 2014, pero el Gobierno Federal no siguió estas recomendaciones.

⁴⁶ En 2012, Hormuud fue sancionada por la Oficina de Control de Activos Extranjeros de los Estados Unidos. Su principal accionista, Nur Jim'ale, fue sancionado por las Naciones Unidas por su supuesta vinculación con Al-Shabaab. Ambas sanciones se retiraron en 2014.

⁴⁷ Entrevistas con miembros de Al-Shabaab detenidos, Mogadiscio, febrero de 2016.

⁴⁸ Entrevistas con exfuncionarios de la Administración Regional de Banadir, funcionarios actuales y antiguos del Gobierno Federal y personal de organismos internacionales, Mogadiscio y Nairobi, diciembre de 2015 a agosto de 2016. El 11 de agosto de 2016, “Mungaab” fue designado oficialmente Ministro de Justicia.

del Gobierno, al Fiscal General, al Presidente del Parlamento y a la Oficina del Presidente, se instruía a todos los ministerios y organismos subsidiarios que no autorizaran la venta o arrendamiento de terrenos públicos a menos que las condiciones hubieran sido examinadas por la Oficina del Primer Ministro y aprobadas por el Gabinete de Ministros⁴⁹.

81. El anexo 4.6 contiene más información y elementos de prueba sobre la apropiación de terrenos públicos en Mogadiscio.

E. Recursos naturales

82. La explotación de los recursos naturales sigue planteando riesgos para la paz y la seguridad en Somalia. En su informe anterior, el Grupo de Supervisión expresó su preocupación por el aumento de los conflictos intercomunales por el acceso a la tierra y el agua en las distintas regiones (S/2015/801, párrs. 30 a 32). Esto sigue suponiendo un riesgo, en especial en el sur de Somalia, puesto que, tras la decisión de las autoridades kenianas de cerrar el campamento de refugiados de Dadaab, los refugiados que regresen al país imprimirán una mayor presión sobre los escasos recursos disponibles. En cuanto a la financiación del conflicto, Al-Shabaab depende cada vez más de los ingresos derivados de la tributación por el comercio ilícito de azúcar, la agricultura y la ganadería, en particular porque los ingresos derivados del carbón vegetal han disminuido. Con respecto a la gobernanza de los recursos naturales, si bien se ha avanzado en el sector del petróleo y el gas, aún no se ha establecido un marco regulatorio adecuado ni instituciones que se encarguen de aplicarlo. Por último, Kenya y Somalia mantienen una controversia por su frontera marítima, donde podrían estar en juego los derechos a reservas considerables de petróleo y gas. La manera en que se resuelva podría tener consecuencias importantes para las relaciones entre los dos países, lo cual podría también afectar a la paz y la seguridad en la región.

Financiación de Al-Shabaab

83. A lo largo del mandato actual, Al-Shabaab ha dependido cada vez más de los ingresos derivados de la tributación por el comercio ilícito de azúcar, la producción agrícola y la ganadería, en particular porque los ingresos derivados del carbón vegetal han disminuido. Anteriormente, el Grupo de Supervisión calculó que Al-Shabaab obtenía ingresos de los puestos de control ubicados en el sur de Somalia, en los que se imponía al comercio ilícito de azúcar desde el puerto de Kismayo hacia Kenya tributos de 1.000 dólares por camión, mientras que la nueva información disponible indica que Al-Shabaab ha elevado desde entonces los tributos en el Bajo Yuba a 1.500 dólares para los camiones civiles de gran tamaño (véase S/2015/801, párrs. 93 y 94)⁵⁰. Según una estimación, el volumen del comercio ilícito de azúcar podría ascender a hasta 230 camiones a la semana⁵¹, lo cual equivaldría a entre 12 millones y 18 millones de dólares al año en ingresos para Al-Shabaab. En su informe anterior, el Grupo citó una estimación del Organismo

⁴⁹ El Gobierno Federal envió al Grupo de Supervisión una copia del decreto, que está archivado en la Secretaría.

⁵⁰ Correo electrónico de un funcionario de las Naciones Unidas, 1 de junio de 2016.

⁵¹ Véase Journalists for Justice, “Black and white: Kenya’s criminal racket in Somalia” (Nairobi, 2015), el cual se puede consultar en www.jfjustice.net/downloads/1457660562.pdf.

Nacional de Inteligencia y Seguridad según la cual Al-Shabaab recaudaba 9,5 millones de dólares en tributos exigidos a las explotaciones agrícolas del valle del Yuba (véase S/2015/801, nota 56). La ganadería, por otro lado, representaba el 40% del producto interno bruto somalí y las exportaciones del sector ascendían a 384 millones de dólares en 2015, lo cual significa que este sector probablemente constituya una fuente sustancial de ingresos para Al-Shabaab⁵². No obstante, se han registrado numerosos incidentes en los que la resistencia local ante la recaudación cada vez más agresiva por Al-Shabaab de tributos por la ganadería en el Shabelle Medio, Galgadud y Mudug ha dado lugar a conflictos armados entre la población civil y las milicias de los clanes, lo cual también parece indicar que la capacidad del grupo para obtener dinero de la población local mediante coacción tiene sus límites⁵³.

Gobernanza de los recursos naturales: petróleo

84. En una reunión que el Grupo de Supervisión mantuvo el 2 de febrero de 2016, el Ministro de Petróleo y Recursos Minerales determinó tres prioridades básicas para 2016: alcanzar un acuerdo entre el Gobierno Federal y las regiones para la distribución de los ingresos derivados de los recursos naturales, preparar un modelo de acuerdo de división de la producción y compilar un registro central de concesiones en Somalia que incluyera las demandas por hechos de fuerza mayor anteriores a 1991. Con la asistencia del Banco Mundial y el Servicio Africano de Apoyo Jurídico del Banco Africano de Desarrollo, se terminó de preparar un nuevo modelo de acuerdo de división de la producción que se envió al Comité de Gobernanza Financiera para que lo revisara de manera confidencial, lo cual todavía estaba haciendo cuando se preparó el presente informe. Si bien no se ha establecido un acuerdo integral para la distribución de los ingresos, el Gobierno Federal ha celebrado acuerdos bilaterales para compartir los ingresos petroleros con la Administración Provisional de Galmudug y la Administración Provisional del Estado Sudoccidental, pero no con la Administración Provisional de Yuba ni con Puntlandia⁵⁴. Se ha avanzado poco en el establecimiento de un registro central de concesiones petroleras.

Relaciones entre el Gobierno Federal y las regiones

85. Una de las posibles causas de discordia en la industria petrolera somalí guarda relación con la falta de claridad entre el Gobierno Federal y las regiones respecto a

⁵² Véase Organización de las Naciones Unidas para la Alimentación y la Agricultura, “Somalia exports 5.3 million animals, 6 per cent growth in 2015”, 14 de abril de 2016, el cual se puede consultar en www.fao.org/somalia/news/detail-events/en/c/410266/.

⁵³ Véase Cedric Barnes, “Somalia’s Al-Shabaab down but far from out”, 27 de junio de 2016, el cual se puede consultar en <http://blog.crisisgroup.org/africa/somalia/2016/06/27/somalias-al-shabaab-down-but-far-from-out/>; “Minister: 22 killed as residents, Al-Shabaab clash over Zakah”, Shabelle News, 22 de febrero de 2016, el cual se puede consultar en www.shabellenews.com; y “Locals clash with Al-Shabaab over alms collection, 4 people killed”, Goobjoog News, 11 de mayo de 2016, el cual se puede consultar en <http://goobjoog.com>.

⁵⁴ En su respuesta a una carta enviada por el Grupo de Supervisión el 22 de agosto de 2016 (S/AC.29/2016/SEMG/OC.82), el Ministerio de Petróleo y Recursos Minerales entregó al Grupo el texto de los acuerdos para la distribución de los ingresos petroleros celebrados con la Administración Provisional de Galmudug y la Administración Provisional del Estado Sudoccidental.

los derechos de explotación y la distribución de los beneficios. El 5 de septiembre de 2015 el Gobierno Federal y Spectrum ASA firmaron un contrato de prospección sísmica en alta mar (véase el anexo 5.1)⁵⁵. Tanto la Administración Provisional de Yuba como Puntlandia, que no han llegado a un acuerdo con el Gobierno Federal para la distribución de los ingresos petroleros, se opusieron firmemente a la celebración del acuerdo. En una carta enviada el 24 de diciembre de 2015 al Vicepresidente Ejecutivo de Spectrum, Graham Mayhew, el Director General Interino de la Autoridad Petrolera de Yubalandia, Abdi A. Raghe, señaló que las operaciones sísmicas sin autorización de la Administración Provisional de Yuba “se enfrentarían a consecuencias graves, como la confiscación de las embarcaciones de prospección y la detención del personal”⁵⁶. Del mismo modo, el Director General del Organismo para el Petróleo y los Minerales de Puntlandia, Issa Mohamud Farah, advirtió en un comunicado de prensa de 18 de febrero de 2016 que “las fuerzas de seguridad de Puntlandia abordarán las embarcaciones de las compañías que ingresen ilegalmente en aguas de Puntlandia y arrestarán a la tripulación que se encuentre a bordo de ellas”. Estas disputas se derivan en parte de la ambigüedad creada en torno a la asignación de derechos y obligaciones por la explotación de recursos naturales, incluidas las contradicciones no resueltas entre la Ley del Petróleo (2008) y la Constitución Provisional de 2012.

Soma Oil & Gas Holdings Limited

86. Durante su anterior mandato, el Grupo de Supervisión investigó exhaustivamente a la compañía Soma Oil & Gas Holdings Limited (Soma) por corrupción y por menoscabar las instituciones públicas con los pagos efectuados a través de un programa de desarrollo de la capacidad del Ministerio de Petróleo y Recursos Minerales (véase S/2015/801, párrs. 48 a 51 y anexo 2.5). El 31 de julio de 2015, la Oficina del Reino Unido contra el Fraude Grave abrió un expediente contra Soma por presunta corrupción en Somalia, el cual se sustentó inicialmente en pruebas proporcionadas por el Grupo. El 17 de agosto de 2016, Soma perdió un procedimiento sumario que había entablado para que se revisara judicialmente la investigación. La compañía había intentado que se interrumpiera la investigación alegando que “su existencia se veía amenazada” debido al riesgo de insolvencia antes de que concluyera la investigación. Durante la revisión judicial, la Oficina reveló que también venía investigando a Soma desde diciembre de 2015 por otros “delitos graves” distintos de los relacionados con el programa de desarrollo de la capacidad⁵⁷.

⁵⁵ Véase también Spectrum, “Spectrum signs seismic data agreement to kick-start oil exploration offshore Somalia”, 7 de septiembre de 2015, el cual se puede consultar en www.spectrumgeo.com/press-release/ground-breaking-seismic-data-agreement-to-kick-start-oil-exploration-offshore-somalia.

⁵⁶ Se puede consultar una copia de la carta en <http://jubalandtv.com/wp-content/uploads/2015/12/Protest-Letter-to-Spectrum-.pdf> (página visitada el 16 de septiembre de 2016).

⁵⁷ Véase Suzi Ring, “Soma loses U.K. court bid to force SFO to end bribery probe”, Bloomberg, 17 de agosto de 2016, el cual se puede consultar en www.bloomberg.com/news/articles/2016-08-17/soma-loses-u-k-court-bid-to-force-sfo-to-end-corruption-probe.

87. Por otra parte, del 25 al 28 de julio de 2016, Soma y el Ministerio de Petróleo y Recursos Minerales comenzaron a negociar un contrato en Nairobi que incluía acuerdos de división de la producción para explorar y explotar al menos ocho bloques. El 22 de agosto, el Grupo de Supervisión se comunicó por escrito con el Ministerio para expresar su preocupación por que aún no se había establecido ni el marco regulatorio necesario para la exploración y explotación petroleras ni las instituciones que se encargaran de aplicarlo. Aún había que ultimar el modelo de acuerdo de división de la producción, armonizar la Ley del Petróleo y la Constitución Federal Provisional, alcanzar un acuerdo integral de distribución de los ingresos y crear instituciones funcionales, en particular una autoridad petrolera que se encargara de implementar los acuerdos de división de la producción. El Grupo también expresó su preocupación por que Soma aún fuera objeto de una investigación penal (véase [S/AC.29/2016/SEMG/OC.82](#)). En la respuesta recibida el 26 de agosto, el Ministerio reconoció que no contaba con la capacidad técnica para negociar los contratos de exploración y explotación petroleras, como negociadores de contratos y economistas especializados en petróleo, e indicó que había solicitado más ayuda al Banco Mundial. El 5 de septiembre, el Presidente promulgó un decreto presidencial en el que se establecía que el Gobierno Federal no celebraría nuevos contratos hasta después de las elecciones previstas, con lo cual, a efectos prácticos, pospuso las negociaciones con Soma.

Controversia marítima entre Kenya y Somalia

88. Como señaló el Grupo de Supervisión en su informe de 2013, una controversia entre Kenya y Somalia sobre la frontera marítima podría tener consecuencias significativas para la paz y la seguridad regionales. La zona de la controversia abarca un territorio triangular en el océano Índico de unos 100.000 km² en el que podría haber una cantidad importante de reservas de petróleo y gas para su explotación comercial. Kenya sostiene que la frontera marítima debería extenderse en paralelo a la línea de latitud (ubicada entre 1 y 2 grados al sur), mientras que Somalia sostiene que debería extenderse desde la costa en dirección sureste como prolongación de la frontera terrestre. Kenya sustenta su postura citando un memorando de entendimiento entre ambos países, suscrito por el Gobierno Federal de Transición en abril de 2009. No obstante, el Parlamento somalí no lo ratificó y las Naciones Unidas lo calificaron de “no ejecutable” en marzo de 2010. En 2012, Kenya concedió licencias de exploración en alta mar en el territorio objeto de controversia a empresas petroleras internacionales como Anadarko Petroleum Corporation, Total y Eni (véase [S/2013/413](#), anexo 5.5, párrs. 27 a 30, y anexo 5.5k).

89. Tras el evidente fracaso de las negociaciones diplomáticas para resolver la controversia marítima, incluida la oposición del Gobierno Federal a que Kenya concediera licencias de exploración en el territorio en disputa, el 28 de agosto de 2014 Somalia presentó una demanda ante la Corte Internacional de Justicia. Kenya planteó sus excepciones preliminares el 7 de octubre de 2015, y, en un escrito, su Fiscal General vinculó expresamente la causa relativa a la controversia marítima con otras cuestiones bilaterales y señaló: “los soldados kenianos han combatido a Al-Shabaab; los ciudadanos kenianos han sido víctimas de atentados terroristas; Kenya ha acogido a más de medio millón de refugiados somalíes durante casi 25 años. Lo mínimo que Kenya puede esperar de Somalia es que cumpla sus acuerdos

bilaterales”⁵⁸. La celebración de la audiencia pública ante la Corte estaba prevista del 19 al 23 de septiembre de 2016.

III. Obstrucción de la asistencia humanitaria

A. Acceso humanitario⁵⁹

90. En el párrafo 22 de su resolución [2244 \(2015\)](#), el Consejo de Seguridad reiteró su exigencia de que todas las partes garantizaran y facilitaran el acceso pleno, seguro y sin trabas para la prestación oportuna de asistencia a las personas que la necesitaran en toda Somalia. No obstante, a principios de 2016, los asociados humanitarios seguían teniendo grandes dificultades para acceder a 28 distritos del sureste y el centro de Somalia⁶⁰. Al-Shabaab creó los principales obstáculos, imponiendo bloqueos económicos, en particular en Bakool, Bay, Gedo y Hiran, sitiando pueblos y zonas controladas por fuerzas contrarias, e impidiendo la circulación de bienes y personas, entre ellos el personal y los suministros humanitarios⁶¹. Otros actores armados estatales y no estatales también contribuyeron a crear problemas, ya que las rutas principales de abastecimiento se tornaron cada vez más intransitables debido a la proliferación de puestos de control ilegales facilitados por la fragmentación del sector de la seguridad, la superposición de actores que se arrogaban autoridad y el debilitamiento del mando y el control (véase el anexo 6.1).

91. Como informó el Grupo de Supervisión en 2015, en todo el país y en todos los niveles de autoridad se siguieron presentando obstáculos burocráticos que provocaban una obstrucción humanitaria, situación que se exacerbaba por la incapacidad del Gobierno Federal de ejercer un control centralizado sobre la regulación de las operaciones humanitarias a nivel regional y de distrito (véanse [S/2015/801](#), anexo 5.2, y el anexo 6.1 del presente informe). El número de incidentes en los que se impusieron tales impedimentos aumentó durante el mandato actual debido a que hubo una mayor variedad de actores, entre ellos los organismos de seguridad, que intentaron afirmar su autoridad sobre todos los aspectos de las operaciones humanitarias. Esto provocó retrasos e interrupciones en la entrega de la asistencia y, en algunos lugares, impidió el acceso por completo.

⁵⁸ Véase Koome Kimonye, “Kenya challenges Somalia’s case on Indian Ocean boundary”, 7 de octubre de 2015, el cual se puede consultar en <https://citizentv.co.ke/news/kenya-challenges-somalias-case-on-indian-ocean-boundaries-102623/>; y Olive Burrows, “Somalia thankless, AG says over maritime boundary row”, 8 de octubre de 2015, el cual se puede consultar en www.capitalfm.co.ke/news/2015/10/somalia-thankless-ag-says-over-maritime-boundary-row/.

⁵⁹ La denegación de acceso a la asistencia humanitaria impide la libre circulación o la entrega puntual de asistencia humanitaria a las personas necesitadas e incluye los ataques cometidos deliberadamente contra trabajadores de asistencia humanitaria.

⁶⁰ Véase el boletín humanitario sobre Somalia publicado el 28 de julio de 2016 por la Oficina de Coordinación de Asuntos Humanitarios. En Somalia hay 90 distritos administrativos.

⁶¹ Entrevista con el Gobernador de Bay, Baidoa, 3 de marzo de 2016; entrevistas con trabajadores humanitarios, Mogadiscio, marzo a agosto de 2016. Véase el análisis correspondiente en el anexo 6.1.

B. Ataques contra trabajadores humanitarios

92. Los ataques dirigidos contra trabajadores humanitarios en Somalia se duplicaron entre 2014 y 2015, con un saldo de 17 muertos⁶². Durante el mandato actual, sin embargo, se redujo el número de trabajadores humanitarios que perdieron la vida como consecuencia directa de su participación en operaciones humanitarias, debido a que no se registró ningún ataque con víctimas numerosas⁶³. No obstante, en relación con el mandato anterior, sí aumentó el número de incidentes de seguridad que afectaron a trabajadores humanitarios, lo cual ha elevado la peligrosidad de las operaciones humanitarias en conjunto⁶⁴. La intensificación general de la violencia armada contra los civiles también afectó a los trabajadores humanitarios (véase el anexo 6.2). Si bien estos sufrieron a diario ataques, amenazas y acoso de todas las partes en el conflicto y actores políticos y gubernamentales, la mayoría de los ataques con la intención y el resultado de causar muertes fueron cometidos por Al-Shabaab.

C. Desviación y apropiación indebida de la asistencia humanitaria

93. Una creciente variedad de actores, en particular a nivel regional, ha intentado manipular las actividades y los actores humanitarios para obtener beneficios políticos o económicos, lo cual ha exigido mantener negociaciones constantes. El Grupo de Supervisión volvió a recibir información durante el mandato actual sobre el desvío de ayuda humanitaria cometido por actores en todas las fases del ciclo distributivo, desde los que controlan las donaciones hasta los intermediarios de los contratistas, las autoridades oficiales y los dirigentes locales. En algunos lugares, una reducida red de personas, o incluso una sola, controlaron las operaciones humanitarias con tal firmeza, monopolizando el poder político, las finanzas y el uso de la fuerza, que constituían, en muchos aspectos, carteles delictivos⁶⁵. Se observaron algunos indicios de que el proceso electoral, en el que se negociaron intereses mucho mayores en torno al poder y los recursos, incitó acciones de apropiación indebida de la ayuda humanitaria, en especial en la interacción de las autoridades regionales con la comunidad humanitaria. La distribución de la ayuda bilateral, por ejemplo, siguió siendo particularmente susceptible de manipulación (véase el anexo 6.3).

⁶² Correo electrónico de un funcionario de las Naciones Unidas, 29 de enero de 2016.

⁶³ El 20 de abril de 2015, seis personas murieron en Garowe cuando una persona que portaba un artefacto explosivo improvisado atacó un minibús del Fondo de las Naciones Unidas para la Infancia.

⁶⁴ Según informan las Naciones Unidas, en el primer semestre de 2016 se produjeron más de 80 incidentes de seguridad que afectaron a trabajadores humanitarios y en los que 5 murieron, 8 resultaron heridos, 10 detenidos, 3 secuestrados y 5 agredidos físicamente. Véase el boletín humanitario sobre Somalia publicado el 28 de julio de 2016 por la Oficina de Coordinación de Asuntos Humanitarios.

⁶⁵ Véase el análisis del cartel de Doolow en el anexo 7.8. Si bien también existen redes de este tipo en Jowhar y Belet Weyne, la de Doolow es una de las más consistentes y poderosas, tanto en cuanto a la exhaustividad de su control como a su capacidad para imponerlo recurriendo a la violencia.

94. Al mismo tiempo, las entidades de las Naciones Unidas y las organizaciones no gubernamentales siguieron mejorando los métodos para supervisar la distribución de la ayuda, desde centros de llamadas hasta imágenes satelitales, la evaluación de expedientes electrónicos y el registro biométrico de beneficiarios, así como la incorporación de nuevos requisitos de cumplimiento⁶⁶. En este marco, se procuró examinar el sistema de ayuda humanitaria somalí en su conjunto, es decir sus componentes social, cultural, y de economía política, que ha convertido la desviación de recursos en un elemento intrínseco del modelo de actuación⁶⁷. Algunos organismos de las Naciones Unidas también lograron grandes avances al afrontar el difícil problema de cómo proceder cuando se descubren casos de fraude (véase *ibid.*)⁶⁸. No obstante, quienes están resueltos a desviar la ayuda demostraron gran capacidad de adaptación: los propios elementos de los nuevos mecanismos de vigilancia del riesgo fueron captados y utilizados para apropiarse indebidamente de la ayuda (véase *ibid.*). Sin perjuicio de los pocos cambios observados en el entorno general de riesgo, fue decepcionante, sin embargo, ver que las entidades de las Naciones Unidas habían cejado en su compromiso de gestionar el riesgo colectivo y aplicar las medidas de rendición de cuentas adoptadas en 2013⁶⁹.

IV. Violaciones del derecho internacional humanitario que conllevan ataques contra la población civil

A. Al-Shabaab

95. Durante el mandato actual, numerosos asesinatos selectivos fueron reivindicados por Al-Shabaab o atribuidos a ese grupo. Entre las víctimas figuraban cargos gubernamentales y funcionarios públicos (desde el nivel de distrito hasta el federal), personal de organismos internacionales, incluidos funcionarios de las Naciones Unidas, activistas de la sociedad civil y periodistas. En una declaración formulada el 30 de diciembre de 2015, Al-Shabaab manifestó que los objetivos específicos de futuros ataques serían agentes de seguridad y funcionarios públicos⁷⁰.

⁶⁶ En febrero de 2015, por ejemplo, el Programa Mundial de Alimentos puso en marcha “SCOPE”, un registro digital de sus beneficiarios, con captura de la identidad biométrica a fin de gestionar las transferencias con un control de firma biométrica. En julio de 2016 había 1,3 millones de personas registradas en este programa.

⁶⁷ Véanse, por ejemplo, las investigaciones realizadas en el contexto del estudio monográfico del sur de Somalia de la iniciativa “Collective Resolution to Enhance Accountability and Transparency”, liderada por Transparency International. El estudio tuvo como objetivo recopilar datos empíricos de los riesgos de corrupción al proporcionar ayuda humanitaria en el sureste de Somalia y las medidas para prevenirla y mitigarla. Las conclusiones del estudio se publicarán en octubre de 2016.

⁶⁸ La incapacidad de los organismos de las Naciones Unidas de actuar con determinación cuando se descubren casos de desvío de la ayuda es uno de los principales factores que contribuyen al ciclo de impunidad dentro del sistema humanitario de Somalia. Véase [S/2014/726](#), anexos 7.6 y 7.7.

⁶⁹ Cabe destacar, no obstante, que algunos organismos han redoblado los esfuerzos individuales a medida que se redujo la colaboración colectiva. Véase el anexo 6.3.

⁷⁰ Véase “Al Shabaab Oo Dilal iyo Qaraxyo Ugu Hanjabtay Saraakiisha iyo Jawaasiista DF-ka Ee Ku Sugan Magaalada Muqdisho”, *SomaliMemo*, 30 de diciembre de 2015. Se puede consultar en

En declaraciones posteriores, se amenazó específicamente a parlamentarios y a personas que participaran en las elecciones de 2016, así como a agentes occidentales y de las Naciones Unidas que apoyaran el proceso.

96. Los ataques complejos contra objetivos civiles no protegidos, como hoteles y restaurantes, aumentaron durante el mandato, en particular en Mogadiscio, Baidoa y Galkayo del Norte, provocando un gran número de víctimas (véase el anexo 7.1)⁷¹.

97. Al-Shabaab recurrió con frecuencia a los secuestros como medio para controlar a la población, ya sea en relación con la colaboración con el Estado, el castigo de una comunidad o para mantener el pago de tributos⁷². Según indicó el Grupo de Supervisión en su informe de 2015 (S/2015/801), después de algunos secuestros cometidos por Al-Shabaab, las fuerzas gubernamentales secuestraron a familiares de los integrantes de ese grupo. Además, Al-Shabaab ejecutó a civiles que presuntamente habían “colaborado” con sus enemigos, en especial tras un ciclo de repliegues de la AMISOM y el ENS⁷³.

98. Al verse sometido a una mayor presión financiera, Al-Shabaab empleó cada vez más la violencia contra la población civil para asegurarse el pago de tributos o azaque y para reclutar a nuevos miembros de entre una población reticente (véase el anexo 6.3). Al mismo tiempo, el grupo intentó proyectarse como árbitro legítimo de la ley y el orden, pretendiendo realizar sus propias investigaciones sobre las violaciones cometidas por otras fuerzas, desarmando a las milicias de los clanes y convocando negociaciones de paz.

99. A medida que Al-Shabaab ampliaba el alcance territorial de sus operaciones, los desplazados internos, los refugiados y otras personas consideradas relacionadas con Al-Shabaab, ya sea por motivos de clanes o de otro tipo, fueron los más afectados por la ira de las comunidades tras los ataques perpetrados por el grupo. En Galkayo del Norte, por ejemplo, las relaciones tradicionalmente buenas entre los desplazados internos y las comunidades de acogida, así como los esfuerzos realizados por algunos funcionarios gubernamentales para instar a la moderación, no impidieron que después de una ola de asesinatos atribuidos a Al-Shabaab se diera muerte a desplazados internos, refugiados y forasteros⁷⁴.

<http://somalimemo.net/articles/4131/Al-Shabaab-Oo-Dilal-iyo-Qaraxyo-Ugu-Hanjabtay-Saraakiisha-iyo-Jawaasiista-DF-ka-Ee-Ku-Sugan-Magaalada-Muqdisho>.

⁷¹ En una declaración, Al-Shabaab manifestó que los hoteles constituían objetivos legítimos porque eran utilizados por funcionarios gubernamentales y sus aliados para conspirar contra el pueblo somalí.

⁷² El 12 de junio de 2016, por ejemplo, 13 ancianos locales fueron secuestrados por Al-Shabaab en Gambole, situado en Yuba Medio, y llevados a Shaw, en Hiran. Finalmente, fueron liberados tras el pago de un “tributo”, para el que se había establecido como fecha límite el 25 de julio, y el compromiso de pagar un azaque regularmente. Entrevista realizada por una fuente del Grupo de Supervisión con funcionarios gubernamentales en Yuba Medio, transmitida en una comunicación por correo electrónico, 8 de agosto de 2016.

⁷³ Véase el anexo 2.2 que contiene un cuadro en el que se detallan las retiradas del ENS durante el mandato actual. Por ejemplo, entre diciembre de 2015 y julio de 2016, la localidad de Berhani, al sudeste de Kismayo, cambió de “manos” en tres ocasiones, lo cual dio lugar a la destrucción de viviendas y detenciones de residentes civiles.

⁷⁴ Por ejemplo, el Grupo de Supervisión documentó la muerte de cuatro solicitantes de asilo y desplazados internos en Galkayo después de que se produjera un ataque de personas que portaban artefactos explosivos improvisados, que tuvo lugar el 31 de marzo de 2016 y causó la muerte de un importante funcionario gubernamental y de otras siete personas, incluidos dos

B. Fuerzas de seguridad federales y regionales y milicias locales

100. El Grupo de Supervisión recibió múltiples informes en los que se implicaba a las fuerzas de seguridad federales y regionales, así como a las milicias locales, en violaciones cometidas contra la población civil, ya sea en controles de carreteras, en el contexto de detenciones ilícitas o ejecuciones extrajudiciales, con fines de extorsión, por venganza de clanes o por motivos políticos (véase el anexo 7.3).

101. En varios casos, el ENS y las fuerzas regionales se involucraron en conflictos intercomunales y agudizaron los peligros para la población civil. Sin embargo, no volvieron a registrarse ataques a gran escala de las fuerzas del Gobierno Federal contra la población civil del tipo documentado por el Grupo de Supervisión en sus dos informes anteriores (S/2015/801, anexo 6.3 y S/2014/726, anexos 8.1 y 8.2). No obstante, los conflictos subyacentes en torno a los recursos y la falta de un mando y control centrales y eficaces de las fuerzas de seguridad, que fueron el origen de esos ataques, siguen sin resolverse en gran medida⁷⁵.

102. Las fuerzas de seguridad federales y regionales, así como las milicias locales, utilizaron la violencia, o la amenaza de violencia, contra la población civil con miras a alcanzar sus objetivos políticos, tanto en el contexto de la formación de los estados a nivel regional como en preparación para la transición política de 2016. En noviembre y diciembre de 2015, por ejemplo, las tensiones entre la Administración Provisional de Galmudug y Puntlandia se agravaron y originaron un conflicto armado que ocasionó múltiples bajas civiles y desplazamientos en masa. Asimismo, el conflicto persistente en las regiones disputadas de Sool y Sanaag ha entrañado violaciones contra la población civil por parte de fuerzas de Somalilandia, Puntlandia, fuerzas locales “Khatumo” y milicias locales (véanse los anexos 7.4 y 7.5).

103. Las administraciones tanto a nivel federal como regional realizaron cada vez más ejecuciones, pese al compromiso oficial del Gobierno Federal a aplicar una moratoria⁷⁶. Tan solo entre enero y agosto de 2016 se llevaron a cabo un total de 20 ejecuciones, 7 de ellas en Somalilandia. En muchos casos se impusieron penas a civiles, entre ellos niños, tras procesos judiciales celebrados sin las debidas garantías fundamentales, lo que constituye una violación del artículo 3 común de los Convenios de Ginebra de 12 de agosto de 1949⁷⁷.

niños. Entrevista con un funcionario de las Naciones Unidas, Galkayo, 5 de abril de 2016; entrevista telefónica con un funcionario de una organización no gubernamental, Galkayo, 24 de junio de 2016.

⁷⁵ Véase el anexo 7.5 que presenta un análisis sobre el conflicto que continúa en la región del Bajo Shabelle, en el que está implicado el ENS.

⁷⁶ Serie de entrevistas con funcionarios de las Naciones Unidas y de organizaciones no gubernamentales en Mogadiscio y en las capitales regionales, marzo a agosto de 2016.

⁷⁷ Si bien la imposición de la pena de muerte no constituye una violación en sí misma, dependiendo de las circunstancias en que se imponga, puede entrañar una vulneración del artículo 3 común de los Convenios de Ginebra de 12 de agosto de 1949, norma *jus cogens* del derecho internacional. El artículo 3 común se aplica a todas las partes en Somalia y prohíbe, entre otras cosas, “las condenas dictadas y las ejecuciones sin previo juicio ante un tribunal

C. Fuerzas internacionales

104. El recurso a ataques aéreos contra objetivos civiles y militares, en particular en Gedo, Hiran, Bajo Shabelle, Yuba Medio y Bajo Yuba, aumentó durante el mandato actual, lo que ocasionó bajas civiles, la pérdida de medios de subsistencia y desplazamientos (véase el anexo 7.7). Posteriormente a algunos de esos ataques, se informó de que Al-Shabaab había recolectado municiones sin detonar para utilizarlas en la fabricación de artefactos explosivos improvisados (véase *ibid.*, párr. 83).

105. También se documentaron bajas civiles a raíz de las ofensivas terrestres llevadas a cabo por fuerzas internacionales, algunas de las cuales constituyeron violaciones del derecho internacional, ya sea como resultado de ataques directos o como respuestas indiscriminadas o desproporcionadas frente a amenazas reales o percibidas de Al-Shabaab (véase el anexo 7.6).

D. Reclutamiento y utilización de niños

106. Durante el mandato actual, hubo un aumento general del número de casos de reclutamiento y utilización de niños soldados verificados por las Naciones Unidas, en particular por Al-Shabaab en Bajo Yuba, Yuba Medio, Bajo Shabelle y Bakool, incluso antes del asalto fallido intentado por el grupo en Puntlandia en marzo de 2016⁷⁸. Más de 100 niños, algunos de tan solo 11 años de edad, fueron capturados por las fuerzas de la Administración Provisional de Galmudug y Puntlandia durante la incursión (véase el anexo 7.2). En cuanto al ENS, las Naciones Unidas verificaron 218 casos de reclutamiento y utilización de niños en 2015, frente a los 197 casos de 2014⁷⁹. Sin embargo, en septiembre de 2016, el Jefe de las Fuerzas de Defensa aseguró al Grupo de Supervisión que, gracias a la introducción del registro biométrico, no había niños combatientes en el ENS⁸⁰. Paralelamente a la ampliación del apoyo externo brindado a las fuerzas regionales que operaban fuera del control federal, las Naciones Unidas verificaron 40 casos de reclutamiento y utilización de niños por Ahlu Sunna WalJama'a, y 17 por las fuerzas de la Administración Provisional de Galmudug en 2015⁸¹.

legítimamente constituido, con garantías judiciales reconocidas como indispensables por los pueblos civilizados" (art. 3 1 d)).

⁷⁸ En 2015, las Naciones Unidas documentaron 903 casos de reclutamiento y utilización de niños, de los cuales 555 casos se atribuyeron a Al-Shabaab (véase [A/70/836-S/2016/360](#), párr. 113).

Tan solo durante los tres primeros meses de 2016, se documentaron 472 casos de reclutamiento y utilización de niños (442 niños y 30 niñas), de los cuales 276 se atribuyeron a Al-Shabaab. Correo electrónico de un funcionario de las Naciones Unidas, 22 de julio de 2016.

⁷⁹ En marzo de 2016, las Naciones Unidas ayudaron al Ejército Nacional Somalí a poner en marcha un plan de trabajo de un año de duración orientado a apoyar la ejecución de los planes de acción para poner fin y prevenir el reclutamiento, la utilización, la muerte y la mutilación de niños, respectivamente.

⁸⁰ Carta dirigida al Grupo de Supervisión por el General de División Mohamed Aden Ahmed, sin fecha, recibida el 6 de septiembre de 2016.

⁸¹ Véase [A/70/836-S/2016/360](#), párr. 113. El Ministro de Defensa dijo al Grupo de Supervisión que el Gobierno Federal había designado a funcionarios para que trabajaran con los estados regionales a fin de poner término al reclutamiento y la utilización de niños, e hizo referencia a una serie de iniciativas en las que participaban las cuatro autoridades regionales y de Belet

107. En su informe de 2015, el Grupo de Supervisión facilitó información sobre las denuncias de utilización por el Organismo Nacional de Inteligencia y Seguridad de niños desvinculados de grupos armados para reunir inteligencia, en contravención del derecho internacional (S/2015/801, anexo 6.4, párr. 56). En julio de 2016, un comité de investigación de nivel ministerial establecido por la Oficina del Primer Ministro confirmó la veracidad de algunas de las denuncias, pero indicó que la práctica había cesado⁸².

E. Desplazamientos forzados

108. Los conflictos armados, los combates entre clanes y la inseguridad obligaron a casi 598.000 somalíes a desplazarse internamente entre el 1 de enero de 2015 y el 30 de junio de 2016⁸³. Continuaron registrándose desalojos forzosos de poblaciones vulnerables de los asentamientos informales, no solo en Mogadiscio sino también en otros centros urbanos, como Galkayo del Norte y Kismayo: más de 46.000 personas habían sido desplazadas para mediados de año⁸⁴. Los desalojos, que con frecuencia se produjeron en un entorno de corrupción y transferencias ilegales de tierras y propiedades, a menudo coincidieron también con otras violaciones cometidas contra la población civil (véase el anexo 4.6). El Consejo de Seguridad, en el párrafo 39 de su resolución 2297 (2016), expresó en julio de 2016 su preocupación por el aumento de los desalojos forzosos de poblaciones vulnerables y destacó que esos desalojos debían llevarse a cabo de conformidad con los marcos nacionales e internacionales aplicables⁸⁵.

V. Embargo de armas

A. Cumplimiento por el Gobierno Federal de las obligaciones establecidas en la suspensión parcial

109. A fin de ayudar al Gobierno Federal a combatir a Al-Shabaab y para apoyar al incipiente sector de la seguridad, el Consejo suspendió parcialmente el embargo de armas impuesto a Somalia en 2013, según lo dispuesto en los párrafos 33 a 38 de su resolución 2093 (2013). Se autorizó al Gobierno Federal a importar cantidades ilimitadas de armas, municiones (hasta un determinado calibre y de cierto tipo) y otros equipos militares. También se permitió que las fuerzas recibieran otras formas

Weyne. Carta dirigida al Grupo de Supervisión, 5 de septiembre de 2016, traducción oficiosa realizada por el Grupo.

⁸² Conclusiones del comité ministerial sobre el artículo del *Washington Post* relativo al organismo de inteligencia de Somalia y la presunta utilización de niños desertores como espías, 12 de junio de 2016, documento archivado por el Grupo de Supervisión. Véase el anexo 7.2 que contiene un análisis de las denuncias.

⁸³ Información proporcionada por un funcionario de las Naciones Unidas, 5 de septiembre de 2016.

⁸⁴ Correo electrónico enviado por un funcionario de una organización humanitaria, 5 de septiembre de 2016.

⁸⁵ No obstante, el Grupo de Supervisión señala que, en una presentación ofrecida al Consejo de Derechos Humanos en abril, el Fiscal General declaró que “no se había producido ningún desalojo forzoso de desplazados internos en Mogadiscio ni en ningún otro lugar de Somalia” (véase A/HRC/32/12, párr. 33).

de asistencia, como capacitación y asistencia financiera. A cambio, el Gobierno Federal asumió ciertas obligaciones: se le solicitó que notificara con antelación al Comité todo suministro y apoyo recibido, que informara directamente al Consejo sobre la estructura y la composición de sus fuerzas y que estableciera una estructura eficaz para la gestión de armas y municiones (párr. 39).

110. A raíz de los informes sobre el desvío de armas importadas conforme a las condiciones de la suspensión parcial, las deficiencias de la presentación de informes y el incumplimiento de los requisitos de notificación, el Consejo de Seguridad incrementó en 2014, en virtud de los párrafos 6 y 7 de la resolución [2142 \(2014\)](#), el nivel de escrutinio según el cual se autorizaba al Gobierno Federal a importar armas y municiones y recibir asistencia (véanse, por ejemplo, [S/2014/726](#), anexos 6.2 y 6.4). A pesar de haber observado algunas mejoras en las notificaciones presentadas por el Gobierno Federal al Comité en 2015, el Grupo de Supervisión expresó preocupación por el continuo desvío de armas (véase [S/2015/801](#), anexo 7.1).

111. Durante el mandato actual, el Gobierno Federal mejoró la calidad y puntualidad de las notificaciones enviadas al Comité en antelación a los suministros y mejoró su coordinación con algunos Estados Miembros. Sin embargo, el cumplimiento del proceso de notificación en dos etapas posterior al suministro de armas y municiones siguió siendo deficiente: solo uno de los informes posteriores al suministro presentado al Comité cumplía plenamente los requisitos. No obstante, el hecho de que el Gobierno Federal no haya presentado información suficiente y oportuna en estos casos se debe más a la falta de circulación de la información dentro de las entidades federales del sector de la seguridad, y entre el Gobierno Federal y los Estados Miembros, que a la falta de voluntad del Gobierno Federal para cumplir las disposiciones (véase el anexo 8.2).

Notificaciones relacionadas con la prestación de apoyo a las fuerzas de seguridad del Gobierno Federal

112. En el cuadro que figura a continuación se presenta un resumen de las notificaciones relacionadas con la prestación de apoyo a las fuerzas de seguridad federales.

<i>Requisito</i>	<i>Gobierno Federal</i>	<i>Estado Miembro/ organización internacional</i>
Notificaciones previas	14	7/0
Confirmaciones posteriores al suministro	5	1
Información posterior a la distribución	2 (presentadas conjuntamente con 2 de las confirmaciones posteriores a los suministros)	–

113. Ni el Gobierno Federal ni los Estados Miembros cumplieron el requisito de informar al Comité sobre todo el material y el apoyo recibido por las fuerzas de seguridad federales durante el mandato actual (véanse el anexo 8.2 y [S/2015/801](#), anexo 6.2). La mayor parte del apoyo no notificado constituía asistencia con fines no mortíferos, como salarios, estipendios, construcción de infraestructura, ropas

militares y actividades de capacitación para el ENS, la policía y el Organismo Nacional de Inteligencia y Seguridad.

114. Los informes del Gobierno Federal sobre la estructura de sus fuerzas y los sistemas de gestión de armas y municiones, presentados con arreglo a la resolución [2244 \(2015\)](#), párrafo 7, y la resolución [2182 \(2014\)](#), párrafo 9, siguen careciendo de elementos fundamentales (véase el anexo 8.1). A pesar de que continúa el proceso de integración de las milicias y el desarrollo de las fuerzas regionales paralelas, el Gobierno Federal no ha proporcionado datos sobre los cambios en la dotación de sus fuerzas desde 2014, cuando informó únicamente sobre los efectivos del ENS. Nunca se ha brindado información sobre la dotación de las otras tres fuerzas de seguridad (la policía, el Organismo Nacional de Inteligencia y Seguridad y el cuerpo de funcionarios de prisiones). El Gobierno Federal tampoco ha proporcionado información sobre la integración y el estado de las milicias y las fuerzas regionales durante el mandato —aunque, con respecto a estas últimas, es posible que las autoridades regionales no permitan mucha supervisión federal⁸⁶. La presentación de esta información por el Gobierno Federal no es simplemente una cuestión de cumplimiento de las condiciones de la suspensión parcial, sino que también es esencial para garantizar la asistencia adecuada y específica de los Estados Miembros⁸⁷.

Renovación de la suspensión parcial

115. Durante el mandato actual, el Gobierno Federal ha instado en repetidas ocasiones al Consejo de Seguridad a que suspenda completamente el embargo de armas con respecto a sus fuerzas, alegando que el embargo obstaculiza sus esfuerzos para combatir a Al-Shabaab. El Consejo de Paz y Seguridad de la Unión Africana también ha solicitado al Consejo la suspensión del embargo como aspecto esencial para la creación de instituciones de seguridad capaces en Somalia⁸⁸. No obstante, el embargo no impide que el Gobierno Federal importe armas y municiones. De hecho, desde la aprobación de la suspensión parcial en 2013 y hasta el 1 de septiembre de 2016, tanto el Gobierno Federal como los Estados Miembros presentaron notificaciones previas sobre 20.679 armas y 13.007.276 cartuchos de municiones destinados a apoyar a las fuerzas de seguridad federales (véase el anexo 8.2). Pese a que el Gobierno Federal está mejorando el mercado de armas y la gestión del material importado en Halane, todavía existen importantes dificultades en torno a la distribución y el rastreo de las armas fuera de Mogadiscio, y de forma coherente entre las fuerzas.

⁸⁶ En su resolución [2244 \(2015\)](#), párrafo 7, el Consejo añadió el requisito de que el Gobierno Federal lo informara sobre el estado de las fuerzas regionales. Véase el anexo 8.1 que contiene un análisis de las dificultades conexas.

⁸⁷ En el preámbulo de la resolución [2297 \(2016\)](#), de julio de 2016, el Consejo de Seguridad destacó que era importante para el Gobierno Federal seguir definiendo la composición de las fuerzas de seguridad nacionales de Somalia, detectar las deficiencias de capacidad para orientar a la AMISOM y los donantes a la hora de fijar prioridades para la asistencia al sector de la seguridad y señalar esferas de cooperación con la comunidad internacional.

⁸⁸ Véase el comunicado del Consejo de Paz y Seguridad de la Unión Africana de fecha 29 de junio de 2016. Se puede consultar en <http://www.peaceau.org/en/article/communique-of-the-608th-meeting-of-the-psc-on-the-situation-in-somalia-and-the-african-union-mission-in-somalia-amisomthash.sOZ7oBeX.dpuf>.

116. La decisión de mantener la suspensión parcial del embargo de armas para las fuerzas de seguridad del Gobierno Federal debe, por lo tanto, adoptarse con plena conciencia de las dificultades a que se enfrenta el Gobierno Federal para cumplir los requisitos impuestos, ya sea para gestionar las armas importadas o para proporcionar información precisa sobre la estructura, composición, dotación y disposición de sus fuerzas.

Documentación de armamento y equipo militar capturado

117. En virtud del párrafo 6 de la resolución 2182 (2014) del Consejo de Seguridad, el ENS y la AMISOM tienen la obligación de documentar y registrar todo el equipo militar capturado durante las operaciones ofensivas y facilitar la inspección del Grupo de Supervisión antes de redistribuirlo o destruirlo. A diferencia de lo sucedido en el mandato anterior, el Gobierno Federal no proporcionó al Grupo mediante comunicaciones oficiales información sobre las armas y el equipo militar capturados⁸⁹. El 16 de septiembre de 2016, en respuesta a la correspondencia oficial enviada por el Grupo de Supervisión, la AMISOM proporcionó al Grupo una lista de las armas incautadas y descritas como entregadas al Gobierno Federal, desglosadas por sector⁹⁰.

B. Apoyo a las instituciones del sector de la seguridad de Somalia

118. En 2013, cuando se autorizó la suspensión parcial, se preveía que las fuerzas locales se integrarían gradualmente en los servicios de seguridad federales, con lo que pocas entidades de seguridad quedarían fuera del control del Gobierno Federal. No obstante, se mantuvo otra salvedad en el embargo de armas para permitir el apoyo a las fuerzas de seguridad de dos entidades que ya estaban organizadas y en funcionamiento: las de Puntlandia y Somalilandia. Por consiguiente, de conformidad con el párrafo 11 a) de la resolución 2111 (2013), pueden suministrarse armas o equipo militar y asistencia técnica o capacitación destinados exclusivamente a los efectos de ayudar a desarrollar las instituciones del sector de la seguridad de Somalia, distintas de las fuerzas de seguridad del Gobierno Federal, siempre que se envíe la correspondiente notificación para su examen por el Comité, y si el Comité aprueba el suministro.

119. Ya sea en el contexto de la formación de los estados o por la preocupación expresada sobre la funcionalidad del ENS, los Estados Miembros están de hecho aumentando su apoyo a las fuerzas no federales (véase el anexo 8.3). Al mismo tiempo, como resultado del continuo incumplimiento de las obligaciones de notificación, las armas, municiones, otros materiales y el apoyo dirigido a estas entidades circulan *de facto* sin control alguno⁹¹. De hecho, el Comité solo recibió tres notificaciones relativas a las fuerzas no federales durante el mandato actual y

⁸⁹ El Grupo de Supervisión evaluó el cumplimiento del requisito durante su primer año de vigencia en su informe correspondiente a 2015 (S/2015/801), anexo 7.4.

⁹⁰ Carta dirigida al Coordinador del Grupo de Supervisión por el Representante Especial del Presidente de la Comisión de la Unión Africana, Francisco Madeira, 16 de septiembre de 2016.

⁹¹ Esta realidad contrasta con el intenso escrutinio que realiza el Comité del apoyo a las fuerzas federales, ya que supervisa el cumplimiento de numerosos requisitos contemplados en las disposiciones de la suspensión parcial.

las tres eran para las fuerzas de seguridad de Somalilandia, fueron enviadas por un mismo Estado Miembro e incluían únicamente material no mortífero. Por ejemplo, ni los Emiratos Árabes Unidos ni los Estados Unidos de América han solicitado al Comité la aprobación de sus programas de apoyo a la Fuerza de Policía Marítima de Puntlandia y las Fuerzas de Seguridad de Puntlandia (véase *ibid.*). Pese a que mediante estos programas se presta un apoyo fundamental a las fuerzas en la primera línea de los esfuerzos para combatir a Al-Shabaab y el EIIL, esto constituye una violación del embargo por todas las partes involucradas en la prestación y recepción del apoyo.

120. El hecho de que ni los Estados Miembros ni otros donantes soliciten al Comité la aprobación del apoyo que brindan a las fuerzas no federales socava la aplicación del embargo de armas en su conjunto y promueve un enfoque fragmentado del sector de la seguridad⁹². El Grupo de Supervisión ha determinado que podrían hacerse algunos ajustes al marco actual del embargo de armas en relación con las fuerzas de seguridad no federales para que refleje mejor la realidad del desarrollo del sector de la seguridad y las necesidades de seguridad sobre el terreno (véase *ibid.*).

C. Redes de tráfico de armas

Interdicción marítima de armas y municiones⁹³

121. El Grupo de Supervisión examinó tres casos de incautación de grandes depósitos de armas por las fuerzas navales internacionales que forman parte de las Fuerzas Marítimas Combinadas. Estos casos se caracterizaron por el empleo de *dhow*s sin pabellón y el uso de Somalia como territorio de destino o de tránsito de las armas transportadas de contrabando. En el anexo 8.4 se incluyen detalles al respecto.

Redes de contrabando de armas de Puntlandia y Somalilandia

122. El Grupo de Supervisión observa que la mayoría de las armas ilícitas siguen entrando a Somalia por Puntlandia y, en mucha menor medida, por Somalilandia. En mayo y junio de 2016, el Grupo investigó tres cargamentos de armas pequeñas que llegaron a Qandala, localidad costera de Puntlandia y centro de contrabando de armas que tiene vínculos históricos con el puerto de Mukalla, en el Yemen. Es muy probable que una parte de estos cargamentos se haya destinado a dotar a la milicia de Abdisamed Gallan, exgobernador de la región de Bari que inició una insurgencia

⁹² Por ejemplo, a raíz de un examen estratégico que se hizo de la Oficina de las Naciones Unidas de Apoyo a la Misión de la Unión Africana en Somalia, que incluía un examen exhaustivo del apoyo prestado a la AMISOM por todos los asociados, el Secretario General formuló recomendaciones al Consejo sobre una modalidad de apoyo para la integración de las fuerzas de Puntlandia e hizo hincapié en que la prestación de apoyo debía hacerse de manera que promoviera el objetivo de desarrollar una estructura de seguridad federal y apoyara la supervisión civil general y el mando y control del ENS. Véase S/2015/762, párr. 64.

⁹³ El Consejo de Seguridad autorizó a los Estados Miembros a que, en determinadas circunstancias, interceptaran embarcaciones en aguas territoriales de Somalia y en alta mar cuando hubiera motivos razonables para creer que transportaban armas o equipo militar (resolución 2182 (2014), párr. 15).

para derrocar a la Administración de Puntlandia en junio de 2016. A finales de octubre de 2015, un cargamento con una cantidad indeterminada de armas pequeñas, que posiblemente haya incluido propulsores para lanzadores de RPG-7⁹⁴, llegó a unos 5 km al oeste de puerto de Maydh, en Somalilandia. Los cargamentos se analizan en los anexos 8.5 y 8.10, respectivamente.

Artefactos explosivos improvisados

123. Al-Shabaab utilizó artefactos explosivos improvisados con tecnología cada vez más sofisticada en sus operaciones, facilitada por la continua llegada de instructores extranjeros y la transferencia de conocimientos de otras zonas de conflicto. Los efectos de esta tecnología más reciente, como los proyectiles formados explosivamente y los artefactos con placa de presión, se han hecho sentir en varios ataques contra la AMISOM y otros objetivos importantes durante el mandato actual. El uso más eficaz de explosivos de fabricación casera también ha ocasionado un mayor número de víctimas civiles durante los ataques a gran escala cometidos con artefactos explosivos improvisados colocados en vehículos (véase el anexo 7.1). En el anexo 8.6 se incluyen más detalles sobre los avances en la tecnología de los artefactos explosivos improvisados de Al-Shabaab.

Mercados ilícitos de armas

124. El Grupo de Supervisión determinó que los fusiles de asalto tipo AK y otras armas pequeñas eran los artículos más comúnmente vendidos en los mercados ilícitos de armas de Somalia. El Yemen continúa siendo una fuente de las armas que entran a Somalia, en su mayoría por puertos pequeños de Puntlandia, y los soldados federales siguen siendo otra fuente de armas de circulación ilícita. En el anexo 8.8 se incluye un cuadro sobre las armas y municiones disponibles en los principales mercados de armas de Somalia.

D. Daallo Airlines

125. El 2 de febrero de 2016, un artefacto explosivo oculto en una computadora portátil estalló a bordo del vuelo 159 de Daallo Airlines que volaba de Mogadiscio a Djibouti. Debido a que el explosivo se detonó a una altitud equivocada, solo se registró la muerte del terrorista suicida, Abdullahi Abdisalam Borleh. Al-Shabaab se atribuyó la responsabilidad del ataque el 13 de febrero⁹⁵.

126. Si bien Al-Shabaab había utilizado un artefacto explosivo improvisado oculto en una computadora portátil en al menos un ataque anterior del que se tiene conocimiento, que tuvo lugar en Mogadiscio en noviembre de 2013, este es el primer caso conocido en el que el grupo atacó directamente a una aeronave. El hecho de que el terrorista suicida fuera un empresario somalí, las numerosas medidas de seguridad operacional aplicadas, incluido el aparente asesinato de algunos de los conspiradores después del ataque, y los indicios de que posiblemente

⁹⁴ Violaciones de la prohibición relativa al carbón vegetal

⁹⁵ Véase “Al-Shabaab claims Somalia plane bombattack”, Al Jazeera, 13 de febrero de 2016. Se puede consultar en <http://www.aljazeera.com/news/2016/02/al-shabab-claims-somalia-bomb-plane-attack-160213130832329.html>.

Al-Shabaab haya contado con ayuda externa para construir el artefacto, dan cuenta de la evolución de las tácticas, técnicas y procedimientos del grupo. El ataque se produjo después de los informes recibidos por el Grupo de Supervisión de que Al-Shabaab estaba trabajando para mejorar su capacidad para dirigir ataques a aeronaves, lo que acrecienta la necesidad de contar con medidas eficaces para la seguridad de la aviación en Somalia y la región.

127. El ataque también puso de manifiesto importantes conexiones entre Al-Shabaab y determinados agentes internacionales. Las conclusiones del Grupo de Supervisión sobre el ataque figuran en el anexo 8.7 de carácter estrictamente confidencial.

VI. Violaciones de la prohibición relativa al carbón vegetal

128. Durante el mandato actual se han registrado algunas tendencias positivas en cuanto a la prohibición relativa al carbón vegetal. Según observó por primera vez el Grupo de Supervisión a finales de 2015, Al-Shabaab ha proseguido su abandono estratégico del comercio de carbón vegetal, y, en su lugar, ha atacado o encarcelado a carboneros y comerciantes de carbón en el territorio bajo su influencia. También ha mejorado el cumplimiento de la prohibición, en particular por los Emiratos Árabes Unidos. Estos dos factores han contribuido a la tendencia de reducción del volumen de las exportaciones de carbón vegetal procedente de Somalia respecto de los últimos años, lo cual comenzó a ser particularmente evidente en mayo de 2016. Sin embargo, las redes comerciales que sustentan las exportaciones de carbón vegetal de Somalia y la importación de carbón vegetal en los Emiratos Árabes Unidos continúan funcionando, el Grupo sigue recibiendo informes sobre *dhow*s que llevan carbón vegetal desde Kismayo y Buur Gaabo hacia Dubái (Emiratos Árabes Unidos), y en la actualidad no hay barreras eficaces que impidan a Al-Shabaab retomar la imposición sistemática de tributos por la producción y el transporte de carbón vegetal.

A. Producción, transporte y reservas

129. La tendencia más notable con respecto a la producción y el transporte de carbón vegetal para exportación es el cambio de enfoque de Al-Shabaab, observado por el Grupo de Supervisión por primera vez durante el mandato anterior. Al-Shabaab ha pasado de imponer tributos al carbón vegetal en los puestos de control ubicados en la ruta que lleva a los puertos a imponer una prohibición al carbón vegetal en las zonas del sur de Somalia que se encuentran bajo su influencia (aunque algunos elementos de Al-Shabaab posiblemente sigan aplicando tributos sobre el carbón vegetal en algunos casos particulares); el grupo ha hecho cumplir la prohibición encarcelando y atacando a carboneros y comerciantes de carbón vegetal. Este cambio de postura del grupo puede obedecer a la disolución, a principios de 2015, del acuerdo de participación en los beneficios con Ahmed Mohamed Islam, o “Madobe”, el cual constituía una parte importante de sus ingresos procedentes del carbón vegetal, en particular tras la pérdida del control de Kismayo en septiembre

de 2012 y de Baraawe en octubre de 2014⁹⁶. Cuando “Madobe” dejó de conceder a Al-Shabaab una proporción de los beneficios procedentes de las exportaciones de carbón vegetal, el grupo tomó represalias, empleando la coacción con el objetivo evidente de reducir los ingresos que la Administración Provisional de Yuba obtenía a partir del comercio continuo de carbón vegetal. En última instancia, todavía se desconocen los efectos que tendrá la disminución de los ingresos de Al-Shabaab procedentes del comercio de carbón vegetal para la situación de la seguridad, en particular teniendo en cuenta la capacidad del grupo para compensar la pérdida con otras fuentes de ingresos. Del mismo modo, con las pruebas de que dispone actualmente, el Grupo sigue sin poder verificar de manera concluyente si Al-Shabaab ha abandonado por completo el comercio de carbón vegetal.

130. Los dos principales lugares de almacenamiento que se utilizan aún para las exportaciones de carbón vegetal son Kismayo y Buur Gaabo (unos 125 km al suroeste de Kismayo). El 20 de abril, el Grupo de Supervisión sobrevoló en helicóptero estas localidades, confirmó la ubicación y el volumen de las reservas de carbón vegetal y las fotografió. En particular, como se indicó el 22 de abril de 2016 en la información actualizada de mitad de período que el Grupo ofreció al Comité, hay una base keniana de la AMISOM bastante cerca de las reservas de carbón vegetal de Buur Gaabo. En el anexo 9.1 se incluyen fotografías aéreas e imágenes de satélite de las reservas de Kismayo y Buur Gaabo.

131. En febrero y marzo de 2016, el Gobierno Federal y la Administración Provisional del Estado Sudoccidental pidieron asesoramiento al Grupo de Supervisión sobre las reservas de carbón vegetal de Barawe, que quedaron desde que Al-Shabaab utilizara el puerto como principal ubicación de las exportaciones antes de ser capturado por una ofensiva conjunta de la AMISOM y el ENS en octubre de 2014. El Grupo de Supervisión recomendó que el Gobierno Federal, en consulta con la Administración Provisional del Estado Sudoccidental, solicitara por escrito al Comité orientación sobre el cumplimiento de la prohibición relativa al carbón vegetal, lo cual, según consta al Grupo de Supervisión, no se ha hecho. Con arreglo a una carta de fecha 14 de abril de 2016, por la que se transmitió un informe del Gobierno Federal sobre armas y municiones, se creará un comité conjunto del Gobierno Federal y la Administración Provisional del Estado Sudoccidental para determinar el tamaño de las reservas de Barawe y estudiar las posibilidades para que sean utilizadas a nivel local. Los ingresos se depositarán en un fondo fiduciario dedicado parcialmente a la reforestación y a proyectos de desarrollo comunitario (véase [S/AC.29/2016/NOTE.25](#)). El Grupo de Supervisión sigue preocupado por que las reservas de carbón vegetal de Barawe constituyen una amenaza para la paz y la seguridad. Sigue existiendo el riesgo de que el carbón pueda ser fuente de conflictos entre grupos armados que deseen explotar su potencial comercial, que se puedan malversar los ingresos procedentes de su venta o que se exporte en contravención del régimen de sanciones (aunque las imágenes de satélite recientes parecen confirmar que las reservas no se han agotado durante el mandato actual).

⁹⁶ Entrevista con ex comerciantes de carbón vegetal, 13 de julio de 2016; y [S/2015/801](#), párr. 152.

B. Exportación ilícita de carbón vegetal

132. Según un cálculo proporcionado al Grupo de Supervisión por fuentes con amplios conocimientos sobre la industria del carbón vegetal, hasta mayo de 2016, cuando se registró una importante desaceleración del comercio ilícito de carbón, todos los años salían de Somalia entre 150 y 200 *dhow*s cargados de carbón⁹⁷. Calculando que en un *dhow* caben un promedio de 30.000 sacos de carbón vegetal, esto equivaldría a entre 4,5 y 6,0 millones de sacos de carbón por año exportados desde Kismayo y Buur Gaabo. Si se considera que cada saco de carbón pesa 25 kg, el volumen total sería de entre 112.500 y 150.000 toneladas por año. El valor total anual de estas cantidades en los Emiratos Árabes Unidos, principal mercado de exportación, ascendería a entre 135 y 180 millones de dólares en el comercio mayorista (110 *dirhams* o 30 dólares de los Estados Unidos por saco) y entre 171 y 228 millones de dólares en el comercio minorista (140 *dirhams* o 38 dólares por saco).

133. El funcionamiento de la economía de las exportaciones de carbón vegetal en Somalia se basa en una alianza entre la Administración Provisional de Yuba y la comunidad empresarial local, en particular en Kismayo. Un agente fundamental de esta relación ha sido Ali Ahmed Naaji, actual financista de la Cámara de Comercio, Industria y Agricultura de Jubalandia. Según determinó el Grupo de Supervisión en 2013 y 2014, anteriormente fue recaudador de tributos de Al-Shabaab, importante traficante de carbón vegetal ilícito y asociado de Ahmed “Madobe”, actual presidente de la Administración Provisional de Yuba (véanse S/2013/413, anexo 9.2, párrs. 11 y 26; S/2014/726, párrs. 141 a 143; anexo 6.8, nota de pie de página núm. 94; y anexo 9.2, párrs. 48 y 63). La Administración Provisional de Yuba ha obtenido importantes ingresos de las exportaciones ilícitas de carbón vegetal a través de los puestos de control y las tasas cobradas en el puerto; se estima que en la actualidad estas ascienden a unos 3 dólares por saco, lo cual, teniendo en cuenta la cantidad calculada más arriba, produciría entre 1,1 y 1,5 millones de dólares mensuales⁹⁸. Sin embargo, el hecho de que la Administración Provisional de Yuba dependa de los ingresos procedentes de las exportaciones de carbón vegetal conlleva también ciertos riesgos. Como resultado de la mejor aplicación de la prohibición relativa al carbón vegetal por los Emiratos Árabes Unidos, los *dhow*s se mostraron más reacios a cargar carbón en Kismayo y Buur Gaabo después de mayo de 2016. Como consecuencia de esto, la Administración Provisional de Yuba ha sufrido dificultades financieras, ha solicitado préstamos a empresarios locales y no ha pagado a la fuerza de policía. Existe la preocupación en Kismayo de que si la Administración Provisional de Yuba no encuentra fuentes alternativas de ingresos para pagar a las fuerzas de seguridad regionales, las fuerzas podrían desertar y pasarse a Al-Shabaab⁹⁹.

134. Como informó anteriormente el Grupo de Supervisión, el contingente keniano de la AMISOM sigue desempeñando un papel importante en la exportación ilícita de carbón vegetal procedente de Somalia (véanse S/2013/413, anexo 9 y S/2014/726,

⁹⁷ La temporada de los monzones se extiende de agosto a octubre. El transporte de carbón vegetal en *dhow*s se realiza principalmente en los otros nueve meses del año.

⁹⁸ Entrevista con ex comerciantes de carbón vegetal, 13 de julio de 2016.

⁹⁹ Entrevista con un analista político local, 1 de septiembre de 2016.

anexo 9). Según fuentes de la industria del carbón vegetal y de organizaciones no gubernamentales, las fuerzas kenianas perciben una tasa de 2 dólares por saco de carbón vegetal exportado desde Kismayo a cambio de permitir la carga de carbón en un puerto que se encuentra efectivamente bajo su control¹⁰⁰. El Grupo ha confirmado también la presencia de una base keniana de la AMISOM junto a las reservas de Buur Gaabo (véase el anexo 9.1). Si bien esto no es una prueba concluyente de que el contingente keniano de la AMISOM participa de manera activa en la exportación de carbón vegetal desde Buur Gaabo, sí es indicio de que las fuerzas kenianas no están impidiendo las exportaciones, como solicitó el Consejo de Seguridad en sus resoluciones 2111 (2013), 2182 (2014) y 2244 (2015). El 23 de febrero de 2016, el Grupo escribió al Jefe de la AMISOM, Francisco Madeira, para solicitar información sobre las medidas adoptadas para impedir la exportación de carbón vegetal y garantizar que los países que aportan contingentes cumplieran la prohibición de exportar carbón vegetal establecida en la resolución 2036 (2012). El Grupo no recibió respuesta.

C. Transportistas de carbón vegetal

135. Los transportistas de carbón vegetal y sus cómplices en los puertos emplean diversos métodos para facilitar la evasión de las sanciones. Es posible que el uso de lugares remotos, como Buur Gaabo, para el almacenamiento y la carga del carbón esté motivado, en gran medida, por la necesidad de evitar ser detectados. Asimismo, al menos en una ocasión durante el mandato actual, la carga de numerosos *dhow*s con carbón vegetal en Kismayo se interrumpió por la inminente llegada de un funcionario de un organismo de las Naciones Unidas. Los *dhow*s se enviaron mar adentro a medio cargar y, una vez concluida la visita al puerto, se reanudó el proceso de carga. También se ha vuelto cada vez más frecuente la intimidación de los trabajadores del puerto de Kismayo, lo que incluye la detención de presuntos informantes por la Administración Provisional de Yuba¹⁰¹. Además, los *dhow*s ocultan siempre el nombre y la matrícula durante la carga del carbón vegetal para evitar que se les identifique, y las embarcaciones equipadas transmisores-receptores del Sistema de Identificación Automática los desconectan para impedir que se rastree su ubicación. En los puertos de descarga, principalmente en los Emiratos Árabes Unidos, los *dhow*s utilizan documentación falsa para no revelar el verdadero puerto de carga (véase el anexo 9.7).

136. Con la reciente excepción de unos pocos *dhow*s con pabellón de Sri Lanka, casi todos los *dhow*s que, durante el mandato actual, el Grupo de Supervisión detectó que transportaban ilícitamente carbón vegetal de Somalia llevaban pabellón de la India. Mediante el uso de fuentes confidenciales y con la asistencia de la Dirección General de Navegación de la India, que proporcionó listas de embarcaciones con pabellón de la India, el Grupo identificó a por lo menos 29 *dhow*s que han violado la prohibición relativa al carbón vegetal durante el mandato actual. Además, muchos de esos *dhow*s ya habían cometido infracciones y habían sido mencionados por el Grupo en informes anteriores (véase el anexo 9.5). El

¹⁰⁰ Entrevista con ex comerciantes de carbón vegetal, 13 de julio de 2016; y Journalists for Justice, “Black and white: Kenya's criminal racket in Somalia” (Nairobi, 2015).

¹⁰¹ Entrevista con un analista político local, 1 de septiembre de 2016.

Grupo recomienda al Consejo de Seguridad que autorice a los Estados Miembros a capturar las embarcaciones que transporten carbón vegetal somalí, de conformidad con su legislación nacional, en sus aguas territoriales y puertos, y que exija a los Estados Miembros que informen al Comité de toda medida de ese tipo, incluidos detalles pertinentes sobre la captura y enajenación de las embarcaciones (véase la secc. VIII).

