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Lettre datée du 7 octobre 2016, adressée au Président du Conseil de sécurité par le Président du Comité du Conseil de sécurité faisant suite aux résolutions [751 \(1992\)](#) et [1907 \(2009\)](#) sur la Somalie et l'Érythrée

Au nom du Comité du Conseil de sécurité faisant suite aux résolutions [751 \(1992\)](#) et [1907 \(2009\)](#) sur la Somalie et l'Érythrée, et conformément au paragraphe 32 de la résolution [2244 \(2015\)](#) du Conseil, j'ai l'honneur de vous faire tenir ci-joint le rapport sur la Somalie établi par le Groupe de contrôle pour la Somalie et l'Érythrée.

À ce propos, le Comité vous saurait gré de bien vouloir porter les textes de la présente lettre et du rapport à l'attention des membres du Conseil de sécurité et de les faire distribuer comme documents du Conseil.

Le Président du Comité du Conseil
de sécurité faisant suite
aux résolutions [751 \(1992\)](#) et [1907 \(2009\)](#)
sur la Somalie et l'Érythrée
(*Signé*) Rafael Darío **Ramírez Carreño**



**Lettre datée du 28 septembre 2016 adressée au Président
du Comité du Conseil de sécurité faisant suite aux résolutions
751 (1992) et 1907 (2009) sur la Somalie et l'Érythrée
par le Groupe de contrôle pour la Somalie et l'Érythrée**

En application du paragraphe 32 de la résolution 2244 (2015) du Conseil de sécurité, j'ai l'honneur de transmettre ci-joint le rapport sur la Somalie établi par le Groupe de contrôle pour la Somalie et l'Érythrée.

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Rapport du Groupe de contrôle pour la Somalie et l'Érythrée présenté conformément à la résolution 2244 (2015) du Conseil de sécurité : Somalie

Résumé

Pour réussir la transition politique envisagée pour la Somalie d'ici au mois de septembre 2016, trois critères largement acceptés avaient été fixés dans le programme Vision 2016, à savoir : l'organisation d'élections nationales où chaque électeur voterait effectivement, l'achèvement de l'édification de l'État fédéral et l'adoption d'une nouvelle constitution. À la date d'établissement du présent rapport, les modalités électorales avaient été modifiées et le calendrier électoral reporté; les régions de l'Hiran et du Moyen-Chébéli n'avaient pas encore été intégrées dans le processus d'édification de l'État fédéral et le statut de la région de Banadir n'était pas encore arrêté; enfin, les négociations concernant la nouvelle constitution avaient été suspendues en raison d'impératifs électoraux plus pressants. Entre-temps, la communauté internationale et le Gouvernement fédéral ont donné la priorité au respect du calendrier électoral et se sont attachés à mettre en avant les progrès accomplis, les critères de succès ayant cependant changé. Les investigations du Groupe de contrôle pour la Somalie et l'Érythrée révèlent en revanche que le processus de transition demeure incomplet et fragmentaire, ce qui a des conséquences néfastes pour la paix et la sécurité, la réforme du secteur de la sécurité, l'application de l'embargo sur les armes, les questions humanitaires et les questions des droits de l'homme, le financement des conflits, la gouvernance des ressources naturelles et la lutte contre la corruption.

La Harakat el-Chabab el-Moujahidin (les Chabab) demeure la menace la plus immédiate pour la paix et la sécurité en Somalie. Contrairement aux discours officiels qui font état de réussites en matière de lutte contre l'insurrection et le terrorisme, le Groupe de contrôle estime que les conditions de sécurité en Somalie ne se sont pas améliorées au cours du mandat actuel. Les Chabab ont conservé les moyens opérationnels de mener des attaques de grande envergure contre les contingents de la Mission de l'Union africaine en Somalie (AMISOM), comme l'offensive conduite le 15 janvier 2016 contre une compagnie de l'armée kényane stationnée dans une base opérationnelle avancée à Ceel Adde (région de Gedo). Ils ont également continué de mener des attaques complexes à Mogadiscio : six attaques visant des hôtels durant le mandat actuel ont causé la mort de quelque 120 personnes, dont trois membres du Parlement et le Ministre de l'environnement. De plus, une nouvelle faction rivale des Chabab comptant près de 25 membres, menée par le cheik Abdulqader Mu'min, a fait son apparition dans les montagnes de Golis, dans le Puntland, et prêté allégeance à l'État islamique d'Iraq et du Levant. Ayant apparemment essayé d'éliminer cette faction, les Chabab ont tenté, le 13 mars 2016, une incursion amphibie dans le Puntland qui a échoué et causé la mort de plus de 300 de leurs membres lors des affrontements avec les forces du Puntland et de l'administration provisoire de Galmudug. Enfin, même si les Chabab n'ont réussi à mener aucun attentat terroriste de grande envergure en dehors de la Somalie depuis le massacre perpétré à l'Université de Garissa (Kenya) le 2 avril 2015, le Groupe de contrôle estime qu'ils en ont toujours les moyens et constate qu'ils continuent de proclamer leur intention de viser les pays fournisseurs de contingents à l'AMISOM.