D. Importación ilícita de carbón vegetal

137. Las investigaciones realizadas durante el mandato actual reafirman las observaciones formuladas anteriormente por el Grupo de Supervisión de que Dubái es el destino principal del carbón vegetal ilícito somalí (véase el anexo 9.3 que contiene un análisis de los datos oficiales de los Emiratos Árabes Unidos sobre la importación de carbón vegetal). Los *dhow*s con carbón vegetal solían atracar en el puerto de Rashid hasta que en junio de 2016 comenzaron a atracar en el puerto de Hamriyah¹⁰². No obstante, como resultado de la aplicación más estricta de la prohibición por parte de las autoridades de los Emiratos Árabes Unidos, también se ha indicado que los exportadores de carbón vegetal de Somalia podrían estar considerando la posibilidad de exportar a otros destinos¹⁰³.

138. El instrumento más importante en la evasión de la prohibición relativa al carbón vegetal ha sido la falsificación de la documentación aduanera, incluido el certificado de origen, la factura, el conocimiento de embarque y el manifiesto de carga. En oportunidades anteriores, el Grupo de Supervisión documentó el uso de documentos falsos en los cuales se declaraba que el carbón había sido exportado desde Djibouti, Kenya o las Comoras hacia los Emiratos Árabes Unidos, cuando en realidad se había enviado desde Somalia (véanse [S/2013/413](#), anexo 9.2; [S/2014/726](#), anexo 9.4; y [S/2015/801](#), párrs. 156 a 161). Las investigaciones han revelado que, durante el mandato actual, se han presentado a las autoridades aduaneras de los Emiratos Árabes Unidos tres tipos de documentación falsa para los envíos de carbón vegetal desde Somalia: de las Comoras, Ghana y el Pakistán (véase el anexo 9.7). La documentación falsa se preparó en los Emiratos Árabes Unidos, y el facilitador recibió entre 5 y 6 *dirhams* (entre 1,36 y 1,63 dólares) de comisión por saco de carbón vegetal.

139. Con la ayuda de fuentes confidenciales y cruzando referencias de informes anteriores, el Grupo de Supervisión ha detectado una red de proveedores, inversores y mayoristas involucrados actualmente en el comercio ilícito de carbón vegetal somalí (véase el anexo 9.6). Este negocio genera importantes ganancias, ya que cada saco de carbón vegetal somalí produce un ingreso neto de unos 10 dólares: la diferencia entre los 20 dólares invertidos y los 30 dólares del precio de venta al por mayor en los Emiratos Árabes Unidos (véase el anexo 9.2).

¹⁰² Confirmado por un agente de aduanas en Dubái, 14 de julio de 2016.

¹⁰³ Entrevista con un analista político local, 1 de septiembre de 2016.

E. Aplicación de la prohibición relativa al carbón vegetal por los Estados Miembros

140. Los Emiratos Árabes Unidos mejoraron considerablemente su aplicación de la prohibición relativa al carbón vegetal durante el mandato actual. A principios del mandato, las autoridades se incautaron de cargamentos de carbón vegetal de dos *dhow*s (uno parcial y otro completo), que posteriormente se vendieron en subasta pública en Dubái el 18 de mayo de 2016, a la cual asistió el Grupo de Supervisión (véase el anexo 9.4.a). Más recientemente, las autoridades se incautaron de los cargamentos de carbón de otros cuatro *dhow*s (uno parcial, tres completos), que posiblemente se vendan en otra subasta pública (véanse los anexos 9.4.b y 9.4.c).

VII. Cooperación estatal y no estatal con el Grupo de Supervisión

A. Gobierno Federal

141. El mandato actual comenzó con un apoyo muy alentador al Grupo de Supervisión por parte del Gobierno Federal y representantes de sus instituciones. Este apoyo se deterioró en cierto modo después de que se filtrara correspondencia confidencial del Grupo, aunque este siguió recibiendo una buena cooperación del Gobierno Federal. El propio Gobernador del Banco Central, Bashir Issa, se ofreció para aportar información sustantiva y respuestas detalladas en apoyo de las investigaciones del Grupo. El Ministerio de Petróleo y Recursos Minerales también respondió a las solicitudes de información formuladas por el Grupo.

B. Otros Estados

142. El Grupo recibió cooperación limitada del Gobierno de Kenya y sus servicios de seguridad. También observa con preocupación un comunicado de Kenya sobre información confidencial incluida en la actualización de mitad de período del Grupo, que se distribuyó antes de que el Grupo la presentara al Comité en Nueva York. Al momento de redactar el presente informe, el Grupo no había recibido respuesta a su carta oficial enviada a Kenya.

143. En el marco de la investigación del Grupo de Supervisión sobre el caso de Daallo Airlines, Angola recibió al Grupo en una visita de tres días de duración. El Grupo obtuvo una cooperación sumamente profesional y un amplio apoyo de las autoridades angoleñas.

144. El Grupo de Supervisión comenzó a cooperar con la República Islámica del Irán y visitó el país. La República Islámica del Irán ofreció al Grupo la oportunidad de intercambiar opiniones e inquietudes sobre las amenazas marítimas, el contrabando de armas y las redes financieras.

145. El Grupo de Supervisión recibió una cooperación desigual por parte de los Emiratos Árabes Unidos. En lo que respecta a su investigación del comercio de carbón vegetal, el Grupo mantuvo una productiva cooperación con las autoridades

del país. En cuanto a las cuestiones financieras, el Grupo todavía no ha recibido respuesta de las autoridades sobre las empresas registradas en Dubái. Con respecto al sector de la seguridad, el Grupo señala también el papel obstruccionista desempeñado por los asesores militares de los Emiratos Árabes Unidos en Bosaso, que en dos ocasiones impidieron el acceso del Grupo a la base de la Fuerza de la Policía Marítima de Puntlandia, en febrero y abril de 2016.

C. Actores no estatales

146. El Grupo de Supervisión recibió una buena cooperación de entidades de las Naciones Unidas y organizaciones internacionales no gubernamentales que se ocupan de cuestiones de derechos humanos.

147. El Grupo de Supervisión desea destacar la cooperación excepcional que le ha brindado la Administración de Puntlandia, en particular el Jefe de Gabinete del Presidente, Deeq Yusuf, y el Oficial Jefe de Protocolo del Presidente, Abdisalaam Hasan. Además, el Grupo agradece la asistencia ofrecida por las Fuerzas de Seguridad de Puntlandia.

VIII. Recomendaciones

A. Amenazas a la paz y la seguridad

148. El Grupo de Supervisión recomienda que el Consejo de Seguridad:

a) Reitere su llamamiento al Gobierno Federal, las autoridades regionales, la AMISOM y los Estados Miembros para que cooperen plenamente con el Grupo en el intercambio de información sobre las actividades de Al-Shabaab en Somalia y la región;

b) Aliente al Gobierno Federal a que establezca un comité de auditoría dirigido por civiles dedicado al ENS, que tenga pleno acceso al Departamento de Logística y que informe mensualmente al Ministerio de Finanzas y los donantes internacionales que prestan apoyo al sector de la seguridad;

c) Inste al Gobierno Federal y las autoridades regionales a que establezcan una estructura de seguridad nacional amplia, inclusiva y asequible, y se comprometan a emprender un proceso viable de integración de las fuerzas;

d) Modifique los criterios relativos a la apropiación indebida de recursos financieros (resolución 2060 (2012), párr. 2 c)) de manera que incluyan expresamente la apropiación indebida dentro de las administraciones regionales y los estados federales;

e) Inste al Gobierno Federal a que se abstenga de celebrar contratos de exploración y explotación petroleras hasta que se concreten las cuestiones siguientes:

i) La finalización del modelo de acuerdo de división de la producción, teniendo debidamente en cuenta la evaluación confidencial realizada por el Comité de Gobernanza Financiera;

- ii) La creación de instituciones funcionales de ejecución, en particular una autoridad petrolera y una empresa petrolera nacional;
- iii) La concertación de un acuerdo de distribución de los ingresos amplio y constitucional entre las autoridades federales y regionales competentes.

B. Embargo de armas

149. El Grupo de Supervisión recomienda que el Consejo de Seguridad:

a) Recuerde al Gobierno Federal su obligación de proporcionar información completa y exacta sobre la estructura, la composición, la dotación y la disposición de sus fuerzas de seguridad, incluido el estado de las fuerzas regionales y las milicias, e inste a las autoridades regionales a cooperar con el Gobierno Federal en la preparación de este informe, según proceda;

b) Modifique el párrafo 11 a) de la resolución [2111 \(2013\)](#), en el que se describen las exenciones para la prestación de apoyo a las instituciones del sector de la seguridad de Somalia que no forman parte de las fuerzas de seguridad del Gobierno Federal, a fin de aclarar el alcance de la exención, incluso mediante la autorización de que no se aplique el embargo a formas de asistencia como los estipendios y la construcción de infraestructura, con miras a mejorar la supervisión que realiza el Comité de la circulación de material mortífero y no mortífero y el apoyo que se brinda a estas entidades; e inste a los Estados Miembros y las organizaciones internacionales que prestan ese apoyo a que cumplan estrictamente los requisitos de notificación y solicitud.

C. Obstrucción de la asistencia humanitaria

150. El Grupo de Supervisión recomienda al Consejo de Seguridad que solicite a los organismos de las Naciones Unidas que redoblen sus esfuerzos para participar en el sistema de gestión del riesgo colectivo y rendición de cuentas elaborado por el equipo de las Naciones Unidas en Somalia, y hagan aportaciones, en particular en relación con los elementos que se refieren al intercambio de información, y vuelvan a examinar los mandatos o procesos institucionales que pudieran impedir ese intercambio.

D. Violaciones del derecho internacional humanitario que conllevan ataques contra la población civil

151. El Grupo de Supervisión recomienda que el Consejo de Seguridad:

a) Inste al Gobierno Federal a que investigue y enjuicie a los miembros de los servicios de seguridad responsables de violaciones graves y reiteradas del derecho internacional relativas a los ataques contra la población civil que se cometen en Somalia y considere la posibilidad de designar a personas y entidades para que se les impongan sanciones específicas;

b) Solicite al Gobierno Federal que considere la posibilidad de elaborar un marco para la verificación de antecedentes de posibles titulares de cargos superiores de las estructuras civiles y militares a nivel federal y regional en lo que respecta a su historial en materia de derechos humanos;

c) Inste a todas las fuerzas internacionales que se encuentran en Somalia a que difundan reglas concretas de intervención y protocolos de selección de objetivos, de conformidad con las mejores prácticas internacionales, para el uso de municiones aéreas en cumplimiento pleno de los principios de distinción, proporcionalidad y necesidad;

d) Aliente a la AMISOM a que aplique las recomendaciones formuladas en el marco de la política de diligencia debida en materia de derechos humanos de las Naciones Unidas, y aliente a otros Estados que proporcionan asistencia directa o indirecta a las fuerzas de seguridad somalíes a que adapten su apoyo a las medidas indicadas en la política.

E. Violaciones de la prohibición relativa al carbón vegetal

152. El Grupo de Supervisión recomienda que el Consejo de Seguridad:

a) Autorice a los Estados Miembros a capturar, de conformidad con sus leyes nacionales, en sus aguas territoriales y puertos marítimos, las embarcaciones que se comprueben que han violado el embargo relativo a la exportación de carbón vegetal de Somalia, y posteriormente a enajenar las embarcaciones mediante subasta pública realizada por la autoridad competente que las haya confiscado, y a obligar al propietario de la embarcación a asumir los gastos de repatriación de la tripulación;

b) Reitere su llamamiento a la AMISOM para que ayude al Gobierno Federal a impedir la exportación de carbón vegetal de Somalia, y exhorte a la AMISOM a que facilite el acceso periódico (al menos trimestralmente) del Grupo de Supervisión a los puertos de exportación de carbón vegetal, y le proporcione transporte blindado y otras medidas de seguridad pertinentes, según sea necesario.

Annex 1

Harakaat al-Shabaab al-Mujaahidiin

Annex 1.1: captured material

Figure 1: Images publicly released by Al-Shabaab on 17 January 2016 showing material captured from AMISOM at El Adde, Gedo region



Annex 1.2: Islamic State of Iraq and the Levant (ISIL) faction in Puntland

Emergence of the ISIL faction

1. Late 2015 witnessed the first appearance of an Islamic State of Iraq and the Levant (ISIL)-aligned militant faction in Somalia. On 22 October 2015, an Al-Shabaab religious leader based in Puntland's Golis Mountains, Abdulqadir Mumin, declared allegiance (*bayah*) to the Islamic State of Iraq and the Levant (ISIL).

2. Mumin likely believed that his declaration would trigger a broad shift in the loyalty of Al-Shabaab fighters away from Al-Qaida and towards ISIL. However, Mumin's fellow militants in the Golis Mountains quickly turned on him, and in November 2015 they expelled him and several dozen fighters that were loyal to him from the area following armed clashes. Al-Shabaab dispatched between 50 and 60 fighters from the Golis Mountains to Bari region in order to track him down and eliminate his faction;¹ on 24 December 2015, the two forces clashed near the village of Timirshe in Bari region, 40 km from Iskushuban, with minor casualties on both sides.

3. In southern and central Somalia, forces loyal to Al-Shabaab emir Ahmad Umar Abu Ubaidah cracked down on pro-ISIL militants within the group, carrying out arrests and executions, particularly in Lower and Middle Juba, beginning in November 2015.² In an audio response released on Twitter on 12 December 2015, Mumin decried the killing of pro-ISIL members of Al-Shabaab, stating that those "who refuse the pledge of allegiance to the Caliph [Abu Bakr al-Baghdadi] should be killed".³ However, ISIL's influence within Somalia has thus far been limited, and the Monitoring Group has found no reliable evidence to date of Al-Shabaab's operational connections with or material assistance from ISIL.

4. However, Somalia's ISIL faction does appear to have ties to ISIL media outlets. For instance, On 15 April 2016, al-Furāt Media Foundation, affiliated with ISIL, released an online video depicting Mumin's faction at a small training camp in Puntland.⁴ The camp—the precise location of which is not known—was named in honour of Abu Nu'man al-Yintari, a fighter in southern Somalia reportedly assassinated by Al-Shabaab due to his pledge of allegiance to ISIL. The video featured roughly a dozen militants engaged in rudimentary training exercises, and included an address by Abdulqadir Mumin in which he called on all Muslims to "join the caravan of the caliphate". Figure 2, below, displays a still from the 15 April ISIL faction video.

5. On 31 August 2016, the US Department of State designated Abdulqadir Mumin for financial sanctions as a Specially Designated Global Terrorist.⁵ Mumin, according to the State Department, "has expanded his cell of ISIL supporters by kidnapping young boys aged 10 to 15, indoctrinating them, and forcing them to take up militant activity".⁶

Strength and leadership

6. At the time of his declaration of allegiance to ISIL in October 2015, the strength of Mumin's following numbered at most a few dozen fighters, and the Monitoring Group does not believe it has substantially grown since that time.⁷ However, it is difficult to disentangle the strength Mumin's ISIL movement from Puntland clan

¹ SEMG interviews with Puntland military and police commanders stationed at Galgala, 24 February 2016.

² Confidential international agency security report, 22 November 2015.

³ Audio message available from http://sitemultimedia.org/audio/SITE_AbdulQadrMumin_Pledge_Advice_Shabaab.mp3 (subscription only).

⁴ Video entitled "The Commander Shaykh Abū Nu'man Military Training Camp", 15 April 2016. Available from <http://jihadology.net/2016/04/15/new-video-message-from-jund-al-khilafah-in-somalia-the-commander-shaykh-abu-numan-military-training-camp/>.

⁵ U.S. Department of State, "State Department Terrorist Designation of Abdiqadir Mumin", press release, 31 August 2016. Available from <http://www.state.gov/r/pa/prs/ps/2016/08/261409.htm>.

⁶ Ibid.

⁷ SEMG interviews with Puntland military commanders, Galgala, 24 February 2016, as well as regional intelligence sources.

dynamics, namely the longstanding opposition of his Ali Salebaan clan to the traditional ruling clans in Puntland. By remaining in the Ali Salebaan homeland in Bari region, Mumin has effectively shielded his small pro-ISIL faction from the reach of the central authorities.

7. In addition to Mumin, the Monitoring Group has identified two other leaders in Puntland's ISIL faction. Mahad Moalim (Majeerteen/Ali Salebaan) is currently serving as Mumin's deputy in Bari region, having defected from Al-Shabaab in December 2015.⁸ Moalim is perhaps responsible for facilitating the arrival of fighters from Yemen into Somalia, as well as the importing of arms.⁹ Prior to joining Mumin's ISIL faction, Moalim had been assigned as the deputy head of finance for Al-Shabaab Northeast (ASNE) in the Golis Mountains, under then-emir Bashir Shire Maxamed.¹⁰

8. Another high-ranking member of Mumin's faction is Abdihakim Dhuqub (Ali Salebaan/Ismail Ali), a former schoolteacher. In its 2013 report, the Monitoring Group identified Dhuqub as a cousin of Abdulqadir Mumin and a member of Al-Shabaab operating in Bari region.¹¹ It also reported that Dhuqub was involved in the creation in 2004 of the first Bosaso cell of Al-Itihaad al-Islamiya (AIAI), an ideological forerunner to Al-Shabaab.¹²

9. Mumin is also supported by the former pirate and current arms trafficker Isse Mohamoud Yusuf "Yullux", his distant cousin. "Yullux" is known to import weapons into the northern port village of Qandala (see annex 8.10), and it is highly probable that Mumin obtains access to arms and ammunition through "Yullux".

Links to Yemen

10. According to multiple SEMG security sources, Mumin travels routinely across the Gulf of Aden to Yemen, and maintains contact with militants there.¹³

11. The Monitoring Group has identified one Golis Telecom mobile phone selector associated with Mumin, 252906006692¹⁴; phone records obtained by the Group show that this selector was active from 1 April until 10 May 2016. As is typical amongst Al-Shabaab leaders, it appears that this selector was used only for certain communications during a limited timeframe, in order to avoid detection and potential targeted lethal action by Member States.¹⁵

12. During the period it was active, 25290600██████jk was in contact with two unidentified phone numbers in Yemen, 967739775847 and 967730432115, a total of three times and eight times, respectively.¹⁶ 25290600██████ was also in contact seven times in April 2016 with Telesom number 25263373██████ in Somaliland, associated with Nuradin a.k.a. Abdirahman (Isaaq/Haber Yunis), an active member either of Al-Shabaab or the ISIL faction.¹⁷ Nuradin worked briefly as an accountant for a construction company in Hargeisa before departing for

⁸ SEMG interviews with three regional intelligence sources, 27 February, 12 April, and 6 September 2016, corroborated by information provided by a Western intelligence agency.

⁹ Information provided by a Western intelligence agency.

¹⁰ Information provided by a regional intelligence source, 6 September 2016.

¹¹ S/2013/413, annex 1.7.

¹² Ibid.

¹³ SEMG interviews with Puntland military and police commanders in Galgala, 24 February 2015, as well as regional and FGS intelligence sources. Mumin is believed to have travelled to Yemen in either February or March 2016 in order to solicit material support from Yemeni militants, but the SEMG has not been able to independently confirm this visit.

¹⁴ Provided to the SEMG by a regional intelligence source and confirmed by a Western agency.

¹⁵ As of September 2016, the selector 252906006692 was no longer active.

¹⁶ As of September 2016, both Yemen numbers were no longer active.

¹⁷ Information provided to the SEMG by a regional authority, 6 September 2016.

Yemen, via Garowe, on 5 May 2016.¹⁸ Mumin's association with Nuradin, as well as the duration¹⁹ and frequency of Mumin's calls to Yemen, support the reports of his ties to militants in that country.

¹⁸ Ibid.

¹⁹ Mumin's calls to Yemen lasted up to 14 minutes in duration.

Figure 1: Sheikh Abdulqadir Mumin, from his 22 October 2015 audio message declaring allegiance to ISIL



Figure 2: Still from the ISIL faction's 15 April 2016 video, depicting the Abu Nu'man al-Yintari training camp in Puntland



Annex 1.3: Al-Shabaab Northeast (ASNE) in the Golis Mountains

13. In each of its final reports dating back to 2011, the Monitoring Group has reported on the state of the Al-Shabaab insurgency in Puntland, which it has termed Al-Shabaab Northeast (ASNE). Al-Shabaab often refers to the territory as the governorate (*Wilayah*) of “Sharqistan”. While the heart of the insurgency is based in the Golis Mountains, southwest of Bosaso, Al-Shabaab also maintains a presence in other parts of Bari region, including Qandala district. In its 2015 report, the Monitoring Group highlighted its ongoing concern that the Golis Mountains served as a safe haven for Al-Shabaab fighters fleeing military pressure in south-central Somalia.²⁰ The strategic location and inaccessibility of the mountains allow the group keep a line of communication open to Yemen and Al-Qaida in the Arabian Peninsula.²¹

14. The town of Galgala, located roughly 30 km southwest of Bosaso, sits at the eastern gateway of the range of the Golis Mountains inhabited by the ASNE insurgency—stretching to Erigavo in Somaliland²²—known locally as the Buuraha Cal Madow (BCM), or Black Mountains. The mountainous terrain has traditionally proven too challenging for Puntland forces to control effectively, while the fertile valley stretching between the mountains has permitted insurgents to sustain themselves indefinitely off the land.

15. On 24 February 2016, the SEMG undertook a mission to Galgala town, which had been occupied by Al-Shabaab prior to a major offensive by Puntland forces in October 2014. During the visit, the Group interviewed the commanders of the various Puntland units stationed in Galgala, including the Puntland Security Force (PSF), Puntland Maritime Police Force (PMPF), the *Darawish* (Puntland regular forces), and the Galgala Police. These interviews enabled the SEMG to establish an estimate of the current strength and leadership of the ASNE insurgency in the Golis Mountains, as well as the number, tactical disposition, and long-term strategy of Puntland forces stationed in the region.

Background: October 2014 and January 2015 Puntland offensives

16. In October 2014, a combination of Puntland forces totalling about 800 troops launched an offensive to recapture the town of Galgala from Al-Shabaab. The offense was spearheaded by 250 soldiers from the Puntland Security Forces (PSF), US-trained elite unit based in Bosaso, but also included *Darawish* and Galgala Police forces, as well as Western military advisors. The initial phase of the offensive reached as far as the town of, about 25 km west of Galgala, and resulted in the loss of 15 Puntland soldiers.²³

17. In January 2015, Puntland forces resumed the offensive and pushed as far as the town of Dindigle, 25 km west of Galgala, but pulled back to Galgala shortly afterwards due to the unsuitability of the terrain to host a permanent military presence.²⁴

18. On 20 June 2015, Puntland forces took control of Afurur, a town of about 2,000 people at the southern gateway to the Golis Mountains, after Al-Shabaab had executed a number of clan elders. Afurur had been a key

²⁰ S/2015/801, paragraph 96.

²¹ Ibid.

²² Erigavo is considered the western gateway to the Golis Mountains, and the belief by the Puntland administration that Somaliland permits a “safe corridor” through which Al-Shabaab militants can travel into the mountains has caused considerable friction between the two regions. Local Puntland commanders in Galgala also believe that Somaliland authorities provide a safe haven for Al-Shabaab fighters, and that Erigavo functions as an “R&R” destination for militants. Letter from the Office of the President of Puntland to the SEMG, 17 August 2016; SEMG interviews with local military and police commanders in Galgala, 24 February 2016; SEMG interviews with a Puntland military commander and western military advisor, Bosaso, 23 February 2016.

²³ Interview with Puntland commanders in Galgala, 24 February 2016, and a Western military advisor in Bosaso, 23 February 2016.

²⁴ Ibid.

waypoint along Al-Shabaab's southern supply route into the Golis Mountains: "everything used to come through that place", one senior Puntland military officer told the SEMG.²⁵

19. In 2015, Puntland forces killed 47 militants in the space of two months, with an additional 62 unconfirmed kills.²⁶

Disposition of forces

20. In the Monitoring Group's 2012 final report (S/2012/544), the Group assessed the strength of the Golis Mountains insurgency to be approximately 200 fighters. The Group's interviews with local commanders during its visit to Galgala in February 2016 revealed that the strength of the Al-Shabaab insurgency had been reduced to between 70 and 100 fighters who had been pushed to between 35 and 60 km west of Galgala town. The nearest Al-Shabaab presence is in the town of Madarshoon, roughly 10 km northwest of Galgala town. As of February 2016, Puntland forces maintain a forward operating post at Dhegax Dhaabur, approximately 6 km to the west of Galgala town, between which points they conduct regular patrols.²⁷

21. Puntland forces in Galgala also receive regular aerial support from reconnaissance aircraft operated out of Bosaso, as well as with respect to lethal kinetic operations. On 9 June 2016, for instance, an airstrike conducted by anti-Al-Shabaab forces targeted militant positions in the Golis Mountains, with unconfirmed casualties.²⁸

22. According to local commanders, Al-Shabaab militants are mostly limited to small arms—AK-47s and PKMs—and do not have the capability of attacking Galgala directly. However, they will intimately lay IEDs along the route leading to the town (see Figure 4, below). On 25 May 2016, for instance, an IED struck a PMPF vehicle on the way to Galgala, killing two marines and injuring six others.²⁹

23. Galgala and surrounding area, including the strategic town of Afurur, about 30 km to the southwest, is permanently garrisoned by approximately 450 *Darawish* soldiers, 200 Galgala Police officers, 100 PSF, and 100 PMPF troops. According to local commanders and a Western military advisor, between 50 and 60 families have returned after its liberation by Puntland forces in 2014, out of a pre-insurgency population of an estimated 400 families. However, at the time of its visit to Galgala in February 2016, the SEMG observed the town to be almost completely deserted of civilians. A majority of structures in the town were in a state of disrepair, with holes in roofs and walls common and piles of rubbish and detritus strewn in the streets. During its occupation of the town and the surroundings, local commanders told the SEMG that Al-Shabaab insurgents had destroyed farms and other agricultural infrastructure upon which the local people relied for their livelihoods, and that as a result the area is in a state of economic depression.

24. When asked about the area's greatest necessities, local commanders named roads, ammunition, emergency medical kits, hospital beds, ambulances, antibiotics, and road improvements. Aid for the reconstruction of houses, as well as the provision of agricultural tools, were also singled out.

The Galgala Police and Puntland's long-term strategy in the Golis Mountains

25. In 2014, the Puntland administration created the Galgala police, a 200-strong force made up largely of members of the Warsangeli clan native to the Galgala area, many of whom had previously fought against the

²⁵ Ibid.

²⁶ Interview with a Puntland commander and a foreign military advisor, Bosaso, 23 February 2016.

²⁷ SEMG interview with Puntland *Darawish* commander, Galgala, 24 February 2016.

²⁸ "Somalia: Fighter jets target Al Shabaab in Puntland", *Garowe Online*, 11 June 2016. Available from <http://www.garoweonline.com/en/news/puntland/somalia-fighter-jets-target-al-shabaab-in-puntland>. Corroborated by a confidential international agency security report, 13 June 2016.

²⁹ Confidential international agency security report, 29 May 2016.

Puntland administration.³⁰ One senior commander in the Galgala Police told the SEMG that he had left Atom's insurgency in December 2011, once he realized that protecting potential mineral resources for the Warsangeli clan was not Atom's actual aim; in July the next year he joined the Puntland police in Bosaso. He related that other Warsangeli members of the Golis Mountains insurgency had become similarly disillusioned, and estimated that the number of Warsangeli clansmen still fighting for ASNE numbered not more than a dozen.³¹

26. While the Galgala Police received fourth-month training from the PSF, a US-trained and supplied unit, the salaries for the force are the responsibility of the Puntland administration. Consequently, the Galgala Police has suffered from the administration's overall difficulties in paying its security forces regularly during the present mandate, with many members of the force have reportedly deserted in order to find alternative employment in the security sector.³²

27. The Galgala Police represents one tool in the Puntland administration's long-term strategy to defeat the ASNE insurgency in the Golis Mountains. By co-opting the Warsangeli clan into a tribal police force, the Puntland authorities hope to win over the local population by vesting the administration of law and in officers belonging to the native clan and possessing detailed knowledge of the physical terrain. According to Puntland commanders in Galgala interviewed by the SEMG, the long-term aim is also to cut off Al-Shabaab supply routes into the mountains, towards which the June 2015 seizure of Afurur had been an important step.³³

ASNE leadership structure

28. In its 2014 final report, the Monitoring Group described Bashir Shire Maxamed (Harti/Deshishe), a former employee of Golis Telecom in Puntland, as the overall operational leader of ASNE.³⁴ The Group now assesses this role to be held by Omar Mohamed Aden (Issaq/Haber Jaalo), using mobile phone selector 252907028923; the Group is yet to identify other biographical details pertaining to Aden. Mohamed Abdullahi Batar (Issaq/Haber Jaalo) is assessed to be Aden's deputy, and the overall head of military operations.³⁵ Bashir Shire Maxamed remains an active member of Al-Shabaab in the Golis Mountains.

29. Yassin Khalid Osman, a.k.a. "Yassin Kilwe", the former emir of the ASNE from 2010-2014, is no longer believed to be present in the Golis Mountains, but is reported to be located in south-central Somalia and in poor health. "Kilwe" had taken over leadership of the insurgency from Mohamed Said Atom, a former arms trafficker who had launched the Golis Mountains insurgency in 2010 primarily as a resource-based Warsangeli clan insurrection against the Puntland authorities. Atom, who was listed on the 1844 sanctions list until December 2014, has since received amnesty from the FGS; as of March 2016 is reported to be seeking asylum in Qatar.³⁶

30. Through its interviews with Puntland military and police officials, as well as regional and Western intelligence sources, the Monitoring Group has established a picture of the current leadership hierarchy of ASNE:

- (a) Omar Mohamed Aden (Issaq/Haber Jaalo): Emir of ASNE

³⁰ Roughly 150 members of the force are native to the Galgala area, and many had served as fighters in Mohamed Said Atom's insurgency. Other clans represented in the Galgala Police include the Marjerteen, Deshishe, Dhulbahante, and Tindle. Interview with a senior Galgala Police commander in Galgala, 24 February 2016.

³¹ SEMG interview with Galgala Police commander in Galgala, 24 February 2016.

³² Interview with a member of the Puntland security services in Garowe, 25 February 2016, and with a senior Puntland official, Nairobi, 2 September 2016.

³³ Interview with Puntland military commanders in Galgala, 24 February 2016.

³⁴ S/2014/413, annex 1.4.

³⁵ Interviews with Puntland military commanders in Galgala, 24 February 2016.

³⁶ "Qatar grants asylum to former Somali rebel commander", *Hiiraan Online*, 5 March 2016. Available from http://www.hiiraan.com/news4/2016/Mar/104433/qatar_grants_asylum_to_former_somali_rebel_commander.aspx.

- (b) Mohamed Abdullahi Batar (Dir/Gadabursi): Aden’s deputy and overall head of military operations of ASNE
- (c) Bashir Shire Maxamed (Deshishe): former manager in Golis Telecom, 2002-2012, ex-MP, worked at Golis’ predecessor, Barkad prior to 2002
- (d) Mohamed Ahmed Haji a.k.a. Kuwait (Majeerteen/Osman Mohamud): Leader of the *Amniyat*, director of intelligence for ASNE.
- (e) Ali Ahmed Hassan “Ga’amey” (Harti/Tinle): involved in the creation in 2004 of the first Bosaso cell of Al-Itihaad al-Islamiya (AIAI), an ideological forerunner to Al-Shabaab.³⁷ As of February 2016, “Ga’amey” is reported to be based in the village of Madarshoon.
- (f) Mukhtar Abdinur Ahmed a.k.a. Ahmed Guray: ASNE military commander; captured in Garowe 25 December 2014 while fleeing south from the Golis Mountains.³⁸ Puntland authorities reportedly later released Guray as part of an amnesty programme.
- (g) Hassan Abdullahi a.k.a. Hamas (Hawiye/Hawadle) part of an ASNE tasked with eliminating Mumin’s faction in Qandala/ Beledediin, Bari region
- (h) Ali Macane (Issaq/Haber Jaalo): from Burao, Somaliland; other details currently unknown
- (i) Yasin Mohamud Abdi: head of an ASNE force in Bari region (unconfirmed)
- (j) Abdullahi Saxiibow (Issaq/Haber Yunis): leader of a logistics/ transportation team based near Erigavo (Daallo Mountain)
- (k) Harun Dheere: native of Puntland; other details currently unknown
- (l) Hassan Afgoye: Member of Al-Shabaab’s Shura Council and head of its Finance Department. On 20 November 2015, the US Department of State offered up to a USD 5 million bounty for information on the whereabouts of Afgoye.³⁹ Although multiple SEMG sources have placed Afgoye in the Golis Mountains during this mandate, his exact role within ASNE is currently not understood.
- (m) Yassin Khalid Osman “Kilwe” (Warsangeli/Dubeis/Hanif): close relative of former Al-Shabaab emir Ahmed Godane. Sent to the Golis Mountains in early 2010 by Godane with 40 fighters to assume the leadership of Mohamed Said Atom’s insurgency.⁴⁰ Since 2014 “Kilwe” no longer holds the position of emir of ASNE, and is reported to be located in southern Somalia and in ill health.

31. Annex 1.3.a (strictly confidential) presents a link chart of interactions between several ASNE members, as well as a member of Abdulqadir Mumin’s ISIL faction, based on mobile phone records dating between February and July 2016. However, the limited amount of available calling events—partially due to the frequency with which members of Al-Shabaab change mobile selectors in order to avoid detection—has made it difficult for the Monitoring Group to conduct a robust network analysis of ASNE.

³⁷ Ibid.

³⁸ SEMG interview with a Western military advisor, 13 September 2015. Guray’s release was also reported in local media. Khalid Yusuf, “SOMALIA: Puntland army captures strategic Al Shabaab camp”, *Horseed Media*, 7 January 2015. Available from <https://horseedmedia.net/2015/01/07/somalia-puntland-army-captures-strategic-al-shabaab-camp/>.

³⁹ U.S. Department of State, “Rewards for Justice - Reward Offers for Information on al-Shabaab Key Leaders”, press release, 20 November 2015. Available from <http://www.state.gov/r/pa/prs/ps/2015/11/249374.htm>.

⁴⁰ S/2013/413, annex 1.7.

Figure 1: Detailed map of the Golis Mountains region (coordinates provided to the SEMG by the Puntland Security Services)

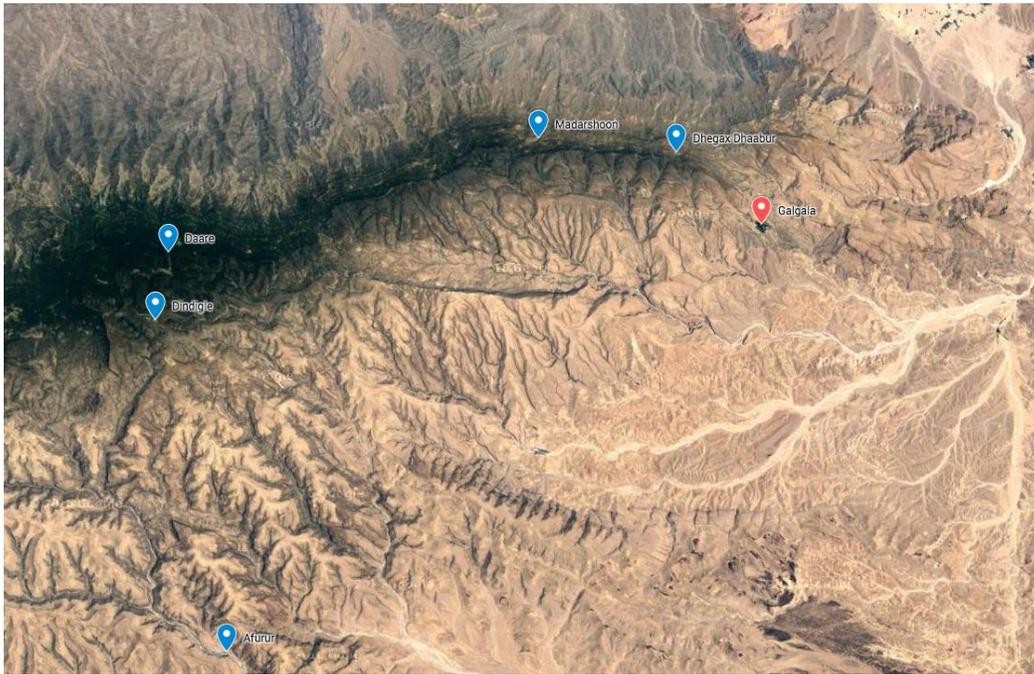


Figure 2: Location of Galgala within Puntland

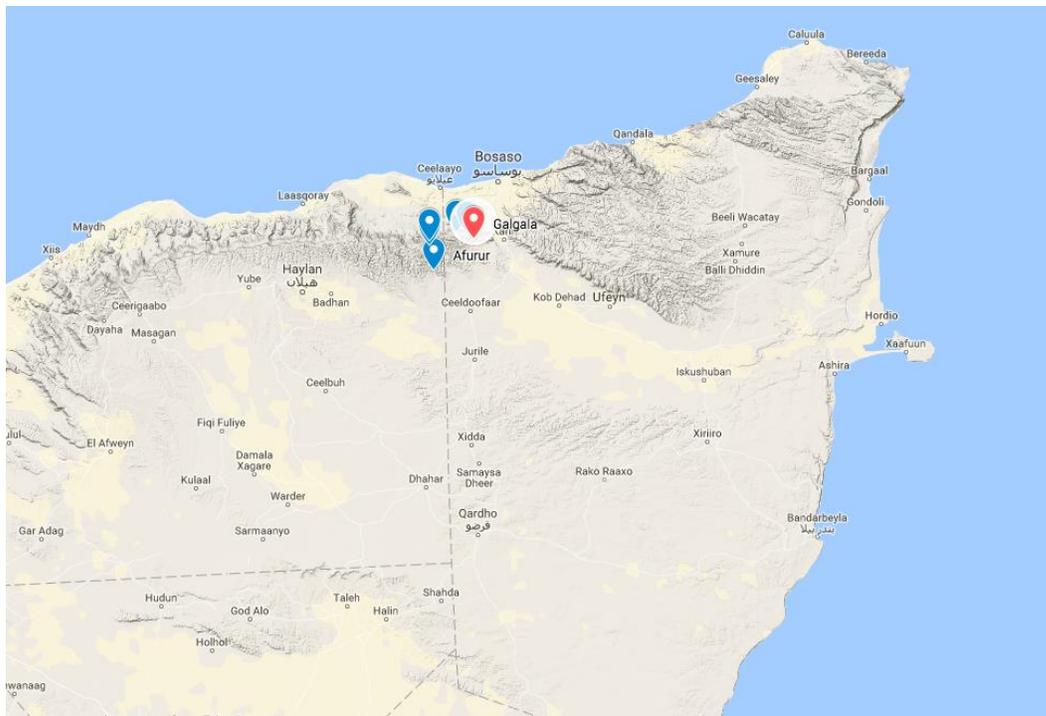


Figure 3: Members of the Puntland Security Forces (PSF) at the entrance to the Golis Mountains, 24 February 2016



Figure 4: Remnants of a vehicle destroyed by an Al-Shabaab IED on the route to Galgala town



Figure 5: Former school classroom in Galgala, covered with graffiti, used as living quarters by Al-Shabaab during their occupation of the town prior to October 2014



Figure 6: Puntland soldiers in Galgala town, 24 February 2016



Annex 1.3.a: (STRICTLY CONFIDENTIAL)*

* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 1.4: March 2016 incursion into Puntland by Al-Shabaab's Khalid ibn al-Walid brigade

32. On 13 March 2016, an Al-Shabaab unit calling itself the Khalid ibn al-Walid brigade—named for a companion of the prophet Mohammed—launched an amphibious operation followed by a short incursion into Puntland. Departing in five dhows from Harardhere district, approximately 350-400 fighters travelled by sea to two points along the Puntland coast several hundred kilometres north. After landing, the Al-Shabaab forces, who lacked land vehicles or a logistical supply chain, were quickly cornered and decisively defeated by Puntland forces. Hundreds of militants were killed during the operation and approximately one hundred taken into custody by the Puntland administration.

33. On 10 and 11 May 2016, the Monitoring Group interviewed six detainees held in Garowe prison by Puntland authorities. Based on these interviews, as well as interviews with the Puntland authorities, NGOs, military and international naval sources, the SEMG has determined that the likely aim of Khalid ibn al-Walid operation was to attack and eliminate Abdulqadir Mumin's Islamic State in Iraq and the Levant (ISIL)-aligned insurgent group located in Puntland's Bari region. It is probable that the brigade intended to join the Al-Shabaab insurgency in the Golis Mountains following the destruction of Mumin's faction.

Description of the operation

34. According to NGO sources, on 11 March 2016 Al-Shabaab cut off telecommunications in Hobyo and Harardhere districts, raising fears amongst locals that the group was preparing for an imminent offensive.

35. On 13 March, approximately 350-400 Al-Shabaab fighters put to sea from Haradhere district in five fishing dhows that had likely been commandeered, or perhaps hired, from Yemeni or Somali fishermen.⁴¹ As is typical during an Al-Shabaab operation, the rank-and-file fighters were not informed of their final destination or mission objective, and their mobile phones were confiscated prior to setting out in order to prevent them from disclosing the group's movements.⁴²

36. At approximately 18:30 on 14 March, four of the five dhows offloaded at Garacad and the militants assumed control of the town. Upon taking over Garacad the militants cut off all telecommunications, a standard Al-Shabaab tactic aimed at preventing information from reaching local authorities and thereby hindering the coordination of a response. On 15 March, the militants advanced north on foot 10 km from Garacad and seized the village of Kulub.

37. The fifth dhow, *Al Ramadan*, continued over 200 km further north by sea, disembarking at approximately 10:00 on 15 March at the village of Garmaal, roughly 100 km southwest of Bandarbeyla. According to an Al-Shabaab fighter who was present on *Al Ramadan*, the dhow held between 80 and 100 fighters, most of who were children (see annex 7.2 for a discussion of evolving patterns in Al-Shabaab recruitment and use of children).⁴³ The fighter recounted that after receiving lunch the attack group was informed they would proceed to the nearby

⁴¹ Puntland authorities provided the names of four of the five dhows: *Al Marajaan*, *Alula*, *Al Fowz*, and *Al Ramadan*. EUNAVFOR confirmed that some dhows by the same names had been the subjects of past friendly boardings by the international naval vessels. However, they were unable to confirm whether the dhows employed by Al-Shabaab were the same as those previously encountered, due to the commonality of their names. The SEMG obtained March 2016 phone records (252907313101) for an individual on board the dhow *Alula* during the operation, reported by Puntland authorities to be a brother of the owner of the dhow, Abdi Mire Hussein. However, examination of the records did not reveal any linkages between the individual and any known members of Al-Shabaab.

⁴² SEMG interviews with fighters who took part in the operation, Garowe, 10 and 11 May 2016.

⁴³ Interview by the SEMG with Al-Shabaab detainee Mohamoud in Garowe, 11 May 2016.

village of Suuj on foot.⁴⁴ After a night march the group arrived in Suuj at 08:00 on 16 March, at which point they were engaged by Puntland forces.⁴⁵

38. The Puntland administration responded swiftly to the invading forces, launching a military operation dubbed “*Hawlgalkii Danab*”, or “Operation Thunder”. Hundreds of soldiers from the *Darawish*, the Puntland regular forces, set out towards Garacad from Galkayo, Garowe, and Qardho, accompanied by dozens of battlewagons. These forces retook Garacad without resistance before engaging the Al-Shabaab militants on 17 March at locations near the town, including at the village of Kulub. Intense fighting between Puntland forces and Al-Shabaab continued in the area over the following five days.

39. To the north, the PSF and PMPF, elite units based in Bosaso, in addition to *Darawish* units, proceeded south towards the second Al-Shabaab column, and intercepted it on 16 March. Clashes at Garmaal and the nearby village of Suuj continued until 20 March.

40. Armed only with light weapons consisting of AK-47 assault rifles, PKMs, and RPG-7s, lacking in vehicles or other logistical support, and with their backs to the sea, the Al-Shabaab forces were decisively defeated by the Puntland security services on both fronts. The chief of the *Darawish*, General Said Mohamed Hirsi, reported the total number of Al-Shabaab militants killed during “Operation Thunder” to be 208, with Puntland suffering the loss of 20 soldiers.⁴⁶ The majority of these casualties occurred during the fighting near Garacad; a Puntland military commander present during this fighting reported personally counting the bodies of militants, which he numbered at 176, with an additional 49 attackers captured.⁴⁷ It was not possible for the Monitoring Group to independently verify the number of militants killed.

41. Following their defeat in Puntland, a group of surviving militants fled south, attempting to return to their base in Harardhere district, but were intercepted by forces of the Galmudug Interim Administration (GIA), who engaged them on 24 March at Af-Barwaqo village (140 km northeast of Hobyo). On 28 March, the GIA officially announced that its forces had killed 115 militants and captured 110 others over the course of four days of fighting.⁴⁸ As was the case in Puntland, many of the captives were assessed to be minors, 44 of whom were later transferred to a UNICEF-supported reintegration centre in Mogadishu.

42. Nearly three weeks passed before Al-Shabaab claimed responsibility for the botched incursion; on 2 April, Al-Shabaab spokesman Sheikh Ali Dheere spoke to Al-Shabaab-affiliated media, acknowledging that “crusader forces” had defeated the “Mujaahidiin” and encouraging the maintenance of morale.⁴⁹

Leaders of the operation

- (a) “Omar”: overall commander of the operation, aged approximately 45-50 years old; average height; roughly 75 kg. Escaped to the south during the fighting at Garacad; current whereabouts are unknown.
- (b) “Abu Layth”: Deputy of “Omar”. Aged approximately 40 years old. Confirmed killed during the fighting at Suuj.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ “Somalia: Puntland ends anti-al Shabaab military operations, over 200 militants killed”, *Horseed Media*, 24 March 2016. Available from <https://horseedmedia.net/2016/03/24/somalia-puntland-ends-anti-al-shabaab-military-operations-over-200-militants-killed/>.

⁴⁷ SEMG interview with a Puntland military commander, Nairobi, 7 April 2016.

⁴⁸ Galmudug Interim Administration, “GalMudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas”, press release, 28 March 2016. Available from <http://allafrica.com/stories/201603280382.html>.

⁴⁹ Calamada, “Sheekh Cali Dheere Oo Jeediyey Kalimad Muhiim Ah(Kalimad+Warbixin)”, 2 April 2016. Available from <http://calamada.com/?p=55250>.

- (c) “Jabir”: military commander from Bay/ Bakool regions; perhaps leader of a unit originating in Belet Weyne. Between 25 and 30 years old. Confirmed killed during the fighting at Suuj.
- (d) “Numaan”: perhaps from Hiran region. Present at fighting in Garacad. Between 35 and 40 years old. Accompanied unit from training camp at Bula Fulay to Harardhere district.

43. The Al-Shabaab detainees interviewed by the Monitoring Group were unaware of the full names of their leaders or from whom higher in the command chain they had ultimately received their orders.

44. The SEMG confirmed the names of the operation’s leaders—specifically “Omar”, “Abu Layth”, and “Numaan”—with a Western military source, who confirmed that these three leaders had been previously unknown. However, both “Omar” and “Abu Layth” had evidently been tasked by Macalin Jawno, Al-Shabaab’s head military (*Jaysh*) commander for Bay and Bakool regions.⁵⁰ That the Khalid ibn al-Walid brigade would have been under the overall command of the Jawno is supported by the fact that a significant number of its members had been transported from the training camp near Bulo Fulay in Bay region; four of the six Al-Shabaab detainees interviewed by the SEMG reported having received training there.⁵¹

Objective of the operation

45. Following the attack, there was considerable confusion as to why the Al-Shabaab forces had committed a seemingly obvious tactical mistake by coming ashore at Garacad and Suuj, where their lack of vehicles or heavy weapons rendered them imminently vulnerable to Puntland forces. The SEMG’s interviews with detained Al-Shabaab militants, as well as its consultations with the international naval forces, confirmed that the leaders of the incursion believed that an intercept at sea by the naval forces was imminent. Prior to disembarking at Garacad, one detained fighter described to the SEMG how the operation leader “Omar” publicly addressed the fighters on the dhow, announcing that the “enemy European ships” were close at hand, and that the remainder of the journey would have to be made on foot.⁵² A representative of EUNAVFOR, the European Union’s counter-piracy mission off the coast of Somalia, confirmed that a marine patrol aircraft had overflown the area being traversed by the dhows, and was in likelihood spotted by the militants whilst at sea.⁵³ It is likely that this flyover created the false impression that a naval interdiction was imminent, and spurred the decision by the leaders of the operation to order the dhows ashore prematurely. However, it is also possible that overloading of the dhows, as well as mechanical or navigational impediments, contributed to the decision to go ashore.

46. While the intended disembarkation point of the mission is still uncertain, it is probable to have been somewhere in Puntland’s Bari region, particularly if the mission’s overall objective was the elimination of Abdulqadir Mumin’s faction. One detained fighter claimed that the intended disembarkation point was Habo, a town on Puntland’s north coast lying between Alula and Qandala—the latter being one of the centre of operations for Mumin’s ISIL faction.⁵⁴ Had the brigade managed to reach the northern part of Bari region, which is inhabited by Mumin’s Ali Salebaan clan, openly hostile to the Puntland administration, it is unlikely that Puntland forces would have been able to intercept the militants without meeting strong local resistance.

⁵⁰ Information provided to the Monitoring Group by a Western military source, 16 May 2016.

⁵¹ Bulo Fulay, an Al-Shabaab stronghold, was the location of a group execution in June, when the group executed seven of its members for allegedly assisting in U.S. aerial drone strikes. “Al Shabaab executes 7 for spying and helping US drone strikes”, *Shabelle News*, 11 June 2016. Available from “<http://www.shabellenews.com/2016/06/al-shabaab-executes-7-for-spying-and-helping-us-drone-strikes/>”.

⁵² SEMG interview with Al-Shabaab detainee Yahya in Garowe, 11 May 2016.

⁵³ SEMG interview with an EUNAVFOR officer, NATO Headquarters in Northwood, 24 June 2016.

⁵⁴ SEMG interview with Al-Shabaab detainee Buruj, Garowe, 10 May 2016. A senior officer of the Puntland Maritime Police Force (PMPF) also postulated that Habo was the militants’ destination in an interview with the SEMG, Bosaso, 16 April 2016.

47. Several Al-Shabaab detainees interviewed by the Monitoring Group, as well as members of the Puntland security services, stated that the Khalid ibn al-Walid brigade likely intended to join the Al-Shabaab Northeast (ASNE) insurgency in the Golis Mountains following the successful elimination of Mumin and his loyalists.

Composition of the Al-Shabaab force and fate of the detainees

48. The Al-Shabaab detainees interviewed by the SEMG consistently reported a range of between 350 and 400 for the total strength of the invading force, a figure also consistent with the likely carrying capacities of the dhows.⁵⁵ The majority of these fighters landed at Garacad, while one dhow, carrying perhaps 80-100 fighters, proceeded further north to Garmaal.

49. While it was reported in local media that foreign fighters were present among in the invading forces,⁵⁶ particularly light-skinned Arabs, none of the detainees held in Puntland custody were non-Somalis. Nor did any of the detainees interviewed by the Monitoring Group indicate seeing any non-Somalis among either the fighters. However, several interviewees noted that they believed the crew members of the dhows that transported them spoke in Arabic, indicating that the dhows were possibly Yemeni fishing vessels either commandeered or hired by Al-Shabaab.⁵⁷

50. At the time of the SEMG's visit to Garowe on 10 and 11 May, 97 militants from the abortive operation were being held in the city's prison. According to a senior Puntland prisons official, the detainees originated mostly from Gedo, Bay, Bakool, and Lower Shabelle, with the majority—roughly four-fifths—hailing from the Rahanweyn clan, which has traditionally supplied a significant percentage of Al-Shabaab's rank-and-file soldiers.⁵⁸ Fifty-nine of the prisoners had been classified as aged 10-18, and were accordingly being held in a separate prison block, though Puntland authorities told the Monitoring Group that the lack of proper birth records in Somalia makes the precise determination of age impossible.⁵⁹ At the time of the SEMG's visit, the Group observed the children to be kept in sanitary conditions, allowed to attend school lessons and engage in sport. Both UNICEF and UNODC were allowed access to the children, and had begun the process of informing their families of their location. However, as of the publication of this report, the Puntland administration had not yet settled on a long-term course of action for the rehabilitation and reintegration of the children, electing not to send them to a reintegration facility operated under the aegis of the FGS.

51. On 19 June 2016, a Puntland court sentenced 43 of the detainees to death.⁶⁰ The Monitoring Group is concerned that some of those designated for execution appear to be minors. At the time of writing, the sentences are yet to be carried out; however, a Puntland representative informed the Group in September 2016 that the administration intended to proceed with the executions, particularly in light of a twin Al-Shabaab suicide bombing in Galkayo on 21 August.⁶¹ The Puntland representative also told the SEMG that the administration had

⁵⁵ While the figures for killed and captured Al-Shabaab fighters given by the regional administrations of Puntland and Galmudug would suggest a total Al-Shabaab force of well over 600, it is probable that these figures were exaggerated.

⁵⁶ For instance, the mayor of Garacad reported to a local journalist interviewed by the SEMG by phone on 15 March 2016 that "white soldiers" were present among the forces in his town.

⁵⁷ Multiple sources, including the international naval forces, have suggested to the SEMG that the pirate kingpin Mohamed Osman Mohamed "Gafanje" had been responsible for arranging the dhow transport on behalf of Al-Shabaab. However, the Monitoring Group has been unable to substantiate these claims. "Gafanje's" criminal activities have been documented in detail in the Group's previous three final reports (S/2013/413, S/2014/726, and S/2015/801).

⁵⁸ Interview with senior Puntland prisons official, Garowe, 10 May 2016.

⁵⁹ SEMG interview with a senior official in the Puntland Ministry of Justice, Garowe, 10 May 2016.

⁶⁰ "Somalia: Puntland court sentences 43 Al Shabaab fighters to death", *Garowe Online*, 19 June 2016. Available from <http://www.garoweonline.com/en/news/puntland/somalia-puntland-court-sentences-43-al-shabaab-fighters-to-death>.

⁶¹ SEMG interview with Deeq Yusuf, Chief of Staff to the President of Puntland, Nairobi, 2 September 2016.

no intention to transfer the 59 detained minors to a rehabilitation centre in Mogadishu, which he referred to as “revolving doors”, and said that requests had been made for the international community to build a rehabilitation facility in Puntland.⁶²

Significance of the operation

52. While in the past Al-Shabaab has undertaken small-scale movements by sea, the Khalid ibn al-Walid brigade’s incursion into Puntland marked Al-Shabaab’s only major maritime operation during the group’s existence. The group’s lack of experience in seafaring was evident in the botched execution of the operation: the panic caused by the non-existent threat of an international naval interdiction, as well as the possible overloading of the dhows and mechanical failures, resulted in a premature disembarkation that effectively turned the brigade’s expedition into a suicide mission.

53. The total destruction of the Khalid ibn al-Walid brigade represented a significant loss in manpower for Al-Shabaab; at 400-strong, the brigade perhaps comprised as much as between 5 and 10 per cent of Al-Shabaab’s total fighting strength. With at least several hundred militants giving themselves up to Puntland and Galmudug authorities, it was also the largest instance of an Al-Shabaab surrender in the group’s history.

54. For the most part, however, the participants in the mission were low-ranking members of Al-Shabaab, many recently trained and in some cases compelled or press-ganged into service; a significant number were children. No known senior Al-Shabaab leader was present on the mission.

55. Given the failure of the Khalid ibn al-Walid brigade to reach its objective and the high cost of its loss to Al-Shabaab, the Monitoring Group assesses it as unlikely that the group will attempt to mount a similarly large-scale maritime operation in the foreseeable future.

⁶² Ibid.

Sidebar: Testimony from Al-Shabaab detainees in Garowe prison⁶³

Mohamoud, aged 24 years, from Merka, Lower Shabelle region:

One day in February Al-Shabaab came to Merka. They arrested me and held me in custody for 19 days. They offered me a choice: be killed or work with us.

They trained me on how to use an AK-47 in Bulo Fulay camp. They used to blindfold our eyes when we entered and left the camp. We received 15 days of training, after which they loaded us into trucks and took us to Harardhere. It was a nightmare. When they loaded us onto the boats, they told us our commanders would be Abu Layth and Jabir. Then they took our phones away.

...

On the boats, everything went wrong. Some of us were vomiting. There were 80-100 of us, almost all children. Some of them were forcibly recruited, some abducted, some brainwashed.

In Suuj, the fire was like rain. I'm sure that Jabir and Abu Layth were killed. When I surrendered, they told me I was in Puntland. I thought I was somewhere near Belet Weyne.

Buruj, aged approximately 60 years, from Alula, Bari region

I was a fisherman in Harardhere. I joined Al-Shabaab in 2014 for the benefits for my family. The pay depended on the work; normally, just rice or pasta. At the end of each month we sometime received some amount of money, not more than USD 30.

...

I refused to go to Puntland, but then they forced me to go. We left from Harardhere, maybe 300 to 400 of us in five boats. We went ashore at Suuj because they feared the EU ships; they said we had to go the rest of the way on foot.

⁶³ Full names have been withheld in order to protect interviewees.

Mohamed, from Sablale, Lower Shabelle region

I joined Al-Shabaab willingly six months ago, in Sablale. I was in the village, the clerics there were mobilizing us, talking about jihad, telling us about Jinnah [paradise]. Sometimes my village was under the control of Al-Shabaab, sometimes the FGS. The federal police were telling me that I was Al-Shabaab, questioning me, saying that people were informing on me. So I thought that I might as well become Al-Shabaab.

...

I trained for 18 days near Bulo Fulay, in a camp in the forest. There were almost 60 people at the camp. The training was in the AK-47, a basic military course. After graduation, some senior commanders told us we were moving. They distributed military uniforms and arms. They loaded us in six trucks, and we were brought to Gal Hareeri [Harardhere district] by a commander named Numaan, who rode in a luxury car. When we got to Harardhere, there were between 360-380 fighters there. The people there were strange, very secretive. We didn't chat with one another.

Ali, aged approximately 50 years, from Hargeisa, Somaliland

I joined Al-Shabaab near Buale six months ago, in September 2015. Before that I was a shopkeeper in Hargeisa. I saw that our neighbouring countries were coming in to take over Somalia. It was terrible. The only option is Al-Shabaab. For more than 20 years we have been waiting for Somali leaders to resolve our problems.

...

I received three months' basic military training outside of Sakow [Middle Juba]. About one month after the training, I joined the Khald ibn al-Walid brigade. It was a top secret group; they never told us where we were going or how many troops were part of the brigade.

Figure 1: Puntland military vehicles near Garacad, March 2016



Figure 2: Weapons and an Al-Shabaab banner captured from the Khalid ibn al-Walid brigade



Annex 1.5: Puntland's catch-and-release policy (STRICTLY CONFIDENTIAL)*

* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 1.6: Al-Shabaab's expenditure and sources of revenue

56. Al-Shabaab continues to diversify its sources of income. Kismayo port and Mogadishu were for years the major source of Al-Shabaab revenues, but since losing them, Al-Shabaab has developed a functional and adaptable taxation system in the areas still under its control. The continuing use of informal *hawala* money remittance methods and mobile banking service providers in Somalia makes it difficult for authorities, in Somalia and abroad, to detect and disrupt Al-Shabaab money flows. The Monitoring Group has conducted interviews with former and current members of Al-Shabaab in Somalia and abroad in order to uncover recent sources of revenues and expenditure of the group. The Monitoring Group also corroborated this with information received from Member States' relevant intelligence and law enforcement agencies.

Expenditure

57. Al-Shabaab remains capable of providing regular remuneration to its operatives, making it a potentially appealing alternative for members of the security forces seeking a more secure income, including Somali National Army (SNA) soldiers. Al-Shabaab monthly salaries currently range from approximately USD 50 for a foot soldier to approximately USD 1,000 for senior officers and certain tax collectors, with the majority of the estimated 4,000 to 7,000 operatives receiving USD 100.⁶⁴ Al-Shabaab has abandoned its previous reticence to using mobile money, and majority of the salaries are currently paid via Hormuud Telecom's EVC Plus service at the end of each Islamic calendar month.⁶⁵ Performance-based rewards are also paid; surviving participants of the El Adde campaign each received a USD 200-USD 400 bonus.⁶⁶ Al-Shabaab has also been known to have paid signing bonuses of USD 400 for new recruits, as well as occasional compensation to the families of suicide bombers.

Revenues

58. Al-Shabaab collects revenue via direct taxation, extortion, commerce and external support. Zakat⁶⁷ is collected by designated Al-Shabaab units in the areas under its control. Other forms of taxation cover nearly all aspects of life of the people living in areas controlled by Al-Shabaab including, for example, use of the village water well. The value of Zakat collected from local population has soared while many of the public services previously provided by Al-Shabaab in return have diminished.

59. All forms of business enterprises are also taxed by Al-Shabaab, including in some areas not directly under its control. Using the threat of violence to ensure compliance, Al-Shabaab tax collectors contact businessmen, usually by mobile phone, and let them know the total sum expected. The owner of the Naso Hablod Hotel in Mogadishu was called by Al-Shabaab tax collectors prior the attack on 25 June 2016 and refused to pay the requested amount.⁶⁸

60. Al-Shabaab continues to operate road checkpoints throughout areas under its control. It is also capable of establishing temporary mobile roadblocks on almost any road in southern and central Somalia. The checkpoints run by Al-Shabaab have proven to be relatively safe and more organized than checkpoints run by the FGS or clan militia, and local population tends to prefer the roads traversing regions controlled by Al-Shabaab.⁶⁹ The usual

⁶⁴ Interviews conducted on captured members of the group in Mogadishu in February and the interview with a human source in London on March

⁶⁵ Commonly used mobile banking service provided by Hormuud, the biggest telecommunication company in Somalia. Account balance is limited to USD 300, but the number of accounts a client can have is not limited

⁶⁶ Interview conducted in Mogadishu on 24 July 2016.

⁶⁷ Customarily Zakat is calculated at 2.5 per cent of an individual's wealth—including, for example, property and livestock—above a certain threshold referred to as '*nasib*'. Al-Shabaab has during recent years announced to have collected 8-9 million USD worth of zakat in the areas it controls.

⁶⁸ The exact amount is not known, but usually, in cases like these, the requested amount would be about USD 5,000.

⁶⁹ A source described a journey made by the road from Mogadishu to Jowhar. After numerous disorderly checkpoints they arrived to area controlled by Al-Shabaab. The soldiers at the first checkpoint charged them USD 30 and gave them receipt, that they showed on the following checkpoint thus succeeding in avoiding any further payments. A

charge for a vehicle is up to USD 30 while civilian trucks are required to pay up to USD 1,500 depending on the capacity of the truck, not the goods it is carrying. According to one assessment made by a private consultancy, Al-Shabaab collected an estimated USD 3 million in 2015 from checkpoints along the road between Belet Weyne and Mogadishu alone.⁷⁰

61. Accurate figures of the diaspora remittance to Al-Shabaab are not known. Given the absence of pre-trial investigations related to financing of Al-Shabaab among the diaspora, as well as the growing popularity of ISIL in the eyes of the radical Somali living abroad,⁷¹ the Monitoring Group believes that only a limited portion of Al-Shabaab's budget is being derived from the diaspora. However, *hawala* agents remitting an estimated USD 1.2 billion to USD 2 billion annually are known to pay business taxes in proportion to their profits.⁷² On some occasions additional taxation was conducted by physically taking a portion of funds paid out by *hawala* agents.⁷³

62. While the Monitoring Group assesses that Al-Shabaab revenues gained from charcoal to have declined, it has been compensated by taxation of sugar trade, agriculture and livestock. For more information on Al-Shabaab's revenues on natural resources, see Section II. Acts that threaten the peace, security and stability of Somalia / E. Natural resources.

similar procedure is described in: Transparency Solutions, "Beyond Isbaaro: Reclaiming Somalia's Haunted Roads", 2016 (unpublished). See annexes 6.1. and 6.3. for more information on impact of Al-Shabaab checkpoints on humanitarian access and increasingly aggressive taxation practices.

⁷⁰ Ibid.

⁷¹ While the number of the foreign terrorist fighters assessed to have travelled from Somalia to Syria is 70, the majority of the Somali contingent within the Islamic State originates from the diaspora. The phenomena is known to most intelligence services operating in countries with a Somali diaspora. The Soufan Group, "Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq", December 2015.

⁷² On a regular *hawala* transaction the commission fee is 4-5 per cent of the remittance value. On larger amount the commission can be as low as 1.5 per cent. 40-65 per cent of the commission is paid to the company, while the remaining commission belongs to the agent.

⁷³ Interviews conducted on *hawaladars* in Minnesota (May 2016) and Stockholm (June 2016). In one of the cases, USD 20 was taken out of from the beneficiary from the remittance worth USD 100.

Annex 1.7: Mohamed Abukar Zubeyr

63. In its 2014 final report, the Monitoring Group reported that an individual by the name of Mohamed Abukar Zubeyr had carried out a suicide bombing at the Bosasso Central Police station on 4 August 2014, attributed to Al-Shabaab.⁷⁴ The Monitoring Group included in its report an image of Zubeyr's passport, provided by Puntland authorities and confirmed by a Member State.

64. On 16 November 2015, a Somali media outlet, Horn Observer, contacted the Monitoring Group claiming that the individual in the passport was alive and serving as Director General at the Ministry of Constitutional Affairs of the FGS. The SEMG met with Zubeyr on 3 and 21 December 2015, and inspected his passport, concluding that he was indeed the same individual identified in the 2014 final report as the Bosasso suicide bomber. The SEMG immediately undertook to investigate the matter, as noted in its December 2015 as well as January and February 2016 monthly updates to the Committee.⁷⁵

65. On 16 January 2016, the Puntland administration sent a response to the SEMG's request for a clarification on the incident, which included a 10 August 2014 police report on the bombing identifying the actual perpetrator as Abib Abdulahi, an Ethiopian national.

66. In a 5 April 2016,⁷⁶ the Monitoring Group informed the Committee of its investigation and recommended that the Committee issue a press release clarifying the matter. On 14 April, the Committee issued a press release stating that Zubeyr had not carried out the Bosasso attack.⁷⁷

⁷⁴ S/2014/726, annex 1.4.

⁷⁵ S/AC.29/2016/NOTE.4, S/AC.29/2016/NOTE.8, and S/AC.29/2016/NOTE.12, respectively.

⁷⁶ S/AC.29/2016/SEMG/OC.27.

⁷⁷ Available from <http://www.un.org/press/en/2016/sc12322.doc.htm>.

Annex 2

Security Sector

Annex 2.1: Somali National Army composition and strength

1. The FGS has yet to provide “full and accurate information on the structure, composition, strength and disposition of its security forces, including the status of regional and militia forces” despite its obligations pursuant to resolution 2093 (2013) and most recently reiterated in resolution 2244 (2015) to do so every six months.⁷⁸
2. Within Mogadishu many individuals on SNA payrolls are concurrently employed by private security firms or serve FGS or Benadir Regional Administration (BRA) officials, members of parliament (MPs) or the business community. Such individuals may or may not be called upon to serve in active units if needs arise.⁷⁹ Over a quarter of the nearly 22,000 troops the FGS reports to be serving the SNA are stationed in or on the outskirts of Mogadishu yet there are—as far as the Monitoring Group can ascertain—no permanent barracks in the city, nor regular roll calls besides when salary or stipend payments are being distributed.⁸⁰
3. Beyond Mogadishu, the extent to which individuals on SNA payrolls serve a tangible national force varies over time and place, in line with local conflict dynamics, the current level of threat, and regularity of reimbursement. The introduction of biometric databases (see below) has reduced the prevalence of ‘ghost soldiers’. However, at any one time a significant proportion of the SNA serves in a freelance capacity, ‘on call’ to varying degrees if required though always ready to collect salary or stipend payments when available. Based on multiple factors, including the estimated time in which a soldier has been ‘on duty’, commanding officers will often assume a proportion of such payments.⁸¹
4. Given the nature of its current modus operandi, neither the SNA leadership, nor the Ministry of Defense, nor the Office of the National Security Advisor (NSA) are able to accurately determine the number of active troops serving within its national security forces at any one time. Their ability to accurately report on the status of “regional and militia forces” depends entirely on their ability to extract accurate information from regional administrations with whom relations vary, and all of which face similar challenges determining the status of their own regional forces to those described above.
5. The decision to maintain the partial lifting of the arms embargo for the FGS’ security forces must, therefore, be made with full awareness of the inability of the FGS, or indeed any other actors including the Monitoring Group, to provide accurate information on the structure, composition, strength and disposition of either national security forces or regional and militia forces.

⁷⁸ See annex 8.1 for more information on FGS compliance with the arms embargo.

⁷⁹ According to one source with extensive knowledge of the security sector in Mogadishu, many private security firms and government officials actively recruit individuals who have received external training.

⁸⁰ Extensive conflicting data on SNA composition and strength on file with the Secretariat.

⁸¹ Monitoring Group interviews with multiple security sector officials in Nairobi, Mogadishu, Baidoa and Kismayo between November 2015 and August 2016.

Annex 2.2: Somali National Army salaries, stipends and arrears

6. The FGS continued to struggle to make salary payments to the SNA over the course of this mandate, despite public announcements made by President Hassan Sheikh suggesting otherwise.⁸² Following the announcement of the Staff-Monitored Program (SMP) with the International Monetary Fund (IMF) in May 2016, in which the FGS committed to avoiding the accumulation of domestic arrears, the distinction between SNA stipends and salaries grew increasingly blurred in security sector expenditure reporting, despite repeated warnings from the US and UK that their stipends could only be considered ‘top-ups’ to SNA salaries.

7. Between 1 September 2015 and 30 June 2016, USD 6,687,500 was withdrawn in cash from the Central Bank of Somalia—by either the SNA J8 Head of Finance, Colonel Hussein Ahmed Absuge, the SNA J4 Head of Logistics, Brigadier General Abdullahi Moalim Nur, or the SNA J4 Deputy Head of Logistics, Colonel Hussein Mohamed Nur—for the purpose of paying salary arrears.⁸³ The Monitoring Group received examples of rudimentary reporting from the FGS accounting for the expenditure of USD 3,513,800 of this (see below) but did not receive a clear explanation for the remaining USD 3,173,700.

8. Of the USD 3,513,800 for which reporting was provided it was clear that troops outside of AMISOM sectors 1 and 5—incorporating the capital, Mogadishu, and Middle and Lower Shabelle regions—were receiving little if any salary support. The SNA in AMISOM sector 3—incorporating Bay, Bakool and Gedo regions—received just USD 42,400 for salaries in January 2016 and USD 43,000 in March 2016 despite the FGS reporting approximately 4,800 troops including 130 officers in the sector (see below). In early March 2016, the Monitoring Group was informed by the SNA commander of sector 3 at the time, General Bile Ibrahim Adan—the former SNA Head of Finance—that 3023 troops were receiving “salaries” from the UK and that the FGS was providing salaries to the rest.⁸⁴

9. Increasingly aware of international donors’ concerns regarding the distinction between SNA stipends and salaries, and the challenges of ensuring the SNA leadership distribute payments to troops on the ground, in late 2015 the Ministry of Finance signed an agreement with third party contractor Gorgor Solutions to process USD 7,166,400 of salary arrears to, and biometrically register, approximately 9,800 SNA troops on the SNA database in AMISOM sectors one, three, four—incorporating Hiran and Galgadud regions—and five, as well as a further 3,300 orphans and veterans in Mogadishu.⁸⁵

10. On 19 March 2016 USD 7,116,400 was transferred to the SNA account at the Central Bank of Somalia (CBS) for forward transfer to Gorgor Solution. On the same day, and without permission from the Ministry of Finance, a senior official at the CBS released the funds to Colonel Hussein Ahmed Absuge. A day later the funds were returned to the Ministry of Finance to be transferred to Gorgor Solutions’ bank account for onward processing. The company subsequently met multiple attempts to interfere with its task of distributing salaries. In April 2016, and again in May, for example, while processing salary disbursements in AMISOM sector 4, its staff members were briefly detained by local SNA commander, Colonel Tawane Ahmed Mohamed.⁸⁶

⁸² See annex 2.6 for, inter alia, some examples of public statements made by President Hassan Sheikh regarding the SNA.

⁸³ Financial Management Information System (FMIS) statements held on file with the Secretariat.

⁸⁴ Monitoring Group interview with security sector representatives in Baidoa on 2 March 2016. At the FGS revised SNA salary rate of USD 50 per month for rank and file soldiers, USD 43,000 would only cover 860 troops.

⁸⁵ Gorgor Solutions had already been contracted to process U.A.E.-funded stipends to troops in AMISOM sectors two and four. The SNA’s insistence on keeping certain orphans and retired soldiers on its payroll raises further questions about management of and access to its databases, particularly in light of reports of injured soldiers being abandoned. See, for example, Hamza Mohamed, “Somalia’s forgotten soldiers”, *Al Jazeera*, 28 March 2016. Available from <http://www.aljazeera.com/indepth/features/2016/03/somalia-forgotten-soldiers-160321120013738.html>

⁸⁶ Monitoring Group interview with Gorgor Solutions representative in Mogadishu, 16 June 2016.

Figure 1: Sample of a page of an SNA salary payment report provided to the SEMG (personal details concealed)

X/NO	Darajo	Magaca Afiran	Magaca Hooyo	Dhasha	Ku/shay	Mushaarka	SAXIIXA
1	G/le Sare	Abdullahi Cali Nuru	Nurwa Nuru Cali	1969	Hiran	\$600	
2	G/le	Abdullahi Nur Nuru	Abdullahi Nur Nuru	1982	Sh/dhexe	\$400	
3	G/dhexe	Abdullahi Nur Nuru	Abdullahi Nur Nuru	1968	baay	\$500	
4	G/Sare	Abdullahi Nur Nuru	Abdullahi Nur Nuru	1960	Baweyn	\$600	
5	G/Sare	Abdullahi Nur Nuru	Abdullahi Nur Nuru	1960	Baweyn	\$600	
6	G/sare	Abdullahi Nur Nuru	Abdullahi Nur Nuru	1950	C/buur	\$600	
7	G/dhexe	Abdullahi Nur Nuru	Abdullahi Nur Nuru	1960	Garowe	\$500	

Figure 2: January 2016 SNA salary distribution by unit

Taliska Ciidanka Xoogga
Dalka Soomaaliyeed
Lr:HML/XDS/069/16
Date:22/02/ 2016



قائد القوات المسلحة
الصومالية
رقم: ---
تاريخ: ---

HOGGAANKA MAAMULKA LACAGTA
Office of the Finance

15	Horinta Isbortiga	-\$5,600.00
16	Horinta Fanka&Suugaanta	-\$10,500.00
17	TQB60'aad&Gt7'aad	-\$18,250.00
18	Gt8'aad	-\$4,950.00
19	Gt9'aad	-\$19,200.00
20	TQB21'aad	-\$17,950.00
21	Gt10'aad	-\$13,700.00
	Lacagta baxday	\$000,000.00

UJEEDO: Soo Gudbin Xisaab-celinta Gunnada B. January 2016

KU:Taliyaha Ciidanka XDS =MUQDISHO=

Taliye, Waxaan Halkaan Kuugu soo gudbinayaa Xisaab Celinta Gunnada kubaxay S/kiisha CiidankaXDS Bisha January 2016, Waana Sida Shaxda Hoos ku qoran:

G/sare
Madaxw. Hogg.M.lacagta XDS
Xuseen Axmed Absuge



No.	Magaca ay Kubaxday	Lacagta Soo gashay&tan labixiyay
	Kharash kusoo galay Gunno	\$712,000.00
1	AR- 38'aad Taliska Guud	- \$156,000.00
2	QB12'April	- \$257,450.00
3	C.Cirka	-\$19,850.00
4	C.Badda	-\$22,400.00
5	UR-60'aad Madaxtooyada	-\$53,150.00
6	DG Gen.Dhegabadan	-\$23,100.00
7	UR-59'aad Gaadiidka	-\$12,400.00
8	UR-89'aad Saadka	-\$19,200.00
9	UR-Danab	-\$9,700.00
10	Band Music	-\$10,600.00
11	UR-Caafimaadka	-\$10,500.00
12	UR- Police Military	-\$8,700.00
13	UR-Ciiltire	-\$2,550.00
14	Horinta fiyaamo	-\$16,250.00

Email: Absuge07@Hotmai.com

Tel: 252-616106189

Annex 2.3: Somali National Army databases, registration and identity cards

11. At the time of writing there were three independent, incomplete, and likely incompatible databases of SNA troops eligible for stipends and/or salaries: one managed by the United Nations Office for Project Services (UNOPS) for the provision of US and UK funded stipends in AMISOM sectors one, three and five; one managed by third-party company Gorgor Solutions for the provision of UAE funded stipends in AMISOM sectors two and four, as well as some troops eligible for FGS salary arrears; and another database managed by the SNA for all troops supposedly eligible for a salary and rations from the FGS.

12. The first two are tied to biometric registration—iris scan and/or fingerprints—of troops. The third is based on names provided by company, battalion, and brigade commanding officers to the former “J1 Head of Personnel” at the SNA Logistics Department, Brigadier General Abdullahi Haji Mohamed “Einte”. This SNA-held database—places on which affords one access to at least a proportion of an inconsistent salary from the FGS—remains a valuable resource for individuals within the SNA Logistics Department and one that they have repeatedly demonstrated reluctance to share with both UNOPS and Gorgor Solutions. Both UNOPS and Gorgor Solutions have found that the SNA’s original lists of troops for payment of stipends—that were eventually submitted—often did not reflect reality on the ground, indicating the historic prevalence of ghost soldiers, and consistent misappropriation of funds allocated for SNA salaries.

13. In January 2016, Brigadier General “Einte” introduced a new system of SNA identity cards tied only to the SNA database without individuals’ biometric data, and easily forged, despite an ‘ID issuance policy’ signed by both “Einte” and the CDF in November 2015 agreeing that ID cards would only be issued to members of the SNA who have been biometrically enrolled and registered.⁸⁷ In collaboration with Engineer Ahmed Omar Ali “Naciim” of the SNA ‘IT Department’ who subsequently contracted his own company, Ramaad Software and Security Solution, to produce the ID cards Brigadier General “Einte” started selling mandatory ID cards to troops in particular units for between USD 10 and USD 15 each, apparently splitting profits with Engineer “Naciim” (see below).⁸⁸

⁸⁷ Copies of the signed ‘ID issuance policy’ held on file with the Secretariat. “Einte” and the CDF had previously agreed that UNOPS would issue ID cards corresponding with their biometric databases.

⁸⁸ Monitoring Group interviews with various security sector officials in Mogadishu in February, March and August 2016. Copies of various documents, including receipts, clearly linking Engineer “Naciim” to both the SNA ‘IT Department’ with Ramaad Software and Security Solution held on file with the Secretariat. After the Monitoring Group shared its concerns regarding Brigadier General “Einte” with the FGS he was transferred to another position within the SNA Logistics Department.

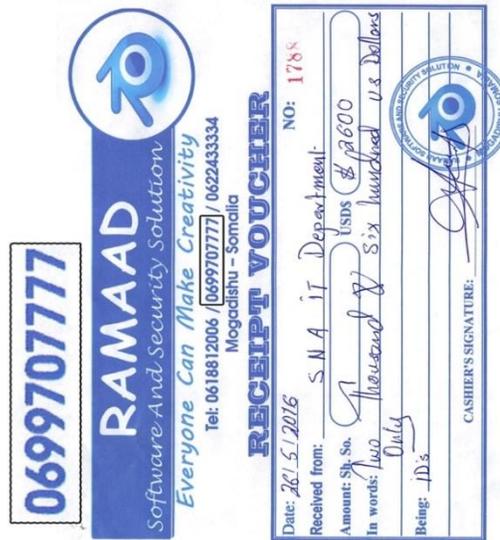
Figure 1: Copy of an SNA-issued identity card (personal details concealed)



Figure 2: Copy of a UNOPS produced mock-up identity card, front and back (personal details concealed)



Figure 3: NA IT Department letter regarding the sale of identity cards



Annex 2.4: Somali National Army rations and supplies

14. In his 9 September 2015 commitment to substantive security sector reform, President Hassan Sheikh stated that “all tenders for logistic supplies will be carried out through the Interim Procurement Board”. Over a year later, the SNA continues to maintain an agreement that had been in place since at least January 2015 with Agetco General Trading and Clearance Ltd. (Agetco) for the distribution of dry food rations and ration allowances to the SNA worth between USD 1,100,000 to USD 1,200,000 per month.⁸⁹

15. Copies of the company’s bank statements confirm receipt of funds transferred from the CBS. Copies of *hawala* receipts confirm onward transfers of between USD 300,000 and USD 400,000 monthly, in total, by Colonel Mohamed Hussein Nur to senior commanders in Adado (Galgadud), Baidoa (Bay) Belet Weyne (Hiran), El Buur (Galgadud), El Berde (Bakool), Garbaharey (Gedo), Hudur (Bakool) and Kismayo (Lower Juba).⁹⁰ Copies of hand-written payment vouchers shared with the Monitoring Group indicate transfers of between USD 400,000 and USD 500,000 in cash monthly to unit commanders in Mogadishu, Lower Shabelle and Middle Shabelle. Despite requests the Monitoring Group received no evidence of distribution of cash by commanders to their rank and file troops.

16. Copies of receipts shared with the Monitoring Group indicate purchase of exactly USD 350,002 worth of dry foodstuff by Agetco each month.⁹¹ Despite requests the Monitoring Group received no evidence to demonstrate where such large quantities of dry foodstuffs were purchased, or onward distribution of dry foodstuff to rank and file troops. Instead, anecdotal evidence collected by the Monitoring Group over the course of the mandate indicates that the only ration support many troops received is that provided by the United Nations Support Office for Somalia (UNSOS) (see below).⁹²

17. Registration records held by the Ministry of Commerce and Industry list Sheikh Mohamed Ahmed Roble, a.k.a. “Sheikh Saney”, as the Managing Director of Agetco. UAE-based businessman Dahir Sheikh Omar Mohammed and MP Abdulkadir Moallin Noor—the brother of J4 SNA Head of Logistics Brigadier General Abdullahi Moalim Nur—are also confirmed as having part ownership of the company.⁹³ The FGS described the informal contract between the SNA and Agetco as a ‘legacy’ agreement. On 10 September 2016, following further discussions between the Group and the FGS on the matter, an invitation for tenders for the contract was finally released via the Ministry of Finance website.⁹⁴

18. Between 1 September 2015 and 30 June 2016, according to Financial Management Information System (FMIS) statements, the SNA also spent a total of USD 2,206,000 on fuel and lubricants; repairs and maintenance; office materials and other consumables; travel expenses; health and hygiene; and military materials, supplies and services. The FGS informed the Monitoring Group that the SNA provides it with no accountability for such expenditure. In the context of the arms embargo, this is of particular concern for the estimated USD 500,000 apparently spent on military materials, supplies and services. Expenditure of USD 160,000 between September and October 2015 also raises questions given that UNSOS provides fuel free of charge to the SNA.

⁸⁹ Copy of a signed agreement dated 7 January 2015 between former CDF Major General Dahir Adan Elmi and Agetco, and FMIS statements listing payments to the company between September 2015 and June 2016 held on file with the Secretariat. The SNA agreement with Agetco was never reviewed by the Financial Governance Committee (FGC) despite multiple requests.

⁹⁰ At the time of writing it remained unclear why funds transferred to Agetco are subsequently forwarded for distribution by the Deputy Head of Logistics, Colonel Mohamed Hussein Nur.

⁹¹ Copies of statements, receipts and payment vouchers held on file with the Secretariat.

⁹² Monitoring Group interviews with multiple security sector officials in Nairobi, Mogadishu, Baidoa and Kismayo between November 2015 and August 2016.

⁹³ Dahir Sheikh Omar Mohammed is also the owner of U.A.E.-based company Al Aqeed that was involved in the Somali charcoal trade between 2012 and 2014 (see S/2013/413, annex 9.2 and S/2014/725 annex 9.2) and is also 51 per cent owner of U.A.E. and Mogadishu-based private security company Janus Services Somalia. Abdulkadir Moallin Noor was the signatory and representative of Ahl al-Sunna wal-Jama‘a (ASWJ) in the Garowe Principles agreements of 2011 and 2012, and negotiated the integration of a faction of ASWJ in Mogadishu into the fledgling SNA—then under control of the Transitional Federal Government (TFG)—in June 2009, in return for, inter alia, a fixed number of senior positions within the SNA.

⁹⁴ See “Invitation to Tenders :Supply and Delivery of Food stuff to Ministry of Defense” available from <http://mof.gov.so/invitation-to-tenders-supply-and-delivery-of-food-stuff-to-ministry-of-defense>.

Annex 2.5: Somali National Army support

19. Security Council resolution 2124 (2013) mandated the United Nations Support Office for the African Union Mission in Somalia (UNSOA) to provide targeted support to front line units of the SNA. In November 2015, following the adoption of Security Council resolution 2245 (2015), UNSOA was replaced by UNSOS but maintained that up to 10,900 troops serving alongside AMISOM would continue to receive targeted support.⁹⁵ As well as ration support, UNSOS is mandated to provide “water, fuel, transport, tents, defence stores and appropriate VHF/UHF, HF communication equipment to enable interoperability with AMISOM, and in-theatre medical evacuation”.⁹⁶

20. UNSOS rations are provided directly, with support from AMISOM, and in kind to approximately 10,000 troops in all sectors by road, sea and/or air to ensure delivery to their designated end-users.⁹⁷ The SNA has resisted direct ration support from UNSOS, repeatedly insisting that they receive foodstuff in bulk for onward distribution, to the extent that certain unit commanders have refused to receive UNSOS delivered donations.⁹⁸ Given concerns based on prior experiences of SNA deliveries of rations, and despite the significant costs associated with it, UNSOS maintains a strict policy of direct ration distribution, ultimately ensuring front-line troops receive some ration support.

21. The US also provides rations in kind, yet in bulk, and originally for approximately 8,000 troops.⁹⁹ Using the same importing company as UNSOS, Inchcape, rations are then transferred to a third party company, Fasamo Construction and Logistics Company in Mogadishu for onward distribution. The Monitoring Group has received multiple, independent reports indicating that the majority of the foodstuff deliveries are subsequently sold privately.¹⁰⁰

22. On 6 August 2016 the Monitoring Group wrote to the Chairman of Fasamo, Sahal Saed Hussein, requesting an opportunity to meet. Sahal suggested a meeting with the company’s Vice President, Mohamed Awale, in Nairobi. Mohamed Awale inquired about the purpose of the meeting and was informed that the Monitoring Group was keen to discuss how Fasamo distributes rations to the SNA and concerns that rations were being sold privately, following which he advised that a meeting with the company Chairman would be necessary. On 8 August 2016 the Monitoring Group re-wrote to Sahal Saed Hassan relaying this discussion and seeking an opportunity to meet in Mogadishu but received no response.

23. The SNA also receives training support from the US, the UAE, Turkey, and the European Union Training Mission (EUTM). The Monitoring Group met with resistance from the EUTM after having received multiple and consistent complaints about its training program—particularly regarding the clan homogeneity of its trainees—from a broad variety of interlocutors. In a presentation given by the European Union Military Committee in Brussels on 17 May 2016, the newly appointed EUTM Commander, Brigadier General Maurizio Morena, stated that they have no way of knowing where EUTM trained soldiers are, or whether they are in a position to implement the skills they were taught.¹⁰¹ When asked by the Monitoring Group what criteria are used for

⁹⁵ Given on-going problems of identifying 10,900 SNA troops fighting alongside AMISOM, a liberal interpretation of this clause has been applied.

⁹⁶ Resolution 2245 (2015), paragraph 2 (f).

⁹⁷ UNSOS produces monthly reports, including on ration distribution according to location and troop strength, against expenditure of the SNA Trust Fund. UNSOS are mandated to provide rations to 10,900 troops fighting alongside AMISOM across all sectors. As of May 2016, according to documentation signed by Mohamed Adan Ahmed, the SNA were only able to account for 10,014 troops eligible for UNSOS rations.

⁹⁸ Monitoring Group interviews with UNSOS staff in Mogadishu in February and June 2016.

⁹⁹ With food rations provided by UNSOS and the US covering approximately 18,000 troops, it remains, at the time of writing, unclear why the SNA allocates USD 1,100,000 to 1,200,000 to rations each month while it is unable to provide salary payments.

¹⁰⁰ Monitoring Group interviews with security sector support staff in Mogadishu in July and August 2016.

¹⁰¹ Copy of the presentation held on file with the Secretariat. The Monitoring Group has anecdotal evidence suggesting many troops trained by the EUTM are currently employed by private security companies.

selecting individuals to be trained an EUTM representative stated that trainees are selected by the SNA.¹⁰² The EUTM also has a dedicated advisory team, intended to provide strategic advice to Somali security institutions including the Ministry of Defence and SNA General Staff. However, full-time EUTM advisory counterparts to individuals within the SNA Logistics Department—including J1 Personnel, J4 Logistics and J8 Finance—have little to no engagement with the SNA despite being based permanently in Mogadishu.¹⁰³

24. Given the prevailing circumstances described above, the Monitoring Group is concerned that ill-conceived or poorly implemented security sector support programs may be inadvertently contributing to the potential threat posed by the SNA to peace, security and stability in Somalia.

¹⁰² Email correspondence with EUTM representative, 3 August 2016.

¹⁰³ Monitoring Group interviews with members of the EUTM in Mogadishu and Nairobi between January and July 2016. EUTM advisors working with the Ministry of Defence have significantly greater access and engagement with their counterparts.

Annex 2.6: Somali National Army withdrawals and salary-related incidents, September 2015 to August 2016

Date	Description ¹⁰⁴
02/09/2015:	SNA (and AMISOM/ENDF) withdraw from Tuulo Barwaqo, Gedo.
03/09/2015:	SNA (and AMISOM/ENDF) temporarily withdraw from El Garas, Bakool.
04/09/2015:	SNA (and AMISOM/UPDF) withdraw from El Salini, Lower Shabelle.
04/09/2015:	SNA (and AMISOM/UPDF) withdraw from Kurtunwarey, Lower Shabelle.
06/09/2015:	SNA (and AMISOM/ENDF) temporarily withdraw from Garas Weyne, Bakool.
06/09/2015:	SNA (and AMISOM/ENDF) withdraw from Buqdaaqable, Hiran.
07/09/2015:	SNA temporarily withdraw from Moro Gabey, Bakool.
09/09/2015:	SNA and AMISOM (UPDF) retreat from Ambarey, Lower Shabelle.
10/09/2015:	SNA (and AMISOM UPDF) withdraw from Busley, Lower Shabelle.
14/09/2015:	Goobjoog News reports of roadblocks on the road from Mogadishu to Baidoa quoting President Sharif Hassan stating “a hungry soldier with a gun can do everything.” ¹⁰⁵
16/09/2015:	Radio Dalsan reports of SNA troops besieging themselves in the Parliament building over non-payment of salaries for several months in Adado. ¹⁰⁶
17/09/2015:	SNA (and AMISOM/UPDF) withdraw from Janale, Lower Shabelle.
18/09/2015:	SNA withdraw from Yaq Biri Weyne, Lower Shabelle, following AS attack.
15/10/2015:	SNA (and AMISOM/UPDF) withdraw from Bullo Jan neighbourhood of Merka, Lower Shabelle.
23/10/2015:	Reports of an increase in the number of illegal checkpoints set up by armed men dressed in Somali military uniform on the highway linking Mogadishu to Afgoye.
03/11/2015:	Hiiraan Online cites former military general Ahmed Hassan claiming, “You can’t maintain security with hungry and unpaid soldiers services.” ¹⁰⁷
01/12/2015	Goobjoog News cites Colonel Adan Jelle Farah claiming his soldiers in Gedo had not been paid since 2014. ¹⁰⁸

¹⁰⁴ All unreferenced material collated and cross-referenced in at least two third-party security and situation reports, or in Monitoring Group interviews in Nairobi and Mogadishu, between September 2015 and August 2016.

¹⁰⁵ “New illegal checkpoints mushroom along Mogadishu-Baidoa highway”, *Goobjoog News*, 14 September 2015. Available from <http://goobjoog.com/english/?p=19500>.

¹⁰⁶ “Somalia: Soldiers on strike besiege Galmudug parliament”, *Radio Dalsan*, 16 September 2015. Available from: <http://www.radiodalsan.com/2015/09/16/somalia-soldiers-on-strike-besiege-galmudug-parliament/>.

¹⁰⁷ “Somalia hotel attack underlines need for supporting Somalia army – UN envoy”, *Hiiraan Online*, 2 November 2015. Available from http://www.hiiraan.com/news4/2015/Nov/102386/somalia_hotel_attack_underlines_need_for_supporting_somali_army_-_un_envoy.aspx.

Date	Description ¹⁰⁴
04/12/2015:	Disgruntled SNA troops protest with regards to non-payment of salaries resulting in the temporary closure of Jazeera Camp in Mogadishu.
05/12/2015:	SNA soldiers close the road that links Wadajir District to Jazeera Training Camp over non-payment of salaries.
30/12/2015:	Men in SNA uniforms open fire on a public mini-bus in Tixsile, Lower Shabelle, following an escalated dispute over money extortion.
04/01/2016:	SNA withdraw from Warmahan, Lower Shabelle, following AS attack.
05/02/2016:	SNA withdraw from Merka, Lower Shabelle over non-payment of salaries (AMISOM/UPDF repositioned south of the town).
10/02/2016:	SNA withdraw from Kamoor, Gedo.
14/02/2016:	SNA (and AMISOM/ENDF) withdraw from Burweyn, Hiran.
17/02/2016:	Senior SNA officer beaten by soldiers over lack of pay and hospitalised.
20/02/2016:	Armed clash between two groups of SNA in Beled Hawo after one group tried to stop the other from taking taxation from the market and public transports.
22/02/2016:	Shabelle Media Network reports intra-SNA clash in Adado, Galgadud, following a dispute over payment of salaries. ¹⁰⁹
29/02/2016:	SNA withdraw from Lantabur, Lower Shabelle, over non-payment of salaries, leaving 8 military vehicles to AS.
29/02/2016:	European Union Training Mission (EUTM) temporarily cease training operations at Jazeera Training Camp over fears of insecurity prompted by unpaid salaries.
06/03/2016:	Hiiraan Online cites President Hassan Sheikh claiming, “I assure you that each soldier does receive his basic salary.” ¹¹⁰
08/03/2016:	Intra-SNA clash in Burdhubo, Gedo, after troops refuse to take orders from their commander.
13/03/2016:	Hiiraan Online and Goobjoog report parliamentarians seeking “better welfare for armed forces.” ¹¹¹

¹⁰⁸ “National Army troops in Gedo complain of delayed salaries running into a year”, *Goobjoog News*, 1 December 2015. Available from <http://goobjoog.com/english/?p=22473>.

¹⁰⁹ “Somalia: Army infighting flares up in Central Somalia”, *Shabelle Media Network*, 22 February 2016. Available from <http://allafrica.com/stories/201602222231.html>.

¹¹⁰ “Despite graft allegations, Somali president assures army’s payments”, *Hiiraan Online*, 6 March 2016. Available from http://hiiraan.com/news4/2016/Mar/104447/despite_graft_allegations_somali_president_assures_army_s_payments.aspx.

¹¹¹ “Amid attacks, Somali parliament seeks better welfare for armed forces”, *Hiiraan Online*, 13 March 2016. Available from http://www.hiiraan.com/news4/2016/Mar/104544/amid_attacks_somali_parliament_seeks_better_welfare_for_armed_forces.aspx. See also “Somali Federal Parliament calls on Government to review army benefits and payments”, *Goobjoog News*, 13 March 2016. Available from: <http://goobjoog.com/english/?p=26292>.

Date	Description ¹⁰⁴
20/03/2016:	Dalsan Radio reports Colonel Mohamed Korontow “pausing” his service to the SNA. ¹¹²
26/03/2016:	SNA withdraw from El Baraf, Middle Shabelle, over non-payment of salaries.
29/03/2016:	Al Jazeera reports that troops injured in Al-Shabaab attack on Villa Somalia have not received any wages or compensation since. ¹¹³
09/04/2016:	SNA (and AMISOM/ENDF) withdraw from Adan Yabal three days after recovering it from Al-Shabaab.
10/04/2016:	Washington Post cites President Hassan Sheikh claiming, “The Somali government cannot afford to pay the soldiers and at the same time to purchase lethal equipment.” ¹¹⁴
14/04/2016:	Intra-SNA clash in Mahaday, Middle Shabelle, over revenue accrued at a SNA roadblock.
26/04/2016:	SNA (and AMISOM/UPDF) withdraw from Janale again.
01/05/2016:	SNA withdraw from Ruun-Nirgood, Middle Shabelle, following AS attack.
02/05/2016:	Goobjoog News cites President Hassan Sheikh claiming, “We do not get any income from oil or any other source safe for Mogadishu and surrounding areas but we have regularly paid our soldiers.” ¹¹⁵
13/05/2016:	SNA withdraw from Merka, Lower Shabelle, again over non-payment of salaries.
26/05/2016:	SNA (and AMISOM/UPDF) withdraw from Tortorow, Lower Shabelle, shortly after recovering the village from Al-Shabaab.
01/06/2016:	SNA (and AMISOM/ENDF) withdraw from Rabdhure, Bakool.
06/06/2016:	Intra-SNA clash in Mukayga, Lower Shabelle, over revenue accrued at a SNA roadblock.
12/06/2016:	Intra-SNA clash in Adado, Galgadud, resulting in death of 3 soldiers, over salary distribution.
01/07/2016:	SNA (and AMISOM/ENDF) withdraw from Rabdhure, Bakool.
01/07/2016:	SNA (and AMISOM/ENDF) withdraw from Burdhuhule, Bakool.
11/07/2016:	Shabelle Media Network reports intra-SNA clash in Belet Weyne, Hiran, resulting in the death of two soldiers over revenue accrued at an SNA roadblock.

¹¹² “Senior Somali-American military officer blames AMISOM for lack of action”, *Radio Dalsan*, 20 March 2016. Available from: <http://www.radiodalsan.com/2016/03/20/senior-somali-american-military-officer-blames-amisom-for-lack-of-action/>.

¹¹³ Hamza Mohamed, “Somalia’s forgotten soldiers”, *Al Jazeera*, 28 March 2016. Available from <http://www.aljazeera.com/indepth/features/2016/03/somalia-forgotten-soldiers-160321120013738.html>.

¹¹⁴ Kevin Sieff, “Somalia’s president says al-Qaeda-backed rebels are ‘resurgent’”, *The Washington Post*, 10 April 2016. Available from https://www.washingtonpost.com/world/africa/somalias-president-says-al-qaeda-backed-rebels-are-resurgent/2016/04/09/56be207c-faa3-11e5-813a-90ab563f0dde_story.html.

¹¹⁵ “We have been consistent in paying our soldiers, President Mohamud say”, *Goobjoog News*, 2 May 2016. Available from: <http://goobjoog.com/english/?p=28472>.

Date	Description¹⁰⁴
11/07/2016:	SNA withdraw from Lantabur, Lower Shabelle, again following AS attack.
11/07/2016:	SNA temporarily withdraw from Merka, Lower Shabelle, again.
19/07/2016:	SNA temporarily withdraw from Qoryoley, Lower Shabelle.
24/07/2016:	SNA (and AMISOM/ENDF) withdraw from Garasweyne, Bakool.
14/08/2016:	Shabelle Media Network reports intra-SNA clash in Adado, Galgadud, resulting in the death of four soldiers, over salary distribution. ¹¹⁶

¹¹⁶ “Somalia: Four killed as army forces exchange gunfire in Adado”, *Shabelle Media Network*, 14 August 2016. Available from <http://allafrica.com/stories/201608140382.html>.

Annex 3

Spoiler politics

Annex 3.1: Hiran and Middle Shabelle state formation

1. As of September 2016, efforts that began during the course of the last mandate to establish the final remaining regional administration were still underway. Contestation between dominant clans in each region—Hawadle (Hawiye) in Hiran and Abgal (Hawiye) in Middle Shabelle—over the location of the state formation conference—Belet Weyne in Hiran or Jowhar in Middle Shabelle—and which clan would assume the presidency, continued for over a year. Despite last bid attempts to establish an interim administration before the 2016 federal transition, the process remained unresolved at the time this report was submitted.¹¹⁷

2. A technical committee appointed by Minister of Interior and Federalism, Abdirahman Mohamed Odowa, in late October 2015 was flatly rejected by former Hiran Governor, Abdifatah Hassan Afrah, citing under-representation of his region's clans, and was followed by protests in Belet Weyne. A little over a week after it was appointed, the committee was dissolved. On 14 November 2015 Afrah issued a decree barring anyone in Belet Weyne from engaging with the UN on the matter of state formation.¹¹⁸ The next day one of his personal security guards shot and killed a local UN staff member, Mahdi Hussein Shikhal, who had previously been helping to organise meetings between Hiran elders and the local UN office in Belet Weyne. The assassination sparked tensions in the town and surrounding hinterland between Agoon and Ali Madahweyne sub-clans of the Hawadle.¹¹⁹ The FGS subsequently summoned Abdifatah Hassan Afrah to Mogadishu and appointed former warlord Yusuf Ahmed Hagar “Dabageed” as his successor.¹²⁰

3. On 19 December 2015, President Hassan Sheikh issued a decree declaring that Jowhar would host the state formation conference.¹²¹ The news was received poorly by many in Hiran, particularly given the expenses Hawadle elders had directed towards a preceding reconciliation conference held in Belet Weyne had not been reimbursed, and that a venue owned by presidential hopeful, Abdulkadir Osoble Ali, subsequently won a lucrative bid to host it.¹²² When the conference began in Jowhar in late January 2016, Hawadle, Gaaljal, Bantu and Degodia representatives boycotted the event, citing under-representation. In early February 2016, Ugas Hassan Ugas Khalif, along with other Hawadle elders, launched a parallel state formation conference in Belet Weyne calling for Hiran to establish a unitary federal member state.

4. When President Hassan Sheikh visited Belet Weyne in late March 2016, to try and persuade regional elders to participate in the conference, protests erupted in the town forcing security forces to open fire on crowds attempting to disrupt the meeting. Various elders and politicians, including federal MPs Dahir Hassan Abdi and Abdullahi Godah Barre, accused the FGS of attempting to divide the clans inhabiting Hiran region and preventing a reconciliation process ahead of the state formation conference.

5. Hawadle frustrations were aired again in late June 2016 when it emerged that Ugas Hassan Ugas Khalif was not included in the list of 135 clan elders tasked with establishing electoral colleges to select members of the next federal parliament (see below). In June and July 2016, IGAD Ambassador Mohamed Abdi Affay visited Belet

¹¹⁷ This report was submitted to the Secretariat on 20 September 2016.

¹¹⁸ The Monitoring Group has received reports that the order to issue and enforce the decree came directly from the FGS. An audio recording of a telephone conversation, allegedly between Abdifatah Hassan Afrah and President Hassan Sheikh Mohamud, on the matter from 13 November 2015 is held on file with the Secretariat.

¹¹⁹ Mahdi Hussein Shikhal belonged to the Agoon sub-clan, while the Abdifatah Hassan Afrah and the security guard that killed him belong to the Ali Madahweyne sub-clan.

¹²⁰ Yusuf Ahmed Hagar “Dabageed” was implicated in violations of the arms embargo while previously serving as Hiran Governor. See S/2008/274, annex V and S/2006/913, paragraphs 82-83.

¹²¹ Presidential Decree 87, 19/12/2015. The decree also declared Buloburde in Hiran region to be the future capital of the Federal State which was similarly poorly received by various parties, including many residents of the town who, at the time, remained isolated from all supply lines by Al-Shabaab, and assumed the future administration would remain in either of the regional capitals regardless of the decree.

¹²² The Monitoring Group does not believe there to have been any manipulation of the tendering process for the conference venue led by the Somali Stability Fund.

Weyne for meetings with Ugas Hassan Ugas Khalif and Yusuf Ahmed Hagar “Dabageed” in an ultimately unsuccessful attempt to persuade them back to Jowhar to revive the conference.

6. On 13 August 2016 Governor “Dabageed” banned meetings between individuals opposed to the state formation process, and ordered the arrest of a prominent local journalist, Mr. Ali Ali Dahir Herow “Kuluc”, known to have close ties to Ugas Hassan Ugas Khalif.

7. At the time of writing, attempts were being made to reinitiate the state formation conference in Jowhar—with President Hassan Sheikh travelling to the city on 15 September to push the process along—though important Hawadle elders remained absent, intent on postponing the state formation process until after the political transition in the hope that they may receive greater support from the next government.¹²³

8. The prolonged process to establish the final remaining regional administration has demonstrated again the challenges of state-building when a ‘zero-sum’ approach is adopted by all major stakeholders, and the focus on the immediate capture of available political resources outweighs attempts to foster reconciliation.

¹²³ Monitoring Group interviews with FGS and UN officials in Mogadishu in August 2016.

Annex 3.2: 2016 transition challenges

9. Despite frequent statements suggesting otherwise, the FGS failed to take any of the necessary steps to prepare for the 2016 transition until the eleventh hour when it could finally and rightly acknowledge that ‘one person, one vote’ elections would not be possible. At the time of writing, with the president’s constitutional mandate having ended, the electoral framework remains in flux. With the process increasingly perceived to be an illegitimate attempt by incumbent leaders to remain in power, the threat of conflict and/or the withdrawal of various communities from broader state-building efforts will grow unless efforts are made to demonstrate that its results were not predetermined.

10. Security dynamics throughout Somalia still threaten the viability of the political process to select the next parliament and president. Despite the presence of an estimated 4000 to 5000 members of the Somali National Army (SNA), and an estimated 5000 to 6000 members of the Somali Police Force (SPF), in Mogadishu alone, the FGS remains dependent on the support of African Union Mission in Somalia (AMISOM) to maintain security in the federal capital. There are similar concerns about conducting the process in *de facto* regional capitals, and particularly regarding Adado, the current capital of the Interim Galmudug Administration.

Political process

11. From 19 to 21 September 2015, leaders of the FGS—President, Prime Minister and Speaker of Parliament—met with the leaders of Puntland and the existing Interim Regional Administrations (IRAs) in Mogadishu to establish the National Leadership Forum (NLF).¹²⁴ A communiqué released following the first NLF held from 19 to 20 October 2015 in Mogadishu confirmed that circumstances were not yet conducive for ‘one person, one vote’ elections, and that indirect elections would be held in 2016 instead. A National Consultative Forum (NCF) would be held in December 2015, bringing in a broader range of political actors, including federal ministers and members of civil society to discuss four options for electoral models for the selection of members of the lower and upper houses of Parliament.

12. The NCF, however, failed to produce a consensus. Instead, a dispute among the regional leaders over the geographical and clan based options ensued, until 27 January 2016 when the Office of the President released a communiqué, announcing the re-adoption of the ‘4.5 model’ of clan representation for the Lower House of Parliament and redeployment of 135 clan ‘elders’ to help establish it, and a regional model for the selection of the Upper House, citing an inability to reach a consensus decision within the NCF.

13. The communiqué was reluctantly endorsed by the leader of the Interim Jubba Administration (IJA), Ahmed Mohamed Islam “Madobe” and rejected by the President of Puntland, Abdiweli Mohamed Ali “Gaas”.¹²⁵ It was not until 3 April 2016—following intervention from a delegation including representatives of the UN, the African Union, the European Union (EU), IGAD, the United Arab Emirates (UAE), Turkey, and Djibouti—when “Gaas” consented, bringing to an end almost 10 weeks of stagnation in the electoral process. A Memorandum of Understanding was signed between “Gaas” and the Prime Minister of the FGS, Omar Abdirashid Ali Sharmarke, committing the FGS to an end to the 4.5 model beyond 2016, and awarding the Puntland administration the prerogative to approve the final list of members eligible to be elected in Puntland to the Lower House of Parliament.

14. The next NLF was held shortly afterwards from 9 to 11 April 2016. As explained in the 12 April 2016 communiqué, the leaders agreed to establish a Federal Indirect Electoral Implementation Team (FIEIT) and State-Level Electoral Implementation Teams (SEITs) in the “existing and emerging” Federal Member States,

¹²⁴ At the time, President Hassan Sheikh was battling a third attempt by a number of parliamentarians to impeach him.

¹²⁵ “Madobe” and “Gaas” could have expected greater representation of the Darood clan in the Lower House of Parliament had a district model for MP selection been adopted.

thereby formally marking the redundancy of the pre-existing and constitutionally mandated National Independent Electoral Commission (NIEC).¹²⁶ The regional presidents also then awarded themselves veto power over all members of both the Upper House and Lower House for their respective States.

15. Over the next six weeks, parliamentarians reviewed the electoral model proposed by the NLF until, with the broad support of the international community, on 21 May 2016, President Hassan Sheikh invoked an executive order endorsing the electoral model law, and negating the need for parliamentary approval.¹²⁷ On 26 May 2016 the Cabinet of Ministers voted to approve the President's executive decision paving the way for the parliamentary electoral process to take place, despite provoking anger among certain parliamentarians.

16. On 17 June 2016, the FGS announced a list of 22 members of the FIEIT, including the Minister of Interior and Federalism, Abdirahman Mohamed Odawa, and three other serving federal ministers. Following an outcry from opposition parliamentarians, a new list was released on 28 June, omitting the federal ministers, but this time including a close ally and legal advisor to President Hassan Sheikh, Omar Mohamed Abdulle, who would subsequently be nominated Chair of the FIEIT.

17. Following another meeting of the NLF in early August, a time line for the transition process was announced, culminating in the election of the next president of the Federal Republic of Somalia on 30 October 2016, extending the mandate of all government institutions until new ones have been selected, and delaying the review of the 2012 Provisional Constitution until the next parliament was established. Given that according to the 2012 Provisional Constitution the President's term was due to expire on 9 September 2016, opposition coalitions were quick to call for the formation of an 'caretaker' government immediately following this date.¹²⁸

18. On 6 September 2016 the Office of the President issued a decree clarifying that while he would continue to serve as president, when his term came to an end three days later, he would no longer maintain full executive powers, and that no further political or military appointments would be made, and no further contracts or concessions signed.

Concerns

19. The Monitoring Group is concerned by a distinct lack of political space in Somalia in the period preceding the 2016 transition. The authority with which members of the NLF awarded themselves in arranging the transition for the sake of expediency, after almost three years of inertia, calls into question the extent to which the process represents progress since the 2012 transition.¹²⁹ While it may be considered a positive development that a regular forum between multiple political leaders representing different constituencies and interests exists, the perception that the next four years may be determined by incumbent leaders, bypassing an ineffectual parliament, may ultimately prove to undermine the legitimacy of the next federal government.

¹²⁶ According to media reports the chair of the NIEC, Halima Ibrahim Ismail "Yarey", insists that it remains mandated to implement elections in 2020. See, for example, "Halimo Yarey: Somali Electoral commission is mandated to hold countrywide elections in 2020", *Goobjoog News*, 20 June 2016. Available from <http://goobjoog.com/english/?p=30086>.

¹²⁷ In the meantime, on 6 May 2016, President Hassan Sheikh appointed an ally as the new Chief Justice, Ibrahim Idle Suleiman, replacing the often critical Aidiid Ilka Hanaf. The appointment was regarded by many among the opposition as preparation for over-ruling parliament on key electoral matters and avoiding impeachment.

¹²⁸ A number of ad hoc, and often overlapping opposition coalitions—including the Forum for Unity and Democracy, National Citizens Platform, the Coalition for Change, and the Coalition for Somali Political Parties—began to emerge in 2015.

¹²⁹ The anti-corruption NGO Marqaati accused the NLF of acting as a "de facto junta". See "Election 2016: Uncertainty", *Marqaati*, 3 August 2016. Available from <https://marqaati.org/en/2016/08/election-2016-uncertainty/>.

20. Civil society has been largely excluded from the process. Pro-democracy organizations, Somali media networks, and opposition groups have reported attempts to stymie political debate.¹³⁰ Compounding perceptions that the FGS was growing increasingly intolerant of dissent, President Hassan Sheikh provoked an angry backlash among his opponents when, during a speech made at a mosque while marking Eid-al-Fitr on 7 July 2016, he branded the government's critics to be the second enemy of Somalia after Al-Shabaab.¹³¹

21. The Monitoring Group received multiple reports of increasing use of intimidation tactics by the National Intelligence and Security Agency (NISA). On 14 July 2016, NISA raided the Makka Al-Mukarama Hotel where two prominent Hawiye elders, Abukar Geney (Haber Gedir) and Abdullahi Gedi Shador (Abgaal/Wa'esli) had organised a meeting with other Hawiye elders to discuss the transition. NISA claimed to be intercepting a vehicle-based improvised explosive device (VBIED), and hotel owners in Mogadishu were subsequently called upon by the Ministry of Internal Security to inform the FGS of any political gatherings they intend to host for the sake of security.¹³² On 18 July 2016, in a declaration made by a newly established National Citizens Platform, multiple prominent opposition figures, including at least three presidential candidates, announced their dismay at the FGS decision "banning public meetings of members of political associations and political parties in public spaces."¹³³

22. The objectivity of certain members of the FIEIT has been called into question, even by its own members.¹³⁴ Nevertheless, it has clearly demonstrated a degree of independence from the FGS and regional administrations, having, for example, resisted attempts by the NLF to permit certain new entries to the list of 135 elders.¹³⁵ Furthermore its composition is common knowledge and it has made some, though arguably not enough, statements to the media with updates on its progress. At the time of writing, the composition of and progress made by the SEITS was far less clear.¹³⁶

23. The adoption of the electoral college system, in which 135 'clan elders' select 14,025 individuals who are subsequently tasked with electing 275 parliamentarians for the Lower House, has been hailed as representing greater inclusivity and "enhanced legitimacy".¹³⁷ The Monitoring Group has received multiple reports, however, that certain incumbent parliamentarians have attempted to influence their elder's selection of the electoral college to ensure a greater opportunity of being re-elected.¹³⁸ Similarly, the Group has received multiple reports indicating the manipulation of the elders list.¹³⁹

¹³⁰ See, for example, UNSOM/OHCHR, "Report on the right to freedom of expression: Striving to widen democratic space in Somalia's political transition" (Nairobi, 2016).

¹³¹ See "Madaxweynaha Somaaliya, Xasan Sheekh Maxamuud oo ka hadlay ciida", *Somali Cable*, 6 July 2016. Available from <https://www.youtube.com/watch?v=KCTTc5z1wNc>.

¹³² Article 20 of the 2012 Provisional Constitution states, "Every person has the right to organize and participate in meetings, and to demonstrate and protest peacefully, without requiring prior authorization."

¹³³ See "A Declaration on the 2016 Political Transition of Somalia", *RBC Radio*, 18 July 2016. Available from <http://www.raxanreeb.com/2016/07/somalia-a-declaration-on-the-2016-political-transition-of-somalia/>. It should be noted, however, that the Monitoring Group has not received reports of any political meetings at hotels not being permitted by the Ministry of Internal Security. On 18 September, however, two days before this report was submitted to the Secretariat, a spokesperson for the Benadir Regional Administration announced a ban on demonstrations planned by opposition parties.

¹³⁴ Monitoring Group interview with member of the FIEIT on 12 August 2016 in Nairobi.

¹³⁵ Monitoring Group interviews with diplomatic source and UNSOM staff in Nairobi on 2 September 2016.

¹³⁶ Close ally and senior advisor to President "Madobe", Abdi Ali Raghe, is reported to be chairing the SEIT in Kismayo.

¹³⁷ The majority of the 135 elders were selected by a Technical Selection Committee for the 2012 transition in which the elders selected 275 parliamentarians directly.

¹³⁸ Monitoring Group interviews with current and former parliamentarians, members of civil society and members of the FIEIT in Mogadishu and Nairobi in July and August 2016.

¹³⁹ Approximately 10 sub-clans on the list required new elders to be selected as previously selected elders were deceased.

24. Particular attention has been paid to: the exclusion of the Hawadle (Hawiye) elder, Ugas Hassan Ugas Khalif Ugas Roble; the appointment of the Badi'Ade (Hawiye) elder, Wabar Mohamed Wabar Ahmed; the appointment of the Saruur (Hawiye) elder, Suldan Mohamed Sheikh Islaweyn; the attempt to appoint Mohamed Ahmed Hussein to represent the Reer Aw Hassan (minority); and the manipulation of the Ayr (Habar Gedir/Hawiye) elder, Ugas Hassan Ugas Mohamed Ugas Nur.¹⁴⁰

25. Preparations for the 2016 federal transition were delayed and inadequate, and will have ultimately led to a flawed political process, calling into question the legitimacy of the government formed as a result of it. When preparations did finally begin they were led by a forum of individuals at least broadly perceived to be preoccupied by the outcome, at the expense of the process, of the transition. Subsequently if a member of the NLF goes on to win the presidency, their government will likely face significant challenges overcoming the taint of that perception.

¹⁴⁰ Monitoring Group interviews with current and former parliamentarians, members of civil society and members of the FIEIT in Mogadishu and Nairobi in July and August 2016.

Annex 4

Public financial management and misappropriation

Annex 4.1: Currency printing in Puntland

1. In late 2014 or early 2015, Puntland authorities are reported to have acquired a currency-printing machine, housed at the State Bank of Puntland in Bosaso, with which it has used to print counterfeit Somali Shillings.¹⁴¹ The newly printed currency has been used to for payment of salary arrears to civil servants, members of the Puntland security forces and custodial corps.¹⁴²
2. According to the Governor of the Central Bank of Somalia, Bashir Issa Ali, the last official Somali shillings were printed in 1990.¹⁴³ While bearing the official “Muqdishu 1990” markings, the Monitoring Group has acquired a number of obviously new shilling notes all with successive serial numbers (see below).
3. In early May 2016, violent protests against soaring commodity prices—prompted by the flood of newly printed notes onto the market—broke out in both Garowe and Bosaso. The exchange rate of Somali, which has otherwise remained relatively stable in recent years, rapidly rose from approximately SOS 23,500 to USD 1, to SOS 30,000 to USD 1.¹⁴⁴
4. The President of Puntland, Abdiweli Mohamed Ali “Gaas”, has strongly denied to representatives of international financial institutions that Puntland authorities were involved in the printing of new currency.¹⁴⁵ On 26 August 2016, the Monitoring Group sent official correspondence to both the President and the Minister of Finance of Puntland requesting information on the acquisition, location and use of the currency-printing machine, but is yet to receive a response.¹⁴⁶ Requests to access the Bank of Puntland in Bosaso in August 2016 were refused by its Chairman, Abdi Ismail “Boos”, who has subsequently stopped acknowledging the Group’s attempts to make contact.
5. The total amount of new Somali Shilling currency in circulation is assumed to be relatively low. However, as demonstrated by the demonstrations in May 2016, relatively small quantities of new can still upset the market, causing inflation and commodity price rises hitting the region’s most vulnerable populations the hardest. Unregulated currency printing further threatens to undermine federal level negotiations with the International Monetary Fund (IMF) to implement currency reform in Somalia.
6. While the Monitoring Group recognizes the need for currency reform to formalize and stabilize the Somali economy, the unregulated currency printing in Puntland creates an opportunity for large-scale financial misappropriation, especially during the phase in which the old currency is exchanged for new genuine notes.

¹⁴¹ Monitoring Group interview with two members of the Puntland security forces in Bosaso, 15 August 2016.

¹⁴² Monitoring Group interviews with members of Puntland security forces and individuals close to the administration, 15 and 16 August 2016, Bosaso. See also, inter alia, “Somalia: Puntland calms currency devaluation protests”, *Garowe Online*, 7 May 2016. Available from: <http://www.garoweonline.com/en/news/puntland/somalia-puntland-calms-currency-devaluation-protests>.

¹⁴³ Monitoring Group interview with the Governor of the CBS in Nairobi, 13 July 2016.

¹⁴⁴ The protests subsequently subsided when fixed exchange rates were introduced by the administration.

¹⁴⁵ Monitoring Group phone interview with a representative of an international financial institution, 11 September 2016

¹⁴⁶ S/AC.29/2016/SEMG/OC.88.

Figure 1: Recently printed Shilling notes acquired by the Monitoring Group from the exchange market in Bosaso on 17 August 2016



Annex 4.2: Theft of USD 530,000 from the Central Bank

7. Over the course of the mandate, the Monitoring Group has grown increasingly aware of the prevalence of counterfeit US dollars. While the majority of counterfeit USD in circulation in Somalia are of poor quality,¹⁴⁷ their presence within the economy nonetheless contributes to inflation and financial insecurity and, as with counterfeit Somali Shillings, undermines federal level negotiations with the International Monetary Fund (IMF) to implement currency reform in Somalia.¹⁴⁸

8. In late August 2016 an estimated USD 530,000 was embezzled from the CBS.¹⁴⁹ According to the Governor of the CBS, Bashir Issa Ali, a growing awareness of the risk of maintaining a standard sum of USD 14 million in the bank's vault led him to implement a cap of USD 1 million at any one time.¹⁵⁰ On 18 August 2016, one of the CBS tellers claimed to have discovered counterfeit US dollars among the real ones in currency withdrawn from the vault. According to Bashir Issa Ali, CBS teller Muhyadin Mohammed Ahmed claimed to know where the counterfeit dollars had originated, and subsequently vacated the bank suggesting he would solve the issue but did not return.¹⁵¹

9. According to the CBS Governor, when a full inventory of the currency held in the vault was performed, the full extent of the theft was realized. A combination of two keys is required to open the vault: the CBS tellers each have a key for one lock and the Director of Operations of the CBS, Hassan Sheikh, is responsible for the key to the other lock. At the time of writing both Muhyadin Mohammed Ahmed and Hassan Sheikh stand accused of involvement in the embezzlement of the funds by FGS authorities, and the whereabouts of Muhyadin Mohammed Ahmed—as well as further details on his role and history at the CBS—are unknown.

10. The case continues to be investigated by the Monitoring Group but once again calls into question the rules and procedures in place at the CBS, and the safeguards currently implemented to prevent the large-scale theft of state funds.

¹⁴⁷ Counterfeit dollars examined by the Monitoring Group were printed on ordinary paper, likely with a commercial printing machine using regular ink. The bills were missing the watermark and security ribbons, and the serial numbers appear to have been added manually after printing.

¹⁴⁸ See annex 4.1.

¹⁴⁹ See, inter alia, “\$530,000 missing from Somali Central Bank in ‘currency cleansing’ scam” *Goobjoog News*, 25 August 2016. Available from <http://goobjoog.com/english/?p=32661>.

¹⁵⁰ Monitoring Group interview with Bashir Issa Ali in Nairobi on 7 September 2016.

¹⁵¹ *Ibid.*

Annex 4.3: Public contracts and concessions

Annex 4.3.a: Smart Company for Public Service

11. On 20 September 2015, the Minister of Finance, Mohamed Aden Ibrahim, signed an agreement with Smart Company for Public Service (“Smart”) for assistance in collecting road tax on vehicles.¹⁵² The signatory on the contract, Mohamed Ali (Ugas) Abdulle, is listed as one of 135 traditional elders, representing the Abgaal (Hawiye) clan. According to the contract, Smart is entitled to 40 per cent of the revenues collected, and the Ministry of Finance—responsible for providing almost all the equipment necessary for tax collection activity—is entitled to the remaining 60 per cent.¹⁵³

12. According to the Appropriation Act for 2016 Budget, USD 3,286,661 was collected from road tax in 2014 and USD 3,669,807 was collected from road tax in 2015. The Minister of Finance stated during a meeting with the SEMG in Mogadishu on 2 February 2016 that the agreement with Smart would increase the revenues.

13. A letter issued by the Minister of Finance dated 28 March 2016 ordered that funds collected via road tax be deposited in Account No. 30953809 at Salaam Somali Bank in Mogadishu.¹⁵⁴ On 31 March 2016, the Director General of the Ministry of Finance, Amina Sheikh Osman Mohamed, issued a letter clarifying that funds accrued via Smart be deposited in the Salaam account.¹⁵⁵ On 3 April 2016, the FGS Auditor General, Nur Farah Jimale, issued another letter refuting the previous order, and instead ordering that all funds accrued on behalf of the FGS be transferred to the Central Bank of Somalia (CBS).¹⁵⁶

14. On 9 April 2016, State Minister of Finance, Abdullahi Mohamed Nur, issued a further letter supporting the enforcement of the Auditor General’s order.¹⁵⁷ According to the information obtained by the SEMG, USD 194,000 of the Salaam Somali Bank funds were subsequently redirected to the CBS single treasury account.¹⁵⁸ On 22 July 2016, the Minister of Finance issued a further letter authorizing Smart to collect directly the road tax, thus avoiding depositing the funds to the CBS, disregarding the Auditor General’s recommendation and allowing Smart direct access to the funds.¹⁵⁹

Annex 4.3.b: Modern Technologies Inc.

15. On 24 July 2014, a contract was signed by former Minister for Transport and Civil Aviation, Said Ali Jama Korshel and Modern Technologies Inc. (“MT”), represented by Mohamed Farah Hirsi¹⁶⁰, to produce vehicle number plates, driving licences, and vehicle registration certificates in Somalia and create a database for all registered cars and drivers in Somalia. According to the terms of the agreement, MT and the Ministry of Transport and Civil Aviation would share the profits, 40 per cent and 60 per cent respectively.¹⁶¹

16. The initial contract entitled MT to a share of road tax collected by the Government. This provision was, however, not enforced and MT has limited its activities to manufacturing and issuing of car plates, driving licences and car registration certificates. On 22 July 2016, the Minister of Finance issued a letter to MT also authorizing MT to collect business and property taxes.

¹⁵² See figure 1.

¹⁵³ A copy of the contract with Smart Company for Public Service is held on file with the Secretariat.

¹⁵⁴ See figure 2.

¹⁵⁵ See figure 3.

¹⁵⁶ See figure 4. Order of the Prime Minister no. XRW/00010/2014; order of the Minister of Finance no. MOF/OM/00564/15 (signed by the Minister Mohamed Adan Ibrahim); and order of the Council of Ministers no. 317 from 17/12/1962, article 34. These legal provisions refer to the fact that all revenues collected from government taxes must be deposited in the Central Bank of Somalia.

¹⁵⁷ See figure 5.

¹⁵⁸ High-ranking FGS officials interviewed in Nairobi, March and July 2016.

¹⁵⁹ See figure 6.

¹⁶⁰ Mohamed Farah Hirsi a.k.a. “Suldan” also signed an agreement with the Ministry of Internal Security on 26 November 2016 for food supply of Police Forces on behalf of Perkins Logistics.

¹⁶¹ The Monitoring Group was unable to determine how profits would be calculated and how tax liability would be assessed.

17. The FGS Auditor General, Nur Farah Jimale, subsequently issued a letter on 24 July 2016 informing the Minister of Finance that his actions went against Somali legislation, and that all money collected should be directed to the Single Treasury Account in the CBS.¹⁶²

18. On 11 September 2016 the Monitoring Group sent correspondence to the Minister of Finance requesting information on the ownership and shareholding of both entities.¹⁶³ In response the Monitoring Group received a company profile for Smart—listing Ibrahim Mohamed Mohamud,¹⁶⁴ Mohamed Ahmed Mohamed, and Abdirahman Ali Ahmed as owners of the company—but did not receive information on the ownership of MT.

19. The SEMG has officially requested from the FGS information about the shareholders of Smart and MT as well as for the two companies that were granted the contract for food supply for NISA and Police Forces.¹⁶⁵ The Minister of Finance responded to the Group on 11 September 2016; however, instead of official data from Government entities¹⁶⁶, the SEMG received affidavits from the respective companies indicating the shareholders and the executives.¹⁶⁷

Annex 4.3.c: Mogadishu Port

20. The contract between the Turkish company Albayrak Turizm Insaat Ticaret A.S. and the Minister of Public Works and Reconstruction, Marine Transport, Ports and Energy, for renovation and day-to-day operations of Mogadishu Port was signed on 24 October 2013.¹⁶⁸ The SEMG identified that contract in its previous midterm update to the Committee on 8 April 2015. The Financial Governance Committee (FGC) reviewed the contract in June 2014 and recommended its renegotiation. The FGC mentioned in its bi-annual report dated 31 October 2015 that the Ministry of Ports and Shipping requested the World Bank for technical assistance in the renegotiation process. The FGC also expressed concern regarding certain provisions of the agreement.

21. According to the contract, Albayrak is entitled to 45 per cent of the gross income of the port. At the end of 2015, Albayrak unilaterally announced that it would limit its payments to the FGS to USD 1 million per month, claiming that the costs of management of the port were too high, thereby jeopardising their investment program. The Minister of Finance met with the representatives of Albayrak on 14-15 March 2016 in Mogadishu and signed an Interim Agreement.¹⁶⁹ The contract allows Albayrak to deduct more expenses, thus increasing their share of the revenue generated by the port. According to the contract, the FGS would contribute to Albayrak USD 60,000 monthly, retroactively from 1 December 2015, for security expenses although Albayrak does not provide such services.¹⁷⁰ The cost of the perimeter walls to be built will be shared as follows: 60 per cent for FGS and 40 per cent for Albayrak. The service charge paid for the subcontractors will remain at USD 3.5 per ton, but the FGS will subsidise the expense with USD 2.5 per ton while Albayrak's support is limited to USD 1 per ton, making it a favourable deal to Albayrak.

22. Government officials and law enforcement agencies representatives informed the SEMG that Albayrak is paying high ranked FGS officials and politicians on a monthly basis, and that this new agreement was made with the intention to provide money for the upcoming electoral campaigns. Some sources indicated to the SEMG that regular cash payments were made to some FGS officials and Members of the Parliament.¹⁷¹ The SEMG could not document these allegations but did corroborate them from multiple sources.

¹⁶² See figures 9.a and 9.b.

¹⁶³ S/AC.29/2016/SEMG/OC.91.

¹⁶⁴ Ibrahim Mohamed Mohamud is also the Chief Executive Officer (CEO) of SOWATCO (see Annex 4.4 on Chinook Urban Mining International).

¹⁶⁵ Email requests in February and August 2016 and official correspondence in September 2016.

¹⁶⁶ Although many business transactions in Somalia are trust-based and shareholdings of companies not recorded, the Ministry of Commerce and Industry maintains a registrar of companies.

¹⁶⁷ See figure 15.

¹⁶⁸ See figure 10.

¹⁶⁹ See figure 12.

¹⁷⁰ High ranked FGS officials and law enforcement representatives confirmed to SEMG in Mogadishu and Nairobi, on February, May, June and July, that the security of Mogadishu Port is provided by Somali authorities free of charge.

¹⁷¹ Interviews conducted by the SEMG with members of the Somali business community and FGS officials in London, Dubai and Nairobi, in March, May, June and July 2016.

Annex 4.3.d: Aden Adde International Airport (MIA)

23. Favori LLC from Turkey entered into an agreement with the Minister of Information, Post, Telecommunication and Transportation for renovation and day-to-day operations of the MIA in January 2013.¹⁷² The Monitoring Group considers it to be a technically poor deal for the FGS and a case of potential abuse by a private entity:

- Favori, which is obligated to rebuild the infrastructure and a new terminal (already accomplished) initially at its own cost, can subsequently deduct all expenses from future income of the airport, without any agreed and clear mechanism for assessing the actual cost of the investment;
- Favori receives 55 per cent of the net revenue generated by MIA and the FGS receives the remaining 45 per cent from the net revenue, which means that in the absence of technically precise terms and processes, Favori can deduct inflated expenses and consequently diminish the Government's share of net revenue;
- Favori is deducting salary taxes as expenses and has also been making use of a depreciation deduction at up to USD 300,000 per month; these processes were neither initially identified nor agreed upon with the FGS.

24. For instance, in the financial report sent by Favori to the FGS, the total revenue produced in June 2016 was USD 1,165,249.74 while the total expenses were USD 611,408.62, thus leaving a net profit of USD 553,841.12.¹⁷³ The same document indicates that the expenses included a depreciation deduction of USD 297,379.62. Accordingly, only USD 249,228.50 went to the FGS for the month of June 2016; but if the depreciation deduction by Favori had been disallowed, then the FGS revenue would have been increased by another USD 133,820.83.

¹⁷² See figure 11.

¹⁷³ See figures 13 and 14.

Figure 1: First and last page of Smart contract

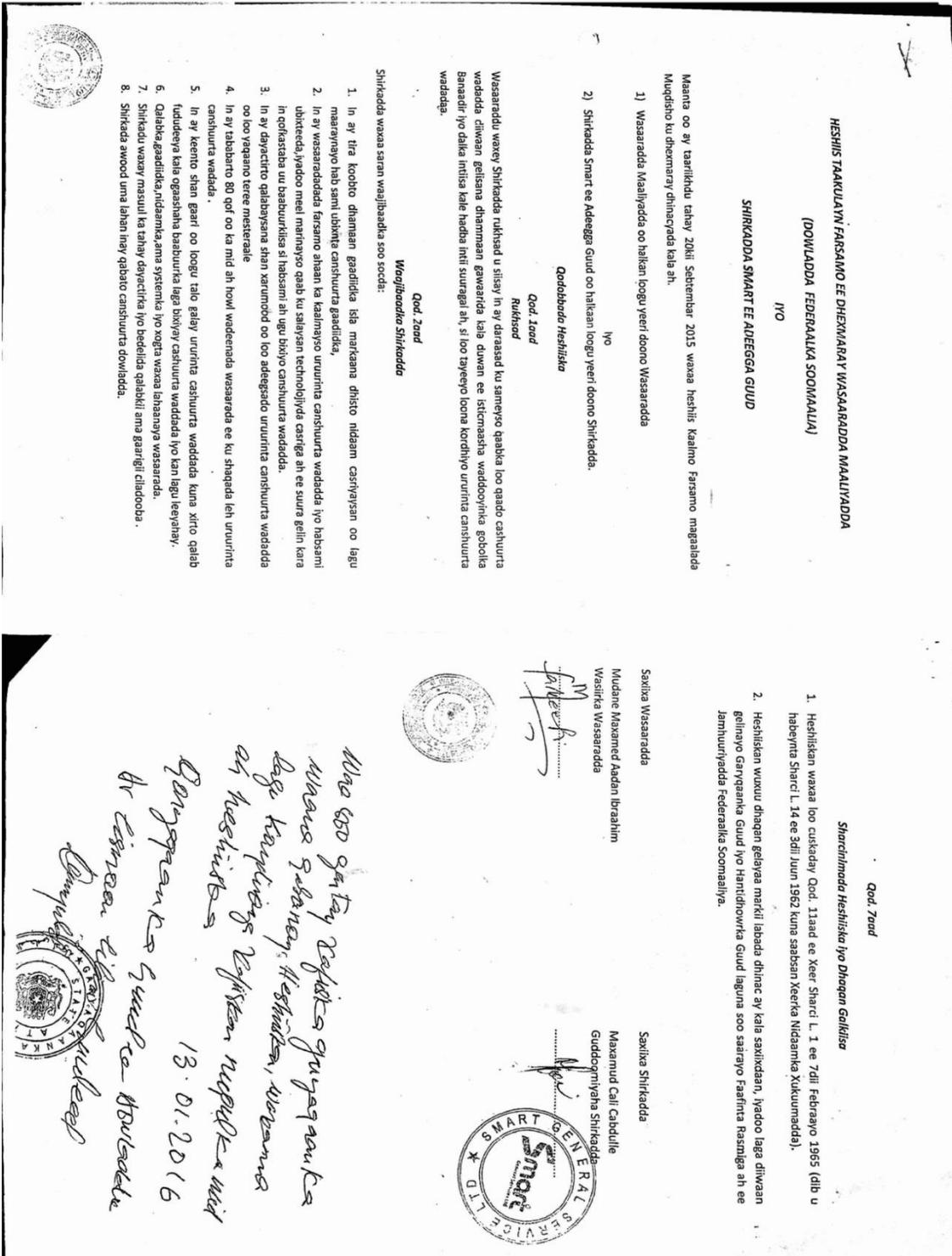


Figure 2: Letter from the Minister of Finance ordering the opening of an account at Salaam Somali Bank in order to collect the road tax



Figure 3: Letter from Director Amina Sheikh Osman Mohamed

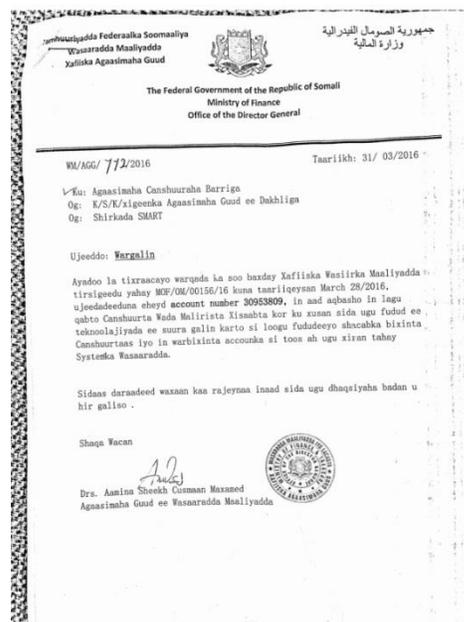




Figure 4: Letter from the Auditor General ordering to transfer the money collected in Salaam Somali Bank for road tax to the Central Bank



Figure 5: Letter from State Minister Cabdullaahi Maxamed Nuur ordering the return of the money collected in Salaam Somali Bank to the Central Bank


 جمهورية الصومال الفيدرالية
 وزارة المالية
 مكتب الوزير
 Federal Republic of Somalia
 Ministry of Finance
 Office of the Minister

Ref: MoF/OM/0037/16 July 22, 2016

Ku: Shirkadda SMART = Muqdishu =
 Og: Xisaabiyaha Guud ee Dowladda = Muqdishu =
 → Og: Agaasimaha Guud ee W. Maaliyadda = Muqdishu =
 Og: Hantidhowrka Guud Dowladda = Muqdishu =
 Og: Hogganka Ilalinta Canshuuraha = Muqdishu =

Ujeeddo: Ruqsó Silin Qabashada Lacagaha Canshuur Bixiyayaalka

Iyadoo la tiraacayo hehiska wasaaradda maaliyadda iyo shirkadda SMART iyo warqadda summadeedu tahay SGS/098/2016 ee ku taariikheysan 14/6/2016.

Kadib maridii la dhaqan geliyay qaabka casriga ah ee canshuuraha wado-marista, oo ay aad u amaanee kuma qanceen cashuur bixiyayaalka ayaa waxaa isa soo tarayay in mudo ah, habacsanaan qabka loo qabto canshuurta sababo xaga (1) karti daro shaqale, (2) gaabis wadathacaynta hay'adaha dowladda iyo (3) xiidin liidato taasoo saameysay daahida lacagaha loo gudbiyo Bankiga dhexe.

Sida ku cad sharci lambar 2, soo baxay taariikh Janaayo 7, 1984, Qodobka 6aad, faqradiisa 3aad, Wasirka Maaliyadda waxuu rufteyn karaa in canshuuraha lacag ahaan loo qabto laguna qabto xafiisyo kala duwan, isagoo mar walba dejinaayo nidaam sugaaya soo xeroodka canshuuraha (dakhliga). Sidaa kale, isla sharcigaas (Sharci lambar 2, 7th Jan, 1984) farqadiisa 23aad, Wasirka Wasaaradda Maaliyadda waxaa awood buuxda loo siiyay inuu soo xeer nidaamiyo maamulka iyo fullinta sharciga.

Hadaba, Shirkadda SMART waxaa lagu wargelinayaa laga bilaabo 1da Agoosto 2016 inay si toos ah u qabato lacagaha canshuur bixiyayaalka, qoondada Dowladda ee 60% lagu soo shubto khasnada dhexe ee Dowladda labadii usbuuca mar. Xafiiska Xisaabiyaha Guud waa inuu si joogta ah u kormeeraa nidaamka iyo hufnaanta lacag qabashada.

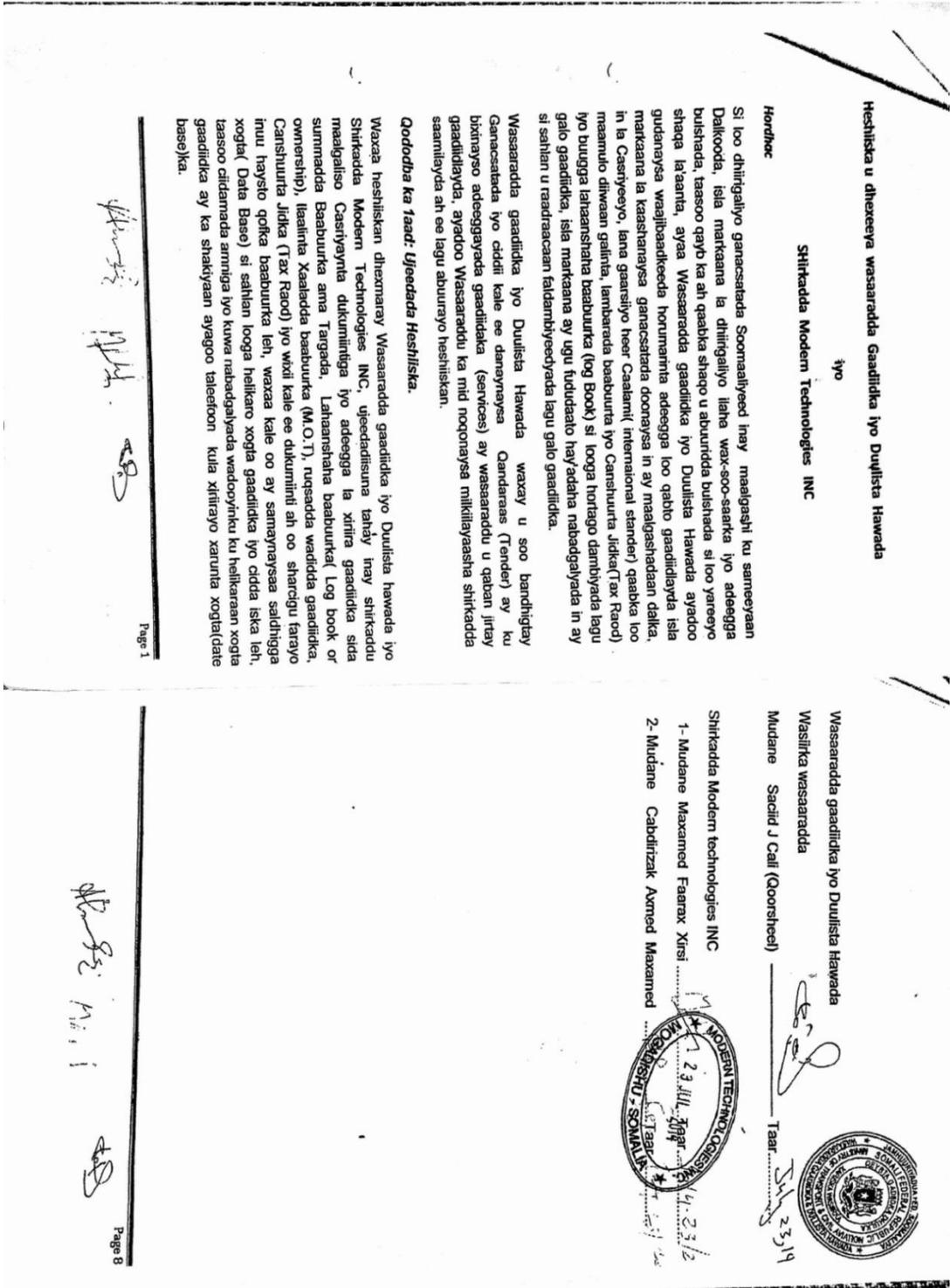
Mahadsanidiin


 Maxamed Aden Ibrahim
 Wasirka Maaliyadda

Ministry of Finance - Villa Somalia
 P.O. Box 106, Mogadishu, Somalia
 Email: finance@fpmo.gov.so
 Tel: +25211277778

Figure 6: Letter of the Minister of Finance, authorizing Smart to directly collect road tax

Figure 7: First and last pages of the MT contract



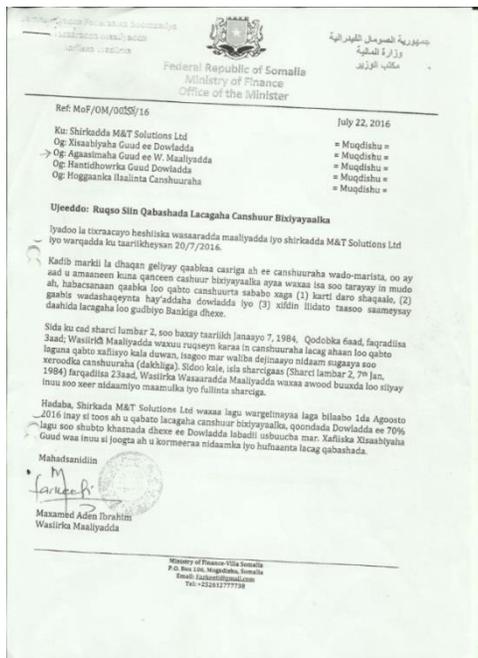


Figure 8: Letter from the Minister of Finance allowing MT to collect taxes directly

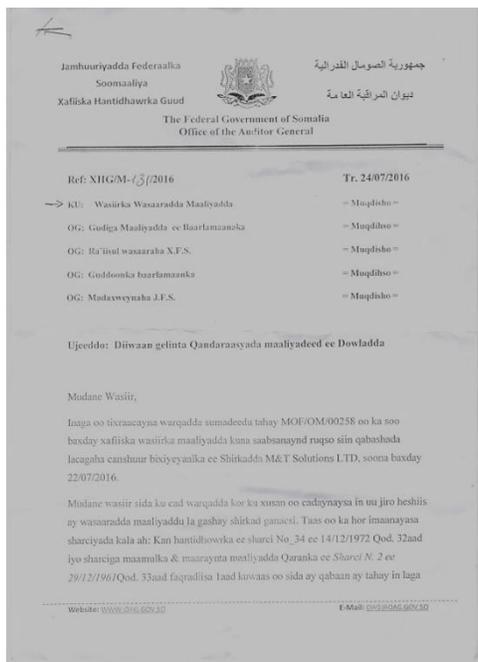


Figure 9a: First page of the AG's letter regarding the illegality of the tax collecting concession awarded by the Minister of Finance to MT



Figure 9b: Second page of the same document to directly collect taxes

Figure 10: first page of the contract with Albayrak

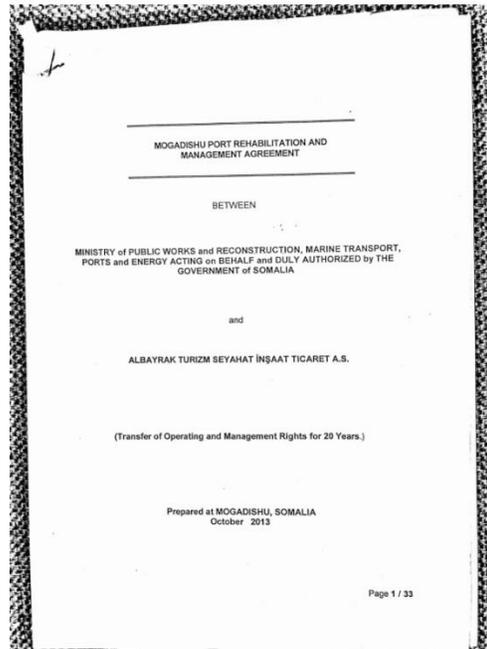


Figure 11: First page of the final version of the agreement with FAVORI from 24 January 2013

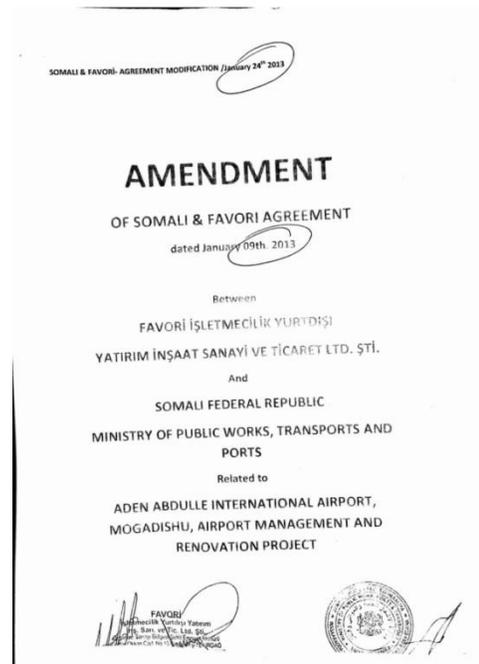


Figure 12: Interim agreement between the Minister of Finance and Albayrak

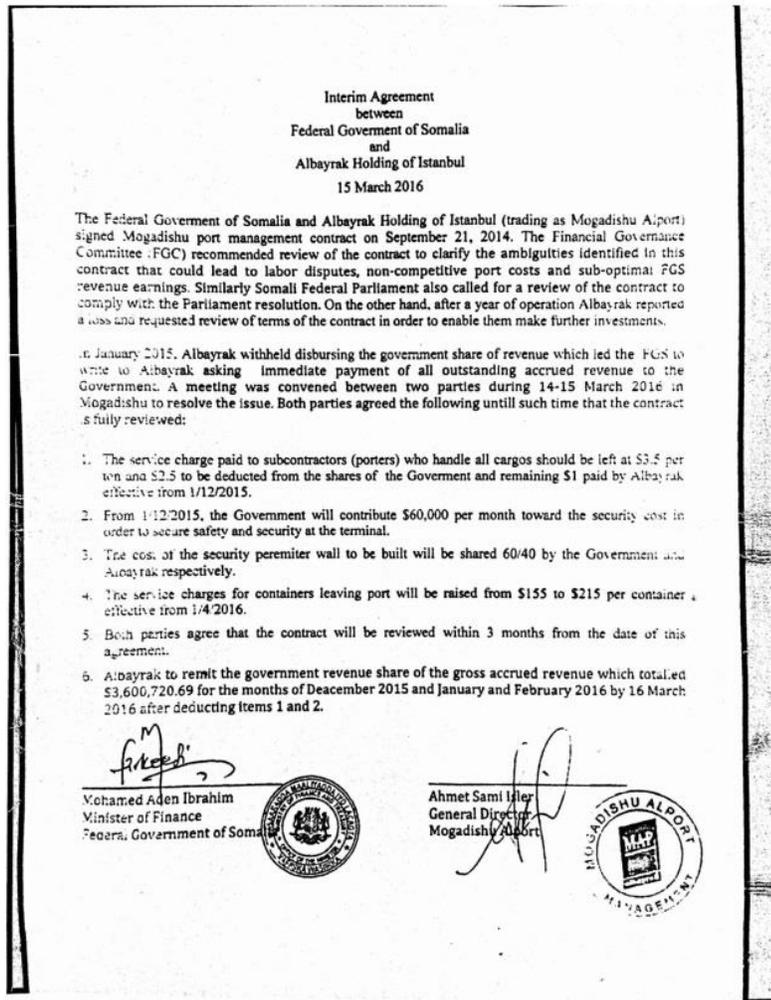


Figure 13: FAVORI financial report for the first 6 months

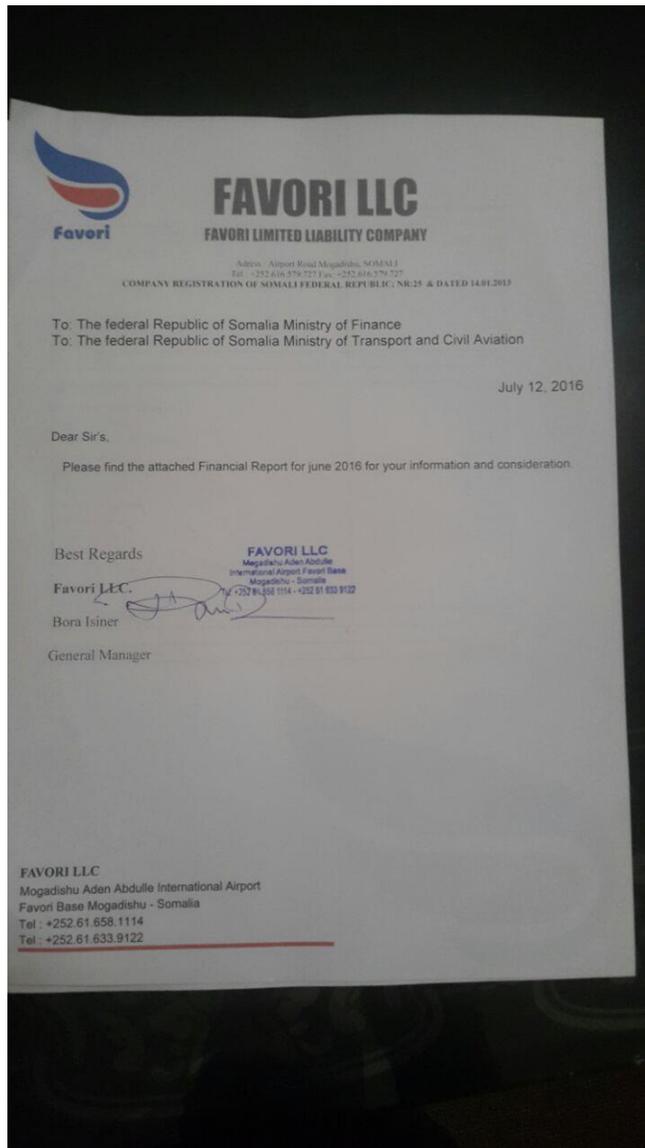


Figure 14: Financial situation for June 2016

FAVORI LLC

INCOME STATEMENT		2016
		JUNE
Landing Fees/Lines Charges		148,947.31
Navigation Fee		261,855.00
Handling Charges		286,799.14
Freight International Charges		233,000.00
Freight Domestic Charges		38,871.00
Cargo Freight Charges		88,334.10
Fuel/ing Commission Incomes		107,813.24
TOTAL SALES		1,165,249.74
Netto Salaries		133,042.00
Terminal Cleaning Company		8,600.00
Cleaning material		372.86
Repair (building and vehicles)		9,568.00
Fuel oil Expenses		51,884.80
Communication expenses		145.00
Travel Expenses		21,033.60
Operational expenses		1,995.75
Internet expenses		1,500.00
Freight expenses		0.00
Insurance Accruals		34,957.48
Personal Accommodation and Food Expenses		18,947.38
Bank charges		487.25
Depreciation		297,378.15
TOTAL EXPENSES		611,408.62
NET PERIOD PROFIT OR LOSS		553,841.12

249,228.50

Figure 15: Statement from Smart indicating the shareholders of the company

Smart
General Services Ltd

Tar:20/8/2016

Ref: S.G.S/164/2016

Ujeedo: Cadayn

Amiga oo ah **Ibrahim Mohamed Mohamed** Gudoomiyaha Shirkada Smart General Service waxaan halkan ku cadaynayaa shaqiyadka hore ku xusan in ay yihiin Milkilayaasha Shirkada:

1. Mohamed Ahmed Mohamed
2. Ibrahim Mohamed Mohamed
3. Abdiraxman Ali Ahmed

Gudoomiyaha Shirkada
Ibrahim Mohamed Mohamed




Address: vinti una Oct St, Somali Airline
 Email: smart.som@hotmail.com
 Tell no: +252-612030300, +252-612-880993

Annex 4.4: Chinook Urban Mining International

25. In March 2016, the Monitoring Group was made aware of an ultimately abortive plan by FGS officials to sign a contract with the UK-based company Chinook Urban Mining International for the import of 1.5 million metric tonnes of municipal waste from Lebanon into Somalia. Email correspondence reviewed by the Monitoring Group suggested that officials stood to receive personal financial gain from the deal.¹⁷⁴ These emails also show that Buri Hamza, the former FGS State Minister for the Environment, was Chinook's point of contact with the FGS.

26. However, in an indication of improving FGS public financial management, the Chinook deal never materialized. After coming to the attention of senior FGS officials, including the Office of the President, a contract with Chinook was ultimately never signed. Buri Hamza later denied in an email to FGS officials ever having come to an arrangement with Chinook, and declared that he had never had the intention to allow Somalia to become a dumping ground for Lebanon's excess waste.¹⁷⁵

27. In July 2015, Lebanon was faced with a municipal waste crisis after protestors forced the closure of the country's largest landfill. As rubbish piled up in the streets, the Council for Development and Reconstruction (CDR) was tasked with coming up with a scheme to deal with the excess waste; in December 2015, the CDR approved a plan to export the excess waste to a foreign country at an estimated cost of USD 193 million per year. The same month, Chinook Urban Mining International, a company based in London, was given preliminary approval by the CDR to transport the waste, pending the company's ability to reach a deal with a country to receive the waste.

28. In order to secure the release of an initial USD 50 million in funding from the Government of Lebanon, Chinook was required to show documentation that the company had received an agreement from a host country. While an initial deal was announced for the Russian Federation to accept the waste, a Russian official subsequently stated that Chinook had forged the documents granting approval.¹⁷⁶ An attempt to reach an agreement with the Government of Sierra Leone also failed.¹⁷⁷

29. Chinook then began to explore the possibility of Somalia as a recipient country for Lebanon's waste. A letter of approval purporting to be from the FGS Ministry of the Environment,¹⁷⁸ dated 14 January 2016 and addressed to Chinook Chairman Tariq Al Haidary, stipulated the FGS' intention to receive the waste for an initial period of two years (this letter is attached as Figure 1). The letter stated that two local companies—Somali Water Treatment and Waste Management Company (SOWATCO) and Africa Waste and Disposal Management Company Limited for Somalia—had been issued licenses to process the waste, and also laid out an ambitious plan for Chinook to build a processing plant to transform the imported waste into biogas.¹⁷⁹

30. In an 11 March 2016 email (see below), a Somali middleman discussed a proposed meeting between State Minister Hamza and Chinook Chairman Tariq Al Haidary, to take place in Dubai on 16 or 17 March. The email made reference to a document that Hamza was required to sign, and promised that "...the project will also offer significant financial proposition to the participating officials, however that will be discussed in details up our forth coming meeting". However, the Dubai meeting never took place. Emails in possession of the SEMG show that once the CBS Governor, Bashir Issa Ali, and Minister of Finance, Mohamed Ibrahim Aden, became aware of the letter of approval, Buri Hamza was quick to

¹⁷⁴ Copies of the email correspondence on file with the Secretariat.

¹⁷⁵ Email from Buri Hamza to FGS officials, 11 March 2016, on file with the Secretariat.

¹⁷⁶ George Fahkry, "Lebanon's waste crisis back to square one", *An-Nahar English*, 18 February 2016. Available from <http://en.annahar.com/article/313451-cabinet-meets-over-waste-crisis>.

¹⁷⁷ IPEN, "Lebanon Plans to Dump Its Garbage on Africa or Middle East Neighbors", press release, 12 January 2016. Available from <http://www.ipen.org/news/press-release-lebanon-plans-dump-its-garbage-africa-or-middle-east-neighbors>.

¹⁷⁸ It should be noted the letter was written on letterhead purporting to belong to the FGS Ministry of the Environment, a line ministry that does not currently exist. Rather, the environment portfolio is represented only by a State Minister for the Environment.

¹⁷⁹ The identity of the signatory of the letter is not clear from the copy obtained by the Monitoring Group.

disavow the deal. In an 11 March 2016 email forwarded to the CBS Governor, Hamza wrote “As a Minister of State for Environment of the Federal Republic of Somalia, I will BY NO MEANS allow anyone to dump wastes in our country.” Hamza forwarded the same message to other FGS officials on 26 March, adding, “Those fellows thought that I would be lured to their lucrative compensation. How could they be so stupid!”¹⁸⁰

31. On 25 June 2016, Hamza was killed during a complex Al-Shabaab terror attack at the Nasa Hablod hotel in Mogadishu, in which 14 other people lost their lives.

32. The Monitoring Group contacted Chinook Urban Mining International for comment on 10 August and 3 September 2016, without receiving a response.

33. The SEMG wrote to the Government of Lebanon on 18 April 2016, requesting a clarification of the status of the contract with Chinook. In its reply, the Government of Lebanon stated that the CDR had not signed any contract or agreement with Chinook Urban Mining.¹⁸¹ The letter further stated that:

The Government of Lebanon gave preliminary approval for Chinook Urban Mining International to transport waste abroad, provided that the company submits documents demonstrating the consent of the country that will receive the waste. After the company had failed to meet this condition, that approval was withdrawn.¹⁸²

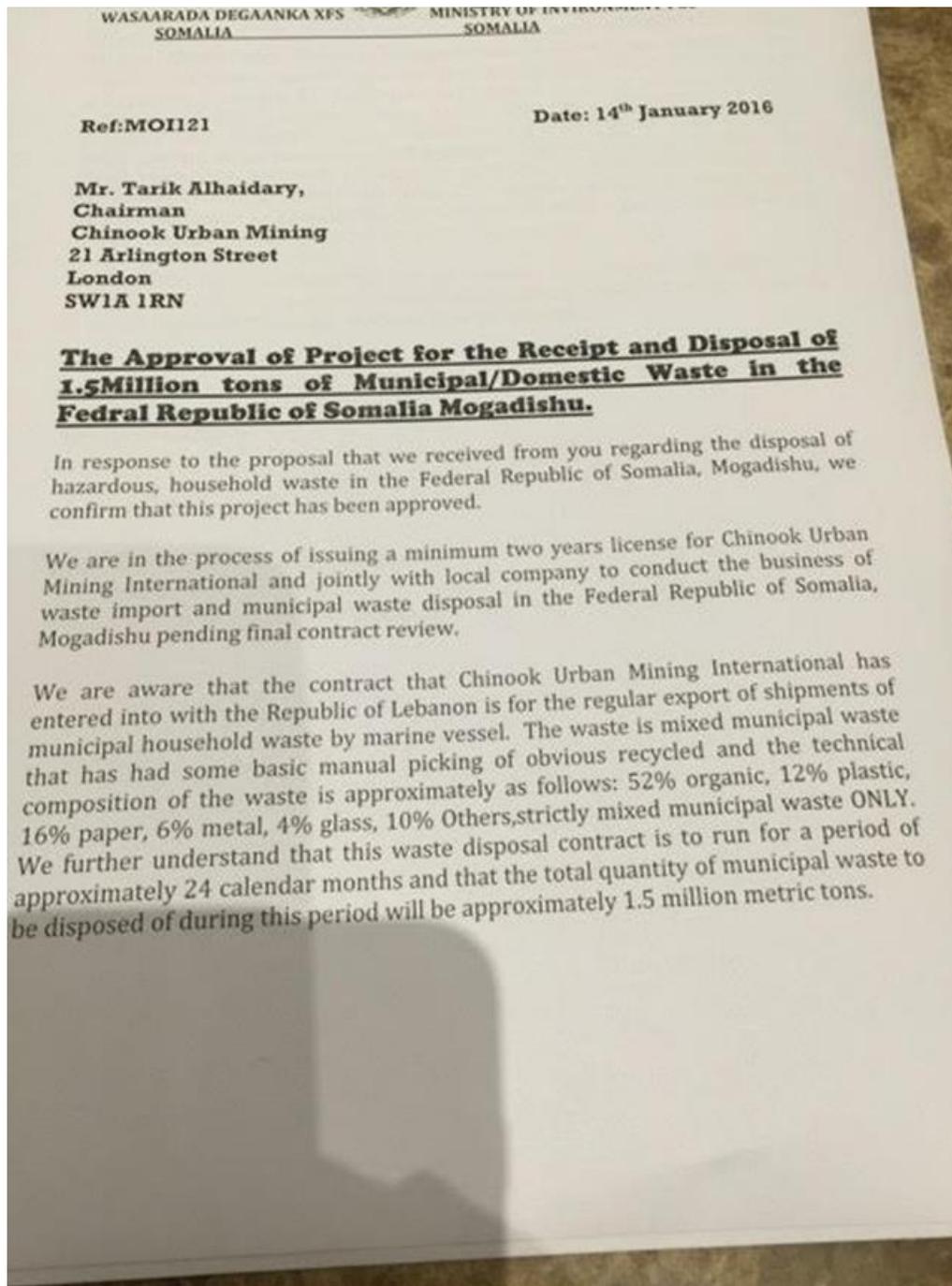
34. The SEMG notes the positive steps taken by the FGS, in particular Governor Issa and Minister Ibrahim, with regards to identifying and forestalling the signing of the contract with Chinook Urban Mining International. The exposure of the Chinook letter of approval provides an indication of the ongoing maturation of the FGS’ public financial management system.

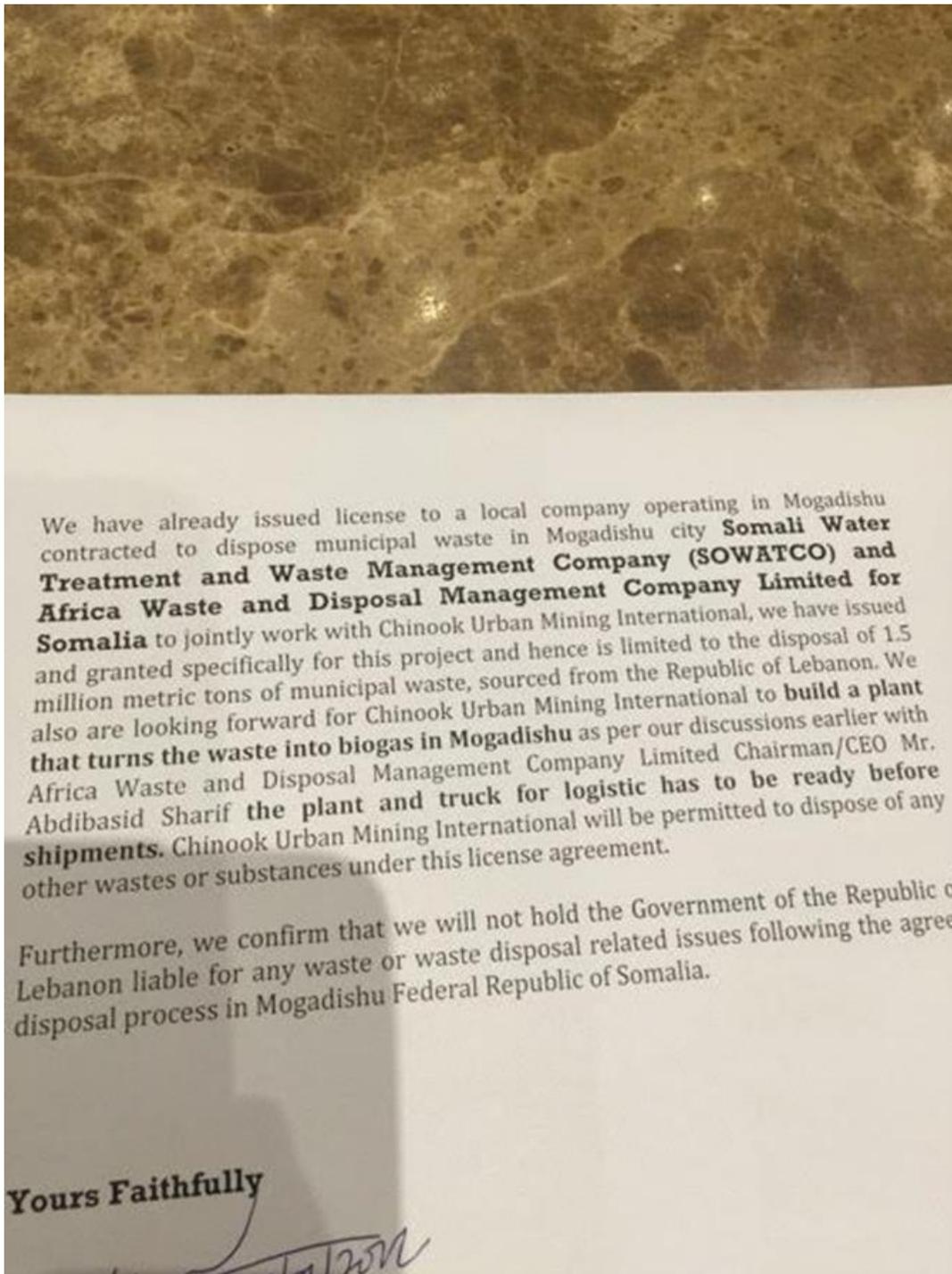
¹⁸⁰ Emails provided to the Monitoring Group by a party copied thereon.

¹⁸¹ Letter to the SEMG from the Permanent Mission of Lebanon to the United Nations, 20 May 2016, official translation from Arabic.

¹⁸² Ibid.

Figure 1: Approval letter for Chinook Urban Mining International on behalf of the FGS





We have already issued license to a local company operating in Mogadishu contracted to dispose municipal waste in Mogadishu city **Somali Water Treatment and Waste Management Company (SOWATCO) and Africa Waste and Disposal Management Company Limited for Somalia** to jointly work with Chinook Urban Mining International, we have issued and granted specifically for this project and hence is limited to the disposal of 1.5 million metric tons of municipal waste, sourced from the Republic of Lebanon. We also are looking forward for Chinook Urban Mining International to **build a plant that turns the waste into biogas in Mogadishu** as per our discussions earlier with Africa Waste and Disposal Management Company Limited Chairman/CEO Mr. Abdibasid Sharif **the plant and truck for logistic has to be ready before shipments.** Chinook Urban Mining International will be permitted to dispose of any other wastes or substances under this license agreement.

Furthermore, we confirm that we will not hold the Government of the Republic of Lebanon liable for any waste or waste disposal related issues following the agreed disposal process in Mogadishu Federal Republic of Somalia.

Yours Faithfully

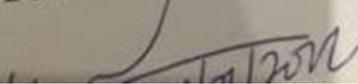


Figure 2: Emails outlining the proposed Dubai meeting and offering “significant financial proposition” to public officials involved in the deal

I have read the letter that you want me to sign. I am afraid I cannot sign a letter on behalf of my government, which allows the receipt and disposal of wastes in Somalia from abroad.

As a Minister of State for Environment of the Federal Republic of Somalia, I will BY NO MEANS allow anyone to dump wastes in our country.

As to the proposed trip to Dubai, please tell them that I am not interested in their invitation

Hon. Prof. Buri M. Hamza
Minister of State for Environment
The Federal Republic of Somalia

Tel: +252 61 593 6903
+252 69 990 0889

Email: bhamza@hotmail.com
buri.hamza@gmail.com
stateminister.env.opm@gmail.com

Date: Fri, 11 Mar 2016 19:06:43 +0400
Subject: Fwd: Invitation Of His Excl Hon Min
From: asfoor508@gmail.com
To: bhamza@hotmail.com

----- Forwarded message -----
From: **Saeed Abdillahi** <saeed.abdillahi5@gmail.com>
Date: Friday, March 11, 2016
Subject: Invitation Of His Excl Hon Min
To: Mohamed sakin <asfoor508@gmail.com>

Dear Mohamed,

I would first of all like to extend my warm greetings to you and your family. I trust all is well and last week, I had the pleasure of speaking to Hon Minister Of Environment.

Having discuss the matter at depth with the chairman, Mr Tarik, we have agreed the meeting to happen on the 16th of March or the 17th, depending on his schedule. As I confirm to you earlier, Tarik is in London then Istanbul on Tuesday this, arriving in Dubai late on Tuesday night. I therefore propose we see the Minister on those dates upon his confirmation.

I would also stress the project and the impact we expect to have on our environment. The total amount on discussion is 1.5M metric tons of Municipal waste. This as you know is none-hazardous and it's the waste produce in Beirut just like any other urban, modern metropolis. Lebanon currently produces 3,500 tons of waste per day. As you are aware, in Somalia, we don't produce even half of that amount, thus this investment will insure we have the capacity to manage domestic waste for the next 100 years.

With the investment that will go into the country, we anticipate the full recycling on this waste, less that the duration of the contract by building 4 x material recovery plants (MRF) which will recycle 1,350 tons each per day. we are anticipating in increasing this capacity and are currently studying alternatives.

Attached is the document which I've put together on behalf of Africa Waste Management, during our research of the project viability. This will hopefully explain the project in much more detail than this email.

in the interest of transparency, the project will also offer significant financial proposition to the participating officials, however that will be discussed in details upon our forth coming meeting.

As I explained, at this stage of the process, the document attached needs to be signed and brought with the Minister to Dubai for the meeting. Upon signing and stamping the attached document, we must have a scanned copy sent ASAP so we can show Tarik we are genuinely serious with our discussion. As soon as I get the scan copy, I will forward this to Tarik and get the approval needed to hold the meeting.

In summary this is what I need from you urgently:

- 1-Signed document attached.
- 2-Send a scan copy ASAP
- 3- Upon arrival the Minister must produce the original document for approval by the Lebanese.
- 4- The Minister must approve the project, once he get the verification call from his counterpart in Lebanon.
- 5- All this will be subject to final contract review by all stakeholders.

On that note, we need to move as quickly as possible.

Kind Regards

Saeed

Annex 4.5: Telecommunications sector

35. The telecommunication industry has been by far the most dynamic economic sector in Somalia. Although a competitive market, the telecommunication sector is dominated by Hormuud Telecom, which holds an estimated 45 per cent of the market share. The company operates in southern and central Somalia and has partnerships with Telesom, which operates in Somaliland, and with Golis Telecom, which operates in Puntland. Ali Ahmed Nur Jimale is a major shareholder in all three companies.¹⁸³ Other significant operators are Nationlink, operating in southern and central Somalia, Puntland, and Somaliland; Somafone, operating in major cities in southern and central Somalia; and Somtel, a subsidiary of Dahabshiil, operating throughout Somalia.

Annex 4.5.a: Taxation and regulation

36. Weak legislation and corruption make tax collection, the basis of a functioning modern state, a principal challenge for the FGS. The telecommunication sector's contribution to tax revenue is nominal. With a turnover of USD 1 billion per year, telecommunication companies contributed only USD 4,800,000 in taxes to the FGS. This figure represents the contribution of Hormuud Telecom, which has an agreement with the FGS since 2014 to pay a flat fee of USD 400,000 per month.¹⁸⁴ Other telecommunications companies do not pay any taxes to the FGS but some of them are paying taxes to Puntland and Somaliland.

37. An adequate legal and regulatory system for the telecommunication industry does not exist. The National Communication Act, proposed more than two years ago but not yet approved by the Federal Parliament, intended to provide the FGS with the necessary tools (such as access to information) to enforce taxation. In addition to delays in passing legislation, former and present FGS officials as well as employees of law enforcement agencies have claimed that FGS officials and politicians have been paid by telecommunication companies, including in the form of contributions to electoral campaigns.¹⁸⁵ In addition, these same sources have indicated to the Monitoring Group that most of these companies also pay protection fees to Al-Shabaab. The size of these fees is difficult to assess, but they could be approximately USD 1 million per month for southern and central Somalia (or more than double the amount paid in taxes to the FGS per month).¹⁸⁶ The most vulnerable MNO to Al-Shabaab threats is Hormuud Telecom as they have the biggest network in the country.

Annex 4.5.b: Mobile money and security risks

38. Since 2009, several telecommunication companies started offering mobile money services to their clients in Somalia. Mobile money transfer is now widely used and it provides quick access to financial services. It also allows Somalis to avoid carrying cash money in a country where security risks are high. The main mobile money services are:

- EVC- PLUS offered by Hormuud Telecom in southern and central Somalia;
- SAHAL offered by Golis Telecom Company in Puntland;
- ZAAD mobile money transfer services offered by Telesom in Somaliland;
- E-MAAL offered by Nationlink in southern Somalia.

39. Hormuud launched the first mobile money service in south and central Somalia, at the end of 2009, called ZAAD. At that time ZAAD was compliant with international standards for money transfer services, including with anti-money

¹⁸³ Ali Ahmed Nur Jim'ale was added on the UN sanctions list in 2012 and removed in 2014. He was accused of being a financier of Al-Shabaab.

¹⁸⁴ Interviews with high-ranking FGS officials in Mogadishu (2 June 2016) and Nairobi (27 May 2016 and 15 July 2016).

¹⁸⁵ Interviews conducted by SEMG in Mogadishu and Nairobi in February, May, June, and July 2016.

¹⁸⁶ Interviews with Somali officials in Nairobi, June and August 2016.

laundering regulations. It was mandatory that a person opening a mobile money account would also attach a telephone number registered under the same name. Procedures also required the user to fill a registration form containing the following information: full name (four names), mother's name, date, and place of birth and residence. An ID photo and the name of a family member who could vouch for the user were also required. But ZAAD only functioned for less than one year in south and central Somalia.¹⁸⁷

40. Hormuud decided to close ZAAD and immediately replaced it with EVC-PLUS, which offered similar services but was no longer compliant with international standards. EVC-PLUS is now the most popular mobile money service; most of Hormuud customers have access. Opening an account became much easier than before and could even be done remotely, with no physical presence of the user required, nor photo ID. Anyone can now easily open an account with a false identity. The service covers all of south and central Somalia, which are also the main areas of Al-Shabaab operations. The SEMG has received credible information that Al-Shabaab is paying its soldiers through EVC-PLUS.¹⁸⁸ The payments are made at the beginning of the Islamic month. Having access to the EVC-PLUS database would allow law enforcement agencies in Somalia to evaluate the number and location of Al-Shabaab troops, but Hormuud has not cooperated with FGS requests for information and the current legal framework apparently does not obligate the company to do so.¹⁸⁹ In contrast, other mobile money services in Puntland (SAHAL) and Somaliland (ZAAD) operate under different set of rules that are mostly compliant with international standards.

41. The security risks induced by EVC-PLUS are very high. The system also creates opportunities for money laundering. Clear and enforceable legislation regarding the telecommunication industry must be immediately put in place for two main reasons. First, a licensing procedure, tariff system, and a clear set of rules about taxation must be put in place. This would insure a substantial increase of FGS revenue and would help Somalia's economic development. Second, the legislation should allow law enforcement agencies to monitor voice, data, and money transfers in accordance with international standards. Currently, Hormuud is not regularly cooperating with law enforcement agencies on data and call records and the company's operations remain completely opaque with respect to transactions operated through EVC-PLUS.

¹⁸⁷ It is unclear why Hormuud ended ZAAD services, but company officials claimed off the record that there had been threats by Al-Shabaab.

¹⁸⁸ Interviews conducted by SEMG with Al-Shabaab detainees in Mogadishu, 2 February 2016.

¹⁸⁹ High-ranking FGS and NISA officials have told the SEMG that Hormuud operations lack transparency and the company has been reluctant to cooperate on counter-terrorism issues.

Annex 4.6: Public land appropriation

Ministry of Civil Aviation and Transport land in Dharkenley district

42. Correspondence between Said Ali Jama Korshel, Hassan Mohamed Hussein “Mungaab”, and President Hassan Sheikh Mohamud between December 2014 and February 2015 documents the reallocation of plots of land, measuring 650 metres by 600 metres, and historically administered by the Ministry of Civil Aviation and Transport in northern Dharkenley district (see below). Ostensibly the land was to be distributed to families that had previously been evicted from land, also historically held by the Ministry of Civil Aviation and Transport, in Waberi district.

43. As of February 2015, an estimated 21,000 displaced people inhabited the area. From 4 to 5 March 2015, this population was forcibly evicted with little or no notice.¹⁹⁰ Satellite imagery captured between 13 March 2015 and 17 August 2016 demonstrates the subsequent rapid development of this area with at least 300 permanent compounds built by 17 August 2016, ranging from 15 metres by 20 metres, to 60 metres by 40 metres (see below).

44. While land was allocated to a number of the families previously evicted from Waberi, multiple testimonies collected by the Monitoring Group indicate that at least half of the total of 912 plots, each measuring 15 x 20 metres, were requisitioned by the Benadir Regional Administration (BRA) for resale, and subsequently allocated to senior FGS officials, including Galmudug Interim Administration president, Abdikarim Hussein Guled. During the course of this mandate many of these plots have been privately resold.¹⁹¹

45. The FGS declined to respond to questions regarding the Ministry of Civil Aviation and Transport land in Dharkenley district posed in the official correspondence sent 16 August 2016, indicating that the newly established Protection of Public Properties Committee would handle such matters.¹⁹²

¹⁹⁰ See S/2015/801 annex 6.4. See also Human Rights Watch, “Somalia: Forced Evictions of Displaced People”, 20 April 2015. Available from <https://www.hrw.org/news/2015/04/20/somalia-forced-evictions-displaced-people-0>. Eviction notice, dated 25 February 2015 and signed by “Mungaab”, held on file with the Monitoring Group.

¹⁹¹ Monitoring Group interviews with both former staff of the BRA, current and past FGS officials and international agency staff in Mogadishu and Nairobi between December 2015 and August 2016.

¹⁹² Official correspondence reference: [S/AC.29/2016/SEMG/OC.77](#).

Figure 1: Ministry of Transport and Civil Aviation land in Dharkenley district, 5 January 2015



Figure 2: Ministry Transport and Civil Aviation land in Dharkenley district, 15 March 2015



Figure 3: Ministry of Transport and Civil Aviation land in Dharkenley district, 2 July 2016



Figure 4: Location of Ministry of Transport and Civil Aviation land in Dharkenley district



Figure 5: Min. of Transport & Civil Aviation approval

JAMHUURIYADDA SOOMAALIYA
Xukuumadda Federaalka
Wasaaradda Gaadiidka iyo Duulista
Hawada

جمهورية الصومال
الحكومة الفيدرالية
وزارة النقل والطيران الجوي

SOMALI FEDERAL REPUBLIC
The Ministry of Transport and Civil Aviation
Office of the Minister

Ref: XW/WGDH/300/2014 Date: 24/12/2014

Ku: Guddoomiyaha G/Banaadir Ahna Duqa Magaalada Muqdisho.

Ujeedo: Oqolaansho kamaarimid dhul (Noolo Oosto)

Anniga oo tixraacaya warqada summadeedu tahay DH/MG/GGDM/1724/2014 kuna Taariikheysan 27/11/2014, ujeedadeeduna ahayd codsi Noolo Oosto Dhul (Oqolaansho ka maarimid dhul) ee ka soo baxay xafiska Dowlada Hoose Ee Muqdisho.

Hadaba annagoo tixgalineyna, qadarteyna codsiiga nooga yimid Maamulka Sare ee Gobolka Banaadir gaar ahaan Duqa Magaalada Muqdisho waxaanu u oqolaaney codsiiga waxana kamaaraney dhulka, dhulkaas oo kuyaala Degmada Dharkeyley cabirkisuna yahay 600X650 mt, si loogu cabiro Dadkii laga dunsaday d'alka 21-October kuyaaley kasoo horjeedka Airoorka ee Degmada-Waberi ayna leedahay Wasaaradda Gaadiidka iyo Duulista Hawada qeyb kamid ah dhulkaana loo reebo Wasaaradda 60/60.

Sidaa daraadeed waxaanu kamaaraney dhulka, bacdamaa dadkii laga dumiyey dhulka aan kor ku xusney la'ajinayo.

Wadashaqeyn Wacan,

Said J. Ali Korshel
Wasiirka Wasaaradda

Email: minister@mca.gov.so, saidkorshel@yahoo.com Tel: +252-61-5771444+252-69-771444

Figure 6: Office of the President approval

Jamhuuriyadda Federaalka Soomaaliya
Xafiska Madaxweynaha

جمهورية الصومال الفيدرالية
مكتب الرئيس

Federal Republic of Somalia
Office of the President

JFS/XMOKMDH/02/2015 Febraayo 10, 2015

KU: GUDDOOMIYAHA GOBOLKA BANAADIR AHNA DUQA MAGAALADA MUQDISHO -MUQDISHO

UJEEDDO: OGGOLAANSHO NOOLO OOSTO DHUL (OGGOLAANSHO KA MAARMID DHUL)

Mudane Guddoomiye,

Iyada oo la tixraacayo oqolaansha Wasaaradda Gaadiidka iyo Duulista Hawada ee ku aadant ka maarmidda dhulka ku yaalla Degmada Dharkeyley (600 X650 mt) islamarkaana la tixgalinayo codsiiga ah in aad dhulkaas dib u dejin ugu sameyno dadkii Soomaaliyeed ee laga dumiyey hareeraha iskuulka 21 Oktoobar ee Degmada Waaberi, waxaa lagu oqolaaday codsiigaas.

Fulin wacan

Xasan Sheekh Maxamed
Madaxweynaha JFS

Office of the President, Villa Somalia, Moqadishu - Tel: +2525 - 941000(Office), Fax: +2525 - 941001

Figure 7: Benadir Regional Administration approval

al Republic of Somalia
Benadir Regional Administration
Mogadishu Local Government
Office of the governor

جمهورية الصومال الفدرالية
ادارة محافظة بنادر
بلدية مقديشو
مكتب المحافظ

JAMHUURIYADDA FEDERALKA SOOMAALIYA
Maamulka Gobolka Banaadir
Dawladda Hoose Ee Muqdisho

Ref: DH/MG/GGDM/01/64/2015 Date: 01/02/2015.

Ku: Madaxweynaha Jamhuuriyadda Soomaaliya Muqdisho.

Ujeeddo: Codsii Noolo oosto dhul (Oqolaansho ka maarmid dhul)

Tix-raac Warqada summadeedu tahay XW/WGDH/300/2014 ee ku taariikheysan 24/12/2014 kuna fahabsan: oqolaansho ka maarmid dhul (Noolo ooste) kana soo baxday Xafiska Wasirka Wasaaradda Gaadiidka & Duulista Hawada.

Mudane Madaxweyne, Waxaan halkaan kugu soo gudbinayaa codsi ku aadan in aad noolo oosto saarto dhulka ku yaalla Degmada Dharkeyley cabirkisuna yahay 600X650mt, ayna leedahay Wasaaradda Gaadiidka & Duulista Hawada, dhulkaas oo aan u doonayno in aan dib u dejin ugu sameyno dadkii laga dumiyey hareeraha iskuulka 21 October ee Degmada Waaberi, oo ay tiradoodu gaareyso 400 Qoys, islamarkaana Wasaaradda u reebi doono 60X60, sida Wasaaraddu dalbatay.

Sidaa darteed, Mudane Madaxweyne waxaan rajaynayaa in aad iqa qabali doonto codsiiga ujeedada sare ku xusan.

Iga guddon Salaam & Ixtiraam Badan.

S/guuto: Xasan Maxamed Xuseen (Muungaab)
Guddoomiyaha G/Banaadir Ahna Duqa Magaalada Muqdisho.

Figure 8: Min. of Transport & Civil Aviation area grid map

Nasir d' Dhul
Ku Kuyaala:-
PH/LECA-
2.00K-88
GALIN-200X15

X:BM/87 AF 80096

Ministry of Commerce and Industry land in Yaaqshid district

46. Correspondence between the State Minister for Commerce and Industry, Mohamed Hassan Adam, and “Mungaab” between April and June 2015 clearly demonstrates the reallocation of an area of land measuring 100 metres by 100 metres in Yaaqshid district along the Industrial (*Warshahada*) Road, also referred to as 21st October Road, being re-distributed to twelve individuals (see below).

47. These include the State Minister himself, Mohamed Hassan Adam himself, who was allocated a plot of land measuring 100 metres by 20 metres. Also included are:

- Abdirahman Ibrahim Ali, Federal MP;
- Hassan Moalim Khalif, Special Secretary to the President;
- Ismail Jimale Alasow, Permanent Secretary of the Ministry of Interior;
- Abdirahman Mohamed Tuuryare, former Director of the National Intelligence and Security Agency (NISA);
- Mohamed Roble Jimale “Gobale”, former commander of the SNA 3rd Brigade.

48. Following receipt of official correspondence sent 16 August 2016,¹⁹³ the Director General of the Presidency, Ali Mohamed Omar, issued a letter to the current Governor of Benadir Region, the Attorney General, the Protection of Public Properties Committee and the Ministry of Commerce and Industry ordering that this land be returned to the Ministry of Commerce and Industry, that illegally distributed ownership documents be nullified, and that the Protection of Public Properties Committee ensure that this happens (see below).

¹⁹³ [S/AC.29/2016/SEMG/OC.77](#).

Figure 9: Ministry of Commerce and Industry approval

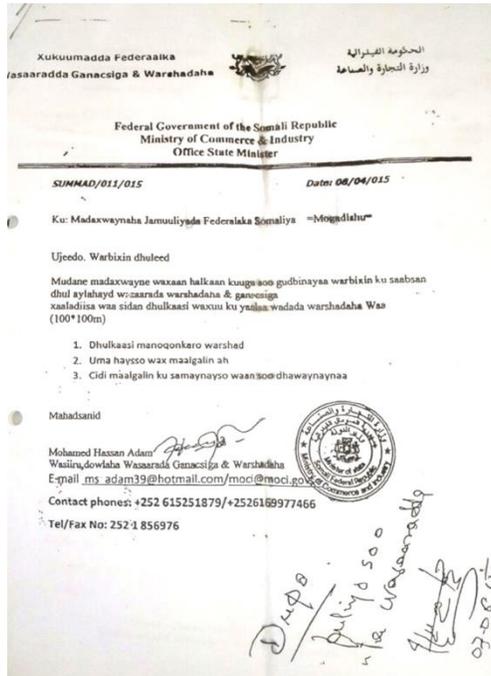


Figure 11: Benadir Regional Administration distribution list

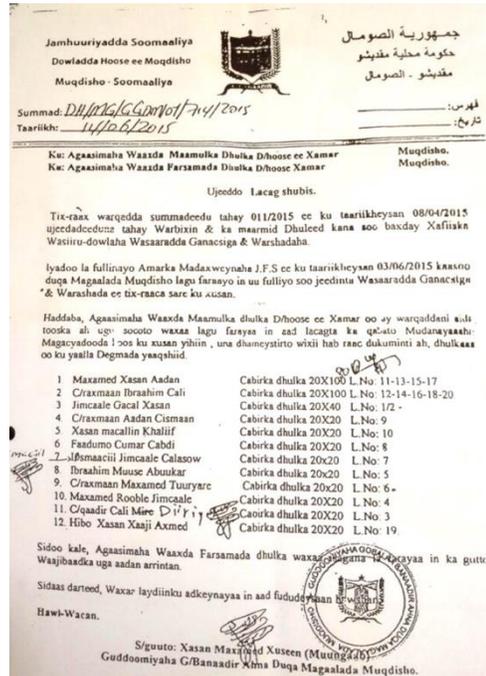
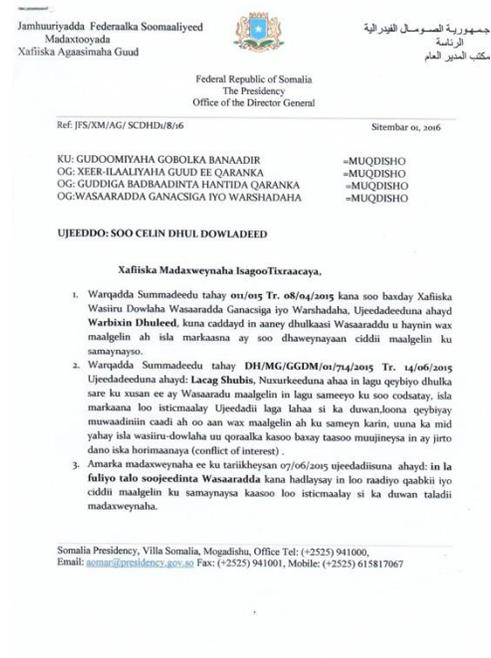


Figure 10: Director General of the Presidency order



Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land near to Adan Adde International Airport

49. Following the clearing of informal settlements in the latter half of 2013, public land adjacent to Adan Abdulle International Airport in Waberi district was privatised and allegedly distributed to senior FGS officials, relatives of senior FGS officials, and various prominent businesses (see satellite imagery below).¹⁹⁴ Close to the main gate of the airport, perimeter walls of at least 25 compounds—measuring from 15 metres by 20 metres up to 100 metres by 240 metres—have been constructed in an area measuring approximately 7 hectares since the land was cleared in 2013 (see below). According to multiple independent—though as of the time of writing unverified—testimonies, the compounds have been allocated to various senior government officials and/or their relatives, and to certain large companies.

50. The FGS were unable to provide answers to the questions regarding the land posed in official correspondence sent 16 August 2016 before this report was submitted, but indicated that the Protection of Public Properties Committee would look into it.¹⁹⁵

51. Almost six hectares of land adjacent to the north-eastern end of the airport compound is currently leased to the Dubai-based company Simatech Shipping LLC to develop a container yard, freight station and logistics zone. A review of a previous agreement between the Mogadishu Sea Port Authority and Simatech, dating back to November 2012, by the Financial Governance Committee (FGC) criticized, inter alia, ambiguities relating to the lease agreement.¹⁹⁶

52. Under the terms of a new agreement signed with the Ministry of Ports and Marine Transport on 26 June 2015 Simatech was awarded “exclusive right to finance, rehabilitate, manage, operate, maintain, develop and optimise” the container yard and freight station on land “of minimum 8.5 hectares size with possible extension at Airport Road,” for a period of 25 years.¹⁹⁷ Under the terms of the agreement the FGS receives 20 per cent of gross revenue accrued from the Container Yard and Freight Station, and Simatech takes “exclusive possession” of it, “including all State land that this includes”.¹⁹⁸ The Simatech International Container Terminal (SICT) was officially opened by President Hassan Sheikh on Sunday 19 June 2016, and attended by a number of senior government officials.¹⁹⁹

53. The agreement was not submitted to, and as of the time of writing had not been reviewed by the Financial FGC, despite the fact that its Chair—the Minister of Finance, Mohamed Aden Ibrahim—shared a copy of the contract with the Monitoring Group in September 2016.

54. The Group’s investigation into the land adjacent to Aden Adde International Airport is on-going.

¹⁹⁴ Monitoring Group interviews with both former staff of the BRA, current and past FGS officials and international agency staff in Mogadishu and Nairobi between December 2015 and August 2016.

¹⁹⁵ Official Correspondence reference: [S/AC.29/2016/SEMG/OC.77](#). The Monitoring Group has received anecdotal evidence suggesting that the cases discussed above are not the only instances of appropriation and privatisation of public land in Mogadishu for private sale that have occurred in recent years.

¹⁹⁶ The agreement was eventually nullified when another agreement was signed between the Mogadishu Port Authority and Albayrak Turizm İnşaat Ticaret A.S. The FGC assessment of the FGS’ November 2012 agreement with Simatech is available from the Ministry of Finance website at <http://mof.gov.so/wp-content/uploads/2016/08/FGC-Confidential-Assessment-MPCT-Simatech-R.pdf>.

¹⁹⁷ A copy of the signed contract with Simatech was provided to the Monitoring Group by the Minister of Finance, and is held on file with the Secretariat.

¹⁹⁸ Ibid.

¹⁹⁹ See “Simatech Launches Container Yard, Freight Station & Logistics Zone in Mogadishu”, *Simatech*, 6 June 2016. Available from <http://www.simatech.com/news-media-centre/90-simatech-launches-container-yard,-freight-station-logistics-zone-in-mogadishu.html>

Figure 11: Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land adjacent to Adan Adde International Airport, 3 June 2013



Figure 12: Ministry of Transport and Civil Aviation land adjacent to Adan Adde International Airport, 27 December 2013



Figure 13: Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land adjacent to Adan Adde International Airport, 17 November 2015



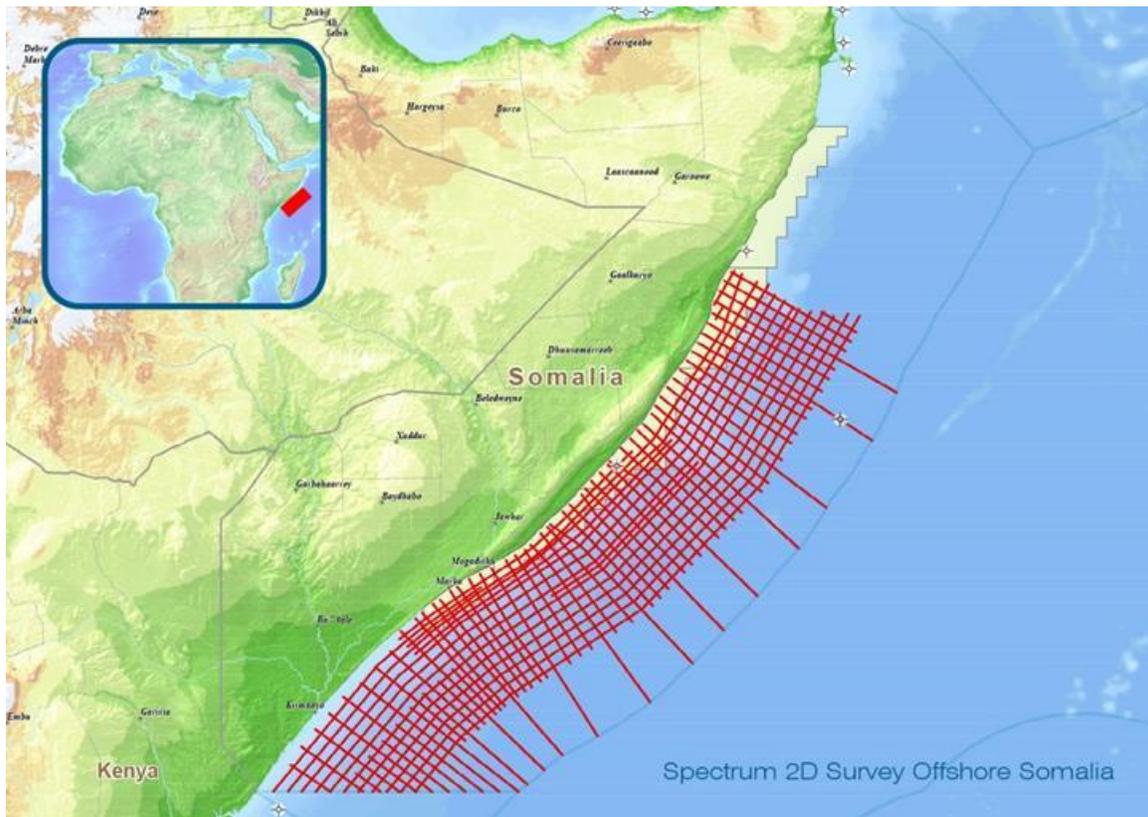
Figure 14: Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land adjacent to Adan Adde International Airport, 1 September 2016



Annex 5

Natural resources

Annex 5.1: Spectrum ASA Survey Map



Annex 6

Obstruction of humanitarian assistance

Annex 6.1: Access to humanitarian assistance

Main supply routes and unlawful taxation

1. The operation of illegal checkpoints on main supply routes (MSRs) by state and non-state armed actors intensified in scope, number and nature during the mandate, affecting movement of population and basic commodities and constituting one of the most problematic obstacles to humanitarian access. Spurred by a range of factors, from lack of payment of security forces, to the proliferation of armed groups with putative claims to official status, and weak or absent command and control, the level of extortion and violence at these checkpoints rendered some key MSRs practically impassable. In March 2016 the Mogadishu to Baidoa artery, for example, some traders judged it preferable to pass through Al-Shabaab-controlled territory—adding approximately 600 miles to the journey—as taxation was predictable and demanded only once.²⁰⁰ Receipts issued by Al-Shabaab were honoured throughout its territory. The alternative was to face multiple checkpoints manned by local militia, regional forces and the Somali National Army (SNA), all of which expected their own fee.

2. In March 2016 humanitarian organisations initiated a dialogue with national and regional level officials, which resulted in assurances from the Interim South-West Administration (ISWA), Middle Shabelle regional authorities and the FGS Ministry of Interior and Federal Affairs that they would clear roads and facilitate the movement of humanitarian and other essential supplies. A major obstacle to such efforts, however, was the variety of forces and command controlling checkpoints in highly contested areas such as Lower Shabelle. Although local authorities had the formal responsibility to secure such routes they often had no *de facto* authority: on one occasion, for example, humanitarian workers were told that the best they could hope for was a case-by-case clearance for each individual convoy to be attempted.²⁰¹

3. The SNA's inability to effectively support African Union Mission in Somalia (AMISOM) forces in the holding of 'recovered' areas was also a major challenge: this stretched AMISOM's resources and in turn undermined its capacity to clear supply routes as urged by the Council.²⁰² It also led to a dynamic of cyclical capture and withdrawal from 'recovered' locations by anti-Al Shabaab forces with serious implications for both the protection of civilians and the safe passage of humanitarian aid.²⁰³

Al-Shabaab

4. One of the most significant impediments to humanitarian access during the mandate continued to be Al-Shabaab's violent enforcement of blockades of urban areas controlled by anti-Al Shabaab forces, particularly in parts of Bay, Bakool and Hiran.²⁰⁴ Al-Shabaab targeted the passage of both relief and commercial supplies, driving up prices of key commodities in affected communities.²⁰⁵ As was its *modus operandi* during 2014 and 2015, goods themselves, the modes of transport, and those who transported them were all vulnerable to attack, destruction and murder. In November 2015, for example, 11 donkey carts and their loaders were attacked in Alemow village on their way from Buur Dhuhunle to Wajid

²⁰⁰ By August 2016, costs for a convoy on the Mogadishu-Baidoa-Dolow route were stilling running at USD 4,000 to 5,000. Interviews with civil society and government officials in Baidoa, 2 to 3 March 2016; For more information, see also Transparency Solutions, "Beyond Isbaaro: Reclaiming Somalia's Haunted Roads", Nairobi, 2016.

²⁰¹ There was clearly no facility for a general directive to be issued and adhered to. Interview with humanitarian worker, Mogadishu, 19 June 2016. Interview regional administration official, Baidoa, 3 March 2016.

²⁰² Skype interview with UN staff member, 28 July 2106. In resolution 2297 (2016), the Council charged AMISOM, *inter alia*, with contributing "within its capabilities as may be requested, to the creation of the necessary security conditions for the provision of humanitarian assistance" (paragraph 7 (b)). Within this it is specifically mandated to secure key supply routes, in particular those essential to improving the humanitarian situation (paragraph 6 (d)). The Council has also asked the Secretary-General to report, in consultation with the FGS and AMISOM, on progress in this latter (paragraph 8).

²⁰³ See discussion of SNA withdrawals at section II B of this report.

²⁰⁴ In Baidoa in March, for example, security officials told the Monitoring Group that the regional capital continued to be completely "disconnected" from the 'recovered' towns of Wajid, Dinsor, Hudur and Berdale. Interviews with regional government officials, 2 March 2016.

²⁰⁵ S/2015/801, annex 5.1. In March officials in Baidoa told the Monitoring Group, for example, that the price of sugar had been pushed up to USD 4 in Dinsor.

in Bakool region: the donkeys were slaughtered, the carts and goods destroyed and the loaders tortured but released.²⁰⁶ In late June 2016 three civilians were killed in their homes in El Lehili outside Hudur, also in Bakool region, reportedly connected with their engagement in delivering livestock and related goods to Hudur.²⁰⁷ In July 2016 in Lower Shabelle, Al-Shabaab publically destroyed food aid originating from Turkey, further to threatening businessmen in the area not to deal in Turkish goods.²⁰⁸ Local level negotiation with Al-Shabaab in areas such as Hudur (Bakool) did have some success in facilitating intermittent access. Nevertheless, by the end of August 2016, humanitarian organisations were still only able to approach Buloburde (Hiran), Dinsor (Bay), Garbaharey (Gedo) and Wajid (Bakool) by air.

5. The cyclical engagement and withdrawal of AMISOM and the SNA from towns and villages in Lower Shabelle, Hiran, and Gedo regions created great uncertainty for civilians and, as a result, humanitarian actors. Access to humanitarian aid was perceived within a political calculus, granted or denied depending on the interest served. In October for example when Al-Shabaab took over Kurbeyso and Meeri, south-east of El Wak town in Gedo region, they reportedly declared a ban on humanitarian agencies. The SEMG notes, in contrast, that Federal and regional authorities rarely questioned the movement of humanitarian aid into Al-Shabaab areas.

6. In areas where Al-Shabaab was the prevailing authority, humanitarian organisations continued to be faced with demands for fees and taxes, generally through a local humanitarian focal point.²⁰⁹ Although there were indications in mid-2015 that Al-Shabaab was attempting to centralise its regulation of humanitarian operations, this trend did not continue during the course of the mandate; organisations still generally negotiated access through local nodes of power.²¹⁰ Some humanitarian workers nevertheless told the SEMG that Al-Shabaab demonstrated greater “hostility” in its interactions with humanitarian workers during the mandate, whether due to the intensity of the violence associated with both sides of the Al-Shabaab conflict, internal tensions within Al-Shabaab itself, or the greater pressure on Al-Shabaab to raise finance for its operations.²¹¹

7. In early August 2016, Al-Shabaab released photographs of the establishment of an Islamic police (*Hisba*) in Jilib in Middle Juba.²¹² Declaring it would operate as a non-armed force to promote virtue and prevent vice, Al-Shabaab also noted that the Hisba would have a role in protecting “the quality of food and medicine and clothing in the market and all products in the markets”. The SEMG has not yet been able to assess the extent to which this development has impacted local humanitarian operations in Middle Juba. Meanwhile, on 4 September 2016, the SEMG received a report that a new cadre of young men between 16 and 18 years of age had been trained as tax collectors and had begun operating between Jilib and Jamame, distinguished in their role by a special uniform.²¹³

The humanitarian ‘carve out’

8. In resolution [2244 \(2015\)](#) the Council extended the humanitarian ‘carve out’ until 15 November 2016, determining that the payment of funds necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the UN or specified partners would not be subject to the assets freeze imposed on designated entities.²¹⁴ Against the

²⁰⁶ Email from non-governmental organisation (NGO) staff member, 22 November 2015.

²⁰⁷ Email from UN staff member, 26 June 2016.

²⁰⁸ Email from UN staff member, 17 July 2016. See also www.dhacdonews.com.

²⁰⁹ Interview with NGO staff member, Nairobi, 4 August 2016.

²¹⁰ [S/2015/801](#), annex 5.3.

²¹¹ Interview with UN staff member, Mogadishu, 19 June 2016. For more on Al-Shabaab financing see annex 1.8.

²¹² See, Caleb Weiss, Shabaab promotes ‘newly established’ Islamic police, *The Long War Journal*, 9 August 2016 available at <http://www.longwarjournal.org/archives/2016/08/shabaab-promotes-newly-established-islamic-police.php>. In October 2015 sources told the Monitoring Group that ISIS-affiliated fighters had a strong influence in the town. Interview with local elder in exile, Nairobi, 27 October 2016.

²¹³ Email from a representative of the community in the area in exile in Kenya, 4 September 2016.

²¹⁴ The entities to which the carve out applies are, “the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded NGOs participating in the United Nations Humanitarian Response Plan for Somalia”. See paragraph 23 of resolution [2244](#) and paragraph 3 of resolution [1844 \(2008\)](#).

background of the widespread influence or control exerted by Al-Shabaab—a designated entity—over large parts of the territory, the maintenance of the ‘carve out’ contributes to enabling the delivery of assistance to people in need wherever they are found in Somalia.²¹⁵ Not only does the ‘carve out’ create an atmosphere which reassures humanitarian actors as well as prospective private and public partners: it encourages the UN country team to develop and implement more rigorous due diligence mechanisms in order to protect its renewal. More broadly the ‘carve out’ can be considered as an element of the toolbox which facilitates humanitarian operations in zones of ambiguity, especially where rapid and reversible shifts of authority leave territorial control in flux and civilians caught in the middle. In 2016, more than 600 millions worth of humanitarian assistance was delivered to Somalia, including areas either wholly or partially controlled by Al-Shaebab, against the background of 4.7 million people in need of assistance in Somalia.²¹⁶

Bureaucratic impediments amounting to obstruction

9. In late July 2016 the UN Office for the Coordination of Humanitarian Affairs confirmed that administrative impediments to humanitarian operations were on the rise and continued to cause delays and interruptions in aid programming.²¹⁷ Most challenges occurred at the regional or district level. Even as the process to create a national framework governing humanitarian activities coalesced at the Federal level, authorities in ISWA and the Interim Jubba Administration (IJA) all continued to develop NGO bills or policies, and attempted to raise revenue from humanitarian operations.²¹⁸ In January 2016 the FGS circulated a draft NGO policy for discussion with line ministries. Since then progress of the Bill has stalled.²¹⁹

10. In the absence of a clear federal framework, uncoordinated regional approaches to regulation continued to complicate and raise the costs of humanitarian action, facilitating manipulation and obstruction of inputs and programs and the imposition of arbitrary taxation. These undermined the independence of humanitarian action, constrained access to beneficiaries in need, and frequently amounted to unlawful extraction of revenues. The safety and security of humanitarian workers were also affected. During the mandate there was a range of purportedly ‘official’ impediments with which the humanitarian community grappled, and which amounted to obstruction, from control of project oversight committees to refusal to authorise project activities in the absence of a ‘cut’ for senior officials, to imposition of ‘registration’ fees.²²⁰ Examples include:

- Puntland State of Somalia: In early January 2016, a directive from the Puntland Minister of the Interior, Local Government and Rural Development, Ahmed Elmi Osman ‘Karash’ purported to require aid organisations to install “Rubaab vehicle tracking devices” on their vehicles from a list of three “authorised” companies with the ostensible aim of strengthening measures against diversion.²²¹ Imposition of the measure would have entailed considerable additional risks to humanitarian operations at a time when the overall security environment in Puntland was increasingly fragile. Later, on 27 January 2016, a circular from the FGS Ministry of Planning and International Cooperation (MoPIC) urged humanitarian agencies to ignore all general directives which were not issued by MoPIC. Although the matter was partly resolved²²², the incident serves to highlight the extent to which the humanitarian

²¹⁵ The space created by the ‘carve out’ is tempered by other internationally and bilaterally imposed sanctions regimes.

²¹⁶ OCHA Somalia, Humanitarian Bulletin August 2016, 1 September 2016.

²¹⁷ OCHA Somalia, Humanitarian Bulletin, 28 July. Multiple sources of the Monitoring Group confirmed this assessment.

²¹⁸ Most local NGOs were compelled to pay some form of access fee to regional and district authorities. INGOs were better able to defy such requests—although not always.

²¹⁹ Federal registration of NGOs is currently conducted by the Ministry for Interior and Federal Affairs

²²⁰ Interviews conducted with UN, INGO and NGO staff throughout the mandate. See also annex 7.8 on the situation in Dolow.

²²¹ Letter from Minister of the Interior, Local Government and Rural Development to “United Nations and International NGOs Agencies in Puntland,” undated, on file with the Monitoring Group.

²²² There were sporadic instances where humanitarian missions were halted for reasons related to the absence of a tracking device since the MoPiC circular was issued. Email from humanitarian worker, 9 September 2016.

sector is vulnerable to uncoordinated efforts by regional authorities to control humanitarian action in a way which can also undermine not just the independence, but also the safety, of operations.

- Interim Galmudug Administration (IGA): On 25 April 2016 the IGA Ministry of Health demanded a 3.5 per cent project tax from its partners, ostensibly to facilitate monitoring.²²³ The international humanitarian community was able to push back on the request, but local NGOs were forced to pay.
- ISWA: In late April 2015 a draft NGO bill was promulgated, based on the Somaliland framework.²²⁴ Despite efforts to encourage coordination with a Federal legislative process underway on 21 July the bill was approved by cabinet and transferred for consideration to parliament. In the meantime, it is understood that local NGOs are being compelled to pay state registration fees in addition to being put under pressure to contribute sums of USD 5000 to USD 7000 per project.²²⁵
- ‘Khatumo State’ administration: Against the background of rising armed violence in Sool and Sanaag, and efforts by multiple administrations to exercise control over the same territory, the Khatumo administration in Buhodle purported to ban the operation of one international NGO and one UN agency in May on the grounds that they were contributing to insecurity. It subsequently transpired that the underlying reason for the obstruction related to the perception that the Puntland administration was bringing its influence to bear on beneficiary lists.²²⁶

11. Some local authorities responded positively to advocacy by the humanitarian community around inappropriate constraints: In April 2016, for example, Puntland authorities agreed that it would grant tax exemptions for certain elements of the drought response.²²⁷ In Benadir the humanitarian community was eventually able to clarify that demands from the Mayor of Mogadishu for contributions to a road construction project (\$5,000 to \$10,000) were to be considered as voluntary with no consequences for non-payment.²²⁸

12. The SEMG urges that the FGS, in close collaboration with regional authorities, expedite the process to agree and implement a national level framework to govern independent, impartial and non-discriminatory humanitarian action by non-governmental organisations in Somalia, including to ensure, *inter alia*, a consistency of approach between Federal and regional authorities and one step registration process.

13. Further, against the background of a complex, evolving—and often violently contested—federal and regional architecture, a number of aid organisations have suggested that donors can play a more positive role in helping to resolve situations in which humanitarian workers face official obstruction in the course of project implementation. This would assist humanitarian organisations to maintain their independence from political conflicts, particularly those around legitimacy of authority, and especially where donors are engaged in large-scale development support for the administration in question.

Interference by security agencies in humanitarian operations

14. As noted in the Group’s 2015 report, and exacerbated by the fragmented and increasingly contested political and security context, the range of armed and political actors purporting to appropriately exercise control over humanitarian operations, broadened and added to the uncertainty faced by humanitarian workers.²²⁹ One of most alarming developments

²²³ Interview NGO staff member, Nairobi, 4 August 2016.

²²⁴ Interviews with with NGO and UN staff members, Nairobi, 4 August 2016.

²²⁵ 500USD was the requirement for most organisations. Interview NGO staff member, Baidoa, 3 March 2016.

²²⁶ Email from NGO staff member, 26 May 2016; email from local leader with knowledge of the incident, 7 June 2016; interview with humanitarian worker 31 August 2016; Letter from Khatumo State of Somalia (Buhodle Local Government) to UN agency, 31 May 2016, on file with the Monitoring Group.

²²⁷ See Letter from the Office of the Vice President, 11 April 2016 on file with the Monitoring Group.

²²⁸ Email from humanitarian worker, 13 April 2016.

²²⁹ S/2015/801, annex 5.2.

was the effort by the security/intelligence services in Mogadishu and the IJA to control elements of humanitarian operations. This has potential not only to obstruct access, but also to significantly undermine the independence—and safety—of humanitarian operations.

15. In Kismayo, for example, in June 2016 the IJA administration established an Office of Monitoring Humanitarian Agencies (OMHA) within the Jubaland Intelligence and Security Service. The new office quickly advised organisations that they were to keep it informed of trainings, meetings, recruitments and contracting companies and that there would be penalties for non-compliance.²³⁰ In July 2016 the Office wrote to agencies declaring that an “approval letter” from the services would be required for company contracts.²³¹ Any agency which did not comply would, “face the consequence of the repercussion”.²³² In the light of the frequent interference by IJA militia in humanitarian operations, including through use of force, this was an ominous warning.²³³

16. In Mogadishu in late 2015, NISA called for a meeting with all aid organisations where they were told that NISA had set up an NGO office to “support” the sector. Later NISA officers were deployed to accompany Ministry of Labour officers to NGO offices as part of the Ministry’s efforts to collect staff lists. Ultimately the situation cooled with the issue of a letter from the Office of the Prime Minister in October 2015 clarifying that until a federal NGO policy was adopted, ministries were to refrain from attempting to implement and enforce bi-lateral regulations.²³⁴ At the end of July 2016, however, a new letter was circulated by NISA to all international organisations demanding that “all relevant detail regarding the staffs of your Agency/organization and any further details such as premises of operations for your agency in Mog and/or in the country” be submitted to the agency.²³⁵ Accompanied by ongoing intrusion of NISA humanitarian activities around staff registration, visits to humanitarian premises and attendance at humanitarian meetings, these developments caused great disquiet in the humanitarian community.

Cross border movement and access

17. Although most incidents in which cross-border movement was denied to humanitarian personnel or goods on security grounds were ultimately resolved, increased tension surrounding Al-Shabaab’s infiltration into the North Eastern Province of Kenya, and the attack on the KDF base in El Adde made negotiating access difficult. In early February 2016, for example, the Kenyan authorities publicly announced that they had impounded three trucks contracted to the World Food Program and bound for Dolow on suspicion of support to Al-Shabaab.²³⁶ The goods were eventually allowed to move with the intervention and personal accompaniment of the cargo by senior members of the local administration on the Somali side, and strenuous efforts by the UN agency.²³⁷ The incident served, however, to demonstrate the fragility of the context and the level of suspicion which existed on the Kenyan side of collusion between the local community and anti-Al-Shabaab forces.

²³⁰ Email from humanitarian worker, 13 September 2016.

²³¹ Notice to “all humanitarian and development agencies/companies interesting in Jubaland State” from the “Head of Monitoring Organisations in Jubaland State, of the Jubaland Intelligence and Security Services”, 12 July 2016, on file with the Monitoring Group.

²³² Ibid.

²³³ See discussion on attacks on humanitarian workers in Kismayo in annex 6.3.

²³⁴ Phone interview with humanitarian worker, 25 August 2016.

²³⁵ The letter was signed by NISA Director of International Agencies and Diaspora. Letter from NISA Director of International Agencies and Diaspora to all international agencies/organisations, 27 July 2016, on file with the Monitoring Group.

²³⁶ See, for example, The Nation, “Kenya seizes Somalia bound WFP trucks”, 2 February 2016. Available from <http://www.nation.co.ke/counties/Kenya-seizes-Somalia-bound-WFP-trucks/-/1107872/3059050/-/2ieskd/-/index.html>.

²³⁷ Interviews with UN staff member, 7 March 2016 and 30 August 2016.

Annex 6.2: Attacks on humanitarian workers

Al-Shabaab

18. Al-Shabaab attacked medical staff, medical facilities and related humanitarian assets throughout the mandate.²³⁸ On 29 December 2015, a driver and a medical officer from Dhusamareb hospital travelling in an ambulance rented by a humanitarian organisation were kidnapped by Al-Shabaab at Labi-Dule.²³⁹ They were released on 9 January 2016 although the ambulance was retained.²⁴⁰ On 30 March 2016, two Turkish, and three Somali, doctors at the Deva hospital in Mogadishu were killed alongside one other colleague when their vehicle was attacked.²⁴¹ In late June 2016, another ambulance was stolen from Belet Hawo hospital in Gedo region, allegedly because it had been used previously to assist wounded SNA personnel, a practice Al-Shabaab had reportedly warned against.²⁴² Mortars attributed to Al-Shabaab hit the Baidoa hospital on 6 August 2016 killing one civilian and injuring five.²⁴³ In another case a medical doctor working for an international entity was arrested by Al-Shabaab for 28 days and forced to cease his employment.²⁴⁴

19. Incidents in which Al-Shabaab abducted humanitarian workers during the reporting period were all safely—and swiftly—brought to an end through local intervention.²⁴⁵ On 27 December 2015 three staff members of a Bardera-based local humanitarian organisation, and their driver, were kidnapped by Al-Shabaab for a number of hours in the course of their work during a vaccination campaign in Tubako.²⁴⁶ In May and June 2016, warnings were received by the SEMG relating to the preparation of a kidnapping operation against humanitarian and international staff present in Galkayo or Garowe allegedly by pirate networks, highlighting the range of threats to which humanitarians were vulnerable.²⁴⁷ More broadly as many as 48 people (46 civilians and two soldiers) continue to suffer in captivity in Somalia, held by pirates or unknown actors, two since 2008, with no proof of life.²⁴⁸

20. UN installations housing humanitarian workers were particularly a target. Not only were there at least nine attacks during the year which affected UN compounds, there were numerous instances of suspected surveillance of UN

²³⁸ The Council in resolution [2286 \(2016\)](#) determined that, “that acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and obstructing the delivery of humanitarian assistance, including medical assistance, may exacerbate ongoing armed conflicts and undermine the efforts of the Security Council to maintain international peace and security under the Charter of the United Nations” (preamble).

²³⁹ Email from UN staff member, 29 December 2015.

²⁴⁰ Email from UN staff member, 9 January 2016.

²⁴¹ Shabelle News, “Somali PM slams murder of Turkish Doctors”, 31 March 2016. Available at <http://www.shabellenews.com/2016/03/pm-condemns-murder-of-turkish-nationals-in-mogadishu/>.

²⁴² Email from UN staff member, 28 June 2016.

²⁴³ Email from UN staff member, 6 August 2016.

²⁴⁴ Interview with local elder from the area of the abduction (unspecified for safety reasons) who conducted interview with the freed doctor, Nairobi, 27 October 2016.

²⁴⁵ During the first four months of 2016 there were only four brief abductions of humanitarian workers by Al-Shabaab. One abduction out of Kenya and into Somalia was, however, the subject of armed intervention: on 16 October 2015, KDF and SNA soldiers conducted a joint operation to rescue a teacher Judy Mutua, who had been abducted by Al-Shabaab from the Hagadera refugee camp in northern Kenya and taken to Somalia. See, Daily Nation, “Kidnapped Kenyan teacher rescued from Somalia in joint operation”, 16 October 2015. Available from <http://www.nation.co.ke/news/Kidnapped-Kenyan-teacher-rescued-in-Somalia-in-joint-operation/1056-2916526-10s0r44/index.html>.

²⁴⁶ See Hiiran News, “Gunmen abduct health workers in Central Somalia”, 31 December 2015. Available at http://hiiraan.com/news4/2015/Dec/103364/gunmen_seize_health_workers_in_central_somalia.aspx.

²⁴⁷ Information received by the SEMG from source in Galkayo with in depth knowledge of the security situation; email from UN staff member, 28 June 2016.

²⁴⁸ Email from UN staff member from the Hostage Support Partnership, 4 September 2016. The Hostage Support Partnership (supported by the Contact Group on Piracy off the Coast of Somalia (CGPCS) Trust Fund and the UN Office of Drugs and Crime, and coordinated by Oceans Beyond Piracy) seeks to track, provide medical support, recover and repatriate hostages held in Somalia. In addition, AMISOM force have also been abducted by Al-Shabaab.

facilities.²⁴⁹ National staff of UN and international humanitarian and development agencies were particularly subject to phone threats and harassment.²⁵⁰ In many cases victims receiving phone calls or text messages were unsure of the real origin of the threat. On 14 December a UN High Commissioner for Refugees (UNHCR) national staff member was shot and killed alongside a staff member from a UNHCR partner NGO while travelling in a car in Mogadishu.²⁵¹

21. The increase in the intensity of Al-Shabaab armed violence against civilians more generally during the mandate also affected humanitarians.²⁵² Abdinor Osman Wehelie, the Executive Director of Organisation for Somalis Protection and Development (OSPAD) was killed on 1 June 2016 in the course of an attack attributed to Al-Shabaab on the Ambassador Hotel in Mogadishu.²⁵³ A UNHCR staff member, also lost his life in the attack on the Mogadishu International Airport on 26 July 2016, the third killing of a UNHCR staff member in eight months.²⁵⁴ In the same attack, 11 UN security personnel (contractors) were killed and 12 injured.

FGS, regional and other entities

22. Federal and regional authorities were also the origin of threats and attacks on humanitarian workers during the mandate. The SEMG documented and verified two cases of unlawful arrest and detention of staff working on humanitarian issues by security forces of IJA in Kismayo during the mandate.²⁵⁵ The findings of the SEMG with respect to the misuse of authority by the administration in Dolow, including conduct amounting to attacks on humanitarian workers, are set out in annex 7.8. Humanitarian workers suspected of engagement with the SEMG were also threatened.²⁵⁶

23. Violence meted out to humanitarian workers by local militia as a result of contracting disputes around the business elements of managing humanitarian aid were also noted.²⁵⁷ One security expert told the SEMG that risks relating to operations, human resources and day-to-day contracting and management, harboured the most frequent threats to NGOs.²⁵⁸

24. The SEMG also received information on incidents of disorder and violence during aid distributions which threatened the safety of humanitarian workers and halted operations across Somalia, including, on average, three incidents a month in the northern part of Somalia during 2016.²⁵⁹ The situation in Awdal in Somaliland was particularly fragile as the impact of the drought and flooding, coupled with a history of perceived exclusion from resources controlled by the central authority, rendered communities volatile. The SEMG received information on four incidents of looting during food distributions by people upset at being absent from the beneficiary list.²⁶⁰

²⁴⁹ On 7 December 2015, for example, Puntland Intelligence officers arrested a suspected Al-Shabaab operative near the UN compound in Garowe. Email UN staff member, 8 December 2016. Stand off attacks: Mogadishu, AMISOM protected areas: 4 attacks (1 January, 11 February, 3 May and 4 June 2016); Baidoa airstrip near UN compounds: 3 attacks (21 February, 2 July and 6 August 2016); Kismayo airport: 2 attacks (14 and 27 February 2016).

²⁵⁰ The SEMG received information on a number of incidents involving receipt of telephoned threats by NGO, INGO and UN agency staff, including in Baidoa, Galkayo (North), Kismayo, and Mogadishu.

²⁵¹ See UNHCR, Statement on the murder of a staff member in Mogadishu, Somalia, 14 December 2015, available at <http://www.unhcr.org/news/press/2015/12/566fcde56/unhcr-statement-murder-staff-member-mogadishu-somalia.html>.

²⁵² For a discussion on the increasing intensity of Al-Shabaab violence against civilians see annex 7.1.

²⁵³ Email from UN staff member, 2 June 2016.

²⁵⁴ Email from UN staff member, 2 August 2016.

²⁵⁵ Phone interviews with victim, 10 May 2016; phone interview with victim, 31 August 2016. Details on file with the Monitoring Group: for reasons of safety details of the cases are not provided here.

²⁵⁶ Email from former government minister in the Interim Jubba Administration (IJA), 20 August 2016. Details of the incident have been kept confidential to protect the NGOs involved.

²⁵⁷ In one incident in Hiran in late June 2016, for example, an INGO team was attacked but left unharmed by a local militia in a dispute over car hire. Email from UN staff member, 27 June 2016.

²⁵⁸ Interview with NGO security expert, Nairobi, 30 August 2016.

²⁵⁹ Email from humanitarian worker, 6 September 2016.

²⁶⁰ Emails from NGO staff members, 13 November 2015, 25 November 2015, and 6 August 2016.

Measures to enhance compliance

25. During the mandate the effectiveness and independence of two critical modalities intended to enhance safety and security for humanitarian actors came under threat; the International NGO Safety Organisation (INSO) and the Special Protection Units in Somaliland and Puntland.

26. In mid May 2016, the Executive Director of the Kenyan NGO Co-ordination Board ordered the suspension of operations of the International NGO Safety Organisation (INSO), the entity providing safety information and advice to humanitarian NGOs in Kenya and Somalia.²⁶¹ Subsequently, INSO bank accounts were frozen and some international staff work permits were not renewed or delayed with no rationale given. Eventually, an injunction and related administrative remedies obtained from the High Court—suspending the initial order of the NGO Co-ordination Board—allowed the organization to resume operations in mid July. The obstruction of the work of INSO, including in particular the suspension of the daily Somalia update service for 55 days, affected access to vital security and safety information for humanitarian operations.

27. The Special Protection Units (SPU) in Somaliland and Puntland provide essential security to UN and non-governmental organisation (NGO) staff and operations, acting as enablers, *inter alia*, of humanitarian access and preventing attacks on humanitarian workers. During the mandate there were negotiations between the UN and Somaliland and Puntland authorities around changes in the management of, and international financial support for, the operation of the SPU.²⁶² Intended to enhance the efficiency and oversight of payments, the negotiation period saw frequent harassment and threats against humanitarian workers by SPU and periodic withdrawal of SPU support as the authorities attempted to secure the most beneficial deal.²⁶³ This created additional vulnerabilities for humanitarian operations, in particular for INGOs which found themselves on the margins of the discussions.

28. An Memorandum of Understanding signed in May 2016 finally clarified procedures and payments but left support for INGO missions beyond the main cities outside the framework.²⁶⁴ Not only did this necessitate a significant cost increase for INGOs but it also rendered INGO operations vulnerable to shut down in the event that a temporary emergency escort arrangement negotiated with UN agencies was not extended or replaced.²⁶⁵ Finally, the SEMG notes that NGOs and INGOs in particular lack a mechanism to engage the SPU in compliance with the requirements of the arms embargo.²⁶⁶

²⁶¹ Information on the situation of INSO was gathered from interviews with various NGO and diplomatic sources between June and August 2016.

²⁶² The charges were partially spurred by the identification of fraud and misappropriation of funds within the scheme. Interviews with NGO and UN staff members, September 2015 to August 2016.

²⁶³ On 10 December 2105, for example, SPU forced the abandonment of a planned mission warning that missions outside Garowe would not be supported if payment was not forthcoming. Email from UN staff member, 11 December 2016. Protests around delayed payments were still occurring in June 2016, including through suspension of operations. Email from UN staff member, 19 June 2016.

²⁶⁴ Memorandum of Understanding on file with the Monitoring Group.

²⁶⁵ The new scheme increases the payments to SPU officers but also entails additional administration and management costs: NGOs in particular will need enhanced support from Member States to meet these *de facto* mandatory expenses.

²⁶⁶ See discussion at annex 8.3.

Annex 6.3 — Diversion and misappropriation of humanitarian aid

29. Despite progressive recognition by the humanitarian community of the reality and scope of the phenomenon of diversion in Somalia, and enhanced efforts to address it, tackling misappropriation of aid remained a complex challenge. The system as a whole continues to be suspended on a framework in which sharing of resources or ‘*shahad*’ was accepted is intrinsic to operations. During the mandate, humanitarian workers, however well-intentioned, were forced to grapple with, and were often captured by, systematic practices which have become ‘normal’ in the Somali context, both within and outside of Somalia.

30. This expectation of ‘*shahad*’ is enfolded throughout all phases of the distribution cycle, from donors and UN agencies to contractors to NGOs—local and international—and those who control beneficiary communities. Nevertheless, it has been the Somali space with which UN risk monitoring and management has been almost exclusively preoccupied during the last few years. SEMG analysis over the course of this mandate therefore has attempted to highlight some of the transnational elements of the system—the challenges which lie outside Somalia, in Nairobi and in donor headquarters. As a research team working on corruption risks in Somalia emphasized, governance failures are not only related to governance issues in Somalia itself but are a function of relationships between individuals and networks linking Somalia with Kenya and national with international actors.²⁶⁷

UN and donor ‘Gatekeepers’

31. During the mandate the Monitoring Group received serious and credible allegations of the involvement of staff of UN agencies in diversion of humanitarian assistance through solicitation of bribes. The SEMG collected testimony of allegations of a promise to pay, and subsequently, the delivery of “fees” to, an intermediary staff member of a UN agency intended to facilitate processing of a contract or project proposal.²⁶⁸ The details of this case were shared with the UN agency concerned. The involvement of a senior UN official in similar conduct in the Somalia humanitarian system is also under investigation by another UN agency: in previous mandates the SEMG received information from different sources that the same individual regularly sought and obtained money to ensure stewarding of a project through the cluster system, including through the use of Somali agents to negotiate and collect the bribes on his behalf. The SEMG shared this information with the UN agency concerned. He is no longer working in Somalia.

32. The reality and perception that staff of UN agencies are engaged in fraud not only fundamentally undermines the system of aid but sets up Somali NGOs and local contractors as potential violators even before they begin their implementation of a project. Initiated by those in a position of power in the ‘system’, this corruption from the top co-opts local NGOs and contractors, and forces them into unlawful behaviour for survival. As one Somali interlocutor of the SEMG was told by his colleagues when he complained that he was finding it difficult to get funding: “Mohamed, but you are coming with closed hands!”²⁶⁹ In order to recoup the bribe paid out, the local actor must build-in opportunities for diversion into both budgets and operational planning..

33. The incidents documented by the Monitoring Group in three different UN agencies do not appear to be isolated examples. Researchers working on humanitarian action and corruption risks in Somalia confirmed that they had collected similar accounts of how bribes are paid in order to secure project and contract awards in some INGO and UN entities.²⁷⁰ They also noted that the use of middlemen or fixers to facilitate contracts and project awards was a regular occurrence.

Capture of monitoring and risk reduction mechanisms

²⁶⁷ Interviews with researchers working on corruption risks in Somalia, Nairobi, multiple occasions, June to August 2016.

²⁶⁸ Interviews with NGO staff member, June and July 2016.

²⁶⁹ Interview with “Mohamed”, Nairobi, 15 June 2016.

²⁷⁰ Interviews with researchers working on corruption risks in Somalia, Nairobi, multiple occasions, June to August 2016.

34. In its 2015 report ([S/2015/881](#)) the SEMG noted that with the increased focus on risk management, monitoring and due diligence, third party monitors and external auditors had become an increasing part of the humanitarian aid landscape.²⁷¹ At the same time there was a danger that they too would be co-opted by the corruption pervasive in the system.

35. During the mandate the SEMG received information that bribes were solicited and paid in cash in Somalia and in Nairobi in the context of assessments conducted for a UN agency by an international consultancy on at least two occasions.²⁷² The interlocutor described in detail the circumstances leading up to and then the payment of bribes, in two locations, during the assessment. SEMG has shared the information collected with the UN agency concerned. The same firm was also involved in the conduct of audits of NGO projects, a number of which were investigated and in respect of which questions were raised regarding the quality of due diligence conducted. The SEMG also spoke to a researcher who reported that he had received testimony of similar allegations involving the same consultancy.²⁷³

36. In another case documented by the SEMG a small local NGO was directed to pay by a staff member of an INGO conducting an assessment of capacity in the context of grant-making.²⁷⁴ Researchers interviewed by the SEMG confirmed that they had also received information relating to the payment of bribes during an INGO assessment.

37. These incidents highlight the extent to which the measures put in place to improve accountability within humanitarian operations may themselves be compromised by a system in which diversion and fraud is intrinsic to the operating model.

Diversion of bi-lateral aid

38. There continue to be challenges around the management and distribution of bi-lateral aid. In 2015 the SEMG reported on the arrest of seven government officials following FGS investigations into Turkish food aid diversion in Hiran.²⁷⁵ In July 2016 a series of allegations were made by local officials that a significant portion of a shipment of 11,000 tonnes of food aid donated by Turkey had been diverted by officials of the ISWA and IJA administrations.²⁷⁶ There were also allegations that logistics contractors for the movement of the food had been paid in food aid.²⁷⁷ The original aid shipment from Turkey arrived in May 2016 and was received by the Ministry for Interior and Federal Affairs before being sent to Bosaso—for onward transfer to Galgudud and Hiran regions—and to the ISWA and IJA.²⁷⁸ The Monitoring Group received information that at least some of the food aid which arrived in Kismayo was both sold in the market, and given to IJA forces as rations.²⁷⁹ In 2015, aid from another donor provided bi-laterally was used by the IJA authorities to pay members of the IJA Regional Assembly and IJA officials.²⁸⁰

39. These allegations arose too late in the mandate for the SEMG to conduct a full investigation. Nevertheless, the SEMG reiterates its 2015 recommendation that donors require greater levels of accountability from both the Somali federal and regional entity responsible for receiving and distributing bilateral aid, and provide enhanced support for the

²⁷¹ [S/2015/801](#), annex 5.3, paragraph 55.

²⁷² Series of interviews conducted with NGO staff members, 14 and 24 April 2014 and 23 July 2016.

²⁷³ Interviews with researcher working on corruption risks in Somalia, Nairobi, July 2016

²⁷⁴ Interview NGO staff member, Nairobi, August 2016.

²⁷⁵ [S/2015/801](#), annex 5.3.

²⁷⁶ See series of articles (in Somali) on the Markacadey website, 27, 28 and 31 July 2016 and on the Dhacdo website, 25 July 2016.

²⁷⁷ See, for example, Garowe Online, “Corruption surfaces over Turkish food aid in Puntland”, 7 August 2016.

Available from <http://www.garoweonline.com/en/news/puntland/somalia-corruption-surfaces-over-turkish-food-aid-in-puntland>

²⁷⁸ See, for example, Hiiraan News, “Turkish aid ship arrives in Somali capital”, 29 May 2016. Available at http://www.hiiraan.com/news4/2016/May/105651/turkish_aid_ship_arrives_in_somali_capital.aspx.

²⁷⁹ Email from former IJA minister, 20 August 2016.

²⁸⁰ Interview with former official, Interim Juba Administration, Nairobi, 20 June 2015.

process of distribution and monitoring.²⁸¹ As noted by the Ministry for Interior and Federal Affairs in a meeting with the SEMG in early 2016, lack of support for the Ministry affected its capacity to operationalise donations.²⁸²

Diversion and non-governmental organisations (NGOs)

40. Investigations into diversion of UN aid during the last few years have, in the main, focused on local Somali NGOs and contractors at the Somali end of the distribution cycle. In 2015 a number of enquires were conducted into the activities of international NGOs (INGOs). In contrast to the high level of unaccounted for or fraudulent expenditure identified during the last two mandates, however, the culmination of a series of investigations completed by the Office of Internal Oversight Services (OIOS) during this mandate—one self-reported—identified fewer questionable transactions and what appeared to be isolated, rather than systematic, practices.²⁸³ The reason for this may be twofold: one, that completed investigations are now occurring outside the time period of the 2010/2012 famine where there was combination of extreme need, large flows of aid and remote management of operations which produced many more opportunities for diversion; and two, that risk management mechanisms and a new approach to accountability in UN agencies is bearing fruit.²⁸⁴

Humanitarian aid and the conflict cycle²⁸⁵

41. In 2015 the SEMG reported that it had received credible information that humanitarian actors abused humanitarian principles and misused humanitarian inputs in the pursuit of clan dominance, including through use of violence in a number of places, but in particular in Lower Shabelle and Hiran.²⁸⁶ The SEMG recommended that conflict, clan and power dynamics be better understood and incorporated in project planning in addition to suggesting that mixed clan management structures be encouraged. During the current mandate the SEMG recorded persistent allegations—from NGO, UN, Member State and local community sources—relating to the involvement of staff of an NGO in Marka, in the Haber Gedir/Biimaal conflict cycle. The Group's investigation is ongoing.

Al-Shabaab

42. In areas where it was the recognized authority, patterns of taxation and control of humanitarian inputs by Al-Shabaab noted in the Group's previous reports continued. In a number of places an increase in the nature and frequency of Al-Shabaab's taxation demands on individuals and their families was noted, with new forms of '*zakat*' identified as payable.²⁸⁷

Measures to enhance compliance

43. During the mandate the energies invested by UN agencies in 2013 and 2014 in collective risk management waned.²⁸⁸ In December 2015, the Office of the Resident and Humanitarian Coordinator (RC/HC), took the decision to suspend the

²⁸¹ S/2015/801, annex 5.3.

²⁸² Meeting with Minister of Interior and Federal Affairs, Mogadishu, 2 February 2016.

²⁸³ See S/2015/801, annex 5.3 where it was noted that, for example, in one project implemented by an international organization, 100 per cent of costs incurred were found to be unaccounted for or unsubstantiated.

²⁸⁴ See discussion below.

²⁸⁵ In resolution 2111 (2013) the Security Council condemned "any politicization of humanitarian assistance, misuse or misappropriation" and called upon the UN and Member States to "take all feasible steps to mitigate these [...] practices in Somalia". Resolution 2111 (2013) at paragraph 11.

²⁸⁶ S/2015/801, annex 5.3.

²⁸⁷ The SEMG received information on particularly intensive *zakat* and taxation demands in Bakool, Hiran, Lower Shabelle and Middle Juba, both in the form of levies on agricultural production (Middle Juba/Bakool) but also in the form of bi-weekly 'protection' levies (Lower Shabelle). Interview UN staff member, Mogadishu, 19 June 2016. Interview traditional elder from Lower Shabelle, Nairobi, 2 June 2016. Interviews with Bantu elders from Middle Juba, March to June 2016. Interview with woman from Sakow, United States, 17 January 2016. See also annex 1.8 on Al-Shabaab financing.

²⁸⁸ In S/2014/747 and S/2015/801 the SEMG noted increased efforts by UN agencies to create and participate in collective mechanisms. By November 2015, however, the RC/HC was compelled to write to the UN Country Team

Risk Working Group (RWG) due to poor attendance and lack of engagement by agencies.²⁸⁹ The meeting forum itself was not the only element of the risk management framework to which agencies appeared uncommitted. One critical objective of the risk management framework, for example, was to enhance information sharing. Although a draft of an information sharing protocol was circulated by the Risk Management Unit (RMU),²⁹⁰ there has been little feedback.²⁹¹ As a result there is still no agreement on modalities for sharing information relating to risk management, whether in terms of the outcome of internal investigations or broader situational profiles.

44. Despite the increasingly significant sums being spent by UN agencies on third party monitors and special audits therefore, information sharing still takes place on an occasional informal level, with agencies rarely even sharing with the RMU itself. Although sharing of investigation outcomes may be constrained by agency mandates and other legal requirements, it is unclear why, at a minimum, organisational profiles or situational analysis cannot be shared with the RMU, not least to avoid duplication of efforts and costs within the UN system.

45. At the same time, while stepping back from engagement in collective mechanisms, some agencies have in fact deepened and expanded their own internal investigative capacity during the mandate: nevertheless, it appears that some agencies are determined to keep information in house, whether for reputational or other reasons. As emphasized by the SEMG in [S/2015/801](#), the ability to track the networks of individuals involved in diversion across local and international NGOs and UN agencies, and to understand how they may mutate into new positions or entities, is critical, and requires sharing of information.²⁹² Connections also operate vertically: staff members of INGOs and UN agencies often operate or are affiliated to local NGOs and are considered as investors with an interest in the success of the latter. Although the RWG was reconvened in June 2016, it is important that UN agencies enhance information sharing and coordinate efficient use of resources, *inter alia*, through the RMU.

Pursuing accountability

46. The increased willingness of UN and NGOs to acknowledge and investigate diversion during the last three years, is now finally being matched by new initiatives to manage what emerges from these enquiries. These include options such as partner ‘rehabilitation’ through arbitration and amicable settlement, submission of investigation findings to national jurisdictions where appropriate (standard practice now in some agencies)²⁹³, and the creation of “Vendor Sanctions Committees” to steer the process.²⁹⁴

47. Tackling the more serious cases remains challenging, however, whether for understandable security and safety reasons on the ground, or difficulties in interacting with reluctant national criminal jurisdictions. As noted above, the more minor the violation and the most established the NGO the greater has been the capacity of the donor or UN entity to engage and pursue a solution or settlement. Where fraud has been extensive and perpetrated by powerful actors, the pursuit of accountability for misappropriation uncovered in investigations has tended to run aground. UN dispute

(UNCT) to urge UN entities improve their engagement in the collective mechanisms which they had developed and committed to. Email from the Office of the RC/HC to the UNCT, 22 November 2015.

²⁸⁹ The Risk Working Group is a cross-agency risk management working group (RWG) convened under the Office of the Resident Coordinator/Humanitarian Coordinator and established in May 2014. It comprises the Risk Management Unit (RMU) and Risk Focal Points from the United Nations Country Team (UNCT).

²⁹⁰ Established in 2011 for Somalia, the Risk Management Unit (RMU) ensures that the UN, its partners, and donors better understand and mitigate the risks associated with operating in Somalia. The RMU has designed and developed a number of risk management tools and services for this purpose. See <http://so.one.un.org/content/unct/somalia/en/home/what-we-do/Risk%20Management%20Unit/>

²⁹¹ This protocol covers key aspects and considerations that need to be taken into account by all actors when sharing information related to fraud and investigations and provides recommendations towards a common approach.

²⁹² [S/2015/801](#) at annex 5.3.

²⁹³ As a result of these efforts, criminal cases against individual staff members at the national are, for example, under consideration in some jurisdictions.

²⁹⁴ Interviews with UN agency staff, Nairobi, August 2016

resolution systems have proved ill-suited for pursuing egregious cases and donors and Member States that have jurisdiction to pursue the cases—unlike the UN—have not taken up them up.

48. As a result, the discovery of large scale fraud and diversion has generally not led to penalties for those involved, beyond the dissolution of a small number of notorious organisations. Conversely, some others have found themselves *de facto* blacklisted, whether as a result of rumours or the tense atmosphere created around the conduct of investigations.²⁹⁵ The result has been both ongoing impunity and a perception of a lack of fairness in the system as a whole.²⁹⁶

49. The African Rescue Committee (AFREC) scandal ([S/2013/413](#)) is one which is regularly cited by Somali humanitarian workers as an example of impunity for the powerful. In 2013 AFREC was exposed as responsible for the unaccounted or diverted expenditure of millions of dollars of UN funds.²⁹⁷ In September 2012, over USD 11 million worth of AFREC contracts had been registered in the central UN contract management database.²⁹⁸ One investigation found that in 12 projects implemented by AFREC between July 2010 and August 2012 alone, 79 per cent of the USD 2.94 million costs only had been either fraudulently claimed or unsubstantiated.²⁹⁹ The director/owner of AFREC Abdi Ali Raghe is now both a senior regional administration official in the IJA and a businessman with whom the international community has daily engagement.³⁰⁰

50. Tackling individual instances of fraud and diversion will, however, always be insufficient. It is critical that the humanitarian community explore how to combine a rigorous approach to ending the impunity of those responsible for the most egregious diversion, with generating a genuine civic conversation about the function and meaning of humanitarian aid, including in terms of the relationships between all actors in the cycle of distribution. A ‘zero tolerance’ policy model, for example, tends to impede openness and may hamper dialogue.

²⁹⁵ Interview NGO staff member, Nairobi, July 2016.

²⁹⁶ Multiple interviews with Somali humanitarian workers during the mandate.

²⁹⁷ The SEMG conducted an investigation into diversion of humanitarian aid by AFREC in 2013. [S/2013/413](#), annex 7.2

²⁹⁸ Interview with UN staff member, Nairobi, 26 September 2012.

²⁹⁹ [S/2014/747](#), annex 7.6.

³⁰⁰ AFREC effectively ceased operations after its conduct was first exposed by UN internal investigations and subsequently publically in the US media. See, inter alia, Millions in UN Somalia aid diverted, hints that some went to terrorists, available at <http://www.foxnews.com/world/2015/01/20/millions-in-un-somalia-aid-diverted-hints-that-some-went-to-terrorists.html>. AFREC subsequently replicated itself as another NGO, Heal International. Heal International, was “introduced” to the health cluster at a meeting in Feb 2014 employing a profile almost exactly equivalent to that of AFREC. See, Health Cluster Coordination Meeting, Wednesday 5 February 2014, available at <https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/events/agendas/NBO%20Health%20Cluster%20Meeting%20Minutes-Feb%202014.pdf>.

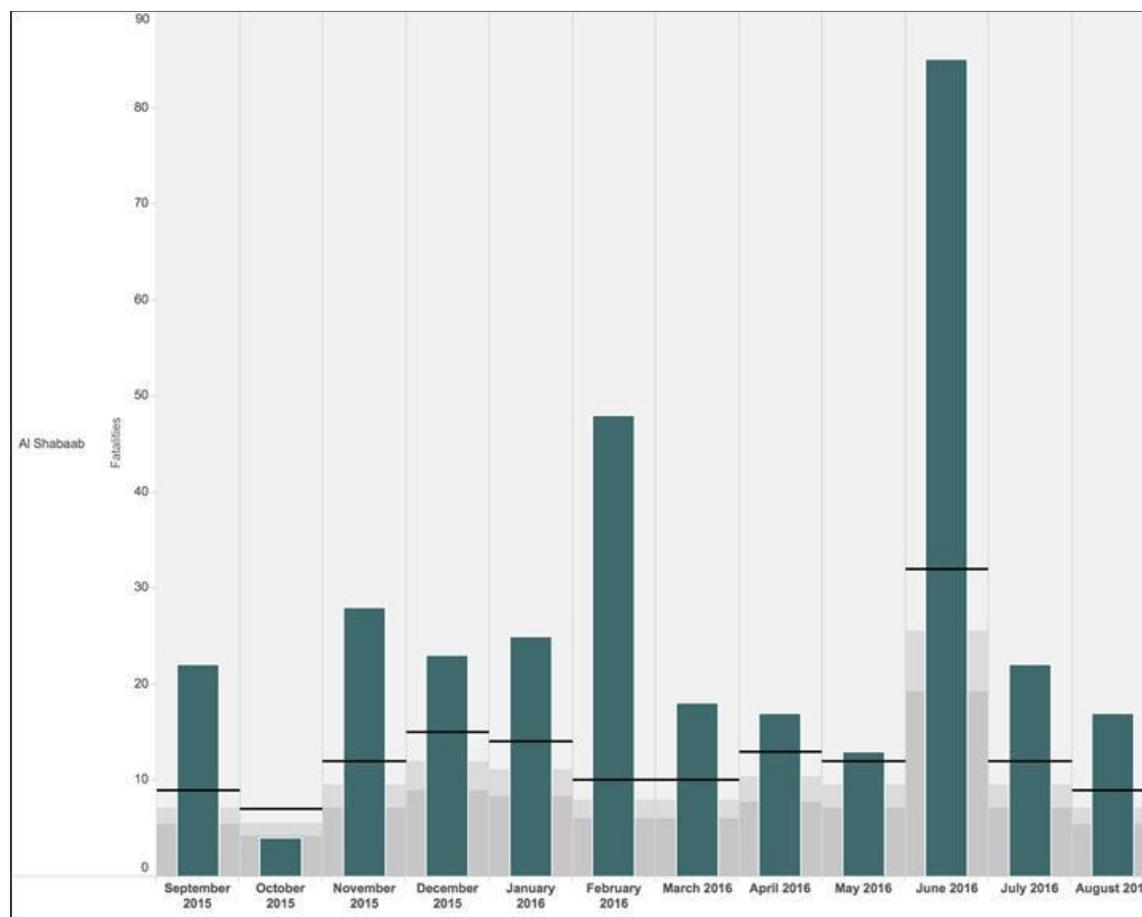
Annex 7

Violations of international law involving the targeting of civilians

Annex 7.1: Al-Shabaab violence against civilians: large scale IED attacks

1. Anti-civilian violence has been steadily on the rise in Somalia since January 2015, with June 2016 being the most violent month faced by civilians, calculated as a proportion of overall violence in Somalia.³⁰¹ During this period Al-Shabaab has been responsible for the largest share of all civilian fatalities (37 per cent). Although the average number of Al-Shabaab attacks on civilian targets has not significantly changed since last year, the intensity of the violence has increased, with each incident now involving a greater number of deaths and injuries.

Figure 7.1 (a)



Graph showing the number of incidents attributed to Al-Shabaab per month contrasted with the number of fatalities associated with those incidents. Graph created for the SEMG by ACLED/Professor Clionadh Raleigh.

2. In addition to its ongoing campaign of targeted assassinations, Al-Shabaab ensured it generated high civilian casualties through enhanced targeting and means of attack in its operations involving improvised explosive devices

³⁰¹ The Armed Conflict Location and Event Data Project (ACLED) conducted analysis for the SEMG, Draft Conflict Analysis of Somalia, August 2016. ACLED is a project which collects and analyses data on political violence in developing states. For more, see www.acleddata.com.

(IEDs).³⁰² On 28 February 2016, for example, an attacking combining a person borne IED (PBIED) and vehicle borne IED (VBIED) on two popular cafes in Baidoa killed at least 38 people. During its visit to the town of Baidoa between 2 and 5 March 2016, the SEMG met with local medical staff and government officials, including first responders, who noted that the explosion had caused a large number of deaths and injuries across a wide area with wound characteristics not previously seen.³⁰³ Officials described victims with severe burns and surmised that Al-Shabaab had employed a special kind of material which had caused intense heat.

3. The SEMG spoke with experienced medical personnel and explosives experts who responded to multiple PBIED and VBIED attacks in Somalia during the mandate to understand if there had been a change in the Al-Shabaab's IED techniques and tactics. According to those consulted, there has been no major evolution in the nature of the explosives which Al-Shabaab employs in its IED operations.³⁰⁴ It is rather the size of the IED, the increasing scope of the method of delivery, and the choice of target which are creating stronger and more violent explosions. In recent attacks, for example, Al-Shabaab has not only used high volumes of explosives, packed in fuel-bearing vehicles (cars and small trucks), it has also placed steel plates or other metal scrap around the main charge to increase fragmentation. As a result of all these factors, larger pieces of material are generated when the IED explodes, contributing to the seriousness of the injuries. An expanded blast radius also increases the number of people affected. In addition, depending on the location of the attack, other accelerants augment the explosion: the kitchens of the cafes in Baidoa, for example, most likely contained gas or other fuels which likely accounted for the descriptions of first responders to the SEMG that blood was "burning" on the ground.³⁰⁵

4. More broadly it is understood that during the last two years Al-Shabaab has been joined by explosives experts who have higher level technical skills, including in the creation of homemade explosives from commercial materials which are widely available.³⁰⁶

5. The complex attack launched by Al-Shabaab during the mandate in Mogadishu and Baidoa were all initiated by VBIEDs equipped with homemade explosives. These components can be extracted from a variety of ordinarily available materials such as fertilizer or household products. This makes it easier to find IED source material at scale: IEDs with 200 to 400 kg payloads have been regularly deployed this year. As a result of Al-Shabaab's new IED capacities, the slow work of harvesting military grade explosives from captured weapons and unsecured ammunition dumps—in which latter children have been engaged—is no longer a priority for Al-Shabaab when preparing such large IEDs, although small amounts are used as boosters for the detonation.

6. Although control of these materials is not possible, consideration could be given by the FGS and its partners to efforts to track and monitor of patterns of import and distribution of large volumes and/or unusual purchaser identities for materials which can be easily exploited to manufacture homemade IEDs.

³⁰² See section II A of this report for an assessment of Al-Shabaab operations during the mandate.

³⁰³ Interviews with regional security officials, Baidoa, 2 March 2016. A source of the Monitoring Group visited Baidoa hospital on behalf of the SEMG and collected information (testimonies and pictures) on the situation of the victims.

³⁰⁴ Interviews with military experts with knowledge of developments on the ground in Somalia, Mogadishu, 5 September 2016.

³⁰⁵ Al-Shabaab also conducted an attack on 21 August 2016 in the center of Galkayo (North) in which two VBIED explosions caused the death of over 27 civilians and the injury of up to 90 people, many seriously. See the statement of the UN Assistance Mission in Somalia on the attack at <https://unsom.unmissions.org/srsg-keating-condemns-terrorist-attack-gaalkacyo>.

³⁰⁶ See also annex 8.6 (confidential) for a detailed discussion of Al-Shabaab's developing capacity to deploy sophisticated IEDs in its military targeting.

Annex 7.2: Al-Shabaab: recruitment and use of children³⁰⁷

7. During the mandate the SEMG received multiple reports of forced recruitment of children by Al-Shabaab in Middle and Lower Juba and Lower Shabelle, from the relatives of communities living in those areas, and from refugee families in camps in Kenya.³⁰⁸ The Group also monitored the capture of children fighting with Al-Shabaab by the forces of the Puntland and Galmudug Interim Administration (IGA) in March 2016.

8. Al-Shabaab used increasing force in its recruitment of children this year. During the first three months of 2016 alone there were 268 incidents of child abduction verified by the UN and its partners, the majority of which were attributed to Al-Shabaab.³⁰⁹ Against the background of this aggressive general recruitment drive (primarily in Bay, Lower Shabelle, and Middle Juba), evidence collected by the SEMG points to an increasing focus by Al-Shabaab on the recruitment of very young children, particularly prior to, and after, Al-Shabaab's failed attack on Puntland. From the patterns observed, Al-Shabaab appears to be filling immediate operational needs to deploy large numbers of relatively untrained foot soldiers, but also to be implementing a longer-term strategy to build a cadre of loyal fighters indoctrinated from a young age.³¹⁰

- In September 2015 sources of the Monitoring Group described the beginning of an aggressive recruitment drive around Jamame, particularly in areas near Kamsuma and Makalongo.³¹¹
- In December 2015, the SEMG received reports that over 150 children had been abducted by Al-Shabaab from madrassas in Bay region.³¹² Subsequently a number of former Al-Shabaab fighters told the SEMG that they had seen significant numbers of children being trained and/or marshalled in a camp outside Bulo Fulay in Bay region.³¹³
- In early 2016 Bantu/Wagosha elders told the SEMG that around 260 children and youth, between the ages of 12 and 24 years old, primarily from Mahaway and Wazigua sub-clans of the Jareer community from Lower and Middle Juba, were abducted and taken to locations in Puntland.³¹⁴ The elders provided the SEMG with the names of some of the children taken from Migwa, Shongol and Isaqbul villages, a number of whom died, and others still in the hands of Al-Shabaab.³¹⁵

³⁰⁷ Precise details of some of the incidents listed in this annex were omitted to protect SEMG sources and their families from retributive attacks.

³⁰⁸ In the first three months of the year the recruitment and use of 472 children (442 boys; 30 girls) was documented. Al-Shabaab was responsible for the majority of the cases (276) followed by clan militias (123). Email from UN staff member, 22 July 2016. Al-Shabaab's recruitment drive since the failed Puntland attack is not captured in these figures.

³⁰⁹ Report of the Secretary General on Somalia, [S/2016/43](#), 9 May 2016, paragraph 58. During the whole of 2015 the UN verified 523 cases of abduction of children of which Al-Shabaab was responsible for 492, primarily in the context of recruitment Report of the Secretary General, Children in armed conflict, 20 April 2016, [A/70/836-S/2016/360](#), paragraph 118.

³¹⁰ It may be—and those entering defector programs reflect this—that older recruits are seen as most likely to question and desert. Discussion with security expert, Mogadishu, 5 September 2016.

³¹¹ Telephone interviews conducted by a relative of community members from the area and shared with the Monitoring Group, Nairobi, 28 June 2016.

³¹² See [A/70/836-S/2016/360](#), paragraph 113. The UN was only able to verify 26 of these cases.

³¹³ Interview with former Al-Shabaab fighters, Garowe, 10 May 2016.

³¹⁴ Interview with Bantu elders, Nairobi, 25 January 2016; correspondence dated 22 July 2016 from Bantu elders on file with the Monitoring Group; email from Bantu elder to the SEMG, 31 August 2016; see also [S/2015/801](#), annex 6.2 for detailed information on the persecution of the Bantu/Wagosha community—including forced recruitment Lower and Middle Juba between 2013 and June 2015.

³¹⁵ It was also reported, but could not be confirmed, that some of the identities of the children were changed and that Al-Shabaab “claimed they are from Tanzania and Kenya”. Individual from these clans speak their own language which is similar to Swahili. Children from Migwa were among those who detained by the Puntland authorities when they captured Al-Shabaab fighters in March.

- In March 2016, the local community in two villages in Lower Shabelle rejected Al-Shabaab's specific request to 'provide' children in the age range of eight to fifteen years old and presented an older group of potential recruits for consideration.³¹⁶ Al-Shabaab did not accept the substitution, and abducted 60-70 small children from Koranic schools in the area. Later rumours circulated that the children were intended to be used as suicide bombers to interrupt the 2016 political elections.
- In March 2016 representatives of the security services in Baidoa told the Monitoring Group how Al-Shabaab in the sector had begun a new approach to recruitment.³¹⁷ Children from 10 years old in the area were being given "an offer of education", for which parents paid fees, and through which military training was initiated. The officials described this new approach as a "long term threat which needs to be brought to the attention of the international community".
- In March 2016 the SEMG was informed of a forceful recruitment program underway between Eel Addow and Kurtunwarey in Lower Shabelle, particularly focussing on schools.³¹⁸ Hundreds of children are estimated by the UN to have been the target of such sweeps in Lower Shabelle alone during the first months of 2016, including further to attendance at madrassa or public or religious gatherings.³¹⁹
- In May 2016, the SEMG received reports of a surge in recruitment of children from madrassas in Harardhere district in Mudug region.³²⁰
- In June 2016, the SEMG spoke to recently arrived refugee families in Kenya who cited a child recruitment drive, particularly of boys between 12 and 15, around Afgoye, Lower Shabelle, as their reason for fleeing the area.³²¹
- In June 2016, the SEMG verified UN reports that teenage recruits had recently completed four months of training in Bu'ale, Middle Juba.³²²
- By the end of June 2016 there had been 521 cases of Al-Shabaab recruitment of children verified by the UN.³²³

Capture of over 100 children associated with Al-Shabaab

9. Al-Shabaab's failed attack on Puntland and Galmudug particularly exposed the expanding pattern of Al-Shabaab recruitment and use of very young children. When the kinetic operations ended, the Puntland and Interim Galmudug administrations found themselves with over a hundred children in their custody who had been separated from Al-Shabaab—some as young as 11.³²⁴ The children had in the main been hastily trained: among the children captured in Puntland, few of them had spent more than one year with Al-Shabaab, one had spent only one month with the group before being deployed.

³¹⁶ Email from member of parliament from Lower Shabelle, 4 April 2016; The name of the two villages are withheld for safety reasons.

³¹⁷ Interviews with representative of the security sector in Baidoa, 2 March 2016.

³¹⁸ Email from prominent elder in Lower Shabelle, 1 April 2016.

³¹⁹ Email from UN staff member, 22 July 2016. These cases are still being verified by the UN and its partners.

³²⁰ Email from UN staff member, 16 May 2016.

³²¹ Interviews with members of the Biimaal community, Kenya, 2 June 2016. They noted that if there was only one son in the family there was an option of paying to avoid recruitment.

³²² Email from UN staff member, 5 June 2016; Skype call with relative of a resident of Bu'ale with knowledge of Al-Shabaab operations.

³²³ Email humanitarian worker, 18 September 2016.

³²⁴ Interviews with UN staff members, March to June 2016. The SEMG visited the facility in Garowe where the children were held on 10 May 2016. At that point the children were being held separate from the adult former combatants and in adequate conditions.

10. In a video interview of the children conducted just after they were captured by Puntland forces at Tugga Suui, four of the boys described their different trajectories to Al-Shabaab through madrassa, promises of education and abduction.³²⁵ A second set of interviews conducted later that day revealed that a number had been provided basic training, particularly on use of an AK47—others none—and then had been sent to Puntland without explanation: “we just followed orders”. The boys had been gathered from different areas of south central Somalia, taken to the landing point at Harardhere, and told to fight. A number of testimonies collected by the SEMG from family members of children abducted by Al-Shabaab in Middle Juba in early 2016 confirm this pattern of recent recruitment, cursory training and rapid deployment.³²⁶

11. In May 2016, in line with the Somalia Standard Operating Procedures on the reception and handover of children separated from armed groups, 43 children were transferred by the authorities in Galkayo into the care of the United Nations Children’s Fund (UNICEF): one child was released to his mother in Galkayo. Negotiations to secure the release of the children from Puntland, however, stumbled.³²⁷ On 20 June 2016, 12 of the children were sentenced to death further to summary trials in the military court in which the children were not represented and in which they were cursorily found guilty of “association with Al-Shabaab”.³²⁸ Although the Puntland authorities have given assurances to the UN that the children will not be executed, the manner of their trial, and their continued detention is of concern.³²⁹ In a positive development however, in July 2016 a joint age assessment team comprised of Puntland government officials, international NGO experts and the UN was established to evaluate at least 19 of those sentenced to death whose currently determined ages are on the borderline.³³⁰ The SEMG learned in September that 9 of the 19 were assessed as children and a tenth recommended for release on health grounds. All ten had been sentenced to death.³³¹

12. Al-Shabaab’s willingness to increasingly use children in direct military encounters raises questions about the need for international and national security forces in Somalia to examine whether there are special tactics, techniques and procedures that may need to be deployed before and during active hostilities. Encountering children on the battlefield creates complex moral, ethical and military doctrine and rules of engagement dilemmas. Training, scenario running and other interventions, tailored to the Somali context, might be considered.³³²

Detention and use of children separated from Al-Shabaab

13. The SEMG reported to the Council in 2015 that it had received credible testimony on the victimisation and use of former child soldiers or children separated from armed groups and detained by the authorities at the Mogadishu Serendi camp, including for intelligence gathering, in breach of international law.³³³ During the current mandate the SEMG also received allegations from sources with direct knowledge of the facility, of sexual and physical abuse of the children and

³²⁵ The SEMG reviewed some of the basic information available on the detained children from official sources and reviewed TV interviews conducted by journalists with the children captured in Puntland and other footage of children detained in Galkayo.

³²⁶ In August 2016 the SEMG received testimony from a refugee in Kenya who described how her son had been abducted from Jiriki in Lower Juba in January 2016. In March 2016 she received a phone call from her son informing her that he had been critically injured in a battle. A week later she received a photograph of her son’s body. A refugee father also told how his son (16) had been abducted around the same time from the same area but was later killed: he continued, however, to receive communications from his son’s friends who were still being held by Al-Shabaab “around Garowe and Bosasso”.

³²⁷ Interview with UN staff member, 17 June 2016.

³²⁸ Altogether 43 fighters received the death penalty. See <http://www.garoweonline.com/en/news/puntland/somalia-puntland-court-sentences-43-al-shabaab-fighters-to-death>. The 12 children were transferred to Bossoso and held alongside the other prisoners who had been sentenced to death.

³²⁹ Phone interview with UN staff member, 20 August 2016; email UN staff member 27 June 2016.

³³⁰ Interview UN staff member 13 July 2016.

³³¹ Email from humanitarian worker, 18 September 2016.

³³² See, for example, the work of the Romeo Dallaire Child Soldiers Initiative at <http://www.childsoldiers.org/what-we-do/#training>

³³³ S/2015/801, annex 6.4.

adults in previous years at the camp.³³⁴ On 8 May 2016 a story in *The Washington Post* exposed the practice of using former child soldiers as intelligence assets by the National Intelligence and Security Agency (NISA).³³⁵ The Director of NISA, Gen. Abdirahman Turyare was quoted in the article acknowledging the practice, and even suggesting it was ongoing—although only for children held as “high value” ex-combatants. He was subsequently removed from his post. In the first six months of 2016 there were at least 250 children detained on security related charges, primarily by FGS security forces.³³⁶

14. On the same day as the *Washington Post* article was issued, the FGS Office of the Prime Minister announced the appointment of a ministerial-level Fact Finding Committee.³³⁷ The Committee reported quickly in June 2016 and the FGS shared a copy with the SEMG. The Committee found that “while underage children were used by NISA in the past to identify members of Al-Shabaab through the finger pointing technique, that practice is no longer applied at any of the detention centers nor are underage children kept under NISA custody”.³³⁸ The Committee also acknowledged also that “the previous situation in which children and adults were kept in the same facility has created an environment of systematic human rights violations”. The Committee urged that a human rights policy be developed for NISA, including standard operating procedures relating to detainees and that training for NISA and other law enforcement agencies be conducted.

15. Approximately 2,430 adults have passed through or are currently in reintegration facilities for ‘low risk’ ex-combatants since programs began in 2013. An additional 64 children have been transferred out of the system in Serendi camp into the care of UNICEF partners. Meanwhile—other than the high profile Serendi and Galkayo caseloads noted above—only 20 children have been transferred to UNICEF and its partners for protection and rehabilitation since early 2014.³³⁹ Taking into account the high percentage of children found within Al-Shabaab units on the battlefield in Puntland (as much as 50 per cent) and multiple testimonies of increasing forced recruitment of children, the question arises: why are children not deserting in proportional numbers and finding their way into child protection programs associated with demobilisation? Are local solutions being found? What are the implications of these discrepancies in the numbers for the development of a more comprehensive FGS and international response to responding to the protection needs of children recruited and used by Al-Shabaab?

16. At the end of July 2016, the Special Representative of the UN Secretary-General for Children and Armed Conflict (SRSG CAC) conducted her second visit to Somalia. She particularly highlighted the need for appropriate treatment and protection for children separated or captured as a result of their association with armed groups and the implementation of special measures to protect children from recruitment and use.³⁴⁰ In this regard, as pressure rises on refugees to repatriate from Kenya, the return environment must be carefully monitored—68 per cent of all those who returned to Somalia from Dadaab camp during 2016, were children.³⁴¹ In April and August 2016 Human Rights Watch collected testimonies from

³³⁴ Interview with individual regularly present at the facility in 2014 and 2015, undisclosed location, 2 August 2016.

³³⁵ Kevin Sieff, “US-funding Somali intelligence agency has been using kids as spies”, *The Washington Post*, 8 May 2016. Available from https://www.washingtonpost.com/world/africa/exclusive-us-funded-somali-intelligence-agency-has-been-using-kids-as-spies/2016/05/06/974c9144-0ce3-11e6-a6b6-2e6de3695b0e_story.html.

³³⁶ Cases verified by the UN. Email UN staff member, 18 September 2016.

³³⁷ This ministerial committee included the Minister of Justice (Abdullahi Ahmed Jama), the Minister for Internal Affairs and Federalism (Abdirahman Mohamed Hussein “Odawa”), the Minister for Security (Abdirizaq Omar Mohamed) and the Commander of the Custodial Corps (General Bashir Mohamed Jama “Gobe”).

³³⁸ Findings of the Ministerial Committee on the Washington Post article regarding Somali Intelligence agency and the alleged use of child defectors as spies, 12 June 2016, on file with the Monitoring Group.

³³⁹ This has been required since the February 2014 when the FGS signed the Somalia Standard Operating Procedures on the reception and handover of children separated from armed groups.

³⁴⁰ Press release, Somalia: Special Representative Zerrougui calls for stronger measures to protect children affected by armed conflict, 26 July 2016 available at, <https://childrenandarmedconflict.un.org/press-release/somalia-special-representative-calls-for-stronger-measures-to-protect-children/>.

³⁴¹ See, UNHCR, Weekly Update, Voluntary repatriation of Somali refugees from Kenya, 5 August 2016, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/VoluntaryRepatriationAnalysis-05082016.pdf>. Email from researcher, 9 September 2016. In a phone interview on 9 September 2016 an NGO expert on child protection and the prevention of recruitment and use of children, including in Somalia, warned that returning refugee children were being targeted.

several young men and boys who attempted to go home with their families to Al-Shabaab-controlled areas and had been approached for recruitment—they subsequently fled again to Kenya.³⁴²

Annex 7.3: Violations committed by Federal Government of Somalia (FGS) security forces against civilians held in detention³⁴³

17. Although large scale attacks on civilians were not committed by FGS forces during the mandate, there continued to be systematic compromise of the legitimacy of the security forces in the eyes of local communities, in particular through the abuse of state power to advance clan, political or economic interests. This contributed to undermining the effectiveness and legitimacy of the FGS security forces, and peace and security generally.³⁴⁴ During the mandate, the SEMG examined a number of cases of violations committed by federal security forces against civilians held in detention.

Detention and torture by Somali National Army (SNA) officers in Jowhar³⁴⁵

18. In 2014 the SEMG reported on a series of attacks on 20 Bantu villages on 6 and 7 November 2013 launched by Abgaal/Mohamed Muse militias, and SNA personnel, in the course of which civilians were killed, homes burned, assets looted, women were raped and thousands displaced.³⁴⁶ On 11 April 2016, five young Bantu/Shiidle men, all farmers from Daifa or Baroweyne villages in Middle Shabelle, were arrested and detained by a unit of the Somali National Army (SNA). Accused of being members of Al-Shabaab, the five men were first detained for two days at Jowhar Airport military base, subsequently held for seven days at Jowhar Police Station, and finally transferred for 43 days to National Intelligence and Security Agency (NISA) facilities. All five men were regularly beaten and denied water during their detention. Two of the men were particularly signalled out for torture by two named SNA commanders: one man had his finger nails pulled while both were severely beaten with butt of a rifle and had boiling hot water poured on the wounds.³⁴⁷ According to testimonies received by the SEMG, the SNA officers involved in the violation wanted to appropriate the properties of the men, and used the accusation of affiliation with Al-Shabaab as a pretext for their detention. After more than seven weeks in detention, the men were finally freed by the now deceased commander of NISA in Jowhar, Abdiweli Ibrahim Mohamed and cleared of all allegations.

19. Information on this case came to light late in the mandate: the SEMG has shared the names of the officers involved and the details of the case with the UN Human Rights and Protection Group and have requested them to raise the issue with the local authorities and consider relevant protection needs of the victims.

³⁴² Human Rights Watch, Kenya: Involuntary Refugee Returns to Somalia, Camp Closure Threat Triggers Thousands Returning to Danger, 14 September 2016, available at <https://www.hrw.org/news/2016/09/14/kenya-involuntary-refugee-returns-somalia>.

³⁴³ Precise details of the incidents listed in this annex were omitted to protect SEMG sources and their families from retribution attacks.

³⁴⁴ See annex 7.5 for a discussion on how involvement of FGS security forces in clan conflict in Lower Shabelle is undermining peace and security in the regional and in Somalia as a whole.

³⁴⁵ Monitoring Group phone interviews with individual with knowledge of the case who conducted interviews on behalf of the SEMG with the men, August 2016.

³⁴⁶ S/2014/747, annex 8.1 and strictly confidential annex 8.2

³⁴⁷ Photographs of injuries sustained by two of the men are held on file with the Monitoring Group, with one attached at figure 7.3 (a). The injuries—some still raw—are broadly consistent with the testimony provided of the torture meted out to the men.

Figure 7.3 (a)



Photograph of one arm injury sustained by one of the five men (name on file with the SEMG,) unhealed, taken by source of the Monitoring Group, four and a half months after its infliction.

Torture and ill-treatment in security detention³⁴⁸

20. In 2014 and 2015 the SEMG documented allegations of ill-treatment and torture, in particular of journalists, in Mogadishu's Central prison, and in security detention as overseen by NISA officials.³⁴⁹ During the current mandate, the SEMG conducted detailed interviews with five civilians who reported being subject to ill-treatment and and/or torture in security detention—in Godka Jillicow (Bondheere District) and Hoggaanka Baarista/Godka Madaxtooyo (Villa Somalia)—during 2014 and 2015.³⁵⁰ All five were detained as a result of, and some found guilty of offenses relating to, their work as journalists or their public expression of political opinion.³⁵¹ Prior to the specific incidents under examination, all had been warned multiple times by various authorities (executive and security branches of government) that there were topics they should not address in their public communications. All had been arrested and detained multiple times.

³⁴⁸ Where torture is committed in a context linked to an armed conflict it constitutes a war crime. When committed as part of a part of a widespread or systematic attack directed against any civilian population or an identifiable part of a population it can constitute crimes against humanity.

³⁴⁹ See S/2015/801, annex 6.1 and S/2014/747, annex 8.1

³⁵⁰ Series of interviews conducted in person and on the phone Nairobi, Belgium, Sweden and the United Kingdom, between March and August 2016. One of the reasons for the delayed investigation of these cases was concerns about the ^{safety} of the interviewees. There was a need to ensure they were in a place where their protection could be assured.

³⁵¹ For an overview of challenges to freedom of expression in Somalia and the frequent arrest of journalists and shuttering of media houses on state security grounds, including during the current mandate, see UN Assistance Mission in Somalia, Report on the right to freedom of expression, Striving to Widen Democratic Space in Somalia's Political Transition, August 2016; see also, Human Rights Watch, Like Fish in Poisonous Waters, attacks on media freedom in Somalia, 2 May 2106, available at, <https://www.hrw.org/report/2016/05/02/fish-poisonous-waters/attacks-media-freedom-somalia>

21. The SEMG also interviewed others who had been detained in the Central prison and in Godka Jillicow around the same time period who provided corroborating testimony on the patterns of conduct described by the principal interviewees. In addition, the SEMG reviewed information and material circulated on social media relating to torture and ill-treatment in detention.

Summary of the testimonies

22. The individuals interviewed by the Monitoring Group claimed that they were subjected to: restrictions on, or denial of, food and drink; confinement in small airless cells; beating and slapping; forced standing and confinement in stress positions using handcuffs or other ties making breathing difficult; interrogation while blindfolded; threats of death, sexual assault and further torture including by senior officials during questioning; hooding with plastic bags; use of electric shocks; forced partial submersion in water to induce fear of drowning, insults and general threats of violence, and denial of access to medical services.

23. Judicial oversight of detention and treatment in custody was minimal and insufficient and involved forum shopping. Four were brought before a military court where requests for extension of the detention period were acceded to: in one case, apparently the judge did reject a request for a 45-day extension of custody, and questioned the appropriateness of the enquiry. Nevertheless, the judge went on to direct a 21-day extension of custody. Another interviewee described how he was brought before a civilian court which ordered his release: he was then taken to a military court where the extension of detention was granted. In two cases it appears that the presiding judge in the military court made rudimentary enquiries into the well-being of the men but ultimately accepted the explanation of security officials as to how visible injuries were sustained. In one of these cases the detainee alleged that he told the judge directly what had been done to him and recounted how he had lost consciousness during the torture.

24. In addition to their personal testimonies, the five men recounted in detail having observed or received information from fellow detainees on the following conduct: extrajudicial killing of prisoners, forced marriage, torture, sexual assault, routine beatings. They also provided information on cases in which it was alleged by fellow detainees that individuals had been released further to the exertion of influence through family connections or money.³⁵²

*The case of Ali Abdi Wardhere (Ali Ali Yare)*³⁵³

25. Only one of the five principal interviewees was willing to allow details of his case to be shared publicly.³⁵⁴ Between March and May 2015 Ali Yare (Haber Gedir/Ayr), a well-known political activist and blogger, received a series of threats from government actors, on phone and on social media in relation to his political writings. Mr Ali Yare described to the SEMG how in March 2015 he was brought to a meeting with President Hasan Sheikh who personally warned him about his conduct in the presence of the Minister for Interior and Federal Affairs and other officials. In late May 2015 Mr Ali Yare was arrested twice and questioned by the security services about his political activities and ordered to attend and sign-in regularly at the station.³⁵⁵ He was informed in particular that the President was “unhappy” with his engagement in the formation of the Interim Galmudug Administration (IGA) including his role as campaign manager for the IGA

³⁵² The SEMG continues to investigate these cases and will share with appropriate authorities, to the extent that it does not harm potential witnesses.

³⁵³ Mr Ali Yare provided the SEMG with a written statement and supporting documents in addition to engaging in four interviews with the SEMG dealing with his experience between May and August 2016, in person in Nairobi, and on phone and Skype.

³⁵⁴ Mr Ali Yare’s public profile and circle of protection both among senior members of the cabinet and the international community, and even, at a personal level, among senior NISA officials, were not sufficient to protect him. But they did allow him to speak out relatively publically about his experience, and what he observed of the treatment and circumstances of other detainees. Due to his profile, his detention and release were heavily documented on social media.

³⁵⁵ Texted sign-in directions reviewed by the SEMG.

Presidential aspirant, Ambassador Ahmed Abdelsalam Adan.³⁵⁶ Indeed, in the weeks preceding his detention Mr Ali Yare had been prevented from flying to Adado on four occasions when he presented himself at Mogadishu airport. Finally on 11 June 2015 Mr Ali Yare was arrested from his home by NISA personnel, assaulted and blindfolded and taken to the Madahtoyo NISA investigation facility at Villa Somalia.³⁵⁷

26. During the first period of his detention Mr Ali Yare was regularly blindfolded, taken from his cell, slapped, pushed down on the ground, interrogated and threatened with death. He stated that he was accused of wide variety of illegal activities, including undermining the state and killings (at a time when he was a child). He was not permitted access to a lawyer but members of his family were allowed to visit briefly on 19 June 2016. After about ten days in detention, Mr Ali Yare states that he was taken to the location of the Supreme Court but ultimately not permitted to enter the facility, remaining in the courtyard. When the principal official returned to the vehicle, however, it was implied that an order had been obtained extending his detention but Mr Ali Yare was not provided with any details.³⁵⁸

27. Due to a combination of the treatment meted out to Mr Ali Yare during interrogations, the poor conditions at the facility, and, possibly, other factors,³⁵⁹ Mr Ali Yare eventually collapsed and lost consciousness and was taken to Deva Hospital in Mogadishu. While hospitalized Mr Ali Yare was told he was being treated for kidney problems, malnutrition and a stomach ulcer.³⁶⁰ He was kept under guard in the hospital in the custody of a senior regional NISA official, Abdelqadir Hassan Omar Geleh. Eventually Mr Ali Yare's friends and family lodged a *habeas corpus* application before the Supreme Court which ultimately ordered his release on 19 July 2015.³⁶¹ The decision of the Court noted that Mr Ali Yare had been in detention since 11 June, had not been charged with a crime, had been refused access to his family or a lawyer and had not been properly brought before a court for a review of his detention. He was released the following day. Approximately nine hours subsequent to Mr Ali Yare's release, Mr Geleh, the Hodan district NISA official who had been assigned to guard him in hospital, was killed by NISA personnel—including one of the officials engaged in Mr Ali Yare's 25 May arrest and detention—allegedly further to his refusing an order.³⁶²

28. Further to his release, Mr Ali Yare remained under a number of restrictions, including travel, issued by the President in an informal directive until this was re-negotiated on 22 September 2015.

Publicly available information

29. In late May 2016 a video was widely circulated on Somali social media which purported to be footage taken of two officials of the Mogadishu based NISA interrogating Hussein Hirsi, an official of the Yaqshid district administration, on his links with Al-Shabaab and a named businessman.³⁶³ The NISA officers are shown beating and insulting the prisoner in what appears to be a "safe house", an unofficial detention facility. One of the senior officers is heard saying to Mr Hirsi: "if you refuse to tell what we want from you, your life is not more valuable than others we kill every day." The SEMG has identified the two principal officials visible in the video: it is understood that one individual was placed under house

³⁵⁶ See S/2015/801, annex 1.1 for an overview of this process. Mr Ali Yare told the SEMG that his close political affiliation with Ahl al-Sunna wal-Jama'a (ASWJ) was also a point of contention.

³⁵⁷ Photographs purportedly taken from inside Mr Ali Yare's home during the incursion arrived show, show unmarked vehicles bearing the NISA logo with uniformed personnel manning mounted weaponry. Photographs on file with the Monitoring Group.

³⁵⁸ The Supreme Court order of 19 July 2016 however noted that Mr Ali Yare had never been brought before a court.

³⁵⁹ Mr Ali Yare states that he is not sure whether something was introduced into a drink which he was given a couple of hours prior to his collapse.

³⁶⁰ Mr Ali Yare states that he requested a copy of his medical records from the hospital after his release but this was refused. Deva Hospital was closed by the government at the end of July further to the political fallout from the Turkish coup. See, *inter alia*, Shabelle News, "Troops cordoned off Deva hospital linked to failed Turkish coup", 20 July 2016. Available at <http://www.shabellenews.com/2016/07/troops-cordoned-off-deva-hospital-linked-to-failed-turkish-coup/>.

³⁶¹ Copy of Supreme Court order on file with the Monitoring Group.

³⁶² During the hearing at the Supreme Court there had been contradictions in the account given by the state on the length of Mr Ali Yare's detention and Mr Geleh had been called into the chamber to clarify. He confirmed that the period of hospitalisation had been under strict guard, with the authorities assuming responsibility for the fees.

³⁶³ Available from <https://www.youtube.com/watch?v=7sMcmxf9XI0>.

arrest for a period of time but is now back in a senior position in NISA³⁶⁴ the other has sought asylum in a European state. Later a video statement from Abdikamil Shukri Moallim, a spokesman of Ministry of Security, was circulated on social media where he indicates that reforms have been made following the release of the footage and that the government formed an independent committee aimed to investigate these allegations against NISA.³⁶⁵ The SEMG requested information from the FGS about this committee and steps taken to address the allegations embodied in the video but did not receive a reply.

30. On 5 February 2016 Somali National TV carried a program containing a series of interviews and confessions with Hassan Hanafi Haji, a former journalist for the Al-Shabaab Radio Andalus, who was later convicted of killing five journalists between 2007 and 2009 by a military court in March 2016.³⁶⁶ In a subsequent interview, Hanafi claimed he had been tortured during his interrogation, including through suffocation, use of hooding with plastic bags and stress positions, electric prods, beating and use of water, including forms of torture and ill-treatment specifically described by three of those interviewed in detail by the SEMG. The interview appears to have been conducted by phone by an interviewer with a pro-Al-Shabaab bias, and posted on 7 April 2016 just three days prior to Mr Hanafi's execution.³⁶⁷

Conclusions

31. As set out above, consistent and credible testimony was proffered to the SEMG by former detainees which indicated patterns in the nature, circumstances and perpetrators of the use of torture and inhuman and degrading treatment or punishment in NISA detention. It is clear that these incidents were not isolated but part of an accepted practice, including as condoned and directed by those with senior political command. Particular names arose repeatedly in the accounts received by the SEMG, including of individuals who directly carried out the prohibited conduct, ordered the conduct, or were in a position to prevent the conduct.³⁶⁸ The fact that a number of NISA officers, themselves ex-members of Al-Shabaab or groups formerly associated with the origins of Al-Shabaab, are permitted to engage in interrogations of civilians is extremely problematic.³⁶⁹

32. The misuse of detainees in security detention, whether in pursuit of political ends or to settle private and business scores, not only amounts to a violation of human rights and of the sanctions regime: it also undermines the capacity of NISA to do its vital job, dissipating resources in misuse of authority. Those interviewed by the SEMG were arrested multiple times, in operations which involved large numbers of officers and assets of the force. Further, Al-Shabaab is also quick to use allegations of torture in detention by security forces to enhance its propaganda: after its 31 August 2014 attack on Godka Jillicow Al-Shabaab Wali for Benadir, Sheikh Ali Hussien (Ali Jabel) stated that the group had attacked the centre as "Muslims have been tortured and punished there".³⁷⁰

³⁶⁴ Phone interview with a Somali journalist, 18 August 2016. The same official featured prominently in a number of the cases reviewed by the SEMG.

³⁶⁵ The video which was original posted at <https://www.youtube.com/watch?v=7sMcmxf9XI0>, and which the SEMG initially reviewed, had been removed at time of writing on 13 September 2016.

³⁶⁶ The program was posted at <https://www.youtube.com/watch?v=xydjJ-FXL7Q>. He was interviewed by Abdiaziz Abdiaziz Mohamud Guled (Afrika), a NISA operative who plays a media role, Mr Afirka has been implicated in a number of previous human rights violations documented by the SEMG, including allegations of sexual violence against a fellow journalist.

³⁶⁷ Video of the interview was posted at <https://www.youtube.com/watch?v=bV3iAVIDaRs>. The video was uploaded on 7 April 2016. It is not unusual for detainees to be able to access telephones during their incarceration. He also claimed that Zakariya, the former head of Al-Shabaab's *Amniyat* unit, conducted some of the interrogations.

³⁶⁸ The SEMG will share names, and information on the allegations, to the extent agreed with the victims, with relevant authorities.

³⁶⁹ In at least two of the cases assessed by the SEMG the interrogator made reference to his previous connection with Al-Shabaab and Al-Shabaab related groups in an attempt to intimidate.

³⁷⁰ Somalimemo, Dhageyso: Sheekh Cali Jabal oo Shir Jaraa'id Ku Faah Faahiyay Howlgalkii Godka Jilacoow Muqdisho (At a press conference Sheikh Ali Jabala releases further information about the operation on Godka Jilacow Mogadishu, informal SEMG translation), 31 August 2014, available at <http://somalimemo.net/articles/835/DhageysoSheekh-Cali-Jabal-oo-Shir-Jaraaid-Ku-Faah-Faahiyay-Howlgalkii-Godka-Jilacoow-Muqdisho>.

33. It is encouraging that two of those interviewed suggested that overall, treatment in security detention—and the Central Prison, under a new prison commander—had improved. One of the interviewees described how his detention in 2015, for example, involved less severe treatment than in 2014. With the greater secrecy surrounding the use of ‘safe houses’ since 2014, however, it was not possible to make assessments about these facilities.³⁷¹ Since June a new leadership at NISA, including a new Director and Deputy Director has indicated that they have instituted reforms, including human rights training for officers and the setting up of a department within the agency to deal with human rights and legal issues.³⁷² Nevertheless, as this report was being prepared, a new case of detention of civilians by NISA—of researchers at a policy institute, the Mogadishu Institute of Research and Studies—came to light. They were held for over six weeks both in NISA detention and subsequently at the Central prison, without charge or access to lawyers.³⁷³

Measures to enhance compliance

34. In resolution 2244 (2015) the Council called upon the FGS to enhance civilian oversight of its security forces, in particular through investigation and prosecuting individuals responsible for violations of international humanitarian law. Later in July 2016, in resolution 2297 (2016) the Council encouraged the FGS to pass legislation aimed at protecting human rights and ensuring investigations and prosecutions of perpetrators of crimes involving violations of international humanitarian law and human rights violations and abuses (paragraph 38). Although there were a small number of prosecutions of lower ranked members of the FGS security forces during the mandate, commanders associated with repeated allegations of serious violations of international law were not investigated.

35. The Council has also noted the importance of the Secretary-General’s Human Rights and Due Diligence Policy (UNHRDDP) in relation to the support provided by the UN to the SNA (resolution 2244 (2015), paragraph 11). During the mandate UNSOM human rights conducted a General Risk Assessment of the Somali National Army which the UN HRDDP Task Force has submitted to the SRSG for approval.

36. The SEMG requests that the Council urge the FGS to:

- Implement the recommendations to its security forces formulated within the framework of the UNHRDDP³⁷⁴;
- undertake effective investigations for violations of international humanitarian and human rights law, particularly with respect to those in command responsibility and in decision-making positions³⁷⁵;
- establish a legal framework to govern the operation of NISA and ensure that those who abuse their powers and commit violations of international law are investigated and prosecuted;
- recognise the need to build security through enhancing the legitimacy of Somalia’s security forces and in this regard to consider the feasibility of establishing an independent complaint handling (from members of the security forces) and investigation mechanism (adjudication of complaints from members of the public).

³⁷¹ Interviews with the five victims as noted above. Interview with former detainee, Nairobi, 16 June 2016. See also discussion above of a video publically circulated of an interrogation in a “safe house”.

³⁷² Phone interview with senior NISA official, 13 September 2016. The Director of NISA from May 2013 was General Bashir Jama Mohamed. He was followed in July 2014 by Abdullahi M. Ali “Sanboloshe” and later the same year by Col. Abdirahman Mohamed Turyare. Colonel Turyare was dismissed by Presidential Declaration in June 2016 and succeeded by General Abudllahi Gaafow Mohamed, the former long term Head of Immigration.

³⁷³ The five men were arrested by NISA on 21 July 2016 and held without charge or access to lawyers. They were brought briefly before a military court to “answer questions” on 15 August 2016 but then detained for an additional three weeks at the Central Prison until 6 September 2016. Human Rights Watch, “Five Wrongfully Detained in Somalia Now Free, Intelligence Agency Held Policy Center Staff for Nearly a Month”, 13 September 2016 available at <https://www.hrw.org/news/2016/09/13/five-wrongfully-detained-somalia-now-free>. As recently as 18 August 2016 the offices of Radio Shabelle were once again stormed by NISA troops and two journalists arrested.

³⁷⁴ States giving direct or indirect assistance to Somali security forces might also tailor their support to the measures identified.

³⁷⁵ The Minister of Defense informed the SEMG that a committee had been assigned to investigate the “fighting in K50”—presumably as reported by the SEMG in 2013 (S/2014/747, annex 3.2)—and that it had been decided that the Ministry of Security would deal with the issue. Letter from Minister of Defense to the SEMG, 5 September 2016 (informal translation by the SEMG from Somali).

Annex 7.4: Violations committed by regional security forces against civilians during inter-regional conflicts³⁷⁶

37. As election cycles in Somaliland and at Federal level got underway during the mandate, contestation over the division of power within the federal architecture turned violent, with civilians sometimes bearing the brunt of manoeuvring by the elite through unlawful use of force. Civilians were harmed, for example, in the context of the effort to support the creation of ‘Upper Bakool State’,³⁷⁷ fighting in Sool and Sanaag throughout the mandate, and conflict in Galkayo in December 2015.

Sool and Sanaag

38. In Sool and Sanaag the long-running conflict between local militia, the forces of the self-declared ‘Khatumo’ state and the forces of Somaliland and Puntland in various combinations escalated during the mandate. Already buffeted by a severe drought and sustained exclusion from humanitarian and development resources by both administrations, the people of Sool and Sanaag saw weapons and armed personnel flow into the region, particularly as Somaliland voter registration got underway. Although the majority of those killed were armed personnel, there were civilian deaths in the course of violent encounters between the forces, and between forces and a restive public, in addition to allegations of an indirect campaign of assassinations, unlawful arrests and abductions.³⁷⁸ On 18 May 2016, live bullets fired by Somaliland forces at protestors participating in a demonstration in Lasanod against the Somaliland 25th Independence Day celebrations, for example, killed one and injured a second person.³⁷⁹ In August 2016 the political situation began to evolve further to enhanced negotiations between Khatumo leader Ali Khalif and Somaliland, vigorously encouraged by the new Minister of the Presidency, Mohamed Hashi³⁸⁰. Nevertheless in early September 2016, against the background of heavy-handed efforts to promote voter registration, demonstrators in Lasanod protested a number of assassinations in the town, attributed to both Al-Shabaab and the Somaliland authorities.³⁸¹

Galkayo, November/December 2015

39. The fault lines between communities in North and South Galkayo and between the Puntland Administration and authorities in Adado deepened in 2015 with the creation of the Interim Galmudug Administration (IGA) along contested borders.³⁸² Open conflict erupted in late November and early December 2015, pitting the forces of the IGA Administration and its allied militia, against Puntland forces and its allied militia.³⁸³ The immediate cause of the first clashes on 22 November 2015 was a dispute over construction of a road in Garsoor in Galkayo (North) which passed through part of

³⁷⁶ In terms of state obligations under international human rights law which apply to violent encounters which do not rise to the level of an armed conflict, Somalia is a party, *inter alia*, to the 1966 Conventions on Civil and Political Rights and Economic, Social and Cultural Rights; the 1981 African Charter on Human and Peoples Rights and the 1984 Convention Against Torture. The standards set out in common article 3 of the Geneva Conventions are also widely accepted as constituting fundamental guarantees which apply outside the context of an armed conflict.

³⁷⁷ ‘Upper Bakool state’ (comprising Yeed, Ato, Ceel Barde) was declared on 25 December, primarily supported by the Aulihan (Ogaden/Darod) community under the leadership of Ahmed Sheikh Mohamed “Mashruuc”, and with the support of elements of the Ethiopian authorities. The ‘state’ was immediately recognized by Puntland.

³⁷⁸ On 28 July, for example, Abdirisaaq Ahmed Warsame (Dhabayaco), a prominent businessman from La Anod was attacked and severely wounded shortly after he had supported journalists to report on resistance to voter registration in Awrbogays. Phone interviews with relative of Dhabayaco, July and August 2016.

³⁷⁹ ACLED data set, 18 May 2016.

³⁸⁰ As a show of good faith, for example, the army chief was replaced, and a Dhulbahante appointed to the Ministry of Interior with responsibility for the security apparatus.

³⁸¹ Email from relative of members of the community in Las Anod, 5 September 2016.

³⁸² The SEMG has described the process leading to the creation of the Interim Galmudug Administration. S/2108/801, annex I.1.

³⁸³ Allegations that FGS forces supported IGA forces and that there was a delivery of weaponry prior to the fighting could not be confirmed. See, for example, Garowe Online, “Somalia: Federal Govt delivers arms consignment to Galmudug”, 27 November 2015. Available at <http://www.garoweonline.com/en/news/puntland/somalia-federal-govt-delivers-arms-consignment-to-galmudug-report>.

a disputed area claimed by Galkayo (South).³⁸⁴ The second phase of the conflict flared on 28 November 2015 when heavy weapons were used against civilian areas by both sides.³⁸⁵ Amidst intense international engagement and the mediation of Prime Minister Sharmarke, an agreement was finally reached between the parties on 2 December 2015.³⁸⁶ On the following day, however, heavy fighting started again.³⁸⁷ A second truce was agreed on 5 December 2015.

40. Over 30 to 40 people were killed in the fighting as a whole and between 100 and 150 people injured.³⁸⁸ The majority of the town's population (c. 90,000)—from both sides—was temporarily displaced, including over 40,000 IDPs who had taken refuge in the town.³⁸⁹ Homes and businesses were destroyed.³⁹⁰ Women were raped as they fled to safety.³⁹¹ During the fighting an ambulance was attacked, two men and one woman who were in the vehicle were killed and the vehicle completely destroyed.³⁹² The SEMG was unable to ascertain precise figures for civilian deaths during the conflict with various official authorities and other sources providing different accounts from 9 to 30 civilians killed. The UN verified 11 civilian deaths during the two phases of the fighting.³⁹³

41. Multiple accounts of the conflict, from government officials (including some who openly acknowledged the culpability of their own side), civilians and NGO staff confirm that both sides in the conflict targeted civilians and civilian areas, including using heavy weapons. In a joint statement on 3 December key members of the international community declared that they would “not tolerate impunity and the continued needless killing of innocent civilians.” They added that “[t]hose found to be responsible [...] and the killing and displacement of civilians must be held accountable” and that “[a]ny deliberate shelling of civilian areas of Gaalkacyo may constitute crimes against humanity that must be fully investigated and vigorously prosecuted.” No prosecutions have, however, taken place.

42. The ceasefire has held, notwithstanding sporadic outbreaks of fighting. Nevertheless significant tensions remain, including as a result of the intensification of attacks by Al-Shabaab on Galkayo (North) since June 2016.³⁹⁴ At the end of August 2016 in the wake of an Al-Shabaab attack on government buildings and a market in Galkayo (North) which killed 20 and injured over 40, Puntland authorities imposed restrictions on vehicle movement from, inter alia, Galkayo (South).³⁹⁵

³⁸⁴ Some of violence appeared to have been calculated to consolidate support from reluctant allies within the respective administrations.

³⁸⁵ Interview with Puntland government officials, Garowe 23 February 2016 and Galkayo, 8 April 2016.

³⁸⁶ Interview with UN staff member, Garowe, 22 February 2016.

³⁸⁷ See <https://unsom.unmissions.org/international-community-condemns-renewed-outbreak-fighting-gaalkacyo>.

³⁸⁸ Interviews with NGO and UN staff and local authorities in both Galkayo (North) and Galkayo (South), 5 to 9 April, 2016. One senior local authority official suggested that only 2 or 3 civilians were among a total death toll of 27 on the Galkayo (North) side of the town. Human Rights Watch (HRW) reported the deaths of 9 civilians. HRW, “Dispatches: Don't Forget Somalia's Civilians”, 14 December 2016. Available at <https://www.hrw.org/news/2015/12/14/dispatches-dont-forget-somalias-civilians>.

³⁸⁹ Most UN agencies and INGOs also suspended their operations and relocated to Garowe. The majority of the population had returned to the town by the end of December. See UNOCHA, “Somalia, Flash Update, Humanitarian Impact of Fighting in Galkayo”, 24 December 2016. Available from <http://reliefweb.int/sites/reliefweb.int/files/resources/Gaalkacyo%20Flash%20update%2024%20December%202015.pdf>.

³⁹⁰ Interview with individual whose home was damaged, Galkayo, 5 April 2016. See Ceelhuur, 3 December 2016, at <http://ceelhuur.net/?p=26218>, for pictures of some of the damage to buildings in Galkayo (North); See also, Puntland Research Development Centre, “Galkayo Conflict: a local issue of a national apprehension”, December 2015, on file with the Monitoring Group.

³⁹¹ The Monitoring Group was told by a medical professional that six women were treated for injuries caused by being subject to sexual violence during the conflict. These accounts were strongly contested by local officials. Interview with NGO staff member, Nairobi, 10 April 2016.

³⁹² Interviews with individuals with direct knowledge of the incident, Galkayo, 7 and 8 April 2016. The burning out of the ambulance is depicted in the following video, as verified by individuals present in Galkayo on the day of the incident: https://www.youtube.com/watch?v=q26T7rpS2_s.

³⁹³ Email from UN staff member, 6 September 2016.

³⁹⁴ See, for example, Shabelle News, “Galmudug and Puntland trade blame over insecurity”, 19 June 2016. Available at <http://www.shabellenews.com/2016/06/galmudug-and-puntland-trade-blame-over-galkayo-insecurity/>

³⁹⁵ See, Garowe Online, “Somalia: Puntland government imposes restrictions on road travel”, 9 September 2016. Available from <http://www.garoweonline.com/en/news/puntland/somalia-puntland-government-imposes-restrictions-on-road-travel>.

43. The call for accountability of regional authorities and forces and reference to the potential commission of crimes against humanity by elements of the international community in the Galkayo conflict—the first of its kind—was a factor of the relatively matched strength of the parties and their prime place in the Somalia power structure. Nevertheless, no one has been held accountable. Further, where regional forces abuse their power and attack weak opponents, such as local clan militia, condemnation must be equally swift.³⁹⁶

³⁹⁶ See discussion in annex 7.5 on the deployment of FGS and regional forces into clan conflicts.

Annex 7.5: Clan conflict leveraged by the Somali National Army (SNA), regional forces, and Al-Shabaab

44. Insecurity and fragmented authority created fertile ground for inter-clan conflicts, often manipulated or supported for political ends, directly or indirectly by international, Federal or regional security forces—or by Al-Shabaab, including in Galgaduud,³⁹⁷ Hiran, Sool and Sanaag, and Lower Shabelle.

- In October and December 2015 and January a series of clashes between Gaaljal and Jajele militia in and around Belet Weyne resulted in up to 40 deaths, and as many wounded, primarily combatants but including some civilians. In May 2016 fighting again broke out between the militia, this time in the middle of the town. The toll on civilians was exacerbated by severe flooding of the Shabelle river: as many as 40 people were killed and over 6500 displaced.³⁹⁸ The UN assessed that there were at least 14 civilian deaths as a result of the clan clashes as a whole during the period.³⁹⁹ Although not directly related to the state formation process, the conflict entwined with both the national and regional political dynamic, as Al-Shabaab and international forces weighed in on different sides.
- Reflecting elements of the context and protagonists of the killing of civilians by Puntland forces in Taleh in November 2013,⁴⁰⁰ clan conflict in Qoriley in Sool between the Dhulbahante/Baharsame and Majeerteen/Omar Mohamud in late September saw the involvement of the security forces of the Puntland administration, including personnel from the Presidential Guard and Puntland Marine Police Force (PMPF)⁴⁰¹—and deepened the impact of the violence.⁴⁰² Temporary resolution of the conflict was eventually negotiated with the help of the broader Darod community, and by deployment of the Ethiopian region 5 police (the Liyu police) as guarantors of security. Agreement on attribution of responsibility and payment of compensation for the killing of civilians was complicated by the involvement of regional forces: it is understood that the Omar Mahmoud rejected liability referring the issue to the Puntland government—Darod elders however considered the Omar Mahmoud clan link with the President of Puntland as determinative.⁴⁰³

Lower Shabelle⁴⁰⁴

45. In Lower Shabelle civilians were often the victims of attacks within the long-running conflict between Haber Gedir and Biimaal militia.⁴⁰⁵ Although militia on all sides attacked civilians (killing, sexual and gender-based violence⁴⁰⁶),

³⁹⁷ In late October 2015, for example, there were clashes between Haber Gidir sub-clans north of Dhusamareb. On 1 August clashes between Ayr and Murusdae militia in Ximaced in Galgaduud over a land dispute reportedly resulted in the death of twelve people. Email from UN staff member, 2 August 2016.

³⁹⁸ UN Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin, 30 May 2016. Over 70,000 people were displaced in May as a whole as a result of both the severe flooding and the conflict.

³⁹⁹ Email from UN staff member, 7 September 2016.

⁴⁰⁰ S/2014/747, annex 8.2. The SEMG's detailed investigation into this attack determined that the officially constituted forces which participated in the attack on Taleh in 2013 included elements of the Puntland Maritime Police Force (PMPF), the Presidential Guard, the Puntland security forces or Darawish, and various militia, in particular those associated with Ahmed Karash, the current Puntland Minister of the Interior.

⁴⁰¹ See annex 8.3 for a discussion of international support for the PMPF.

⁴⁰² Interview with NGO staff member, Galkayo 10 April 2016; emails from relatives of members of the community, 8 and 10 August 2016; interviews conducted with representative of Khatumo 'state' in diaspora, Geneva, 20 and 21 May 2016.

⁴⁰³ Interview conducted with local traditional leader on behalf of the Monitoring Group, 9 August 2016.

⁴⁰⁴ Unless otherwise noted, this account of elements of the conflict cycle in Lower Shabelle is based on reliable UN and NGO sources, information provided by independent security sources, reviewed throughout the mandate, and interviews with elders and members of communities in Lower Shabelle, in Mogadishu, Nairobi, London, Oslo and the United States, in person and by phone.

⁴⁰⁵ See, *inter alia*, reports of the SEMG, /2015/801, annex 6.1 and S/2014/747, annex 3.2

⁴⁰⁶ The SEMG particularly received reports of rape by Haber Gedir and Murosade militia between Marerey and Afgoye in May 2016, including, it was claimed as many young men had run away to avoid recruitment by Al-Shabaab. Interviews with members of the Biimaal community, Kenya, 2 June 2016.

Haber Gedir militia were regularly supported by personnel and assets of the SNA, resulting in a disproportionate impact on civilians from Bantu, Biimaal, Galedi, Rahenweyne and other communities. Al-Shabaab played an opportunistic and complicating role, offering and soliciting support from both sides while also, sporadically, acting as peace negotiator.

46. Against this background, it was often difficult to identify the perpetrator of civilian harm. Members of the SNA played multiple roles, soldier of the state, clan militia, checkpoint extortionist, or, on some occasions, Al-Shabaab facilitator or fighter,⁴⁰⁷ depending on clan exigencies.⁴⁰⁸ The situation was further complicated by the failure to pay salaries and increasing tensions between the Abgaal and Haber Gedir elements of the SNA against the background of national level inter-clan tensions around political power sharing. This resulted in Haber Gedir elements of the SNA on occasion making a show of strength—through withdrawal of support to the FGS—in order to demonstrate the weakness of the anti-Al-Shabaab effort, absent their cooperation.⁴⁰⁹

47. Biimaal militia were perceived as aligned with Al-Shabaab fighters in some areas,⁴¹⁰—but in the majority of situations, were closely supported by, and in turn supported, AMISOM forces. The Biimaal have increasingly turned to AMISOM as a counterweight to the rising fortunes of the Haber Gedir.⁴¹¹ Biimaal and allied clan militia also mounted roadblocks and extorted civilians.

48. The alignment of Federal security forces on the Haber Gedir side of this conflict rendered resolution efforts extremely difficult. It also encouraged Al-Shabaab to present itself as a viable alternative authority with the capacity to enforce law and order.⁴¹² One local elder, for example, described how “Gobale’s militia have been entering homes and raping militia” in Afgoye.⁴¹³ His reference to one of the most senior SNA Brigadier Generals as commanding “militia” reflects how forces are perceived on the ground. In this context, one source of the SEMG described how two Bantu farmers of his acquaintance near Janale decided to declare support for Al-Shabaab in order to “get justice” and hold on to their farms.⁴¹⁴

49. Tackling the root causes of the conflict in Lower Shabelle is therefore a prerequisite to addressing the challenge of Al-Shabaab in Somalia.⁴¹⁵ The expansion of Al-Shabaab’s territorial control during early 2016 and the compromise of AMISOM and SNA operations, reflects the extent to which inter-clan conflict and national level political manoeuvring around control of resources in Lower Shabelle have become fatally intertwined the dynamics of the Al-Shabaab conflict.⁴¹⁶ The repeated transfer of control of Marka and of locations in Lower Shabelle between pro-Al-Shabaab and

⁴⁰⁷ That security forces moonlighted as ‘Al-Shabaab’ to conduct operations for financial gain was also reported in Bay. Interview with individual with knowledge of the security sector, Baidoa, 3 March 2016.

⁴⁰⁸ See S/2015/801, annex 6.1 where the SEMG reported on 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, by a combination of SNA personnel (with SNA assets), clan militia and elements of Al-Shabaab. During the mandate the SEMG also heard allegations relating to SNA personnel facilitation of Al-Shabaab operations in Lower Shabelle, particularly in Marka, but was unable to verify.

⁴⁰⁹ Oscillating FGS control of Marka was a factor of this grandstanding.

⁴¹⁰ At the same time, in late 2015, there was a series of clashes between Biimaal and Al-Shabaab fighters around Janale as Biimaal militia were pushed out of Marka and into areas controlled by the latter.

⁴¹¹ On the role Bantu and Biimaal militia played in support of AMISOM in 2015 see S/2015/810, annex 6.1.1.

⁴¹² As noted in previous SEMG reports, most of the SNA in Lower Shabelle come from a single clan, the Hawiye, and particularly the Haber Gedir and Abgaal sub-clans. See also, Ken Menkhaus, “Non-State Security Providers and Political Formation in Somalia”, April 2016.

⁴¹³ Interview with Biimaal *Bantu* elder, Nairobi, 19 February 2016.

⁴¹⁴ Interview with individual recently returned from a visit to Janale, Nairobi, 16 February 2016. General Gobale was killed in a suspected Al-Shabaab attack on his convoy on 18 September 2016. Hiiran News, “Somali General, 7 bodyguards killed in bomb attack on the capital”, 18 September 2016 available at http://www.hiiraan.com/news4/2016/Sept/117729/somali_general_7_bodyguards_killed_in_car_bomb_attack_in_the_capital.aspx

⁴¹⁵ There have been multiple attempts to secure agreement between the clans, including most recently under the auspices of the ISWA authority. None has borne fruit. Interview with officials of the ISWA administration, Baidoa, 2 March 2016.

⁴¹⁶ Between June 2015 and January 2016, for example, AMISOM and SNA withdrew from their bases in Aw Dheegle, Ceel Haji, Janale, Kurtunwaarey, Tortoorow and Wareer Maleh. See annex 2.1 for a list of SNA withdrawals related to payment issues.

anti-Al-Shabaab forces—and forces with mixed allegiance—during early February and July/August, accompanied by attacks on and displacement of civilians, exposed the vulnerability of the population.⁴¹⁷

50. Civilians are caught in a violent web of impunity in Lower Shabelle in which they often become political tools of the warring parties. The killing of six small children and their grandmother near Marka encapsulates many of these paralysing dynamics.

Killing of six children and their grandmother at Essow, Marka Lower Shabelle

On 18 April 2016 at Essow village southwest of Marka seven members of one family, an elderly woman Khadija Noor Mohammed and her six grandchildren (aged eight, six, four, three and three years old and a baby of four months) were shot dead and then burned in their home.⁴¹⁸ The SEMG interviewed members of the family, two of whom survived the incident by hiding in the surrounding bush. Other neighbours had fled when the community received a telephone warning that militia were approaching the hamlet. The relatives described how the mother of the five children had grabbed her eldest son (13) at the advance of the militia and fled, trusting that the smaller children and elderly grandmother would not be harmed. Later she and her neighbours reportedly heard Grandmother Khadija cry out and name her attacker: Nur Awale, the son of a prominent elder, and leader of a unit of Haber Gedir (Saleban) militia based at Shalmabot.⁴¹⁹ Seven homes in the hamlet were burned and the animals shot after which the militia departed, stealing maize, clothes and money they had found. Members of the community asserted that the action would not have occurred without sanction of the local SNA Commander Nur Jiddow with whom Nur Awale's militia were frequently co-located.

Shortly after the killings Al-Shabaab officials arrived at the scene and collected bullet casings. They also took pictures of the bodies and of the funeral ceremony. Later Al-Shabaab arrested four of those alleged to have participated in burning down the homes, but they were ultimately released without charge further to clan pressure.⁴²⁰ In the days following the killings a series of revenge attacks and clashes between Haber Gedir and Biimaal militia ensued. Seven people were killed, including children. The-then Al-Shabaab Governor of Lower Shabelle, Mohamed Abu Abdalla, subsequently organized a reconciliation conference between the parties which ended with an 'agreement' in Janale on 28 April 2016.⁴²¹ Meanwhile no investigations into the incident were conducted by Federal or regional or local authorities.⁴²² Both Biimaal elders living in Somalia and abroad reported receiving threats from members of the Haber Gedir community further to their speaking out about the case.⁴²³

Measures to enhance compliance

⁴¹⁷ See, BBC News, Al-Shabab 'retakes' key Somalia port city of Merca, 5 February 2016. Available from <http://www.bbc.com/news/world-africa-35502016>; aee, Shabelle News, "Governor: troops' pull out of Marka was a 'tactical'", 12 July 2016 at <http://www.shabellenews.com/2016/07/govt-troops-pull-out-of-marka-was-a-tactical-says-governor/>. Throughout July there were conflicting accounts of who controlled the town. See, for example, Somali Newsroom, "AMISOM and Al-Shabaab Fight For Control Of Somali Town...in Social Media", 31 July 2016, available at <https://somalianewsroom.com/2016/07/31/amisom-and-al-shabaab-fight-for-control-of-somali-town-in-social-media/>

⁴¹⁸ The names of the six children were Farhiya Sheikh Abdikadir Ga'al, Naima Sheikh Abdikadir Ga'al, Ahmed Abdikadir Ga'al, Mulki Abdikadir Ga'al, Muzamil Abdikadir Ga'al and Noor Abdi Osman.

⁴¹⁹ Phone interview with uncle and mother of the deceased children, 29 April 2016.

⁴²⁰ Interview with Biimaal elder, location in Europe, 2 June 2016; and follow up phone interview 13 September 2016. Similar incidents were documented in Galgadud: in Ximacade on 1 August, for example, Al-Shabaab reportedly entered the village and confiscated small arms from local militia (Murursdae and Ayr) after clashes in previous days. Email from UN staff member, 2 August 2016.

⁴²¹ The agreement did not hold and Abdalla was swiftly removed from this position and replaced in early May by Mohamed Abu Usama.

⁴²² The SEMG ensured that the surviving family members were linked with appropriate UN agencies with a protection mandate.

⁴²³ Phone interview with Biimaal elder, location in Europe, 13 September 2016.

51. Pursuing accountability for individual violations and addressing command and control within FGS forces—addressed below in annex 7.3—is vital but insufficient: the current composition of the SNA, particularly in the Shabelles, not just creates a sense of occupation for many in the local community, but constitutes, in all the circumstances, a threat to peace and security.⁴²⁴ There have been repeated efforts to expand the composition of forces but all have been blocked at the highest political level. On 26 October 2015 the Commander of the SNA directed, for example, that local community defense forces belonging to the Biimaal community at K50 should be integrated into the SNA.⁴²⁵ Almost a year later this has not occurred.

52. As the international community expands its support beyond FGS security forces to regional forces not coming within the FGS force structure, the SEMG urges that those in political and military command at the regional level be held accountable for violations against civilians. This might also take the form also of imposition of support conditionalities, including to prevent assets and assistance provided by the international community to such forces being misused in violation of international law.

⁴²⁴ Interviews with regional government ministers, members of parliament, Mogadishu, Baidoa and Nairobi, March 2016. See also this report section II B.

⁴²⁵ Email member of parliament to the SEMG, 23 March 2016; interviews with military sources with knowledge of the security sector, 16 March 2016.

Annex 7.6: Violations committed against civilians by international forces

53. In 2015 the SEMG noted the increasing scale of engagement of international forces in Somalia, including forces which appeared to operate outside the AMISOM Concept of Operations.⁴²⁶ Against a background of intensified attacks by Al-Shabaab on both civilian and military targets, international forces during the mandate committed violations involving the targeting of civilians, both in the course of ground attacks and as a result of the use of aerial weaponry.⁴²⁷ Between 1 September 2015 and 31 May 2016, for example, the UN documented and verified the deaths of 56 civilians in which international forces were implicated.⁴²⁸

Ground attacks and targeting of civilians in the course of the conflict against Al-Shabaab

54. There were a range of incidents in which AMISOM was accused of killing civilians, whether through the indiscriminate and/or disproportionate use of force in response to an attack on their forces, or the commission of deliberate acts of retaliation or punishment.⁴²⁹ Two were the subject of public acknowledgement by AMISOM.

55. On 16 April 2016 four civilians (a grandmother, her son, her grand-daughter and a businessman) were killed when AMISOM forces shot at a mini-bus carrying passengers at a checkpoint near Bula Marer. AMISOM acknowledged the deaths in a public statement and announced that a Board of Enquiry would be set up to investigate the incident.⁴³⁰ Coming in the wake of an engagement between AMISOM and Al-Shabaab in Golweyne the previous day in which AMISOM had sustained casualties, the killings were perceived by some in the community as 'revenge' for the losses, and demonstrations were mounted.⁴³¹ Further to an official query from the SEMG, AMISOM advised that a Board of Enquiry had determined that in the context of a cordon and search operation a vehicle had breached the outer perimeter and then approached the inner cordon at speed. Further to warning shots AMISOM personnel had fired on the vehicle.⁴³²

56. On 17 July 2016 Ethiopian troops fired on a group of men who had gathered to pray over an elderly man who was ill in a house on the outskirts of Wardinle in Bay region, killing 14 and wounding three others.⁴³³ The men were all from the locality: sheikhs, elders, teachers and relatives of the sick man.⁴³⁴ On 19 July 2016 the SSRC announced that he was undertaking an investigation, in consultation with the relevant FGS government institutions.⁴³⁵

⁴²⁶ S/2015/801, annex 5.1, paragraph 14.

⁴²⁷ See annex 7.7 on civilian harm and the use of aerial weaponry.

⁴²⁸ Twenty-five by AMISOM and 29 by forces acting bilaterally. Secretary General, Report of the Secretary General on Somalia S/2016/27, 8 January 2016; Secretary General, Report of the Secretary General on Somalia, S/2016/430, 9 May 2016

⁴²⁹ On 1 December 2015, for example, a RCIED was detonated near Golweyne village destroying an AMISOM oil tanker. It was reported that AMISOM captured and killed three civilian bystanders. Email NGO staff member, 2 December 2015. In response to SEMG enquiries AMISOM advised that after the attack a gun battle in which Al-Shabaab militants were killed ensued but that they had no reports of civilian casualties. On 23 July 2016, further to an IED attack against an AMISOM convoy in Waregow, it was reported that AMISOM troops fired into the crowd, killing at least two civilians. Email UN staff member, 23 July 2016. Further to SEMG enquires AMISOM advised that they were not aware of the incident. Letter from the SSRC Ambassador Franciso Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

⁴³⁰ See, AMISOM, Press Release (PR/017/2016), AMISOM regrets the loss of civilian lives in Bula Marer, 16 April 2016. AMISOM said it would work closely with the FGS and the Interim South-West Administration (ISWA), and involve the AMISOM Civilian Casualty Tracing, Analysis and Response Cell (CCTARC). There were also discussions of the incident in the ISWA parliament.

⁴³¹ The local community told the SEMG that the four were civilians, a grandmother (aged 60), her son (Abdiwahid), and her grand-daughter (12)—all Haber Gedir—alongside Mohamud Macalin a Galje'el business man from Jareey who was taking them to hospital. Interview with Biimaal elder and members of the community, Norway, 29 April 2016.

⁴³² Letter from the Ambassador Franciso Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016

⁴³³ Thirteen people died instantly at the scene and one person on his way to hospital.

⁴³⁴ The Somali media website Radio Kulmiye published pictures of the shrouded bodies and the site of the alleged killing at <http://radiokulmiye.net/index.php/2016/07/19/au-troops-kill-14-civilians-in-somalia-photos-and-names/>.

⁴³⁵ See, press release, AMISOM (PR/031/2016), AMISOM investigates claims of civilian deaths in Wardinle, Bay

57. The SEMG heard a number of accounts from individuals who spoke to witnesses and talked to security sources. According to one account, prior to the shooting three Ethiopian troops accompanied by a Somali soldier, had approached the house and asked about the presence of any Al-Shabaab fighters in the vicinity. Shortly after that encounter the house was fired upon. Another account suggested that the ENDF unit had been ambushed on the road outside Wardinle, and subsequently returned to the village in hot pursuit of the attackers.⁴³⁶ Human Rights Watch (HRW) conducted its own preliminary enquires, determining in mid-August that 14 civilians had been indiscriminately killed and that there had been no investigations into the incident.⁴³⁷

58. A local civil society group, the Southwest Salvation Council (SSC), issued a statement on 27 July 2016 condemning the killings and calling for an international investigation.⁴³⁸ The ISWA administration also established a committee to enquire into the killings.⁴³⁹ In September 2016 AMISOM advised the SEMG that ISWA had found that the elders had died as a result of bullets fired in a gun battle between AMISOM and Al-Shabaab, and in which an AMISOM soldier also died.⁴⁴⁰ Nevertheless they stated that they had set up a Board of Enquiry to investigate the incident.

59. The SEMG received a number of credible reports during the mandate of unlawful detentions by Kenyan and Ethiopian forces, operating within or outside AMISOM, including transfer of individuals unlawfully outside the territory. In early 2016, 84 individuals were allegedly detained in a string of incidents, in the context of anti-Al-Shabaab operations by ENDF and Liyu police forces and, it is understood, taken to Gode in Ethiopia.⁴⁴¹ Efforts to secure the release of the men by regional authorities have not borne fruit although the SEMG understands that discussions between the Ethiopian and regional authorities were ongoing in early September 2016. The SEMG also received credible reports of abductions by the Liyu police and Ethiopian forces in Gedo and Bakool in June and July 2016, including around Rabdhure in Bakool, further to the transfer of authority in that area, but was not able to verify the individual instances.⁴⁴²

Ethiopian Liyu police engagements outside the context of the anti-Al-Shabaab conflict⁴⁴³

60. In a similar pattern to that reported last year, the Liyu police again participated in a number of conflicts during the mandate which involved attacks on civilians. Although the majority of the killings of civilians both this year and last took

region, available at <http://amisom-au.org/2016/07/amisom-investigates-claims-of-civilian-deaths-in-wardinle-bay-region/>. It is noteworthy that unlike the press release issued in the wake of the Bulo Mareer killings, there was no reference to collaboration with the regional authorities or with CCTARC.

⁴³⁶ Interview with individual with knowledge of security operations in Bay, Nairobi, 23 August 2016.

⁴³⁷ The Human Rights Watch (HRW) assessment was based on interviewing 15 people, including seven survivors and witnesses present at the scene of the killings in addition to a number of individuals who had travelled to Wardinle shortly after the incident. Skype interview with HRW researcher, 31 August 2016. See also, HRW, Letter to Senator Kerry on trip to Kenya, Nigeria and Saudi Arabia., available at <https://www.hrw.org/news/2016/08/19/letter-secretary-kerry-trip-kenya-nigeria-and-saudi-arabia>.

⁴³⁸ Southwest Salvation Council (SSC), Statement, "Condemnation of Mass Killing of Traditional Elders at Wardiinle Village of Baidoa District of Bay Region – Somalia", 27 July 2016, available at <http://www.baidoamedia.com/2016/07/27/condemnation-of-mass-killing-of-traditional-elders-at-wardiinle-village-of-baidoa-district-of-bay-region-somalia/>

⁴³⁹ Email from regional official, 31 August 2016.

⁴⁴⁰ Letter from the SSRC Ambassador Franciso Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016

⁴⁴¹ In late January 2016, for example, it was reported that 20 local residents had been "arrested" from villages around Ato town by the Liyu police during the period, allegedly for their expression of support for the ISWA state. See, Shabelle News, "Ethiopian troops arrest nearly 20 people in Somalia", 25 January 2016, available at <http://allafrica.com/stories/201601270155.html>; interview with regional official, August 2016.

⁴⁴² On 5 June 2016, for example, it was reported that Liyu police killed two civilians and abducted two others from Kurteele village (southwest of Luq). ACLED dataset, 5 June 2016. Interview with individual with knowledge of Ethiopian border operations, Nairobi, 23 August 2016. Skype interview with expert on the regional context in Bakool, 14 September 2016.

⁴⁴³ The Liyu police is an Ethiopian paramilitary force based in the Somali Region of Ethiopia but frequently used in Ethiopian security operations in Somalia. During the mandate the Liyu police occasionally assisted with the maintenance of law and order: in Qoriley in Sool, for example, Liyu forces operated as an interposition force between warring clans, contributing to a diminution in the violence. See annex 7.5.

place on the Ethiopian side of the border, due to the fluid nature of the border, and the mobility of local communities and authorities, the impact of the violence was felt on the Somalia side, resulting in mobilisation of Somali clan militia and the Liyu police in and out of respective territories. The disputes fuelling this activity related in the immediate context to access to water and land but have a longer-running inter-clan and resource conflict dimension, including in the light of the historical animosity between the Ogaden (who make up the majority of the the Liyu police) and the Haber Gedir.

61. In 2015 the Monitoring Group had reported on large scale attacks by the Liyu police on civilians in border villages, in particular Garsaale and La Ceel, in June 2015. These attacks were in retaliation for Haber Gedir militia attacks on a Liyu police base as part of a longer running dispute.⁴⁴⁴ On 23 April 2016 fighting between Liyu police and Haber Gedir militia in and around Khandaale and Daadheer erupted causing significant casualties—up to 20 killed, including an estimated 14 civilians according to UN sources.⁴⁴⁵ The fighting started on the Ethiopian side but reportedly spread up to 15km into Somalia, including involving the villages of Mir Cawleed and Furintifoole in the Galinsoor area of Adado district. On 3 May 2016 the Somali Region President Abdi Iley and the Interim Galmudug Administration President Guled signed a ceasefire agreement in Jijiga, including creating a joint committee to prevent future conflicts.⁴⁴⁶

Measures to enhance compliance

*Somalia Country Specific Humanitarian Civil- Military Coordination Guidelines for Humanitarian Actors Engagement with the African Union Mission in Somalia (AMISOM)*⁴⁴⁷

62. UNOCHA led efforts during the mandate to activate the mechanisms and principles set out in the Somalia Country Specific Humanitarian Civil-Military Coordination Guidelines for Humanitarian Actors Engagement with the African Union Mission in Somalia (AMISOM) (hereafter Civ-Mil Guidelines).⁴⁴⁸ These efforts have borne fruit. In Belet Weyne, for example, engagement around the Civ-Mil Guidelines led to a reduction of tensions between AMISOM and the community in Belet Weyne. This enabled more effective cooperation on the humanitarian response to the May 2016 flooding and conflict. In line with the Guidelines AMISOM took the initiative to hand back a school which it had been using in Gedo to the community: the second was expected to be vacated prior to the publication of this report.⁴⁴⁹

⁴⁴⁴ S/2015/801, annex 6.1.

⁴⁴⁵ Interview security expert with knowledge of the area, 26 April 2016.

⁴⁴⁶ Interview with regional authorities conducted on behalf of the SEMG, Caddao, 15 to 16 August 2016. A further intense engagement occurred later in early June 2016 on the Ethiopian/Somaliland border when a dispute erupted in Gashamo district in Ethiopia between Somali/Isaaq/HaberYouis khat transporters (ultimately joined by local militia including personnel of the Somaliland army) and Ethiopian forces (federal police, customs) attempting to control a vehicle transporting contraband. A series of clashes and vehicle chases followed ending with an attack by the Liyu police on the village of Jama Dubad. Although public reports suggested that as many as 42 people from the Reer Awl and Muse Are sub-clans of the Isaaq/Haber were killed, SEMG sources indicated that 27 were killed, including 20 armed men, and reportedly, 3 women and 4 children. A series of protests and arrests on both sides of the border ensued. ACLED dataset, 5 and 6 June; interview with individual with knowledge of Ethiopian border operations, Nairobi, 23 August 2016.

⁴⁴⁷ The Civ-Mil Guidelines were adopted in September 2014 and reflect the humanitarian community's perspective on civilian military engagement with AMISOM and aimed to "to establish and promote principles and practice for constructive and effective civil-military engagement in this context." Draft on file with the Monitoring Group. The Guidelines are non-binding and reflect international policy guidance developed for the humanitarian community globally.

⁴⁴⁸ Progress included: strengthening of the AMISOM civilian-military coordination infrastructure; conduct of joint regional meetings with AMISOM, local security forces, and community representatives in key towns in which concerns are aired and solutions sought; and incorporation of local SNA and SPF forces in training on the Guidelines. Interview UN staff member, Mogadishu, 6 February 2016; Skype interview with UN staff member, 10 August 2016.

⁴⁴⁹ In May the SNA also vacated a school that they had occupied in Afgoye. See, for example, http://www.hiiraan.com/news4/2016/May/105611/afgoye_children_get_their_school_back_as_army_leaves.aspx.

*AMISOM Civilian Casualty Tracing, Analysis and Response Cell*⁴⁵⁰

63. Although the AMISOM Civilian Casualty Tracing, Analysis and Response Cell (CCTARC) was finally put in place in June 2015 there has been little progress in making the mechanism felt on the ground.⁴⁵¹ To date troop contributing countries have been reluctant to contribute data to the mechanism—perhaps misunderstanding it as an external accountability/investigation tool as opposed to a tool for operational enhancement, wholly owned by AMISOM.⁴⁵² In at least one incident during the mandate, for example, personnel were penalized by their commanding officer for cooperating with staff of CCTARC. This resistance has been exacerbated by the refusal of the AU to include training on CCTARC in pre-deployment training.

64. Unfortunately, CCTARC's amends (informal compensation) mandate has not yet been activated, with African Union Commission staff insisting on the development of a comprehensive AU-wide policy prior to a scheme being put in place. Although this approach is understandable, a major theme which emerged from consultations between AMISOM and communities conducted under the auspices of the Civ-Mil Guidelines was the need for an effective way to make amends to civilians harmed by AMISOM—delays have been highly detrimental to AMISOM's relationship with the community. A pilot approach might be considered.⁴⁵³ In a letter of 16 September 2016, AMISOM informed the SEMG that an experts meeting on drafting mission specific guidance on amends was planned for October 2016.⁴⁵⁴ Support from Member States will be needed to implement this program effectively.

UN Human Rights Due Diligence Policy

65. The Council in resolution 2244 (2015) also noted the importance of the Secretary-General's Human Rights and Due Diligence Policy (UNHRDDP) in relation to the support provided by the UN to AMISOM (paragraph 15). In line with recommendations made in the UNHRDDP framework, pre-deployment training now includes a requirement by senior officers to sign a form undertaking to report any allegations of human rights violations or sexual exploitation and abuse through their command chain.⁴⁵⁵

Accountability

66. The commission of violations of international law against civilians and other abuses of power (including the use of force to interfere directly in governance and administration) by international forces is exacerbating insecurity. In July 2016 the Council called on the African Union (AU) to investigate and report allegations of violations and abuses of human rights and violations of international humanitarian law by AMISOM forces, as well as continuing to ensure the highest standards of transparency, and conduct and discipline (paragraph 14 of resolution 2297 (2016)). The current mechanisms have, however, proved insufficient for the task. As noted by the SEMG in S/2015/881, the weak Board of Enquiry procedure, and sporadic and inconsistent compensation payments at a sector level, have not increased public

⁴⁵⁰ This paragraph is based on interviews conducted with individuals with close operational engagement with CCTARC, in person and on phone, in Nairobi, Mogadishu, and New York, March to August 2016.

⁴⁵¹ CCTARC was established under the authority of the African Union Peace and Security Council, pursuant to the express mandate set out in UNSCR 2036 (2012), UNSCR 2093 (2013), UNSCR 2124 (2013), UNSCR 2182 (2014) and UNSCR 2232 (2015). In July the Council once again emphasised "the importance of making the CCTARC operational and effective without further delay, and in this regard urges the full support of troop and police contributors for the CCTARC, in collaboration with humanitarian, human rights and protection actors" (paragraph 16 of resolution 2297 (2016)).

⁴⁵² It is understood that the origin of the overwhelming majority of the materiel in the CCTARC database has been gleaned from public sources.

⁴⁵³ The SEMG was told for example by the family of a former source of the group killed by indirect fire in Marka that "there was no use" in approaching AMISOM.

⁴⁵⁴ Letter from the SSRC Ambassador Franciso Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

⁴⁵⁵ Report of the Secretary General on Somalia, S/2016/43, 9 May 2016, paragraph 81.

confidence.⁴⁵⁶ The SEMG urges that consideration be given to the conduct of a review of the effectiveness of the Board of Enquiry mechanisms in the specific mission context.

67. On 2 August 2016, however, it was encouraging that Uganda conducted the first court martial in Mogadishu of an AMISOM soldier, with the media invited to cover the proceedings.⁴⁵⁷ Notwithstanding that the matter at trial related to breach of the military code (theft of military supplies—fuel and sandbags—as opposed to civilian harm), this was a significant step forward in terms of both accountability and transparency.

68. With respect to non-AMISOM operations, or AMISOM's strategic partners, the SEMG has been unable to clarify the nature of the bilateral agreements which facilitate the presence of these forces. Nevertheless they are subject to the international law applying to forces engaged in a non-international armed conflict in Somalia.⁴⁵⁸ The SEMG urges the Security Council to request all forces operating in Somalia to adhere strictly to applicable international humanitarian law, in full recognition of the sovereignty of Somalia and its applicable laws, and in full compliance with the scope of the relevant exemptions to the arms embargo. This should include refraining from transferring individuals found on the territory of Somali out of the jurisdiction without due process of law, and investigating and prosecuting personnel who commit grave breaches of international humanitarian law.

⁴⁵⁶ See also See, Human Rights Watch, Dispatches, Protecting Somalis from their Protectors, 8 July 2016 <https://www.hrw.org/news/2016/07/08/dispatches-protecting-somalis-their-protectors>.

⁴⁵⁷ See *inter alia*, See, Human Rights Watch, Dispatches, Small steps towards prosecutions for abuses in Somalia, 4 August 2016

<https://www.hrw.org/news/2016/08/04/dispatches-small-step-towards-prosecutions-abuses-somalia>. See also, AMISOM, Press Release (PR/023/2016), AMISOM confirms arrest of five of its troops, 6 June 2016.

⁴⁵⁸ The legal framework which applies to non-international armed conflicts in Somalia is customary international law and (or encompassing) Common Article 3 to the four 1949 Geneva Conventions, applicable to all parties to the conflict, including al-Shabaab.

Annex 7.7: Violations committed against civilians as a result of the increasing use of airstrikes

69. The most significant development during the mandate with respect to the conduct of international forces which affected civilians was the increase in the use of aerial weaponry by the African Union Mission in Somalia (AMISOM)'s strategic partners, whether delivered by drone, helicopter or fighter aircraft. More broadly the use of remote violence against civilians—including both air strikes and IED and related attacks—is on the rise.⁴⁵⁹

70. The SEMG has compiled a list from public sources of reported airstrikes between 1 January and 5 September 2016. During this period there were 29 attacks documented, conducted primarily against targets in Gedo, Hiran, Lower Shabelle, Middle Juba and Lower Juba. (In addition, the United States of America (US) conducted air strikes on Al-Shabaab in Al Madow Mountains near Galgala in January and in June in support of Puntland ground forces.) Twenty of these strikes were claimed by, or are attributable to, the US, and nine to Kenya. The largest strike in terms of the numbers of casualties reported was an attack by US forces on 5 March 2016 on an al-Shabaab training camp at Raso in Hiran that was described by the US as having killed more than 150 people, including, according to the Secretary General, new recruits and some senior commanders.⁴⁶⁰

71. It has been difficult to assess the civilian toll from these operations, not least as the locations where the strikes have been directed are largely in areas under Al-Shabaab control. Nevertheless the SEMG was able to determine that in some areas which have been the subject of repeated strikes, the attacks have created fear in local populations, generated significant displacements and impacted livelihoods.⁴⁶¹ Often coming in the wake of Al-Shabaab attacks on anti-Al-Shabaab forces elsewhere, air strikes which targeted civilian areas were perceived by some as a form of collective punishment. Between 1 January and 31 April the UN documented and verified the killing of 29 civilians in aerial attacks by Kenyan forces, and two civilians injured by US helicopter strikes.⁴⁶²

Airstrikes following the Al-Shabaab attack in El Adde⁴⁶³

Attacks by Kenyan and other anti-Al-Shabaab forces in the wake of the attack by Al-Shabaab on the Kenyan Defense Forces (KDF) base at El Adde on 15 January 2016, including an intense aerial campaign in Gedo resulted in killing of at least 12 civilians and the destruction of civilian objects.⁴⁶⁴ In Gedo, homes, water points and livestock were destroyed. The bombing campaign triggered displacement of at least 8,600 people who fled El Adde, Likoolay and nearby villages in the two weeks following the attack, some displaced multiple times as the bombing continued.⁴⁶⁵ A statement from the Supreme Committee of the Sade, and its Chairman, Sheikh Abdikarim

⁴⁵⁹ As a share of overall recorded violence, the period from January to August 2016 experienced a very high and consistent rate of remote violence— an average of 20 per cent of recorded events. The Armed Conflict Location and Event Data Project (ACLED), Draft Conflict Analysis of Somalia, August 2016

⁴⁶⁰ See United States Department of Defense, Statement from Pentagon Press Secretary Peter Cook on Airstrike in Somalia, 7 March 2016, available at <http://www.africom.mil/NewsByCategory/article/28034/pentagon-statement-on-airstrike-in-somalia>; Report of the Secretary General on Somalia, S/2016/430, 9 May 2016, paragraph 50.

⁴⁶¹ One woman in Dag Sharif in Gedo, for example, reportedly died “of shock, after an attack. Email from NGO staff member working in the region, 7 September 2016. In Middle Juba a relative of a local farmer from near Asbole near Jilib described to the SEMG how, as a result of the bombings, he was told that locals going to their fields changed their clothes so that they would not “be mistaken for Al-Shaaab”, thus laying themselves open to penalty from the Group for disobeying rules on proper attire. Interview with member of local community who conducted interviews in Asbole in Middle Juba on behalf of the SEMG, 28 June 2016.

⁴⁶² S/2016/430, 9 May 2016, paragraph 50.

⁴⁶³ Bombings in Gedo have continued throughout the mandate, accompanied by allegations of deaths of civilians.

⁴⁶⁴ Information received from local NGOs and UN sources indicated a death toll of between 12 and 15 civilians in the period immediately after the El Adde attack. By 25 January 2016, the UN had recorded and verified 15 civilian casualties from the airstrikes conducted since 15 January 2016 (nine dead and eight injured). Email from UN staff member, 7 September 2016.

⁴⁶⁵ Interview with UN staff member, 16 March 2016; email from local NGO, 18 January 2016.

Sheikh Ibrahim, on 25 January 2016, decried the “massacre of civilians” around El Adde through what they described as “indiscriminate air strikes and ground operations”.⁴⁶⁶

The SEMG conducted an interview with ‘Mohamed’ who witnessed events both in El Ade on the morning of the attack and in the surrounding area in the subsequent week.⁴⁶⁷ He described being present when he claimed that AMISOM/KDF forces shot one man outside El Adde on the day of the attack.⁴⁶⁸ Mohamed also claimed to have heard accounts from neighbours of other incidents in which AMISOM/KDF soldiers shot civilians, and to have observed the aftermath of a series of aerial bombardments—marks in the terrain, burned materials from the effect of the explosions—which killed civilians in Ekmuk and Haramadhare.⁴⁶⁹ A relative also told him of a bomb which hit the family’s compound in [place name withheld] which killed 20 goats. In the days after the El Adde attack ‘Mohamed’ stated that he attended at the burial of six individuals, five killed as a result of aerial bombardment, and one shot by retreating KDF soldiers (as noted above).

Some in the local community provided shelter to fleeing KDF soldiers: one report indicated that 33 KDF soldiers had been assisted and found their way to safety. A well-known man in the community, Deeqow Hussein Ciye reportedly gave protection to four KDF soldiers at his home in Alwileh, but was later killed by Al-Shabaab alongside the four soldiers who had sought sanctuary.⁴⁷⁰

72. On 31 January 2016, the FGS announced the formation of a committee to investigate the impact of the air strikes. In a presentation to the UN Human Rights Council in April the FGS that KDF airstrikes had “targeted civilian areas and caused heavy casualties”.⁴⁷¹ In September however the Commander of the Somali National Armed forces told the SEMG that he had “no information regarding the killing of civilians or aerial bombardment by AMISOM TCC’s or bilateral actors, neither was the SNAF part of the decision making process with regard to such actions.”⁴⁷²

73. In April 2016 the Government of Kenya transmitted a communiqué to the Committee in which it addressed, among a range of issues, the Group’s allegation that Kenya had carried out a sustained military campaign including bombing and ground attacks targeting places where the displaced had gathered for shelter, describing it as “erroneous and distorts the credibility of the briefing”.⁴⁷³ Kenya further told the Committee that the KDF “in the discharge of its obligations to the

⁴⁶⁶ See dhacdonews.com, 25 January 2016, informal translation by the Monitoring Group.

⁴⁶⁷ Interview conducted with individual originally from, and present in, El Adde on the day of the attack, undisclosed location, 5 March 2016. As a result of statements by Kenyan commentators that the Marehan clan was partially responsible for the attack on the AMISOM/KDF base at El Ade, it was difficult to engage with the community who feared reprisals. Later the agreement reached between Marehan elders and the Kenyan Government also impeded investigations as communities decided that it might be better to refrain from speaking about the events of January 2016 in order to give the agreement a chance to take hold.

⁴⁶⁸ The man described how around 0900 on the morning of the 15 January 2016 he had returned to El Adde to collect civilians and accompany them out of the area and as he approached the town saw personnel in a KDF vehicle shoot at a man on the road out of the town. He later assisted with the burial of the man. The UN documented and verified four killings of civilians by retreating KDF forces.

⁴⁶⁹ He was told that unexploded ordinance was found in some areas but did not see any himself personally. An NGO source reported that there were bombings of Gadondhawe, Qabri-sheikh, Garba Abdi and Dhamas from which Al-Shabaab collected unexploded ordinance. Email from NGO staff member, 7 September 2016.

⁴⁷⁰ Email from NGO staff member, 17 January 2016; email from diplomatic source with knowledge of the aftermath of the El Adde attack.

⁴⁷¹ Paragraph 37, Section 1 A Presentation of state under review, Report of the Working Group on the Universal Periodic Review, Somalia, A/HRC/32/12, 13 April 2016

⁴⁷² Letter from SNA Commander Major General Mohamed Aden Ahmed to the SEMG, undated, received 6 September 2016.

⁴⁷³ See, Communiqué from the Permanent Mission of Kenya to the United Nations regarding the Somalia and Eritrea Monitoring Group’s midterm update, S/AC.29/2016/COMM.20, dated 21 April 2016, transmitted to the Committee on 22 April 2016, S/AC.29/2016/NOTE.26.

international peace and security efforts adheres to comprehensive best practice, standard operating procedures and a strict code of conduct and discipline". Kenya noted that their forces were "guided by AMISOM rules of engagement including international humanitarian law and the African Union Peace Support Operations Code of Conduct".

74. Further to receiving indications that Kenya had taken steps since January 2016 to review its air operations, in August 2016 the SEMG wrote to Kenya to seek further information on the measures which had been put in place, but did not receive a reply by the time of filing this report.⁴⁷⁴

Allegations relating to the use of cluster munitions and the harvesting of unexploded ordnance⁴⁷⁵

75. On 24 January 2016 allegations that cluster munitions had been deployed as part of the Kenyan bombing campaign in response to the El Adde attacks began to circulate on Somali media. A number of photos were published purporting to illustrate unexploded cluster munitions, appearing on a pro-Al-Shabaab site, which raised immediate questions about their validity.⁴⁷⁶ One of these images is attached at annex 7.7 (a).

76. The photographs depict BL755 No1 Mark 1 unexploded cluster bomblets, of UK origin, against a terrain similar to that prevalent in Gedo. An expert who examined the picture suggested that the ordnance illustrated may have been dropped too low in that the coronets had not deployed, thus the safety/arm mechanism would not have rotated and the detonator remained unaligned.⁴⁷⁷ The SEMG has confirmed from embedded data that one of the pictures was taken on 19 January 2016.⁴⁷⁸

77. The SEMG has not been able to conclusively identify the location where the picture was taken. The most convincing account received by the SEMG was that the photograph showed an area between Tarako and Juungal north west of Bardera: the man in the picture was also identified definitively by name.⁴⁷⁹ Another expert source, however, stated that his local contacts had reported the discovery by Al-Shabaab of unexploded cluster munitions near Bu'ale around the same time: he understood that the pictures published on Somalimemo matched that location.⁴⁸⁰ Due to the location of the alleged strike deep in Al-Shabaab territory, independent information or photographs, however, could not be retrieved.

78. The Group notes that advocates working in the field of cluster munitions use and reduction have asserted that "Kenya is not known to have ever used, produced, transferred, or stockpiled cluster munitions".⁴⁸¹ The SEMG notes, however, that aircraft of the F-5 type used by Kenyan forces in Somalia could be modified to deliver BL755 munitions considering the similarities in delivery ballistics between the BL755 and munitions usually deployed.⁴⁸² The BL-755 bomb was manufactured by Hunting Engineering/INSYS, which latter entity was acquired by Lockheed Martin Holdings (UK) in 2005. The SEMG requested Lockheed Martin to provide export authorisation records for BL755 indicating sale of

⁴⁷⁴ Interview with security expert, Nairobi, 30 June 2016.

⁴⁷⁵ Somalia deposited its instrument of ratification to the Convention on Cluster Munitions with the Secretary General on 30th September 2015. See, for example, Goobjoob News, "Somalia ratifies cluster munitions convention", 1 October 2015, available at <http://somaliamediamonitoring.org/october-2-2015-morning-headlines/>. Kenya became a signatory to the Convention on 3 December 2008, although it has not ratified the instrument. As a signatory to the Convention Kenya is obliged further to article 18 of the Vienna Convention on the Law of Treaties to act in good faith and "not to defeat the object and purpose" of the treaty.

⁴⁷⁶ See, for example, <http://somalimemo.net/articles/4278/Sawirro-Kenya-Oo-Qaaday-Weerar-Culus-Oo-Aar-goosi-Ah>.

⁴⁷⁷ Email from expert on IEDs in Somalia, 28 January 2016.

⁴⁷⁸ The SEMG attempted to contact the website where the pictures originally were posted to no avail.

⁴⁷⁹ Email from relative of a member of the local community, 7 September 2016; Interview conducted with relative of the man with interlocutor of the Monitoring Group, September, 2016.

⁴⁸⁰ Email from individual with knowledge of military operations in Middle Juba, 25 January 2016; Skype discussion with individual who received initial reports on the incident, 14 September 2016.

⁴⁸¹ See, for example, the assertion in the Landmines and Cluster Monitor Kenya profile at <http://www.the-monitor.org/en-gb/reports/2016/kenya/cluster-munition-ban-policy.aspx>. It was last updated, however, only in July 2015.

⁴⁸² See, *inter alia*, <http://www.globalsecurity.org/military/world/kenya/air-force-modernization.htm>.

such munitions to Kenya during the period—if any. As the requirement to retain export records had expired, however, no records were recoverable from that period.⁴⁸³

79. The Monitoring Group has also determined, however, through photographic and testimonial evidence, that unexploded cluster munitions of the same BL755 type alleged to have been used in January in Gedo/Bu'ale were employed in the manufacture of components for improvised explosive devices (IEDs) which were found in a cache of materials seized by anti-AI-Shabaab forces in Bardera and reported on 7 March 2016. It was initially understood that Kenyan forces had recovered the material.⁴⁸⁴ It was later clarified that it was the Ethiopian National Defense Forces (ENDF) contingent which had taken possession.⁴⁸⁵ In the meantime the SEMG had requested the Government of Kenya for access to, or access to information on, the IED components recovered in Bardera in order to assist in tracing their origin.⁴⁸⁶ This request has now been made to Ethiopian authorities. Pictures of the unexploded munitions are attached in confidential annex 7.7.1 (a).

80. As a result, the SEMG has not yet been able to ascertain when and where the cluster munitions used in the Bardera IEDs were recovered—or indeed whether they were harvested from previously imported or deployed BL755 weapons stocks. The SEMG notes that remnants of cluster munitions used during the 1977 to 1978 Ogaden war between Somalia and Ethiopia have been recovered before in border areas between Somalia and Ethiopia including, for example, PTAB-2.5M and AO-1SCh sub-munition remnants.⁴⁸⁷ Most recently an unexploded PTAB-2.5M, Russian origin cluster munition was recovered near Dinsor on 25 September 2015. Later empty carriers for the same munition was found near Rabdhure.⁴⁸⁸ The SEMG has not heard, however, of the BL755 cluster being among the legacy unexploded ordnance discovered to date in Somalia. Nevertheless, the BL 755 was developed in the early 70s and is known to have been used by Ethiopia at least once in the 90s (in an attack on Eritrea).⁴⁸⁹

81. In a communiqué issued on 21 April 2016 addressed to the Committee, the Government of Kenya declared that the statement by the SEMG that delivery units for cluster munitions were observed and that munitions of the same type had later been used in the manufacture of IEDS was “at best, a fabricated, wild and sensationalist allegation”.⁴⁹⁰ The Secretary General also told the Council in May 2016 that the Government of Kenya had denied the use of cluster munitions.⁴⁹¹

82. Confidential Annex 7.7.1 contains pictures of the recovered IED components manufactured using BL755 No1 Mark 1 clusters.

⁴⁸³ Letter from Peter Ruddock, the Chief Executive of Lockheed Martin, to the Secretary of the Committee, 12 September 2016.

⁴⁸⁴ Interviews with individuals with knowledge of the incident, Mogadishu, March 2016.

⁴⁸⁵ Email from individual with knowledge of the recovery operation, 18 September 2016.

⁴⁸⁶ Pursuant to paragraph 6 of resolution 2182 (2016) AMISOM forces are required to, “document and register all military equipment captured as part of offensive operations or in the course of carrying out their mandates, including recording the type and serial number of the weapon and/or ammunition, photographing all items and relevant markings and *facilitating inspection by the SEMG* of all military items before their redistribution or destruction” (emphasis added).

⁴⁸⁷ See, Landmines and Cluster Monitor Ethiopia profile at <http://www.the-monitor.org/en-gb/reports/2015/ethiopia/cluster-munition-ban-policy.aspx>. It was last updated, however, in July 2015. See also photographs by UNMAS of recovery of unexploded ordnance at <https://www.flickr.com/photos/unmassomalia/sets/72157632302508302/>.

⁴⁸⁸ Skype interview with security source, 13 September 2016.

⁴⁸⁹ By 2008 Ethiopia still held stockpiles of the munition. See, for example, Regional Fact Sheet September 2008, Africa and the Oslo Process to Ban Cluster Munitions, Prepared by Human Rights Watch, available at https://www.hrw.org/legacy/pub/2008/arms/CMC_factsheet0908.pdf. The report notes that both Ethiopia and Nigeria were stockpiling BL 755 type clusters in 2008.

⁴⁹⁰ See, Communiqué from the Permanent Mission of Kenya to the United Nations regarding the Somalia and Eritrea Monitoring Group’s midterm update, S/AC.29/2016/COMM.20, dated 21 April 2016, transmitted to the Committee on 22 April 2016, S/AC.29/2016/NOTE.26.

⁴⁹¹ S/2016/430, 9 May 2016, paragraph 50.

Collection of unexploded ordnance

83. The Group received a number of reports from UN and non-governmental organisation (NGO) sources during the mandate that in the wake of airstrikes unexploded aerial ordnance was recovered by Al-Shabaab experts, particularly in Gedo. A source near Luq, for example, told the SEMG that one of his close relatives had observed “dropped bombs” which may have been clusters, being collected and taken away by Al-Shabaab in late January 2016.⁴⁹² In late February 2016 the SEMG received an email claiming that the KDF had dropped “objects” in the village of Tulobarwaqo, only one of which blew up and “caught on fire”.⁴⁹³

Measures to enhance compliance

84. The use of airstrikes in the conflict in Somalia appears set to continue. It is important that these take place, not just within the context of AMSIOM’s strategic concept of operations and in cooperation and coordination with AMISOM in compliance with the framework of the arms embargo,⁴⁹⁴ but in accordance with international law and requirements of necessity, distinction and proportionality. Member States engaged in such operations may need to disseminate specific rules of engagement and targeting protocols, in accordance with international best practice, for the use of aerial ordnance in full compliance with the principles of distinction, proportionality and necessity.

⁴⁹² Email from individual known to the Monitoring Group residing in the vicinity of Luq with knowledge of events in Gedo, 21 Feb 2016

⁴⁹³ Email from NGO staff member, as translated by the SEMG, 26 February 2016.

⁴⁹⁴ Resolution 2111 (2013), paragraph 10 (c).

Annex 7.7 (a)

Figure 1: Image of unexploded cluster bomb remnant, photograph dated 19 January 2016



Annex 7.7.1: Allegations relating to the use of cluster munitions (STRICTLY CONFIDENTIAL)*

* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 7.8: Attacks on civilians and obstruction of humanitarian aid: Abdirashid Hassan Abdirur⁴⁹⁵

85. During the last two years the Monitoring Group received multiple allegations, from Somali and international sources, alleging that Abdirashid Hassan Abdirur (Abdirashid)—current Minister of Security in the Interim Jubba Administration (IJA)—has been responsible for the targeting of civilians contrary to international law, as well as conduct constituting obstruction of humanitarian assistance.⁴⁹⁶ At the centre of these allegations is the assertion that Abdirashid wields control of both the instruments of the use of force, and humanitarian financial flows in Dolow town and the surrounding areas, including with the support of the IJA and elements of the Ethiopian military.⁴⁹⁷ It has also been alleged that Abdirashid has participated in activities that undermine peace and security more broadly, including attempting to overrule legitimately appointed local authorities.⁴⁹⁸

86. Allegations of abuses of power by Abdirashid came to a head on the night of 29/30 August 2015 with the killing of three men and one woman who had been held in detention at Dolow Police Station for various periods of time prior to their death: Abdirizak Farah Mire, Ahmed Mohamed Gurnow Adan Derow Abdille and Sanyar Hussein Mohamed. They four were tied up, shot, and their naked bodies dumped in a shallow grave. The sudden and brutal circumstances of the killings, and the range of profiles and identifies of the deceased—including a woman, and two people from Abdirashid’s own Rer Ahmed/Rer Samatar sub-clan—shocked the community deeply. One explanation ventured was that, in the aftermath of a serious car accident, Abdirashid had grown increasingly concerned that perceptions of his strength, capacity and immunity were waning. His actions on the night of 29/30 August 2015 were intended thus to consolidate his image as an untouchable ‘strong man’. It was also noted in this regard that on 26 August 2016, just a few days before the killings, Abdirashid had lost nine of his men in a battle with Al-Shabaab at Tulobarwaqo village, including the-then commander of the Dolow Police Station, Abdi Howsar.

87. On 26 December 2015, the Benadir Regional Court issued a warrant for Abdirashid for these four killings, in addition to the unlawful killing of three others in 2013 and 2014, also in Gedo.⁴⁹⁹ On 18 May 2016 Abdirashid was promoted to the position of Minister of Security by the President President Ahmed Mohamed Islam (“Madobe”).

88. It is the SEMG’s assessment that Abdirashid was, on the balance of probabilities, responsible for the killing of the four prisoners in Dolow on the night of the 29/30 August 2015.⁵⁰⁰ Indeed on 31 August 2015 Abdirashid himself made a

⁴⁹⁵ The Monitoring Group account and assessment of this case is based on multiple interviews with members of the family of the victims, regional government officials, NGO and UN staff members, researchers, senior members of the Dolow community, including traditional leaders, in person in Nairobi, Baidoa and in phone and Skype conversations between September 2014 and 30 August 2016.

⁴⁹⁶ A former member of Al-Itihad in the 1990s, Abdirashid later switched allegiances and successfully persuaded both local and Ethiopian authorities to agree to his appointment as District Commissioner of Dolow in 2006. He then consolidated his power through facilitating rapprochement between President Ahmed Mohamed Islam “Madobe” (Darod/ Ogaden) of the Interim Jubba Administration (IJA), and elements of his own Darod/Marehan clan, subsequently asserting singular control over the political economy of Dolow. On 20 February 2014, IJA President Ahmed Mohamed Islam (Madobe) appointed Abdirashid as Deputy Minister of Interior and Security in his administration.

⁴⁹⁷ The SEMG has reported on some of these allegations in past reports, in particular the rigorous control of the contracting processes for accommodation, vehicles, human resources and other services by Abdirashid in Dolow and the surrounding area, despite his having relinquished the position of District Commissioner. See S/2015/746, strictly confidential annex 7.6.

⁴⁹⁸ The SEMG notes that the environment of violations which existed in Dolow were not unique. During the mandate the SEMG received a range of allegations relating to abuse of power by, for example, Luq district authorities including use of unlawful arrest to enforce payments; expropriation of property, arrests of FGS appointed officials, extortion of humanitarian organizations, and the transfer of individuals to the custody of Ethiopian forces on the basis of false accusations.

⁴⁹⁹ Copy of the court order (Ref. 59/2015) held on file with the Monitoring Group.

⁵⁰⁰ Other individuals who were also allegedly present on the night of the killing bear forms of responsibility for the killings, including members of Abdirashid’s militia and his advisor, Ahmed Mohamed Omar “Ilkadhere”, but they were not the focus of the SEMG’s investigations during this period of the mandate.

statement in a BBC Somalia interview declaring that the detainees—he only acknowledged the existence of three—had been executed as they were “all Al-Shabaab”.⁵⁰¹

89. In the course of its investigations into the events of 29/30 August 2015, the SEMG received information alleging Abdirashid’s responsibility for a range of other conduct in violation of international law, including other incidents of torture, unlawful killings, abductions and disappearances. Although the SEMG was not able to fully investigate these cases, consistent and credible information was provided, including in particular with respect to a series of acts of killing, torture and rendition in October and November 2014, in relation to six men accused by Abdirashid of assisting Al-Shabaab to plan an attack on Dollow.

90. In addition to his involvement in conduct amounting to targeting of civilians in violation of the mandate, Minister Abdirashid also manipulated—in collaboration with a network of individuals—a range of elements of humanitarian operations in Dollow, directly and indirectly, including through the operation of contracting cartels and imposition of inappropriate bureaucratic impediments, to control and extract financial benefit from, humanitarian operations in Dollow. This included wielding the means of the use of force inhering in his authority—deployment of militia and unlawful arrest—to assert his will, amounting to obstruction of humanitarian assistance.

91. To date, Abdirashid has operated with complete impunity. The IJA is seemingly unable to hold Abdi Rashid accountable for his abuse of power. The impact and implications of these activities—in addition to Abdirashid’s broader use of force to enhance his position of power in Gedo—contributes to undermining peace and security in Somalia.⁵⁰²

92. The SEMG’s assessment of the evidence it has collected of violations of the mandate by Minister Abdirashid is contained in strictly confidential annex 7.8.1.

⁵⁰¹ BBC Somali, interview with Abdirashid, 31 August 2015, audio file on file with the Monitoring Group.

⁵⁰² As the report was being finalized in mid-September 2016 the SEMG received a series of accounts alleging the involvement of Minister Abdirashid and his militia in armed violence, involving attacks on civilians and others, and including the use of improvised explosive devices (IEDs), around Belet Hawa. The SEMG is investigating these incidents.

**Annex 7.8.1: Attacks on civilians and obstruction of humanitarian aid: Abdirashid Hassan Abdinur
(STRICTLY CONFIDENTIAL)***

* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 8

Arms embargo

Annex 8.1: Federal Government of Somalia (FGS) reporting to the Council pursuant to paragraph 7 of resolution 2244 (2015) and paragraph 9 of resolution 2182 (2014)

1. Since the granting of the partial lift in resolution 2093 (2013), the FGS has been required to report to the Council every six months on the structure, strength and composition of its security forces and the infrastructure and procedures in place for effective weapons and ammunition management.⁵⁰³ The requirement was imposed both to create a framework for more targeted support by Member States to FGS security forces, and to improve transparency in how the FGS manages its stockpiles. Reporting also provides a baseline for the implementation of the arms embargo, identifying the forces entitled to receive arms and other assistance, and under what conditions.
2. In its 2015 final report, the SEMG described significant gaps in the content of FGS reporting.⁵⁰⁴ In its next resolution, the Council added a new element to the scope of the requirement, calling on the FGS “to include more information in its reporting, including through the provision of full and accurate information on the structure, composition, strength **and disposition** of its security forces, including the status of **regional** and militia forces” (emphasis added).⁵⁰⁵
3. Since the Council imposed the reporting requirement, the FGS has submitted a total of eight reports, the latest dated 14 April 2016.⁵⁰⁶

Structure, strength and composition of forces

4. FGS reporting during the mandate period added little to the picture of the security forces which the FGS first provided in mid-2014.⁵⁰⁷ In its first report to the Council in June 2014 the FGS had submitted a security forces organogram which included details of Somali National Army (SNA) command and personnel strength at both sector and battalion level. Information on personnel strength in the other three forces under its control was, however, omitted. Since then the FGS has provided information only on significant changes in leadership command and structure for the four security forces (and then only to sector level for the SNA)—but not on personnel strength changes for any of the forces.⁵⁰⁸ Indeed personnel numbers for three of the four FGS security forces—the custodial corps, the Somali Police Force (SPF) and National Intelligence and Security Agency (NISA)—have never been provided to the Council by the FGS. The absence of information on SNA force strength since 2014, and indeed any indication of the strength of the other three forces, constitutes a significant lacuna in FGS compliance with the requirements of the partial lift.
5. The SEMG recognizes that the nature of the political and security economy which guides the FGS’ relationships with its security institutions, is complex and oscillatory. Nevertheless, assessments done under the Gulwade and Heegan plans and the biometric registration process currently underway in collaboration with UN Office of Project Services (UNOPS) must provide a starting point for the provision of clear figures. In fact, in Annex 9 of the latest FGS report, the FGS does provides personnel numbers underpinning SNA salary/stipend payments for 2015 to SNA in Sectors 1, 2, 3, 4 and 5.

⁵⁰³ Resolution 2093 (2013) paragraph 39 as modified by subsequent resolutions. In resolution 2244 (2015) the Council renewed its reporting request, requesting the FGS to report to the Security Council by 15 April 2016 and again by 15 October 2016 (paragraph 7).

⁵⁰⁴ S/2015/881, annex 7.3.

⁵⁰⁵ Resolution 2244 (2015), paragraph 7.

⁵⁰⁶ Since the SEMG’s 2015 report the FGS submitted two reports, one dated 30 September 2015 (letter dated 30 September 2015 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/2015/COMM.70) and the second dated 14 April 2016 (letter from the National Security Adviser to the President of the Federal Government of Somalia to the United Nations, S/AC.29/2016/COMM.19)

⁵⁰⁷ Letter dated 13 June 2014 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/12014/COMM.53.

⁵⁰⁸ The 30 September 2015 report only provided updates on SNA, police and custodial corps higher-level command and structure—omitting the National Intelligence and Security Service. The 14 April 2016 report rectified this oversight.

Integration of militia

6. In its first report to the Council of June 2014 the FGS provided data on SNA militia integration which was ongoing at the time, in particular with respect to the 11th and 10th brigades. It shared information on force strength, sub-units (both companies and battalions), command and disposition. Since then, however, no information on militia integration has been submitted to the Council. In fact, the SEMG understands that even some of the personnel in the 11th and 10th brigades have in fact left FGS control.

7. The absence of any information on militia integration, recruitment, or loss of forces since 2014 is problematic: the SEMG is aware that militia are being integrated across the country, including under the auspices of the National Integration Commission.⁵⁰⁹ Indeed, both the FGS September and April reports refer obliquely to significant evolution having taken place in the composition and disposition of forces: the first report notes, for example, that integration of SNA forces is “moving quite fast”; the second report describes the “structure” of the security forces as “progressing remarkably”. In its 2015 report the SEMG particularly identified the need for clarity to be provided on the formation of SNA sector 43 in Kismayo which had received considerable UN and Member State support.⁵¹⁰ The FGS’s two latest reports, however, simply describe the sector as commanded by Brigadier General Muhiedin Sid Abdulle with no information provided on strength, composition or sub-command.⁵¹¹

Regional forces

8. In its 2015 final report, the SEMG reported that the ambiguous status of regional forces was a major challenge to compliance by the FGS, Member States, and private entities with the arms embargo. Subsequently in resolution 2244 (2015), the Council requested the FGS to provide details of the status of “regional forces”. The FGS failed to provide such information in its last report to the Council.

9. Knowing the composition of the FGS security forces, and in particular which regional forces are comprised within it, is critical to determining whether these forces are entitled to receive support under the partial lifting of arms embargo. In its Implementation Assistance Notice No. 2 of March 2016 (IAN (No.2)) the Committee confirmed that it was the responsibility of the FGS to determine forces coming within the scope of the partial lift: “it is the sole responsibility of the FGS to inform the Committee of which entities are regarded as forming the Security Forces of the FGS.”⁵¹²

10. The SEMG recognises the challenges the FGS faces with this requirement to report on regional forces. In this context, the SEMG wrote to the Interim Jubba Administration (IJA), the Interim Galmudug Administration (IGA), the Interim South-West Administration (ISA), and the administrations of Puntland and Somaliland drawing attention to this specific element of the resolution and inviting them to share information relevant to the implementation of the arms embargo with the SEMG and with the FGS as appropriate.

Weapons and ammunition management (WAM) infrastructure and procedures

11. In the last two reports to the Council the FGS provided no information the status of its armouries or planned construction.⁵¹³ This is not only a compliance requirement: donors would also benefit from this information in order to

⁵⁰⁹ The National Integration Commission was launched on 12 May 2015 with a mandate to plan and oversee implementation of SNA integration.

⁵¹⁰ S/2015/801, annex 7.3.

⁵¹¹ See S/2015/801, annex 7.3, paragraph 75. On 27 July 2015 a swearing in ceremony took place for 1517 new SNA personnel in Kismayo, attended by the Presidents of both the IJA and the FGS. It is understood that at the end of July 2016 General Ismail Sahardid replaced Brig General Sid Abdulle. Email from UN staff member, 28 July 2016.

⁵¹² Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 12.

⁵¹³ The FGS must provide information on the “storage capacity, staffing capacity, arms and ammunition management systems and status of use” of each currently available, and planned, armoury and storeroom”. Resolution 2142 (2014), paragraph 9.

better channel their support to the FGS. A table which is updated regularly, with input from the UN agencies and non-government organisations (NGOs) which have been involved in an ongoing program of construction, would provide a useful baseline.

12. As in its previous reporting, the FGS failed again to provide any information on the safe storage, registration, maintenance and distribution of “military equipment,” beyond weapons and ammunition. As the SEMG noted previously, control of these streams of materiel is important operationally: the SEMG found in 2015, for example, that the wide availability and low cost of military uniforms, due partly to a lack of oversight of imports, constituted an underreported threat to peace and security in Somalia.⁵¹⁴ Al-Shabaab, both within and outside Mogadishu, frequently carries out attacks while disguised in SNA, African Union Mission in Somalia (AMISOM) or other government military uniforms. Over 135,000 items of military uniform were notified as prospective imports during the last mandate, with tens of thousands of undocumented uniform donations received.⁵¹⁵ During the course of this mandate, over 289,000 items of military clothing from uniforms, to helmets to t-shirts, were the subject of advance notification and the SEMG received information on the planned construction of a uniform factory.

13. In assessing FGS reporting in 2014 and early 2015 on weapons and ammunition management procedures the SEMG found that the account provided seemed more aspirational than a reflection of actual practice.⁵¹⁶ The Group particularly noted that weapons management and distribution outside Halane had not been addressed.⁵¹⁷ The last FGS report to the Council annexed the outcomes of a series of consultations held in Somalia in February 2016 under the stewardship of the UN Institute for Disarmament Research (UNIDIR) which included an extensive analysis of WAM procedures and practices and suggestions on the way forward.⁵¹⁸ The FGS also included a copy of the first report of the Joint Verification Team (JVT) which started work in March 2016 and which conducted inspections of FGS security forces’ stockpiles, inventory records and the weapons supply chain.⁵¹⁹ The JVT report contained a very clear account of how weapons are received, logged and stored in, and then re-distributed from Halane, alongside recommendations on how to enhance recording and tracking.

Additional information

14. The FGS has used its reports to provide additional useful information to the Council on the operation of the security sector as a whole. These have included information on the overall security challenges facing Somalia relating to Al-Shabaab, FGS views on maritime interdiction of charcoal and arms and details of training, both conducted and planned, for the security forces. In a new development, the last two reports contained information on FGS notifications of deliveries to the Committee. The last report also contained information on the destruction of ammunition and the state of the security sector payroll (annex 9).⁵²⁰

15. Pursuant to paragraph 6 of resolution 2182 (2014) the FGS is required, *inter alia*, to document and register captured weaponry and ammunition and to facilitate Monitoring Group inspection of the materiel.⁵²¹ In its 30 March 2015 reporting to the Committee the FGS provided information on three incidents where weapons and other materiel subject to the arms

⁵¹⁴ S/2015/801, paragraph 83.

⁵¹⁵ S/2015/801, annex 7.1.

⁵¹⁶ The FGS must provide information on procedures and codes of conduct in place for the registration, distribution, use and storage of weapons by its security forces, and on training needs in this regard, including procedures for receipt, verification and recording of weapons imports through any controlled port of entry, and procedures for the transport of weapons and ammunition (resolution 2142 (2014), paragraph 9).

⁵¹⁷ Annex 7.3, paragraph 81.

⁵¹⁸ See UNADIR, Roadmap for a comprehensive national framework governing the whole life cycle of weapons and ammunition management, prepared for the Office of the National Security Advisor, Feb 2016 workshop.

⁵¹⁹ Resolution 2182 (2014), paragraph 7. See S/2015/801, annex 7.5, paragraphs 110 and 111 for background on the development and establishment of the JVT.

⁵²⁰ See Section II B for an overview of SEMG assessments of security sector salary payments.

⁵²¹ The obligation was most recently re-affirmed in paragraph 10 of resolution 2244 (2015).

embargo had been seized.⁵²² Unfortunately the last two reports did not contain any information on captured weapons: neither did the SEMG receive such information during the mandate through other avenues.

16. In assessing gaps in FGS reporting during the mandate, it appears that there are challenges surrounding information sharing between the Office of the National Security Advisor (ONSA) which is charged with compiling the reporting and other FGS entities with critical information, such as the four FGS security forces, and the National Integration Commission or the integration focal point in the Office of the Deputy Prime Minister. Improved consultation between the leadership of the four FGS security services and with other security sector actors prior to submission of reporting to the Council might be encouraged. This would also tend to create greater understanding of, and buy-in to, compliance with notification requirements under the partial lift across the security forces.

17. The Monitoring Group therefore recommends that the Security Council:

- reiterate its request to the FGS to improve compliance with reporting obligations to the Council, in particular the provision of full and accurate information on the structure, composition, strength and disposition of its security forces, including reflecting the impact of the integration of militia and regional forces on those parameters;
- direct regional authorities to cooperate with the FGS in the preparation of this reporting as appropriate;
- call on Member States to ensure that advance notifications made pursuant paragraph 4 of resolution 2142 (2014) are done in full consultation with the FGS focal point, the Office of the National Security Advisor;
- urge the FGS to continue to improve the timeliness and content of its post-delivery and post-distribution confirmations to the Committee.
- consider modifying the modalities for submission of FGS post distribution reports to the Committee pursuant to paragraph 7 of resolution 2142 (2014) to permit transmission of periodic reports on weapons and ammunition distribution to the Committee, including in the context of oversight by the Joint Verification Team (JVT);
- urge the FGS to improve recordkeeping for distribution of weapons and ammunition order to ensure tracking of onward movement of materiel outside the Halane armoury.

⁵²² Section headed “draft legislation against possession of non-registered lethal weapons,” Letter dated 30 March 2015 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/2015/COMM.21.

Annex 8.2: Federal Government of Somalia (FGS) and Member State compliance with notification requirements under the arms embargo and partial lift

18. The Council has emphasised that extension of the partial lift of the arms embargo is conditional, *inter alia*, on the FGS fulfilling its requirement to appropriately notify all materiel and support transferred to its security forces.⁵²³

19. Under the terms of the partial lift, the FGS, or in the alternative a Member State, must notify the Committee, for its information, at least five days in advance, of any deliveries of weapons or military equipment or the provision of assistance intended solely for the development of the FGS' security forces.⁵²⁴ In addition, the FGS must seek Committee's approval for the import of six types of lethal materiel, as specified in the annex of to resolution 2111 (2013).⁵²⁵ Following the delivery of weapons and ammunition to Somalia, the FGS is required to inform the Committee of the place of storage and, once the material is distributed, the destination unit within the security forces.⁵²⁶

20. In October 2015 in resolution 2244 (2015) the Council welcomed FGS efforts to improve compliance with obligations relation to advance notifications and expressed hope to see "further needed progress in the future".⁵²⁷ It particularly called upon the FGS to improve the timeliness and content of its post delivery reporting—the submission of delivery confirmations (pursuant to paragraph 6 of resolution 2142 (2014)) and communication of the destination of weapons and ammunition upon distribution (pursuant to paragraph 7 of resolution 2142 (2014)).⁵²⁸

21. During the mandate the SEMG engaged regularly with the Office of the National Security Advisor (ONSA), the FGS focal point for the arms embargo, including sharing information on advance notifications received by the Committee and advising on compliance.

Compliance with paragraphs 3 and paragraph 4 of resolution 2142 (2014): Advance notification to the Committee's for its information

22. Between 1 September 2015 and 1 September 2016 the FGS made 14, while Member States made seven advance notifications pursuant to paragraphs 3 and 4 of resolution 2142 (2014). In one case the FGS was not aware of the advance notification by the Member State and notified the delivery of the material as a "late advance notification". Three advance notifications were made late by the FGS, either the day of, or after the delivery: in all of these cases the FGS advised the Committee that it had not been told of the donation until its arrival.

Compliance with paragraph 7 of resolution 2111 (2013): Requests for Committee's approval

23. Between 1 September 2015 and 1 September 2016, the Committee approved two requests for approval submitted by Member States pursuant to paragraph 7 of resolution 2111 (2013).

Compliance with paragraphs 5 and 6 of resolution 2142 (2014): post-delivery confirmations and post-distribution report for Committee's information

24. The FGS failed to provide on time and complete post delivery confirmation and post distribution reports. Nevertheless, an examination of the individual cases where compliance was insufficient shows that in the majority of cases where the correct notification was not made, or it was made late, the challenge related less to a willingness to comply than lack of information being made available to the ONSA.

⁵²³ See, *inter alia*, resolution 2182 (2014), "any decision to continue or end the partial suspension of the arms embargo on the FGS will be taken in the light of the thoroughness of the FGS's implementation of its requirements as set out in this and other relevant Security Council resolutions", preamble.

⁵²⁴ Resolution 2142 (2014), paragraphs 3 and 4.

⁵²⁵ Resolution 2111 (2013), paragraph 7.

⁵²⁶ Resolution 2142 (2014), paragraphs 6 and 7.

⁵²⁷ Resolution 2244 (2015), preamble.

⁵²⁸ Resolution 2244 (2015), paragraph 8.

25. There were 6 advance notifications made since 1 September 2015 for donations of weapons and ammunition which were expected to have arrived by 1 September 2016 and required post delivery confirmation.

- The FGS submitted two post-delivery confirmations with respect to these imports. One was submitted on time and complete, including information on FGS weapons marking of the shipment. The second was made alongside a late advance notification as the FGS was not aware that the donation had already been notified by the Member State involved.
- With respect to two of the remaining deliveries which were expected to arrive by the end of 2105, donated by the same Member State, the FGS told the SEMG that the SNA did not have any information as to whether these shipments had arrived.
- The final two deliveries—both from another Member State—were expected to arrive by 31 August 2016. It is not clear if they have been delivered.

26. During the mandate the FGS also provided post delivery confirmations or post distribution reports for three other shipments which had been notified as expected to arrive during previous reporting periods.

- In April 2016 the FGS submitted an on-time combined post delivery and distribution confirmation for a donation of weapons which had been due in 2015 but was delivered in March 2016.
- In June 2016 the FGS provided a partial post-delivery confirmation to the Committee for a weapons purchase which was originally notified to the Committee in 2014. The confirmation of delivery came late as the FGS had returned part of the original shipment which was delivered in 2015 due to the poor quality of the materiel and was awaiting the order to be re-filled. The order has not yet been completed.
- In August 2016 the FGS sent a post distribution report combined with a post delivery report to the Committee in relation to a donation of weapons which had been given to the Somali Police Force (SPF) in 2014. The delivery of the weapons had already been communicated by the Member State to the Committee over a year previously. The FGS included new serial number markings assigned to the weapons along with its report.

27. An assessment of these cases shows that the most significant challenges to FGS compliance relate to

- deliveries by-passing Halane as the agreed point of arrival;
- poor coordination between the donor Member State, the recipient security force and the ONSA responsible for liaison with the Committee;
- lack of consultation by the Member State with the ONSA resulting in both the Member State and the FGS submitting notification for the same deliveries;

Assistance to FGS security forces not notified to the Committee

28. In March 2016 the Committee clarified that support for the development of the FGS security forces may include, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military, policing (including coastguard) or security operations). All this materiel must be the object of an advance notification in order for it to be lawfully supplied.⁵²⁹ Nevertheless, during the mandate, FGS security forces received materiel and support which was not

⁵²⁹ See, Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 10.

notified to the Committee. The bulk of this non-notified support was provided in the form of non-lethal materiel and other support such as salaries, stipends, building infrastructure (including the construction of training centres), military clothing and the delivery of SNA, SPF and National Intelligence and Security Agency (NISA) by Member States and the UN. Although in some cases, the lack of notification to the Committee did not appear deliberate—some of the contributions were widely reported—the persistent lack of notification of these forms of support remains of concern to the Group.

Transfer of materiel between the FGS and other Somali security sector institutions

29. The arms embargo does not permit onward transfer of materials provided to FGS security forces under the partial lift to non-FGS forces.⁵³⁰ In March 2016 the Committee clarified that it was “the sole responsibility of the FGS to inform the Committee of which entities are regarded as forming the Security Forces of the FGS” (paragraph 12).⁵³¹ One challenge arising as a result of the progressive but erratic integration of forces, however, is determining at what point personnel constitute FGS security forces. In one case, for example, the FGS transferred uniforms to a regional authority for personnel in Puntland who had been identified for future integration: it was not clear however that these forces in fact formed part of the FGS security forces at the moment of the transfer.

SEMG conclusions and recommendations

30. The SEMG has assessed all notifications and information on deliveries transmitted to the Committee since the passage of resolution 2093 (2013) and shared a table of this data with the FGS. Between the the partial lifting of the arms embargo in 2013 and 1 September 2016, the FGS and Member States submitted advance notifications and/or received approximately 20,679 weapons and 13,007,276 rounds of ammunition.⁵³²

31. In making this calculation, where there was a discrepancy in volumes of materiel between that notified and delivered, the SEMG used the delivery confirmation numbers. As not all delivery confirmations have been submitted, however, it is unclear that all this materiel has arrived in Somalia. In addition, some donations were notified late in the mandate, and although scheduled to have been received by the FGS before 1 September 2016, may not yet have been delivered.

32. The SEMG recommends that the Council once again urge the FGS to improve the timeliness and sufficiency of post-delivery confirmations and post distribution reports as a condition of the renewal of the partial lift. In addition, the SEMG suggests that a modification be considered in the way in which the two step post-delivery requirement is fulfilled. The two-step process was conceived in a context of a weapons and ammunition management framework which identified Halane armoury as the first point of arrival (post-delivery confirmation) with subsequent onward distribution to a particular force or unit (post distribution information). Further to consultation with experts working closely with the FGS, the SEMG suggests that a formula be considered in which the FGS could provide post distribution information to the Committee on a periodic basis—such as in its six monthly report the Council pursuant to paragraph 9 of resolution 2142 (2014). This would be both practical and tend to enhance compliance.

33. The leadership of the FGS security forces is not fully aware of the range of the situations in which notifications to the Committee are required.⁵³³ The SEMG recommends that briefings be conducted for the heads of all FGS security forces, and other entities within the security sector architecture, on the scope of the arms embargo, the partial lift and related exemptions. The Secretariat to the Committee has offered to assist with this.

⁵³⁰ Resolution 2244 (2015), paragraph 5.

⁵³¹ IAN No. 2, op cit.

⁵³² Clarification: In S/2015/801 the SEMG reported that Government security forces were expected to have received more than 17,500 weapons and almost 9 million rounds of ammunition since the partial lifting of the arms embargo. These figures were compiled based on previous reporting and may have been the subject of conflated parameters: some materiel notified prior to the partial lift but delivered post may have been counted twice.

⁵³³ Series of conversations with international advisors engaged with the FGS security sector, March to August 2016.

34. Neither do Member States appear to be fully cognisant of the scope of notification requirements. This confusion persists notwithstanding the Committee's publication of the IAN (No. 2). The SEMG therefore recommends that the Council consider recalling the requirement that non-lethal support such as salaries, stipends, building infrastructure, military clothing and training, to FGS security forces must be appropriately notified, in its next resolution, referencing the clarification made by the Committee IAN (No.2) at paragraph 10.

35. Member States can also play role in facilitating and supporting the FGS to comply with its obligations relating to notifications under the partial lift. Although the FGS has the primary obligation to notify the Committee of expected deliveries of materiel and support for its forces, Member States or the international organisation which responsibilities are engaged by the delivery of the assistance, may also make an advance notification "in consultation" with the FGS.⁵³⁴ As noted above, in seven cases during the mandate it was the donating Member State which itself made the advance notification.

36. In a number of these cases, however, it appears that the FGS had not been given any information regarding the donation—or at least the ONSA had not been made aware. In one case the FGS told the SEMG that neither the head of the security force to which donation had been made, nor the ONSA had any information about the weapons and ammunition notified. In resolution 2244 (2015) the Council specifically underlined the importance of Member States "coordinating with the Office of the National Security Adviser of Somalia, which coordinates FGS reporting obligations to the Security Council pursuant to the notification procedures set out in paragraphs 3 to 7 of resolution 2142 (2014)".⁵³⁵ It would be helpful if the Council reiterated the value of supporting the ONSA in facilitating FGS compliance.

37. At the same time, there was an overall improvement in the quality of Member States support to the FGS to ensure compliance with notification requirements. There was only one double superfluous advance notification by both the FGS and Member States during the mandate, indicating improved coordination—last mandate there were six such cases. Further, a number of other situations which arose last year where FGS compliance was impeded by Member States—such as failure to provide sufficient documentation, the provision of partial shipments, second hand or faulty equipment, or unmarked weapons—did not reoccur.⁵³⁶

⁵³⁴ As reaffirmed in resolution 2244 (2015), paragraph 8.

⁵³⁵ Resolution 2244 (2015), paragraph 9.

⁵³⁶ See S/2015/801, annex 7.2.

Annex 8.3: Compliance with obligations relating to provision of materiel or other support to “Somali security sector institutions” pursuant to paragraph 11 (a) of resolution 2111 (2013)

38. During 2014 and 2014 the SEMG received information on flows of materiel and support from Member States and other entities to Somali security sector institutions other than the security forces of the Federal Government of Somalia (FGS)⁵³⁷, which were not notified to the Committee as required pursuant to paragraph 11 (a) of resolution 2111 (2013).⁵³⁸ Subsequently in resolution 2244 (2015), the Council underlined “the need for Member States to strictly follow the notification procedures for providing assistance to develop Somali security sector institutions.”⁵³⁹

39. During the current mandate the SEMG continued to receive reports of the provision of support and materiel—including payment of stipends/salaries, donation of vehicles, building of security sector infrastructure, and supply of weapons and ammunition—to, *inter alia*, Somaliland, Puntland, the Interim Jubba Administration (IJA), and the Interim South-West State Administration (ISWA) security sector institutions and other forces by Member States, non-governmental organisations (NGOs) and UN entities.⁵⁴⁰ Some of these transfers were widely publically reported, and some were made in the context of the conflict against A-Shabaab.⁵⁴¹ Member States have clearly determined that there is a need to provide targeted support to non-FGS security forces, including in the context of the conflict on Al-Shabaab.⁵⁴² Nevertheless, once again during the mandate, the requirements of the arms embargo governing the provision of this support were rarely met.⁵⁴³

40. Between 31 August 2015 and 1 September 2016 only three notifications for Committee’s consideration were submitted, solely with respect to support to Somaliland security sector institutions.⁵⁴⁴ All were submitted by the same Member State. At the same time, only one regional entity—again Somaliland—sought advice from the SEMG and the Committee on modalities for compliance with the arms embargo, in this instance with respect to its proposed creation of an Oil Protection Unit.⁵⁴⁵ Other entities did not appear to be aware that there was a procedure for lawful import of weapons and other materiel or that they might be able to seek approval for other forms of support such as stipend payments or the provision of building infrastructure.

⁵³⁷ See section 10, paragraph (h) of the Guidelines of the Committee for the Conduct of its work as consolidated, revised and adopted by the Committee on 30 March 2010, 30 May 2013, 27 November 2013 and 25 March 2014 (hereafter, Committee Guidelines) available at <https://www.un.org/sc/suborg/en/sanctions/751/guidelines>.

⁵³⁸ S/2015/801, annex 7.2.

⁵³⁹ Resolution 2244 (2015), paragraph 9. Forces outside the command of the FGS are not just a transitional reality. Even upon completion of the process of demobilisation and integration of FGS security forces it is envisaged that a, “lawful regional authority” may establish or continue to control regional security forces. See, FGS, Strategic framework for the management of security forces and militia integration and demobilisation, draft 1 February 2015, on file with the Monitoring Group.

⁵⁴⁰ Conversations with security experts, regional Government officials, officials of Member States, and NGO staff members, July to August 2016.

⁵⁴¹ See, for example, the handover of military vehicles to ISWA. Mogadishu Centre, The United Arab Emirates handed over transportation, pictures, 18 Jan 2016, available at <http://mogadishucenter.com/English/2016/01/18/the-united-arab-emirates-handed-over-transportation-pictures/>.

⁵⁴² The June 2016 African Union Mission in Somalia (AMISOM) Con-Ops for example specifically provides that Sector Commanders are to consult with regional administrations on the use of regional forces in AMISOM Joint Operations to ensure security, and that they can be the object of logistical and other support. AMISOM Strategic Concept of Operations – June 2016, archived with the Secretariat. The arms embargo does not apply to supplies of weapons or military equipment or the provision of assistance intended solely for the support of, or use by, AMISOM’s strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent AU strategic concepts), and in cooperation and coordination with AMISOM, resolution 2111 (2013), paragraph 10 (c).

⁵⁴³ Further challenging compliance, certain types of support may not even come within the scope of available exemptions, although the Committee has not yet been asked to make this determination. See discussion below.

⁵⁴⁴ The Committee approved all deliveries.

⁵⁴⁵ See S/2014/747, annex 6.7 and correspondence between Somaliland officials and the SEMG August 2015 to April 2106.

41. In all of these circumstances, the case of Puntland is instructive, reflecting both the need which has evolved for support to regional forces which are on the front line of the fight against Al-Shabaab, and ISIS-aligned elements, and the practice in which such support has evolved oversight Committee oversight.

Support to Puntland forces

Puntland Maritime Police Force (PMPF)

The Monitoring Group first reported on the inception of what would later become Puntland Maritime Police Force (PMPF) in its 2011 final report when it described the arrival in Puntland of Saracen International Ltd., a company backed by Blackwater founder Erik Prince, staffed by South African military trainers, and funded by the United Arab Emirates.⁵⁴⁶ “Saracen’s operations since May 2010”, the SEMG concluded in 2011, “represent a significant violation of the general and complete arms embargo on Somalia”.⁵⁴⁷

According to senior PMPF officials interview by the SEMG in April 2016, the force now consists of close to 1,000, with each marine receiving a salary of USD 240 per month.⁵⁴⁸ The PMPF maintains eight bases in Puntland, at Bosaso, Hafun, Iskushuban, Eyl, Bargal, Garowe, Galgala, and Sugure; the force’s leadership is also planning to establish a base in Garacad.⁵⁴⁹

The Monitoring Group assesses the PMPF to be an effective force that provides Puntland with a much-needed maritime presence. However, the Group notes with concern that the United Arab Emirates (UAE) continues to provide funding to the PMPF but has not sought the Committee’s approval. The SEMG was unable to determine the extent of this breach since the UAE has repeatedly denied the access to the base to the Group or failed to respond to its requests for information. The SEMG conducted missions to Bosaso on 21-25 February and 10-17 April 2016. On both occasions, the Group had been granted permission to visit to the PMPF base by the Office of the President of Puntland; subsequently, PMPF officials in Bosaso informed the Group that they were not able to grant access to the base due to the objections of UAE advisors present.

In its correspondence to the UAE dated 22 August 2016, the SEMG requested access to the PMPF base and the details concerning the amount and nature of the assistance to the PMPF from the UAE, but has yet to receive a response.

Annex 8.10 (Figure 1) provides two satellite images of the PMPF base in Bosaso, showing the development of the compound during the present mandate; Figure 2 provides an organizational chart of the PMPF’s leadership.

The Puntland Security Forces (PSF)

The Puntland Security Forces (PSF) is an elite counterterrorism unit created in 2009 and based in Bosaso, trained and assisted by the United States. According to a senior PSF commander, the force consists of 500 troops.⁵⁵⁰

During two of its missions to Bosaso, from 21-25 February and 10-17 April 2016, the Monitoring Group was on both occasions granted access to the PSF base. On 24 February 2016, the PSF facilitated a highly informative visit by the SEMG to Galgala town, previously the headquarters of the Al-Shabaab insurgency in Puntland’s Golis Mountains. While

⁵⁴⁶ S/2011/433, annex 6.3.

⁵⁴⁷ Ibid.

⁵⁴⁸ Details on the PMPF’s current strength and operations were provided by interviews with two senior PMPF officials in Bosaso, 16 April 2016. Conversely, in a 17 August 2016 letter to the SEMG from the Office of the President of Puntland estimated the PMPF to number only 600 marines.

⁵⁴⁹ Garacad was one of two locations on Puntland’s coast targeted by Al-Shabaab during the group’s March 2016 amphibious assault into the region (see annex 1.5).

⁵⁵⁰ Conversely, in a letter to the SEMG dated 17 August 2017, the Office of the President of Puntland estimated the PSF to consist of between 600 and 700 members.

the Monitoring Group holds the PSF to be an effective unit that contributes to the maintenance of peace and security in Puntland, it also notes with concern that the United States has not sought the Committee's approval for such support. On 25 August 2016, the Group sent official correspondence to the United States requesting details on the amount and nature of its support to the PSF since the PSF's creation, but as of this printing had not received a response.

Annex 8.10 (Figure 3) provides a satellite image of the PSF base in Bosaso.

SEMG recommendations

42. There are a number of areas where the SEMG recommends the Council can encourage better compliance and improve its oversight of weapons and ammunition flows and other forms of support to non-FGS entities. The first is to consider clarifying the scope of the exemption in paragraph 11(a), both in terms of the entities which may be the subject of an exemption and the scope of the materiel or assistance which may be transferred. The second is for the Committee to require the supplying Member State or international organisation, when making a request to the Committee, to provide additional information on the background to the rationale for the request and on procedures in place for eventual management of the materiel. The Council could also request that it be informed of delivery.

Scope of the exemption

“Somali security sector institutions”

43. The scope of “Somali security sector institutions” has not been defined by resolution or practice. To date the Committee has only approved transfers of materiel and support to forces associated with the authorities of Puntland and Somaliland.⁵⁵¹ As no other forces have been the subject of notifications, however, the Committee has not yet had the opportunity to determine whether or not the provision applies to other entities.

44. There was one instance during the mandate where a donation of non-lethal materiel intended for distribution to Federal, IJA, Interim South West Administration (ISWA) and Puntland police forces was notified to the Committee by the donor Member State under a ‘for information notification’ pursuant to paragraph 4 of 2142 (2014). As the end user certificate indicated that the FGS Ministry for Internal Affairs was the recipient and not regional authorities, the notification procedures under the partial lift were applied. The Committee thus did not have an opportunity to determine the applicability of paragraph 11 (a).⁵⁵² The FGS has indicated to the SEMG that these materials were transferred as planned to the four forces.⁵⁵³ As support to non-FGS security forces expands—in August 2016 for example discussions were underway for salary/stipend support to ISWA regional forces⁵⁵⁴—it is likely that these scenarios will be repeated.⁵⁵⁵ The FGS has repeatedly asserted to the SEMG that the FGS should be the focal point for the provision all support to Somalia, whether under the partial lift or under paragraph 11 (a).⁵⁵⁶

45. If entities are part of the FGS security forces, support must be notified under the procedures pertaining to the partial lift. In March 2016 the Committee clarified that it is the sole responsibility of the FGS to inform the Committee of which

⁵⁵¹ Non-lethal materiel and assistance to security forces operating in Somaliland and Puntland which has comprised the bulk of the material notified under paragraph 11 (a).

⁵⁵² It was not clear from the information provided in the context of IJA and ISWA as to whether the material was intended for units of FGS police forces operating in those areas or of regional forces, and if the latter, the extent which memoranda of understanding or other agreements bring these forces within the authority of the FGS.

⁵⁵³ Conversation with government official, 5 August 2016.

⁵⁵⁴ Interview military expert, Mogadishu, 5 September 2016.

⁵⁵⁵ In 2015, for example, the FGS twice attempted to “notify” receipt of restricted materiel by forces not recognised as under its command, in Somaliland and associated with the Interim Jubba Administration.

⁵⁵⁶ Most recently, Skype discussion with FGS officials, 15 September 2016.

entities are regarded as forming the security forces of the FGS.⁵⁵⁷ In resolution 2244 (2015) the Council particularly directed the FGS to provide full and accurate information on “the status of **regional** and militia forces (emphasis added)” in its reporting to the Council (paragraph 7).

46. Nevertheless, the question of what entities may be considered as “Somali security sector institutions” remains. The SEMG suggests that the Council consider clarifying the scope of ‘Somalia security sector institutions’ in a way which sets out a threshold definition while emphasising the prerogative of the Committee to determine the scope of the phrase on a case by case basis. A suggested formulation might be:

“Somali security sector institutions other than those comprised within the FGS Security Forces, organized, and under responsible and identifiable command and control, in particular the forces of entities recognized under the emerging Somali federal architecture, including Somaliland and federal and interim federal Member States, as so determined by the Committee, on a case by case basis.”

Categories of materiel and assistance which can be the subject of exemption

47. The SEMG believes that there is also a need to address the scope of the categories of materiel and assistance which can be the subject of exemption under paragraph 11 (a) of resolution 2111 (2013). The language of Resolution 2111 (2013) makes a distinction between the types of support which can be extended to FGS security forces under the partial lift and those which can be exempted for ‘Somali security sector institutions’.

48. With respect to FGS security forces, “deliveries of weapons or military equipment or the provision of advice, assistance or training” may benefit from exemption under the partial lift if correctly notified.⁵⁵⁸ In its Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions (hereafter IAN No. 2), the Committee clarified that the scope of this phrase includes, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military, policing (including coastguard) or security operations).⁵⁵⁹ With respect to “Somali security sector institutions”, however, although the formulation of the exemption is similar, the terms “advice” and “assistance” have been replaced by “technical assistance” viz., “[s]upplies of weapons or military equipment and technical assistance or training”.

49. As a result, it is not clear that the provision of financial support/payment of stipends to security forces, or the supply of materiel beyond military equipment (such as building infrastructure) can be exempt from the arms embargo. As noted above, however, due to the fact that donors generally do not engage with the Committee on prospective support to non-FGS forces there have been few opportunities for the Committee to build an interpretative practice in this regard.

50. It would seem anomalous however, that an exemption can be sought for the provision of weapons or other equipment to a “Somali security sector institution” but not for the provision of non-lethal equipment or support for the payment of stipends which may be critically needed. In Somaliland and Puntland, for example, the UN currently pays stipends to formed police units—the Special Protection Units—which provide essential protection, *inter alia*, to humanitarian operations. In the absence of an ability to notify these contributions these entities are technically in violation of the arms embargo.

51. The SEMG therefore suggests that the Council consider a reformulation of paragraph 11 (a) which would provide a modality for the types of support currently being provided to non-FGS security sector institutions by Member States and the United Nations to come into legality through appropriate notification.⁵⁶⁰

⁵⁵⁷ See, Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 12.

⁵⁵⁸ Resolution 2142 (2014), paragraph 2.

⁵⁵⁹ Op cit., paragraph 10.

⁵⁶⁰ In IAN No. 2 the Committee clarified that in the context of the partial lift and support for the development of FGS Security Forces the types of assistance which may be permitted when subject to a ‘for information’ notification include, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military,

Scope of information required

52. The SEMG recommends that the Committee consider augmenting the scope of information which must be included when submitting a notification for Committee's consideration under paragraph 11 (a).⁵⁶¹ Such information could include, for example, the structure, composition and command of the concerned entity, the rationale for the provision of support or materiel, and the procedures in place for weapons and ammunition management. This would permit the Committee to make a more informed decision on the request and allow for greater oversight of flows of lethal and non-lethal support to Somalia's growing parallel security sector.

53. Further, neither the "Somali security sector institution" receiving the materiel or assistance pursuant to paragraph 11 (a), nor the supplying Member State or international organisation, are currently required to provide any information on the delivery or receipt of weapons and ammunition. The SEMG recommends that the Council consider imposing a requirement in this regard. This would seem to be an important element of Committee oversight on weapons flows within Somalia.

54. Finally, the SEMG notes that the FGS has expressed increasing concern about the provision of restricted materiel and assistance to non-FGS forces. It argues that its sovereignty and overall responsibility for control of weapons and ammunition in Somalia and national security more broadly, requires that it be advised of prospective imports proposed under paragraph 11 (a) and that it be given an opportunity to provide its views on the impact of such a supply in terms of peace and security. The SEMG also notes that on two occasions during the mandate a Member State accompanied its notification for consideration under paragraph 11 (a) with a note that the Member State had "shared its intention to provide this support with the Office of the National Security Adviser of the Federal Government of Somalia who raised no objection" but it did not continue the practice in its third notification.

55. The Monitoring Group recommends therefore that the Security Council amend paragraph 11 (a) of resolution 2111 (2013) which describes exemptions for the provision of support to Somali security sector institutions to reflect the following elements

- clarification of which institutions may be considered as Somali security sector institutions including consideration of the following formula: "Somali security sector institutions other than those comprised within the FGS Security Forces, organized, and under responsible and identifiable command and control, in particular the forces of entities recognized under the emerging Somali federal architecture, including Somaliland and federal and interim federal Member States, as so determined by the Committee, on a case by case basis."
- reformulation of the scope of the categories of materiel and assistance which can be the object of exemption to reflect current practice and the evolution of the security sector on the ground, in particular to ensure that in addition to supplies of weapons or military equipment and technical assistance or training, other forms of assistance, such as stipends and salaries, and the building of infrastructure, can also be provided.
- Imposition (by the Committee) of an expanded information requirement for notifications pursuant to paragraph 11 (a) including descriptions of structure, composition and command of the force receiving the support, the rationale for the request, and information on weapons and ammunition management procedures, in order for the Committee to make a more informed decision;
- requirement that a copy of each notification submitted pursuant to paragraph 11 (a) to be provided to the FGS for its information.

policing (including coastguard) or security operations). The wording of paragraph 11 (a) would not however seem to permit such an interpretative clarification and an amendment of the provision by Council resolution would be required.

⁵⁶¹ For current requirements see Committee Guidelines paragraph 10 (g) – (j) inclusive.

Annex 8.4: Maritime interdiction of arms and ammunition

56. The SEMG monitored the following three cases involving potential illegal weapon smuggling activities involving stateless dhows transporting weapons, destined for Somali or using Somalia as a transit point:

- on 06 March 2016 the HMAS Darwin of the Royal Australian Navy seized a significant quantity of weapons from a dhow approximately 170 nautical miles⁷ km (313 kilometres) off the coast of Oman, heading for Somalia;⁵⁶²
- on 20 March 2016 the French naval destroyer FS Provence seized a significant quantity of weapons from a stateless dhow in the northern Indian Ocean, heading towards Somalia;⁵⁶³ and
- on 28 March 2016 the US Navy Coastal Patrol ship USS Sirocco seized a significant quantity of weapons from a dhow transiting international waters in the vicinity of the Gulf of Oman, bound for Yemen.⁵⁶⁴

57. These operations were conducted by the Combined Maritime Forces (CMF).⁵⁶⁵ The CMF has been instrumental in intercepting illegal weapons in a heavily trafficked area which includes the Persian Gulf, Strait of Hormuz and northern Arabian Sea. The seized weapons consisted of a variety of weapons systems which include: AK-47 type assault rifles, PKM general-purpose machine guns, RPG-7 rocket propelled grenade launchers, 60mm mortars, DshK 12.7 mm heavy machine guns, Hoshdar (Dragunov) sniper rifles, and Kornet anti-tank rockets, with AK-47 automatic assault rifles common to all three cases.

⁵⁶² “HMAS Darwin seizes large weapons of cache”, 6 March 2016, available from <https://combinedmaritimeforces.com/2016/03/06/hmas-darwin-seizes-large-weapons-cache/>.

⁵⁶³ “French ship Provence seizes large weapons cache”, 28 March 2016, available from <https://combinedmaritimeforces.com/2016/03/28/french-ship-provence-seizes-large-weapons-cache/>.

⁵⁶⁴ S. LaGrone, “US Navy seizes suspected Iranian arms shipment bound for Yemen”, USNI News, 4 April 2016, available from <https://news.usni.org/2016/04/04/u-s-navy-seizes-suspected-iranian-arms-shipment-bound-for-yemen>.

⁵⁶⁵ The Combined Maritime Forces (CMF) is a multi-national naval partnership which was established in 2002 and consists of 31 members. A U.S. Navy Vice Admiral, who also serves as Commander US Navy Central Command and the US Navy Fifth Fleet, commands the CMF, with all three commands co-located at US Naval Support Activity Bahrain.

Annex 8.4.a: HMAS Darwin

Figure 1: Quantity of weapons seized by HMAS Darwin

Name/size of weapon	Type of weapon	Quantity Seized
AK-47	assault rifle	1,989
RPG-7	rocket propelled grenade launcher	100
PKM	general purpose machine guns	49
	spare barrels	39
60 mm	mortar tubes	20

Figure 2: Weapons seized by HMAS Darwin



Figure 3: Seized weapons on board HMAS Darwin



Figure 4: Identification documents of Iranian crew on board the dhow transporting weapons seized by HMAS Darwin



Annex 8.4.b: USS Sirocco*Figure 5: Quantity of weapons seized by USS Sirocco*

Name/size of weapon	Type of weapon	Quantity seized
AK-47	assault rifle	1,500
RPG-7, RPG-7V	rocket propelled grenade launcher	200
DshK 12.7 mm	machine gun	21

Figure 6: USS Sirocco and the stateless dhow (Adris) from which the illegal weapons were seized

Figure 7: Seized weapons on board USS Sirocco



Annex 8.4.c: FS Provence

Figure 8: Quantity of weapons seized by FS Provence

Name/size of weapon	Type of weapons	Quantity seized
AK-47	Assault rifle	2,000
Hoshdar-M	sniper rifle	64
Type-73	general purpose machine gun	6
Kornet	guided anti-tank missile	9

Figure 9: Seized weapons on board FS Provence



Annex 8.5: The Maydh arms smuggling case (STRICTLY CONFIDENTIAL)*

* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 8.6: Improvised Explosive Devices (IEDs)

Annex 8.6.a: IEDs used in Somalia

58. During its mandate the SEMG obtained information from a number of sources on the introduction of sophisticated improvised explosive device (IED) technology in Somalia, together with the presence of a number of foreign IED trainers with experience gained in conflict zones such as Afghanistan, Iraq, Syria, and Yemen.⁵⁶⁶ This is significant, as this apparent transfer of skills and technology from other conflict zones may potentially add a new dimension to the security situation and dynamics in Somalia and the region.

59. One example is the reported use of a particularly lethal type of IED called an Explosively Formed Penetrator (EFP) in an attack in Afmadow during the course of 2016.⁵⁶⁷ The EFP is a lethal IED with the capacity, due to its unique configuration, to penetrate and destroy armoured vehicles; it has been used with devastating effect in conflict zones such as Iraq and Afghanistan.⁵⁶⁸⁵⁶⁹ The EFP is particularly effective against relatively lightly Armoured Personnel Carriers (APCs).⁵⁷⁰

Figure 1: Suspected explosively formed penetrator (EFP) IED used in an attack in Afmadow



⁵⁶⁶ Information from UN sub-contractor and field investigations in Lower Juba and Middle Juba, February and March 2016.

⁵⁶⁷ UN explosives technical expert, Kismayo, Somalia.

⁵⁶⁸ Gregg Zoroya, "How the IED changed the U.S. military", *USA Today*, 19 December 2013. Available from <http://www.usatoday.com/story/news/nation/2013/12/18/ied-10-years-blast-wounds-amputations/3803017/>.

⁵⁶⁹ Rick Atkinson, "The single most effective weapon against our deployed forces", *Washington Post*, 30 September 2007. Available from <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/29/AR2007092900750.html>.

⁵⁷⁰ Fred Burton, Strafor, 11 April 2007. Available from https://www.stratfor.com/imminent_spread_efps.

60. In addition to the introduction and use of EFPs, other new and sophisticated IED technology has been introduced in Somalia during the course of 2016. This includes the introduction of what is described as pressure plate IEDs that were used in an attack near Kismayo airport in February 2016, as well as in Bardera, Gedo in March 2016.⁵⁷¹

Figure 2: Pressure plate IED used near Kismayo airport, Somalia



61. This particular type of IED appears to be similar to those subsequently seized by the Kenyan security forces during operations in the Boni Forest, Lamu County.⁵⁷² This would appear to indicate that IED experts and hardware have been crossing the border and were active in both countries.

⁵⁷¹ UN explosives technical expert, Kismayo, Somalia.

⁵⁷² Interview with Kenyan security services official, June 2016.

Figure 3: Pressure plate IED used in Boni forest, Kenya



Annex 8.6.b: Projected IED threats to regional civil aviation

62. The SEMG has received information indicating that an IED similar to that used in the February 2016 Daallo airlines attack, had also been seen in Iraq.⁵⁷³ This is consistent with the assessment of technical and explosives experts who investigated the IED used in the Daallo attack, and who concluded that it was likely constructed with external assistance.⁵⁷⁴

63. The implications of this development are serious for aviation security. Together with the foiled attack at Belet Weyne airport on 07 March 2016, it may indicate a concerted effort and deliberate strategy by Al-Shabaab to develop the capacity to attack civil aviation targets in Somalia.⁵⁷⁵ The IEDs used in the foiled Belet Weyne attack were reportedly hidden in a computer as well as a printer, indicating a level of skill and sophistication with the potential to change the security dynamics in Somalia.⁵⁷⁶ It is currently not known if Belet Weyne airport was the final target of this plot, or whether the IEDs were to be transferred to Aden Adde International Airport in Mogadishu. The consensus amongst experts appears to be the latter rather than the former.⁵⁷⁷

64. Both confidential and open source information indicates that an Al-Shabaab training camp in Middle Juba, Somalia was established in late 2015 to train operatives in attacking civil aviation targets.⁵⁷⁸ The SEMG also received information from regional experts indicating that Al-Shabaab is particularly good at copying tactics, techniques, and procedures used

⁵⁷³ Email communication, explosives technical expert based in Baghdad, Iraq, 15 April 2016.

⁵⁷⁴ Interview, explosives technical expert, Mogadishu, 4 February 2016.

⁵⁷⁵ “Somalia’s Beledweyne airport hit by laptop bomb”, *BBC News*, 7 March 2016. Available from <http://www.bbc.com/news/world-africa-35744737>.

⁵⁷⁶ Ibid.

⁵⁷⁷ Interviews with explosives technical experts based in Kismayo and Mogadishu.

⁵⁷⁸ “Seizure of IEDs in Mogadishu indicates Al-Shabaab capable of targeting aviation, tourism in Somalia and Kenya”, *IHS Jane’s Country Risk Daily Report*, 17 May 2016. Available from <http://www.janes.com/article/60387/seizure-of-ieds-in-mogadishu-indicates-al-shabaab-capable-of-targeting-aviation-tourism-in-somalia-and-kenya>

by other terrorist groups, and in adapting and introducing these techniques within Somalia.⁵⁷⁹ This ability to learn, adapt and evolve makes a group such as Al-Shabaab a particular challenge for the security forces in Somalia. Contrasting with Al-Shabaab's adaptability, conventional land forces, such as those making up AMISOM, have found it difficult to adjust to the challenges of irregular, asymmetrical warfare. It is therefore assessed that the increased sophistication of IEDs seen in Somalia is likely not only the result of the introduction of foreign experts and new technology, but likely also as a result of the ability of groups such as Al-Shabaab to copy techniques and technology used by groups in other conflict zones.

65. Against the background of the targeting of aviation targets in Somalia, it is noted that ISIL reportedly used a particularly volatile and potent peroxide-based explosive called triacetone triperoxide (TATP) in the November 2015 Paris attacks, while investigations also revealed that the 22 March 2016 Brussels Airport attackers likely also used TATP.⁵⁸⁰ TATP first gained notoriety when Richard Reid, also known as the so-called "shoe bomber", unsuccessfully tried to detonate a TATP explosive device on a Paris to Miami flight in December 2001.⁵⁸¹ While TATP-based devices are rarely seen in conflict zones such as Iraq and Afghanistan because of its unstable nature, and because military-grade explosives are readily available, TATP is particularly well suited for use and concealment in small items such as soda cans or a printer cartridges due to the fact that it can be detonated in such small quantities.⁵⁸² Furthermore, conventional explosives detection technology and equipment used at airports mainly focus on detecting nitrogen-based explosives such as RDX, while TATP is a peroxide-based explosive which may evade detection by conventional explosive detection equipment in use at most airports.⁵⁸³

66. While there is currently no indication that either Al-Shabaab or ISIL has ever used TATP in Somalia, the reported ability of Al-Shabaab to copy and adapt tactics and techniques from other groups implies that an attempt to use TATP in the targeting of aviation targets in Somalia cannot be ruled out in the future.

⁵⁷⁹ Information provided by confidential UNMAS interlocutor.

⁵⁸⁰ Thomas Gibbons-Neff, "Brussels terrorists probably used explosive nicknamed 'the Mother of Satan'", *The Washington Post*, 23 March 2016. Available from <https://www.washingtonpost.com/news/checkpoint/wp/2016/03/23/the-type-of-bombs-used-in-brussels-have-been-seen-before/>.

⁵⁸¹ Christopher Cooper, "Reid's Shoe Bomb Was Sophisticated, Like an Explosive Used by Palestinians", *The Wall Street Journal*, 09 January 2002. Available from <http://www.wsj.com/articles/SB1010533661808003000>.

⁵⁸² Neil Collier, "A Signature ISIS Explosive in Europe", *The New York Times*, 20 March 2016. Available from <http://www.nytimes.com/video/world/europe/100000004281038/isis-signature-explosive-in-europe.html>.

⁵⁸³ *Ibid.*

Annex 8.7: Daallo Airlines attack (STRICTLY CONFIDENTIAL)*

* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 8.8: Illicit arms markets in Somalia⁵⁸⁴

Name	Type	Country of Manufacture	Location of Market	Price (USD)
AK 58	Assault rifle	Czech Republic	Mogadishu	450-520
AK 47	Assault rifle	various	Regions	650-700
AK 47	Assault rifle	various	Bosaso	850-1000
9336 Type 56-2	Assault rifle	China	Galmudug	650-700
9336 Type 56-2	Assault rifle	China	Mogadishu	1400-1500
386 Type 56	Assault rifle	China	Mogadishu	1100-1200
AK 47	Ammunition	Various	Mogadishu	1.2
AK 47	Ammunition	Various	Bosaso	1.5

Figure 1: public arms market behind Ministry of Interior and National Security in Mogadishu



⁵⁸⁴ Information based on interviews and email communication with SNA officers, an AMISOM officer, arms market dealers, and a network of informants in Somalia. The Monitoring Group also directly observed arms markets in Mogadishu in February and March 2016 and Bosaso in August 2016.

Figure 2: handgun obtained at public market in Mogadishu, February 2016



Annexe 8.9: Puntland Maritime Police Force and Puntland Security Forces

Figure 1: Satellite images of the Puntland Maritime Police Force (PMPF) base in Bosaso on 16 November 2015 (top) and 8 April 2016 (bottom), highlighting the construction of new structures over the period (coordinates: 11.271206, 49.099084)



Figure 2: Organizational chart of the PMPF based on open source social media

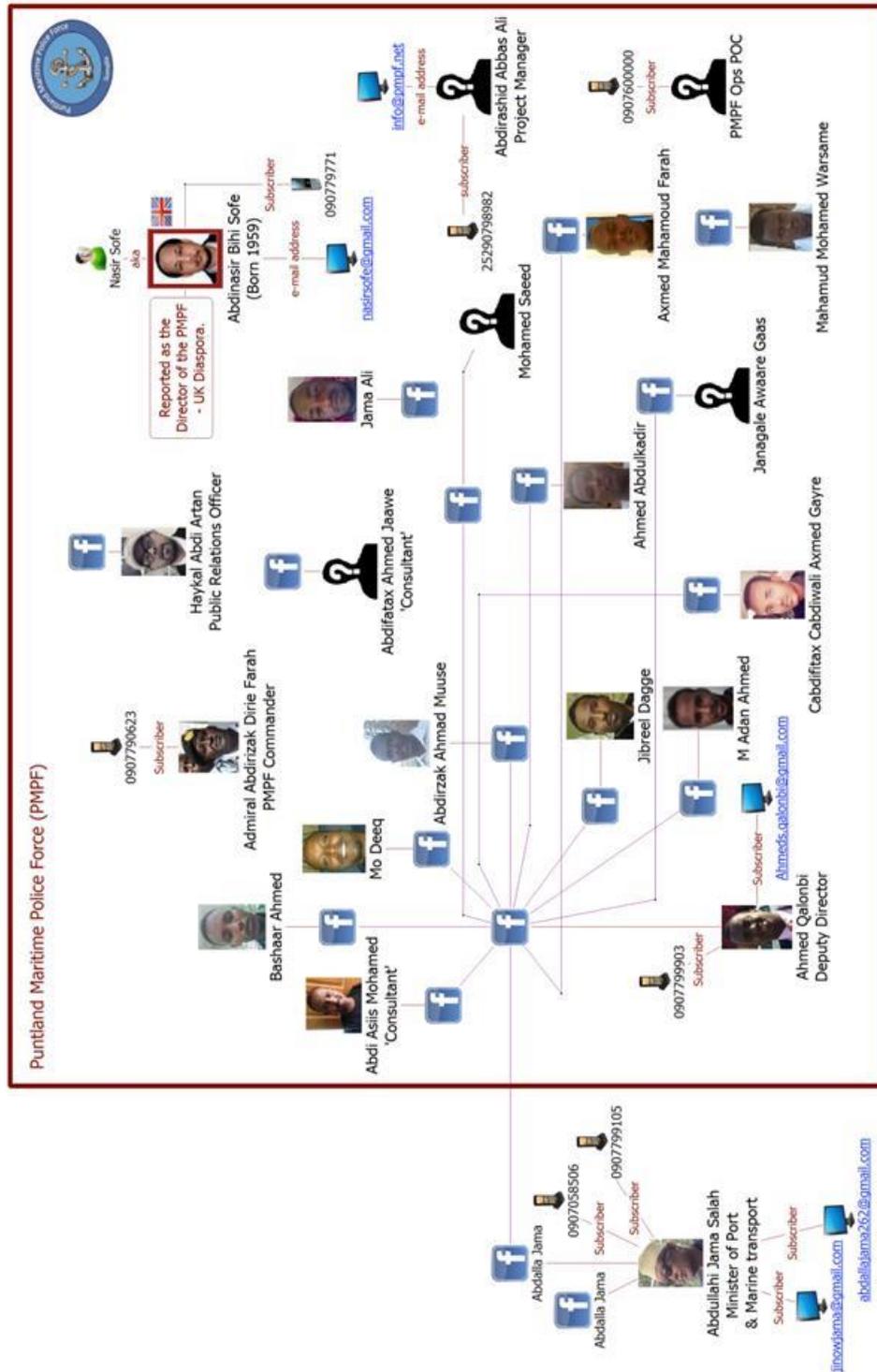


Figure 3: Satellite image of the Puntland Security Forces (PSF) base in Bosaso, 23 July 2016 (coordinates 11.290231, 49.194008)



Annex 8.10: Abdisamed Gallan's insurgency against the Puntland administration and the Qandala-Hafun arms smuggling network

Dismissal of governor of Bari region and the launch of an insurgency

105. From 2011 to 2015, Abdisamed Gallan, a former school teacher, served as governor of Puntland's Bari region, the heartland of his Ali Salebaan clan. In May 2015, Gallan was sacked by Puntland President Abdiweli Mohamed Ali and replaced by Yusuf Mohamed Dhedo.

106. Following violent protests in Bosaso on 1 February 2016, during which a police officer and a protester were killed, Dhedo accused Gallan of having masterminded the unrest. The Puntland security forces subsequently raided Gallan's house in Bosaso, but he escaped before they arrived, fleeing to his clan homeland in Bari region.⁵⁸⁵ Gallan told the SEMG that he had played no role in the protests and had been the victim of unprovoked aggression by Puntland forces.⁵⁸⁶ Gallan claimed that 200-300 Puntland soldiers surrounded his house and opened fire for between two and a half and three hours, causing the roof of his house to catch fire and collapse, with two of his bodyguards sustaining injuries.⁵⁸⁷

107. On 15 June 2016, Gallan announced local media that he had launched an insurgency with the aim of overthrowing the Puntland administration, which Gallan charged as being dictatorial and unrepresentative of the population.⁵⁸⁸ On 21 June, Gallan, at the head of a roughly 175-strong militia, briefly entered the town of Armo, 80 km south of Bosaso, prior to withdrawing (see Figures 3 and 4, below, for photographs of Gallan's militia in Armo). Puntland forces subsequently engaged Gallan's militia 20 km east of Armo, resulting in an unknown number of casualties before clan elders succeeded in mediating a ceasefire.⁵⁸⁹ As of the publication of this report, negotiations between the Puntland administration and Gallan were ongoing.

108. Prior to and following the declaration of Gallan's insurgency, three shipments of arms and ammunition arrived in the Qandala area, a port town lying 80 km from Bosaso, inhabited by the Ali Salebaan clan (see "2016 Qandala weapons shipments", below). Some of these weapons were likely used to arm Gallan's militia (see Figure 1).⁵⁹⁰

109. Gallan has received active support from the former pirate and arms dealer Isse Mohamoud Yusuf "Yullux", also a member of Gallan's Ali Salebaan clan. Both Gallan and Yullux are supported by the leader of the pro-Islamic State in Iraq and the Levant (ISIL) faction of Al-Shabaab, Abdulqadir Mumin, who is a cousin of Yullux.⁵⁹¹ Gallan denied having a relationship with "Yullux", though confirmed that some of Yullux's militia had been present during the takeover of Armo on 21 June.⁵⁹²

110. While Bari region has never been under the firm control of the central Puntland authorities, Gallan's insurgency represents a stark escalation in the longstanding animosity between the Ali Salebaan clan and the administration. With the region in financial crisis and payment to the security forces sporadic, and with the forces already overstretched on account of Al-Shabaab's March 2016 incursion into Puntland—Gallan's insurgency, while not an existential threat to the Puntland administration—poses significant and ongoing detriment to the peace and stability of the region. The further isolation of Bari region from the reach of the Puntland administration may allow Abdulqadir Mumin's pro-Islamic State in Iraq and ISIL faction of Al-Shabaab—based near Qandala—space to gain momentum and attract additional fighters and material support from within Somalia or abroad.

⁵⁸⁵ "Somalia: Puntland Security forces hunt former Governor after violent protest", *Horseed Media*, 1 February 2016. Available from <https://horseedmedia.net/2016/02/01/somalia-puntland-security-forces-hunt-former-governor-after-violent-protest/>.

⁵⁸⁶ SEMG phone interview with Abdisamed Gallan, 31 August 2016.

⁵⁸⁷ *Ibid.*

⁵⁸⁸ "Waraysi: Cabdisamad Gallan "Puntland cusub ayaan samaynayaa", *Puntland Today*, 15 June 2016. Available from <http://www.puntlandtoday.com/waraysi-cabdisamad-gallan-puntland-cusub-ayaan-samaynayaa/>.

⁵⁸⁹ SEMG interviews with a local journalist and senior Puntland administration official, 21 June 2016.

⁵⁹⁰ Information provided to an SEMG interlocutor by an individual involved in the arms shipment.

⁵⁹¹ See S/2013/413, annexes 1.7 and 3.1.c.

⁵⁹² SEMG phone interview with Abdisamed Gallan, 31 August 2016.

Ali Salebaan grievances against the Puntland administration

111. The Monitoring Group communicated on multiple occasions by phone with Abdisamed Gallan, and also met with a representative of Gallan's in Nairobi and with a group of Ali Salebaan clan elders in Garowe. Their overwhelming grievance against the Puntland administration was the underrepresentation of the Ali Salebaan in the civil service and the security forces, especially in their native territory of Bari region. According to documentation provided by the Ali Salebaan elders, only six senior civil service and military positions in the Puntland administration are currently occupied by members of the Ali Salebaan, less than 4 per cent the total.⁵⁹³

112. Sixteen Ali Salebaan elders arrived in Garowe in July 2016 to conduct conflict resolution negotiations with the President Abdiweli Mohamed Ali "Gass"; as of 6 September, they claimed to have only met three times with the President, and had not agreed on any way forward with him.⁵⁹⁴ According to a delegation of elders, President Ali had shown them disrespect, and was "not interested in negotiating".⁵⁹⁵

Qandala-Hafun network

113. Since fleeing Bosaso, Gallan has been based in his hometown of Qandala, in Bari region. Qandala has long-standing smuggling ties to the Yemeni port of Al Mukalla, controlled by Al-Qaida in the Arabian Peninsula (AQAP) until it was recaptured with the support of the Saudi-led coalition in April 2016. The Qandala area offers a series of natural bays and beaches, such as Butiyalo and Khooriga, which have been used by smugglers for decades.⁵⁹⁶ While only 80 km east of Bosaso, Qandala is shielded by mountainous terrain to the west that makes it virtually inaccessible to the Puntland authorities, except by sea.⁵⁹⁷

114. In its 2013 final report, the Monitoring Group described in detail an Ali Salebaan-dominated nexus of arms traffickers, pirates, and Al-Shabaab affiliates that was dubbed the "Qandala-Hafun network".⁵⁹⁸ Members of the Qandala-Hafun network included Abdulqadir Mumin, who, prior to his declaration of loyalty (*bayah*) to ISIL (see annex 1.2), was the spiritual leader and putative second-in-command of the Al-Shabaab insurgency in Puntland (Al-Shabaab Northeast), associated with the arm of the insurgency based in the Bari region. Abdihakim Dhuqub (Majeerteen/Ali Salebaan)—an arms smuggler also linked to both Al-Shabaab in Bari region and the Qandala-Hafun network, and a cousin of Mumin—is now aligned with Mumin's ISIL faction (see annex 1.2).⁵⁹⁹

115. Likewise, Abdirisak Ali Said Hussein "Shahdon" a.k.a. Shahdon Ali Yare, a former fisheries and ports Minister from Puntland and a license broker for Iranian illegal fishing vessels, was previously named by the Monitoring Group as a member of the Qandala-Hafun network and an associate of "Yullux".⁶⁰⁰ Phone records from 2016 in possession of the Monitoring Group demonstrate that "Shahdon" is still frequently in contact with other arms smugglers, including "Yullux", Mohamed Mire Ali Yusuf "Soodareeri", and Said Gul Ismail.

Members of the Qandala-Hafun network identified by the SEMG

- (a) Abdulqadir Mumin (Majeerteen/Ali Salebaan)
- (b) Isse Mohamoud Yusuf "Yullux" (Majeerteen/Ali Salebaan)

⁵⁹³ Independent documentation listing over 120 senior civilian and military and police positions in Puntland, provided to the SEMG by Ali Salebaan clan elders, Garowe, 6 September 2016.

⁵⁹⁴ SEMG meeting with a delegation of five Ali Salebaan clan elders, Garowe, 6 September 2016.

⁵⁹⁵ Ibid.

⁵⁹⁶ One of the largest weapons seizures in Puntland's history took place on 17 October 2012, when local authorities seized a shipment of 37 sacks at Butiyalo containing a large amount of munitions and explosive equipment. See S/2013/413, annex 6.1.

⁵⁹⁷ The Puntland Maritime Police Force (PMPF) regularly patrols the waters from Bosaso to Qandala, and has seized a number of dhows fishing illegally in Puntland waters since October 2015.

⁵⁹⁸ See S/2013/413, annex 3.1.d.

⁵⁹⁹ SEMG interview with Puntland security forces official assigned to Bari region, Bosaso, 12 April 2016.

⁶⁰⁰ For a background on "Shahdon", see S/2013/413, annex 3.1.

- (c) Abdisamed Gallan (Majeerteen/Ali Salebaan)
- (d) Mahad Isse Aden “Laboballe” (Majeerteen/Ali Salebaan)
- (e) Said Gul Ismail (Majeerteen/Ali Salebaan)
- (f) Mohamed Mire Ali Yusuf “Soodareeri” (Majeerteen/Ali Salebaan):
- (g) Abdirisak Ali Said Hussein “Shahdon” a.k.a. Shahdon Ali Yare (Majeerteen/Ali Salebaan)
- (h) Abdifatah Hayir (Majeerteen/Ali Salebaan)
- (i) Abdilatif Yusuf Barre (Deshishe)⁶⁰¹
- (j) “Razak” (clan unknown)
- (k) Abdimalik Mohamed Abdi Muse (clan unknown)
- (l) Mohamed Abdullahi Abdirahman Nur a.k.a. Garad Caynab (clan unknown)
- (m) Mohamed Abdi Muse (clan unknown)
- (n) Faiso Said Hasan Ismail a.k.a. Aisha Said Hasan Abdirahman (clan unknown)
- (o) Mohamed Hussein Said Yusuf (clan unknown)
- (p) Liban Dheere (Majeerteen/Ali Salebaan)
- (q) Mohamed Aydiid Jama (Warsangeli)⁶⁰²
- (r) Ali Samatar (Majeerteen/Siwaqron)

2016 Qandala weapons shipments

116. On 2 May, a shipment of arms consisting of an unknown number of AK-47s, PKMs, DShK heavy machine guns, and ZU-23 light anti-aircraft guns, as well as small calibre ammunition, arrived at Khooriga (Qandala) before being transferred on to Bosaso.⁶⁰³ The shipment was brokered by Mahad Isse Aden “Laboballe” (“Two Wings”), a well-known Ali Salebaan arms dealer based in Bosaso, and Isse “Yullux”, who took possession of approximately half of the shipment.⁶⁰⁴ “Yullux” in turn supplied a quantity of these weapons to Abdisamed Gallan, who used them to equip members of his militia in Darjale, southwest of Qandala (see Figure 1 for a photo of Gallan’s militia; Figure 2 displays a photo of 7.62mm ammunition forming part of the 2 May shipment). The SEMG has determined that the weapons were transported by the Oman-based dhow *Dayiba*.⁶⁰⁵

117. The SEMG has confirmed that two subsequent shipments of arms arrived in the Qandala area, on 15 June—the same day that Gallan declared his insurgency—and on 25 June 2016.⁶⁰⁶ While the security conditions in Qandala precluded the

⁶⁰¹ See S/2012/544, annex 2.3, for background information on Abdilatif Yusuf Barre.

⁶⁰² See S/2012/544, annex 2.3, for background information on Mohamed Aydiid Jama.

⁶⁰³ The date and location of the shipment was provided to the SEMG by a security source in Puntland on 26 May 2016 and confirmed by a senior Puntland official on 15 June 2016. The composition of the shipment was described to an SEMG interlocutor by a subordinate of the arms dealer Mahad Isse Aden “Laboballe”, who was involved in delivering the shipment.

⁶⁰⁴ Information provided by a subordinate of the arms dealer Mahad Isse Aden “Laboballe” involved with the shipment.

⁶⁰⁵ Information provided by an SEMG security source with access to Bosaso port, 26 May and 8 June 2016.

According to this source the *Dayiba* regularly calls at the port, and has brought consignments of rice, sugar, and oil owned by businessman—and member of the Qandala-Hafun network—Liban Dheere.

⁶⁰⁶ Information provided by a confidential international agency security report, a former Puntland security forces officer, and a Puntland security source.

SEMG from obtaining photographs of the shipments, an international agency security report indicated that the second shipment included AK-47 rifles, machine guns, rocket propelled grenades (RPGs), mortars, and hand grenades.⁶⁰⁷

118. The SEMG has been unable to determine whether the two subsequent shipments were also transported by Oman-based vessels. However, phone records in possession of the SEMG show that Gallan made calls to eight mobile phones in Oman during the month of June. At least one number was identified as belonging to Mustafa Mire Said, the owner of Al Astool Marine Services, a maritime shipping agency based in Salalah.⁶⁰⁸

119. The Monitoring Group sent official correspondence⁶⁰⁹ on 12 July 2016 to the Government of the Sultanate of Oman requesting information on the individuals associated with the phone numbers contacted by Gallan, as well as the ownership of the dhow *Dayiba*, but did not receive a response. As a result, the Group has so far been unable to confirm whether Al Astool Marine Services is responsible for operating the *Dayiba*, or served as the shipping agent for the subsequent shipments to Qandala in June.

120. Gallan's phone records also show him to have been in contact with the FGS Minister of Information, Mohamed Hayir Maareeye, as well as ISWA President Sharif Hassan Sheikh Aden and GIA President Abdikarim Hussein Guled during the month of June. Gallan denied having any relationship with the three individuals.⁶¹⁰

121. Abdisamed Gallan's mobile phone activity in June 2016 is presented through a link chart in annex 8.10.a, below (strictly confidential).

Said Gul Ismail, illegal fishing, and connection to Abdisamed Gallan

122. The Qandala-Hafun network includes Said Gul Ismail, an agent for fishing vessels from Iran based in Qandala, as well as Abdifatah Hayir, another agent for illicit fishing activities.⁶¹¹

123. These fishing vessels typically engage local agents in Puntland, who protect them from the Puntland authorities and provide onboard security detachments, typically at a cost of USD 10,000.⁶¹² While the Puntland administration accuses fishing dhows from Iran of being engaged in illegal fishing activities,⁶¹³ the SEMG has obtained documentary evidence demonstrating that Ismail makes monthly payments to the Puntland Ministry of Finance of approximately USD 4,000 for each vessel under his protection. Figure 5, below, provides examples of two receipts for these payments from September and November 2015.

124. Said Gul Ismail is also a prolific importer of weapons into Puntland. When contacted by an interlocutor of the Monitoring Group on 15 September 2016, Ismail admitted to being currently engaged in importing a weapons shipment on behalf of Abdisamed Gallan into Khooriga-Qandala. Ismail told the Group that Gallan was "the head of the whole operation", adding, "he is the elder, we are the juniors".⁶¹⁴ Ismail said that the insurgency against the Puntland administration would continue, regardless of the outcome of the talks between Ali Salebaan elders and Puntland officials in Garowe. He also told the Group that Gallan loyalists were attempting to gain the support of other Puntland clans for

⁶⁰⁷ Confidential international agency security report, corroborated by a former Puntland security forces officer, 19 June 2016.

⁶⁰⁸ Phone records demonstrate that Gallan made five calls to Mustafa Mire Said between 2 June and 18 June 2016. When interviewed by the SEMG on 31 August 2016, Gallan denied knowing Said.

⁶⁰⁹ S/AC.29/2016/SEMG/OC.55.

⁶¹⁰ SEMG phone interview with Abdisamed Gallan, 31 August 2016.

⁶¹¹ On 12 April 2016, Bosaso, the SEMG interviewed the captain of a fishing dhow from Iran that had been seized by the Puntland Maritime Police Force (PMPF) for illegal fishing activities. Present at the interview was Abdifatah Hayir, who was serving as the vessel's agent and attempting to have it released from Puntland custody.

⁶¹² SEMG interview, 6 July 2016, with an Iranian dhow owner who has admitted to smuggling weapons into Somalia, and confirmed by Puntland security officials.

⁶¹³ When the SEMG interviewed Puntland Ministry of Fisheries and Marine Resources officials in Bosaso on 12 April 2016, they told the Group that only four vessels had been granted fishing licenses, none of them of Iranian origin.

⁶¹⁴ SEMG phone interview with Said Gul Ismail, 15 September 2016, via an interlocutor. The SEMG subsequently relayed this information to the appropriate authorities.

their insurgency, particularly the Majeerteen/Siwaqron clan, and that their aim was to “take control” of the entirety of Puntland.⁶¹⁵

125. Abdisamed Gallan had told the SEMG previously that he knew Said Gul Ismail only as businessman who worked with fishing vessels from Iran, and stated that he had no relationship with him.⁶¹⁶

MV *Nasir* seizure

126. On 24 September 2015, a dhow en route from Chabahar port in Iran, MV *Nasir*, was intercepted and boarded by the Australian naval vessel HMAS *Melbourne*. The dhow was found to be carrying a cargo primarily consisting of 75 anti-tank missiles, specifically BGM-71A TOWs and 9M113M-AT Konkurs.⁶¹⁷ While the *Nasir* crew reported the dhow’s destination to be Hurdiyo,⁶¹⁸ a littoral town on Puntland’s Indian Ocean coast opposite Hafun, a US report on the incident listed Yemen as the final destination of the consignment.⁶¹⁹

127. Satellite phone records obtained by the Yemen panel of experts established pursuant to resolution 2140 (2014) and shared with the SEMG showed the *Nasir* crew to have been in contact while at sea with several known weapons smugglers and members of the Qandala-Hafun network in Puntland, including Said Gul Ismail and Abdirisak Ali Said Hussein “Shahdon” a.k.a. Shadon Ali Yare.

128. The Monitoring Group has also obtained mobile phone records dating between April and September 2016 for a number of members of the Qandala-Hafun network identified above. The relationships between members of the network, as well as their ties to the MV *Nasir* arms smugglers, are presented in a link chart in annex 8.10.b (strictly confidential).

⁶¹⁵ Ibid.

⁶¹⁶ SEMG phone interview with Abdisamed Gallan, 31 August 2016.

⁶¹⁷ Confidential naval report, 19 January 2016.

⁶¹⁸ Ibid.

⁶¹⁹ Confidential US naval report.

Figure 1: Weapons belonging to the 2 May 2016 Kooriga-Qandala shipment on display with female militia members in the village of Darjale, Bari region



Figure 2: 7.62mm ammunition of Chinese origin, part of the 2 May 2016 Kooriga-Qandala shipment brokered by Mahad Isse Aden "Laboballe". Photo taken in Bosaso by an SEMG interlocutor on 17 May 2016.



Figure 3: Abdisamed Gallan with his militia in Armo town, 21 June 2016



Figure 4: Abdisamed Gallan's militia in Armo town, 21 June 2016



Figure 5: Receipts showing payments by Said Gul Ismail in September and November 2015 to the Puntland Ministry of Finance

FORM 10
DAWLADD. EE SOOMALIYA
W. MAALIYADDA XISAABIYAHAA GUUD

Xaashida Sare (Original)
A 811563
 LACAGQABASHADA GUUD

Meesha: *Meeche Kasim la Qand* Taariikh: *01/11/2015*
 Waxaa laga qabtay: *SACID GUUD*
 Lacag dhan Sh. *4208 AFAR KUN IYO LABO BOQOL*
 oo ah *110 SIDEEED DOLLAR MAREKA*
DOON TO CABOON

Madax	M/xige	Sh.	Sent
	<i>4000 =</i>		<i>4000</i>
	<i>126</i>		<i>126</i>
	<i>82</i>		<i>82</i>
			<i>4208</i>

Isugeyn guud *4208*
 Saxiixa lacag qabatah *4208*
 Jagada

DAWLADDA PUNTLAND
EE SOOMALIYA
W. MAALIYADDA XISAABIYAHAA GUUD

Xaashida Sare (Original)
A 908779
 LACAGQABASHADA GUUD

Meesha: *Jandala* Taariikh: *30/9/2015*
 Waxaa laga qabtay: *Siid guul ismaaciil*
 Lacag dhan Sh. *\$ 4208*
 oo ah *110 SIDEEED DOLLAR MAREKA*
DOON TO CABOON

Madax	M/xige	Sh.	Sent
	<i>4000</i>		<i>4000</i>
	<i>126</i>		<i>126</i>
	<i>82</i>		<i>82</i>

Isugeyn guud *4208*
 Saxiixa lacag qabatah *4208*
 Jagada

Xaashida Sare (Original)
 Nuqulka 1aad (First Copy)
 Nuqulka 2aad (Sec. Copy)
 Nuqulka 3aad (Third Copy)

Dhibaha Lacagta
 Xafiiska Xisabiyaha Guud
 Xafiiska Lacag qabashada
 Buugguu ku harayaa

Annex 8.10.a: (STRICTLY CONFIDENTIAL)*

* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 8.10.b: (STRICTLY CONFIDENTIAL)*

* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 9

Violations of the charcoal ban

Annex 9.1: Satellite imagery and aerial photos of charcoal stockpiles

Kismayo southern stockpiles

1. Satellite imagery indicates gradual but significant depletion of the Kismayo southern stockpiles between 16 September 2015 and 9 September 2016.

Figure 1: Kismayo southern stockpiles, 16 September 2015



Figure 2: Kismayo southern stockpiles, 22 July 2016



Figure 3: Kismayo southern stockpiles, 9 September 2016



Figure 4: Kismayo southern stockpiles, 20 April 2016



Kismayo northern stockpiles

2. Satellite imagery indicates gradual depletion of the Kismayo northern stockpiles between 9 January 2016 and 9 September 2016.

Figure 5: Kismayo northern stockpiles, 9 January 2016



Figure 6: Kismayo northern stockpiles, 20 June 2016



Figure 7: Kismayo northern stockpiles, 9 September 2016



Figure 8: Kismayo northern stockpiles, 20 April 2016



Buur Gaabo stockpiles

3. Satellite imagery indicates gradual depletion of the Buur Gaabo stockpiles between 3 September 2015 and 17 June 2016.

Figure 9: Buur Gaabo stockpiles, 3 September 2015



Figure 10: Buur Gaabo stockpiles, 29 May 2016

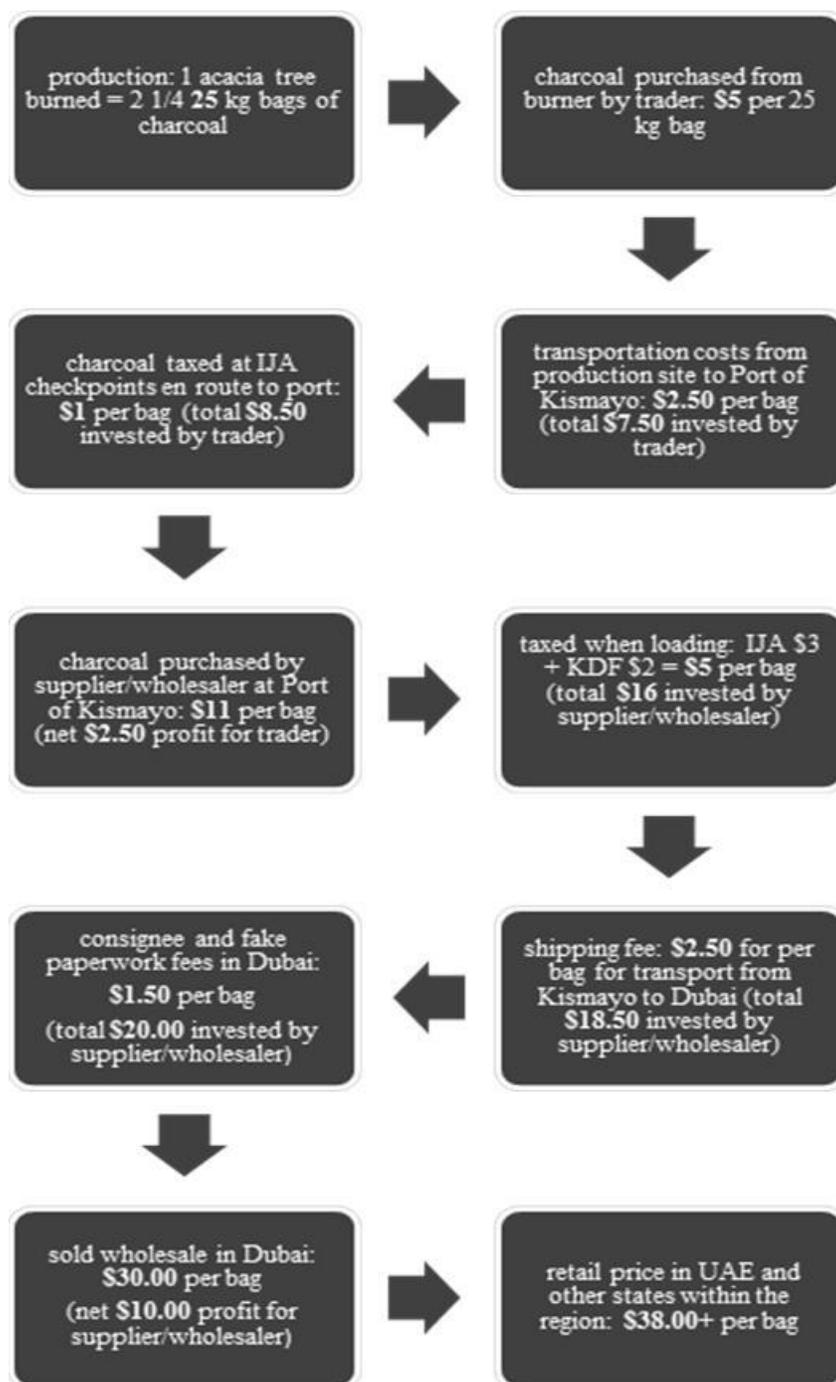


Figure 11: Buur Gaabo stockpiles, 17 June 2016



Figure 12: Buur Gaabo stockpiles, 20 April 2016



Annex 9.2: Somali charcoal value chain⁶²⁰

⁶²⁰ Figures are merely estimates for the purpose of understanding the structure of the illicit Somali charcoal trade. Estimates have been derived from cross-referencing confidential information from sources in Kismayo and Dubai with open-source information, including extrapolation from a previous report of the Monitoring Group (S/2014/726, annex 9.1).

Annex 9.3: United Arab Emirates charcoal import data (million kilograms)

Country	2011	2012*	2013	2014	2015
Comoros	0	0	0	12.4	39.7
Djibouti	0	12.8	22.0	40.8	11.6
Kenya	0	.2	80.1	12.2	.1
Pakistan	0	0	<.1	<.1	17.1
Somalia	142.4	121.8	0	0	0
other countries	5.7	19.0	66.8	50.1	81.8
total imports	148.1	153.8	169.0	115.6	150.2
estimated total illicit	NA	107.5 (70%)**	102.1 (60%)	65.4 (57%)	68.4 (46%)

*=the charcoal ban was authorised with resolution 2036 (2012) on 22 February 2012
**=estimated as 7/9 Somalia 2012 imports (March-July and November-December; not January-February when legal and not August-October when shipping stops during monsoon season) plus Djibouti imports
■ = legal charcoal imports up to 22 February 2012, illicit charcoal imports after 22 February 2012
■ = suspected illicit Somali charcoal imports using a false certificate of origin

4. The table above is based on official charcoal import data provided to the Monitoring Group by the UAE. The data has been cross-referenced with information derived from SEMG investigations during this mandate and previous mandates regarding the use of false certificates of origin for Somali charcoal at UAE ports.

5. The data indicates that the UAE imported 142.4 million kilograms of Somali charcoal in 2011, representing 96 per cent of total charcoal imports in the last full year prior to the imposition of the charcoal ban on Somalia. Although the Somali charcoal ban was imposed on 22 February 2012, 121.8 million kilograms of Somali charcoal were nonetheless officially imported into the UAE in 2012, accounting for 79 per cent of imports.

6. According to official data, Djibouti did not export charcoal to the UAE in 2011, but then increased its exports to 12.8 million kilograms in 2012, 22.0 million kilograms in 2013, and 40.8 million kilograms in 2014, before decreasing to 11.6 million kilograms in 2015. The Djiboutian authorities have since confirmed to the SEMG that Djibouti does not export charcoal and its certificates of origin are no longer accepted by the UAE.

7. Despite virtually no UAE charcoal imports from Kenya during 2011 and 2012, official data indicates an increase to 80.1 million kilograms in 2013, then a decline to 12.2 million kilograms in 2014, followed by reverting to almost no imports in 2015. This data is consistent with previous findings by the SEMG regarding the use in 2013 and 2014 of false Kenyan certificates of origin, which were no longer accepted as of 2015.

8. According to official data, the UAE did not import charcoal from the Union of Comoros during 2011, 2012, or 2013, but then the UAE imported 12.4 million kilograms in 2014 and 39.7 million kilograms in 2015. During the current mandate, the authorities of Comoros confirmed to the SEMG that the country does not export charcoal, and the UAE authorities have stopped accepting Comoros charcoal certificates of origin.

9. The official data indicates that the UAE imported virtually no charcoal from Pakistan until imports spiked to 17.1 million kilograms in 2015. The SEMG identified the use of false Pakistan certificates of origin at UAE ports in 2016, but this data suggests they were likely in use from 2015. Unofficial sources have informed the SEMG that Pakistan certificates of origin for charcoal are no longer being accepted at UAE ports.

10. Cumulatively, cross-referencing official UAE import data with the findings of SEMG investigations suggests clear patterns regarding the use of false certificates of origin at UAE ports for the purpose of evading the charcoal ban on Somalia. While the official data states that no charcoal has been imported from Somalia as of 2013, the information in the table above suggests that more than half of the total charcoal imported into the UAE from 2013 to 2015 was most likely exported from Somalia in violation of the ban. This estimate probably understates the actual total as there may be other false paperwork yet to be identified by the SEMG.

Annex 9.4: Selected cases of charcoal trafficking and sanctions enforcement

Annex 9.4.a: Al Zuber, Shree Nausad, and Yasin

11. On 26 February 2016, the Monitoring Group wrote to the Government of the UAE regarding three dhows: *Al Zuber*, MNV 1278 (India); *Yasin*, MNV 2121 (India); and *Shree Nausad*, MNV 2087 (India). According to information received by the Monitoring Group, each had been loaded with cargos of charcoal and had departed from Kismayo, with an anticipated destination of Dubai. As of 26 February 2016, *Al Zuber* was estimated to have already arrived, while *Yasin* and *Shree Nausad* were projected to still be *en route* to Dubai. A recent photo of *Al Zuber* docked in the Port of Kismayo was included as an annex to the letter (see below).

Figure 1: *Al Zuber*, MNV 1278 (India), docked at the Port of Kismayo in February 2016



12. On 7 April 2016, the Government of the UAE replied with a letter regarding the three dhows. *Al Zuber* arrived in the UAE on 23 February, three days before receipt of the Monitoring Group's letter, and unloaded its cargo of 18,000 bags of charcoal. *Yasin* arrived in the UAE on 9 March with a cargo of 27,000 bags of charcoal; 24,000 bags of charcoal were unloaded and 3,000 bags of charcoal were confiscated by the UAE authorities. The letter stated that an investigation regarding the unloading of *Yasin* was ongoing. *Shree Nausad* arrived in the UAE on 15 March; its entire cargo of 26,000

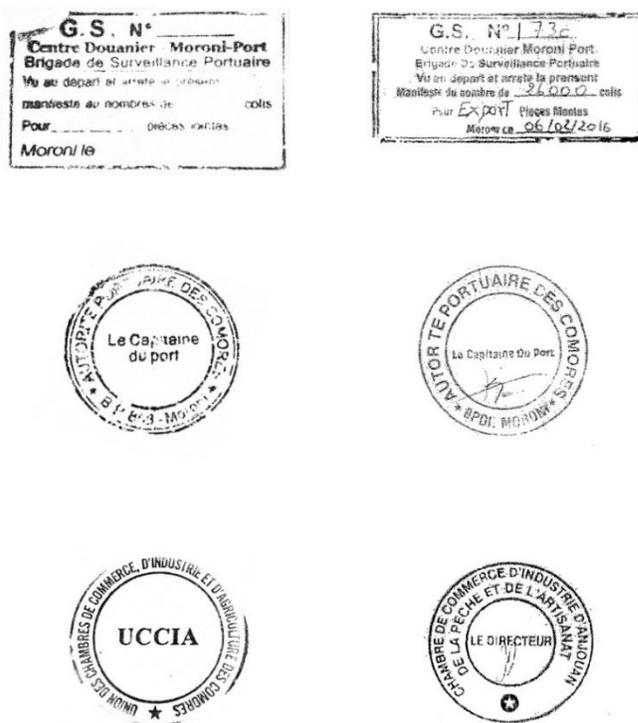
bags of charcoal was confiscated by the UAE authorities. All three dhows possessed documentation claiming their cargo of charcoal had originated in Moroni, Comoros. Copies of the paperwork were attached to the letter (see annex 9.6.a for *Shree Nausad* documents).

13. The Monitoring Group undertook an official mission to Moroni, Comoros 1-5 May 2016 in order to investigate the paperwork from *Al Zuber*, *Yasin*, and *Shree Nausad*. During the course of its investigation in Moroni, the Monitoring Group consulted with representatives of customs, port authority, chamber of commerce, national post, and national telecom. It was subsequently able to conclude the following:

- the certificates of origin, commercial invoices, and manifests have fake stamps intended to replicate those from the customs, port authority, and the chamber of commerce (see below);
- the certificates of origin for the three vessels are not authentic, as these are officially issued by a ministry of the Government of Comoros not the chamber of commerce;
- Moon Transport and Services – the shipping company identified on the certificates of origin, the commercial invoices, manifests, and bills of lading – does not exist on the database of the chamber of commerce, nor was it familiar to any authorities consulted by the Monitoring Group;
- the telephone number and post office box listed on the documents for Moon Transport and Services are officially registered to other individuals in Comoros rather than a business by that name; and
- according to customs and the port authority, Comoros neither imports nor exports charcoal.

14. The Monitoring Group communicated this information regarding the paperwork for *Al Zuber*, *Yasin*, and *Shree Nausad* to the Government of the UAE in a letter dated 9 May 2016.

Figure 2: authentic Comoros stamps on the left and fake Comoros stamps on the right



15. On 12 May 2016, the Monitoring Group met with the UAE authorities in Dubai in order to discuss recent developments regarding implementation of the charcoal ban on Somalia. The Monitoring Group thanked the Government of the UAE for its cooperation and shared the conclusions of its official mission to Comoros. The UAE authorities stated they had independently confirmed with the Embassy of Comoros to the UAE that Comoros does not export charcoal and that the documents for *Al Zuber*, *Shree Nausad*, and *Yasin* are fake. The UAE authorities informed the Monitoring Group that an order has been issued to UAE ports to no longer accept Comoros paperwork for charcoal cargos. When asked why only 3,000 out of 27,000 bags were confiscated from *Yasin* on 9 March 2016, the UAE authorities replied that the investigation's outcome is still pending. The UAE authorities also confirmed that they had not opened an investigation into the Dubai-based consignee for all three dhows, Mohammed Ali Shaheen General Trading Company LLC. When the Monitoring Group met with representatives of the company on 14 July 2016, they denied involvement with these three charcoal cargos despite being listed as the consignee on all three sets of paperwork.

Figure 3: Dubai storefront of Mohammed Ali Shaheen General Trading Company LLC



16. In accordance with paragraph 10 of Implementation Assistance Notice #1, 7 May 2014, the UAE held an auction on 18 May 2016 of the charcoal confiscated from *Yasin* on 9 March and *Shree Nausad* on 15 March. The auction was observed by the Monitoring Group. Although a total of 29,000 bags of charcoal were confiscated from *Yasin* and *Shree Nausad*, 25,000 bags of charcoal were for sale at the public auction. When the Monitoring Group noted the discrepancy, the UAE authorities present at the auction did not have an explanation for the missing 4,000 bags. The charcoal sold for a total of AED 1,860,000 (USD 500,000), or about AED 75 (USD 20) per bag, in comparison to a local wholesale price of AED 110 (USD 30) per bag. The Monitoring Group wrote a letter to the Government of the UAE on 24 May 2016 requesting the identity, contact details, and business affiliations of the winning bidder of the auction. The Monitoring Group repeated this request on 5 July 2016 in another charcoal-related letter to the Government of the UAE. On 9 September, the UAE replied to these requests for further information regarding the auction, providing documentation that an individual representing Yasmin General Trading LLC purchased the charcoal at auction.

Annex 9.4.b: Al Islami, Sv Quba, and Taranhar

17. On 29 April 2016, the Monitoring Group wrote a letter to the Government of the UAE regarding three dhows: *Al Islami*, VRL 16625 (India); *Sv Quba*, MNV 2183 (India); and *Taranhar*, MNV 1878 (India). The Monitoring Group informed the Government of the UAE that the three dhows had recently departed Kismayo, Somalia with cargos of charcoal and were most likely *en route* to Dubai, UAE. The authorities of the UAE were requested to intercept the vessels in order to confirm the contents of their cargo and to share any relevant documentation with the Monitoring Group. Meanwhile, confidential sources informed the Monitoring Group regarding the arrival in Dubai of *Taranhar* (27 May 2016), *Sv Quba* (10 June 2016), and *Al Islami* (14 June 2016). The Monitoring Group followed up with emails to the UAE focal point in Dubai on 10 June and 14 June, but did not receive a reply regarding the status of the three dhows. On 5 July 2016, the Monitoring Group wrote another letter to the Government of the UAE requesting an update on the status of *Al Islami*, *Sv Quba*, and *Taranhar*, including any action taken by the UAE authorities and copies of their paperwork.

18. On 12 July 2016, the Government of the UAE replied to the Monitoring Group's letters of 29 April and 5 July, confirming that *Al Islami* had arrived with a cargo of 34,000 bags of charcoal, *Sv Quba* had arrived with a cargo of 25,000 bags of charcoal, and *Taranhar* had arrived with a cargo of 30,000 bags of charcoal. *Al Islami* possessed paperwork claiming its cargo had originated in Accra, Ghana; *Sv Quba* and *Taranhar* possessed paperwork claiming their cargos had originated in Karachi, Pakistan. Copies of the documentation were attached to the letter (see annex X.6.b for *Taranhar* and annex X.6.c for *Al Islami*). The UAE stated that distribution of the charcoal from the three dhows had been blocked, but also requested further evidence from the Monitoring Group that the dhows had departed from Somalia rather than either Ghana or Pakistan.

19. On 18 July 2016, the Monitoring Group wrote to the Government of the UAE, providing further evidence regarding the charcoal cargos of *Al Islami*, *Sv Quba*, and *Taranhar*. It was clarified that the information regarding the loading of the three dhows in Kismayo had been provided by two independent, credible sources who had also identified Ali Ahmed Naaji, a Kismayo-based charcoal trader previously mentioned in multiple Monitoring Group reports, as the agent or owner of the charcoal cargos. The Monitoring Group further noted constraints in obtaining information regarding Port of Kismayo operations, including the threat of arrest by the IJA for potential informants and dhows delivering covering their name and registration while in port.

20. An email from the Karachi Chamber of Commerce and Industry (KCCI) dated 16 July 2016 was attached as an annex to the Monitoring Group's letter of 18 July 2016. The email confirmed that the certificates of origin for *Sv Quba* and *Taranhar* had not been issued by the KCCI and are fake. Regarding *Al Islami*, a list of licensed charcoal export holders from the Ghana Energy Commission was also included as an annex; it did not include the alleged charcoal exporter indicated on the *Al Islami* documents, Kwame Shipping Services Limited. The Monitoring Group expressed its concern that if the charcoal cargos of the three dhows were released—despite clear evidence that they had loaded charcoal in Somalia rather than Pakistan or Ghana—then it could be a catalyst for a resumption of large-scale charcoal trafficking from Somalia to the UAE.

21. Having recently received new information regarding *Al Islami* from the Ghana Ports and Harbours Authority (GPHA), on 21 July the Monitoring Group wrote a follow up letter to the Government of the UAE. The letter summarised several unequivocal conclusions made by the GPHA in an email dated 19 July 2016:

- GPHA has no record of a vessel named *Al Islami* docking at either one of Ghana's only two ports, Tema or Takoradi, and loading with 34,000 bags of charcoal;
- GPHA has no record of the shipping agent identified as Kwame Shipping Services Limited;
- the stamp allegedly provided by GPHA on the bill of lading is fake; and
- the port of loading identified on the bill of lading as Accra does not exist.

22. Following its own enquiry, the GPHA concluded that the “documents are all fake” and the “cargo was not loaded in Ghana”. A copy of the 19 July 2016 email from the GPHA to the Monitoring Group was included as an annex to the Monitoring Group’s letter of 21 July 2016 to the Government of the UAE.

23. In a letter to the Monitoring Group dated 9 September 2016, the UAE confirmed confiscation of the full charcoal cargoes from *Al Islami* and *Taranhar*. However, only 1,800 bags of charcoal were confiscated from *Sv Quba*. According to an investigation by the UAE authorities, this was due to an “unintended oversight” by a customs officer who allowed the other 23,200 bags of charcoal to be released to the local market. In the letter dated 9 September, the UAE also indicated its preference to hold another public auction to sell the confiscated charcoal. While the Monitoring Group has received information from confidential sources indicating that Ghana and Pakistan paperwork are no longer accepted for unloading charcoal at UAE ports, this has not yet been officially confirmed by the UAE (as was done previously with Comoros paperwork).

Annex 9.4.c: Al Farid (aka Rahma)

24. On 11 August 2016, the Monitoring Group wrote to the Government of the UAE regarding a dhow, *Al Farid*, that had arrived at Port Al Hamriya anchorage on 1 August with a cargo of charcoal. According to information received by the Monitoring Group from confidential sources, *Al Farid* possessed Pakistan paperwork but the dhow had actually loaded charcoal at Kismayo under the name *Rahma* and departed on 18 July. In an apparent attempt to deceive the UAE authorities, the dhow changed its name from *Rahma* to *Al Farid* prior to arrival in Dubai. On 4 August, *Al Farid* was given permission to dock at Port Al Hamriya. In a 9 September letter to the Monitoring Group, the UAE confirmed that *Al Farid* and its cargo of charcoal had been confiscated.

Annex 9.5: Dhows trafficking Somali charcoal (January 2016 – August 2016)

25. The following table is a list of 29 dhows that the Monitoring Group has been able to reliably confirm have transported charcoal from Somalia to the UAE in violation of UN sanctions during this mandate. The information in the table below is based on multiple confidential sources located in Somalia and the UAE, confirmation of certain cases provided by the Government of the UAE, as well as an official registry of vessels provided by the Directorate General of Shipping, Government of India.

26. The list is not comprehensive. The Monitoring Group has received information on numerous other dhows that were not included in the table below due to insufficient corroboration, including positive identification of the registration. Thus, the Monitoring Group estimates that the actual number of dhows regularly trafficking charcoal from Somalia to be substantially more than the 29 dhows listed below.

27. The dhows identified during this mandate have also been cross-referenced with previous reports of the Monitoring Group, particularly S/2013/413 and S/2014/726. Approximately three-quarters (22 out of 29) of the dhows had already been identified as having violated the charcoal ban. The high incidence of repeat offenders suggests there may be a need for authorising a more effective deterrence mechanism so that charcoal transporters (i.e. dhow owners) no longer continue to violate UN sanctions with impunity.

Name of dhow	Registration	Country	Dhow Owner	Previously identified in SEMG report(s)
<i>Al Aalam</i>	MNV 2172	India	Salemand Adam Sameja and Ebrahim Adam Sameja	S/2013/413
<i>Al Amin</i>	MNV 2002	India	Yusuf Adam Sameja and Rajak Adam Sameja	S/2013/413
<i>Al Aqsa</i>	BDI 1396	India	Rustam Haji Osman Bhaya	S/2013/413
<i>Al Ashif</i>	MNV 2069	India	Momina Bai Hasam Palija	S/2013/413
<i>Al Azmat</i>	MNV 2137	India	Al Kausar Marine Transport Company	S/2014/726
<i>Al Faizul Barkat</i>	MNV 1967	India	Hajiyani Romat Bai Jusub Agariya	S/2013/413
<i>Al Fahad</i>	1025	Sri Lanka	Hamed Ahmed Bin Fahad	S/2013/413
<i>Al Fahad 3</i>	18910	Sri Lanka	Hamed Ahmed Bin Fahad	NA
<i>Al Fahad 4</i>	7178	Sri Lanka	Hamed Ahmed Bin Fahad	NA
<i>Al Faizane Mohammed</i>	MNV 2179	India	Ali Abhu Sodha	NA
<i>Al Islami</i>	VRL 16625	India	Chauhan Farook A. Rehman	S/2013/413
<i>Al Kabir</i>	MNV 1000	India	Salemand Adam Sameja	S/2013/413

Name of dhow	Registration	Country	Dhow Owner	Previously identified in SEMG report(s)
<i>Al Kausar</i>	MNV 2088	India	Firoz Hasam Thaim	S/2013/413
<i>Al Majid</i>	MNV 2092	India	Abdul Majid Kasam Thaim	S/2013/413
<i>Al Nazir</i>	MNV 2102	India	Hajiyani Romat Bai Jusub Agariya	S/2013/413 S/2014/726
<i>Al Rafique</i>	MNV 2071	India	unknown	S/2013/413 S/2014/726
<i>Al Sidiki</i>	MNV 1019	India	unknown	NA
<i>Al Yashin 1</i>	MNV 2153	India	Al Yaseen Shipping Company	S/2014/726
<i>Al Zuber</i>	MNV 1278	India	Jusab Umar Agariya	S/2013/413 S/2014/726
<i>Harsh Sagar</i>	PBR 3807	India	Ranchhod Gagan Shiyal	S/2013/413
<i>Haseena</i>	17892	Sri Lanka	Salem Al Khattal Group Marine Contracting and Trading LLC	NA
<i>Laxmi Sagar</i>	MNV 1014	India	Hareesh Jitender Siyarvala	NA
<i>Mishal 1</i>	PBR 2853	India	Bhikubhai Velji Lodhari	S/2013/413
<i>Nemh Tualah</i>	VRL 11675	India	Issa Sidiq Thaim	S/2013/413 S/2014/726
<i>Shree Nausad</i>	MNV 2087	India	Nausad Isha Thaim	S/2013/413 S/2014/726
<i>Sv Quba</i>	MNV 2183	India	Abdul Matin Iqbal Maklai	NA
<i>Taranhar</i>	MNV 1879	India	Pardeep Naran Bhadreser	S/2013/413
<i>Vishvakalyan</i>	VRL 2315	India	Chunilal Devji Anjani and Company	S/2013/413
<i>Yasin</i>	MNV 2121	India	Kutch Marine Shipping Company	S/2014/726

Annex 9.6: Somali charcoal trade networks⁶²¹**Annex 9.6.a: Kismayo-based charcoal suppliers**

Name of supplier	Nationality of Supplier	Affiliation	Charcoal Trafficker Partner(s) in UAE
Said Ahmed ⁶²²	Somalia	•charcoal dealer	
Farah Jama Awil (a.k.a. “Degdeg”) ⁶²³	Somalia	•charcoal dealer	Mohamud Ali Osman
Jama (a.k.a.) “Dhuxul” ⁶²⁴	Somalia	•charcoal dealer	
Ali Ahmed Naaji ⁶²⁵	Somalia	•Jubbaland Chamber of Commerce, Industry, and Agriculture •former tax collector for Al-Shabaab in Kismayo and Barawe	Ahmed Mohamed Barre
Hassan Mohamed Yusuf (a.k.a. “Awlibaax”) ⁶²⁶	Somalia	•Juba Business Committee (coalition of charcoal traders) •former business representative of Al-Shabaab in Kismayo	Abdirahman Ali Warsame

Annex 9.6.b: Dubai-based charcoal traffickers

Name of trafficker	Nationality of trafficker	Company/ Affiliation	Dhow cargos identified by SEMG
Ahmed Mohamed Barre ⁶²⁷	Somalia	• Bahaya General Trading Company LLC • partner with Kismayo-based supplier Ali Ahmed Naaji and investor Youssef Moussa Sahu	<i>Victoria</i> (2013) <i>Hari Dham</i> (2014) <i>Haseena</i> (2016)
Mohamud Ali Osman (a.k.a. “Qonof”) ⁶²⁸	Somalia	•partner with Kismayo-based supplier Farah Jama Awil and investor Baba Mansoor Ghayedi	<i>Raj Milan</i> (2013)

⁶²¹ Information in annex 9.6 tables compiled during this mandate from multiple confidential sources in Somalia and the UAE, as well as cross-referencing with official government documents and fake paperwork from charcoal dhows. Wherever relevant, previous references from Monitoring Group reports have also been cited in footnotes.

⁶²² S/2014/726, paragraph 142.

⁶²³ S/2014/726, annex 9.2, paragraph 48.

⁶²⁴ S/2014/726, paragraph 142 and S/2014/726, annex 9.2, paragraph 48.

⁶²⁵ S/2013/413, annex 9.2, paragraphs 11 and 26; S/2014/726, paragraphs 141-142; and S/2014/726, annex 9.2, paragraphs 48 and 63.

⁶²⁶ S/2013/413, annex 9.2, paragraphs 11, 15, and 33; S/2014/726, paragraphs 141-142; and S/2014/726, annex 9.2, paragraphs 44 and 48.

⁶²⁷ S/2014/726, annex 9.2, paragraph 41; S/2014/726, annex 9.4, paragraph 120; and S/2014/726, annex 9.4.o.

⁶²⁸ S/2014/726, annex 9.2, paragraphs 48 and 50.

Name of trafficker	Nationality of trafficker	Company/ Affiliation	Dhow cargos identified by SEMG
Farah Hussein Hassan ⁶²⁹	Ethiopia Somalia	•Wadi Al Hijaz Coal Trading LLC	<i>Al Nazir</i> (2014)
Abdi Siad	Ethiopia	•Midnimo General Trading LLC •partner with investor Hassan Mohamed Ahmed	<i>Al Rafique</i> (2016) <i>Al Fahad 3</i> (2016)
Siad Hassan	Somalia	•Sharjah-based charcoal wholesaler	<i>Yasin</i> (2016)
Abdi Shakur Sheikh Ibrahim ⁶³⁰	Somalia	•self-employed resident	<i>Raj Milan</i> (2015) <i>Al Zuber</i> (2016) <i>Al Faizul Barkat</i> (2016) <i>Al Kabir</i> (2016) <i>Al Islami</i> (2016)
Abdirahman Ali Warsame (a.k.a. “Dhaqalayste”) ⁶³¹	Ethiopia	•partner with Kismayo-based supplier Hassan Mohamed Yusuf	<i>Energy 3</i> (2013) ⁶³² <i>Al Safa</i> (2014)
Abdullahi Dheere	Ethiopia Somalia	•partner with investor Youssef Moussa Sahu	<i>Sv Quba</i> (2016) <i>Al Aqsa</i> (2016)

Annex 9.6.c: Dubai-based charcoal investors

Name of Investor	Nationality of Investor	Company	Charcoal Trafficker Partner(s)
Baba Mansour Ghayedi (a.k.a. “Haji Baba”) ⁶³³	Iran	Al Qaed International General Trading LLC	Mohamud Ali Osman (a.k.a. “Qonof”)
Hassan Mohamed Ahmed (a.k.a. “Masry”) ⁶³⁴	Egypt	Al Baroudi International Coal Trading LLC	Abdi Siad
Yousef Moussa Sahu (a.k.a. “Siri”) ⁶³⁵	Syria	Al Bahi Coals	Ahmed Mohamed Barre and Abdullahi Dheere

⁶²⁹ S/2012/555, annex 2.1, paragraph 8; S/2013/413, annex 9, paragraph 12; and S/2014/726, annex 9.2, paragraph 88.

⁶³⁰ S/2015/801, annex 8.3.

⁶³¹ S/2014/726, paragraphs 141-143; and S/2014/726, annex 9.2, paragraphs 44 and 76.

⁶³² *Energy 3* was not a dhow; it was a larger vessel with a cargo of 140,000 bags of charcoal.

⁶³³ S/2013/413, annex 9.2, paragraphs 12-13 and 18-25; and S/2014/726, annex 9.2, paragraph 91.

⁶³⁴ S/2014/726, annex 9.2, paragraphs 51 and 63-64, 78, 87, and 92.

⁶³⁵ S/2014/726, annex 9.2, paragraphs 79-80; S/2014/726, annex 9.3, paragraphs 96-97; and S/2014/726, annex 9.4, paragraphs 106-107.

Annex 9.7: Use of false documentation

Annex 9.7.a: Shree Nausad (aka Shere Naushad), MNV 2087

Figure 1: Fake certificate of origin (Comoros)

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UCCIA

جمهورية القمر المتحدة
وحا - عمان - دبي

اتحاد غرف التجارة والصناعة
والزراعة في جزر القمر

Certificat d'origine

Certificate of Origin

شهادة منشأ

Nous certifions d'après les connaissements et autres documents qui nous ont été présentés que les marchandises désignées ci-dessous
This is certified according to bills of lading and other documents produced that the following goods
أشهادنا ان بونيفيه الشحن انتم بونيفيه لسا بيان البضاعة المذكورة ادناه

Marques - Brands - العنارة	Nature de la Marchandise - Description of Good - نوع البضاعة	Poids Weight - الوزن
<p>SHERE NAUSHAD (2087987)</p>	<p>26000 BAGS OF CHARCOL</p>	<p>650000 KGS</p>

Chargé par **MOON TRANSPORT & SERVICES MORONI** A destination de **PORT RASHID DUBAI OR SHARJAH**
Loaded by **شحنات بونيفيه** Destination **SOHAR PORT OMAN/KUWAIT DOHA PORT**

PRODUIT D'ORIGINE **COMOROS**
PRODUCT OF **Moroni, le 06 FEB 2016**
موروني، في 06 فبراير 2016

Declaration de sortie N° **CEG/EXP/544**
Declaration out **حطب الاقار رقم** le Président de la chambre de Commerce
The president of the chamber of Commerce



500
FRANCS COMORIENS

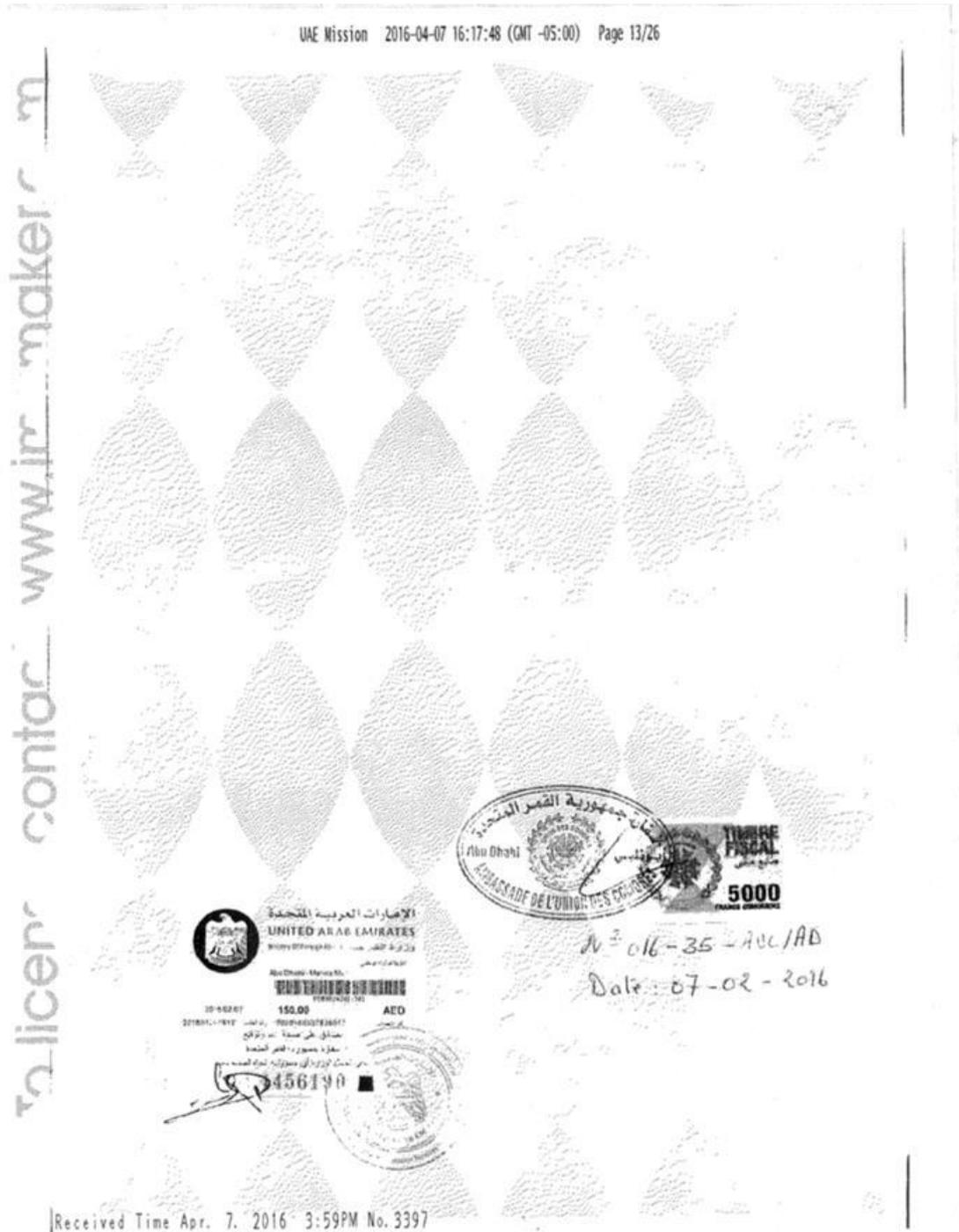


LE DIRECTEUR

A BP 763 MORONI - UNION DES COMORES - Tel (269) 73 95 95 - Fax (269) 73 1 1 1
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Received Time Apr. 7. 2016 3:59PM No. 3397

Figure 2: Fake certificate of origin, reverse side



Annex 9.7.b: Taranhar, MNV 1876 Fake

Figure 1: Fake certificate of origin (Pakistan)

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Exporter (Name, Address and Country) M/S UNITED INTERNATIONAL OFFICE # 21-A, MEZZANINE FLOOR, NAGINA CENTRE M.A. JINNAH ROAD, KEAMARI, KARACHI-PAKISTAN		REFERENCE NUMBER <div style="text-align: center;">  <p style="font-size: 1.2em; margin: 0;">120095</p> </div>	
Consignee Importer (Name, Address and Country) M/S ARABIAN SCANDINAVIAN GENERAL TRADING P.O. BOX # 86637 DUBAI UNITED ARAB EMIRATES		CERTIFICATE OF ORIGIN <div style="text-align: center;"> <p style="font-size: 1.2em; margin: 0;">149665</p> <p style="margin: 0;">Karachi Chamber of Commerce & Industry</p> </div>	
Exporter's Membership Number <div style="text-align: center;">  </div>		P.O. Box No. 4158, Aiwan-e-Tijarat Road, Off: Shahrah-e-Liaquat, Karachi-74000, Pakistan. T: +92 21 99218001-09 F: +92 21 99218010 E: info@kcci.com.pk msmt@kcci.com.pk U: www.kcci.com.pk	
Particulars of Transport (as far as known) BY SEA			

Marks & Number	Number and kind of Packages	Description of Goods	Gross Weight or other Quantity	Country of Origin
NULL MARK	30000 BAGS	CHARCOAL	750000 KGS APPROX	<div style="text-align: center;">  <p>Pakistan</p> </div>

ATTESTED
 Muhammad Naeem (Advocate)
 M.A. B.B. HC-328
 NOTARY PUBLIC
 KARACHI-PAKISTAN

It is hereby Certified that to the best of my knowledge and according to the documents produced before me, this declaration appears to be correct.


 Attestation Officer
 Karachi Chamber of Commerce & Industry
 KARACHI PAKISTAN
 Place and date of issue

16 DEC 2015

 Karachi Chamber of Commerce & Industry
 Certifying body

It is hereby declared that the above mentioned goods originate in:
 (PAKISTAN)

Exporter's Signature: _____
 Name: _____
 Designation: _____
 Company: _____
 Place: Karachi Date: _____

Received Time Jul. 12, 2016 10:31PM No. 3844

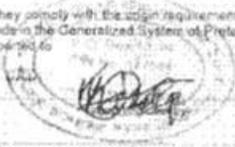
Figure 2: Fake certificate of origin, reverse side



Annex 9.7.c: Al Islami, VRL 16625

Figure 1: Fake certificate of origin (Ghana)

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1. Goods consigned from (Exporter's business name, address, country) EMANE SHIPPING SERVICE LIMITED		Reference No: 88143 GENERALIZED SYSTEM OF PREFERENCES CERTIFICATE OF ORIGIN (Combined declaration and certificate) FORM A			
2. Goods consigned to (Consignee's name, address, country) JAHID ABUAFAL GROUP TRADING CONTRACTING & TIE		Issued in: <u>GHANA</u> (country) <small>See notes overleaf.</small>			
3. Means of transport and route (as far as known) BY SEA AL-ISLAMI		4. For official use			
5. Item number	6. Marks and numbers of packages N/M	7. Number and kind of packages, description of goods 34000 BAGS OF CEMENTS 	8. Origin criterion (See Notes overleaf) 11g1	9. Gross weight or other quantity 850000 KG	10. Number and date of invoices Two (2) 26-04-16
11. Certification It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct.  Place and date, signature and stamp of certifying authority		12. Declaration by the exporter The undersigned hereby declares that the above details and statements are correct; that all the goods were produced in <u>GHANA</u> (country) and that they comply with the origin requirements specified for those goods in the Generalized System of Preferences for goods exported to <u>CA</u> .  Place and date, signature of authorized signatory			

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