Bien que le Gouvernement fédéral se soit engagé à entreprendre une réforme complète du secteur de la sécurité, la persistance des problèmes de corruption, de la mauvaise gestion et des contraintes financières a compromis l'efficacité de l'Armée nationale somalienne. En dépit des actions menées pour résoudre ce problème, le recensement et l'enregistrement des soldats – ainsi que l'élimination des « soldats fantômes » – aux fins des états de paie ne sont toujours pas terminés. Les enquêtes menées par le Groupe de contrôle ont aussi révélé des incohérences importantes dans la comptabilité des salaires. Le versement des salaires demeurant irrégulier, le nombre de départ de soldats en poste à des positions stratégiques au sud et au centre de la Somalie a augmenté, ce qui a entraîné la progression, quoique temporaire dans certains cas, des Chabab dans ces régions. Les enquêtes du Groupe de contrôle ont aussi révélé que des rations et du matériel destinés aux contingents avaient vraisemblablement été détournés par le biais d'un contrat entre le Gouvernement fédéral et une société privée. Il semblerait que l'aide envoyée à l'armée par les États Membres ait également été détournée, en particulier lorsque les biens étaient livrés en gros et par l'intermédiaire de sous-traitants plutôt que directement aux contingents.

L'application de l'embargo sur les armes a été entravée par différents problèmes au cours du mandat actuel : le Gouvernement fédéral ne s'est pas suffisamment acquitté de ses obligations en matière de communication de l'information; les États Membres n'ont pas complètement respecté l'embargo lorsqu'ils ont aidé les institutions somaliennes du secteur de la sécurité autres que les forces du Gouvernement fédéral; un engin explosif improvisé a été utilisé contre l'aviation civile. Si, à certains égards, le Gouvernement fédéral respecte mieux son obligation de faire rapport sur l'embargo partiellement levé, il n'a pas transmis suffisamment d'informations au Conseil de sécurité et ne dispose toujours pas des capacités institutionnelles suffisantes pour gérer efficacement les armes et les munitions. Il invoque un faux argument pour demander la levée totale de l'embargo, prétendant que celui-ci l'empêche d'importer des armes et des munitions. Les États Membres ont cependant annoncé l'acheminement de plus de 20 000 armes et 13 millions de cartouches à l'intention des forces du Gouvernement fédéral depuis la levée partielle de l'embargo en mars 2013. Parallèlement, les États Membres ont aussi renforcé leur appui militaire aux forces régionales n'appartenant pas au Gouvernement fédéral, mais comme ils ont systématiquement manqué à leur obligation de rendre compte de l'acheminement d'armes et de munitions, les forces bénéficiaires ont pu, de fait, en recevoir à l'insu de tout contrôle. Cette situation a sapé l'embargo dans son ensemble et renforcé la tendance à la fragmentation du secteur de la sécurité. Les interceptions maritimes d'armes illicites se sont multipliées au cours du présent mandat, les Forces maritimes combinées ayant opéré trois saisies et un État Membre une autre. Enfin, l'attentat à l'engin explosif improvisé commis le 2 février 2016 contre un vol de la compagnie Daallo Airlines reliant Mogadiscio à Djibouti atteste que l'aviation civile de la région fait désormais l'objet d'une nouvelle menace bien réelle.

Les obstructions faites à l'aide humanitaire et les violations du droit international humanitaire touchant des civils continuent de poser des problèmes fondamentaux. Parmi ces obstacles, on relèvera le blocage de l'aide humanitaire en raison des blocus économiques imposés par les Chabab, les attaques visant des agents de l'aide humanitaire et le détournement de cette aide. Dans certains cas extrêmes, de petits réseaux d'individus ont contrôlé si étroitement les opérations

humanitaires par le monopole politique et financier et l'emploi de la force qu'ils ont formé de fait de véritables organisations criminelles. Les tendances en matière de violations du droit international humanitaire touchant les civils au cours du mandat précédent se sont accentuées au cours du mandat actuel, en particulier l'intensité et la portée des attaques perpétrées par les Chabab, les violences commises par les forces internationales contre des civils (y compris le recours aux armes aériennes) et les répercussions du conflit armé conjugué avec les différends politiques et claniques faisant fréquemment intervenir les forces fédérales et régionales et les milices locales. Les Chabab ont commis des assassinats ciblés visant des civils, dont des responsables de l'État, des fonctionnaires, des parlementaires, des membres du personnel d'agences internationales, des activistes de la société civile et des journalistes. De plus, il a été vérifié que le nombre d'enfants soldats recrutés et utilisés, en particulier par les Chabab avant l'offensive ratée de mars 2016 dans le Puntland, avait augmenté. Enfin, le conflit armé et l'insécurité ont entraîné le déplacement à l'intérieur du pays de quelque 598 000 Somaliens entre le 1^{er} janvier 2015 et le 30 juin 2016, nombre d'entre eux ayant été expulsés de force d'implantations sauvages dans les centres urbains.

Quelques tendances positives ont été constatées concernant l'application de l'embargo sur le charbon de bois et la gestion des ressources naturelles au cours du mandat actuel. Conformément aux premières observations du Groupe de contrôle fin 2015, les Chabab ont poursuivi leur réorientation stratégique, délaissant le commerce du charbon mais attaquant ou emprisonnant souvent des charbonniers et des commerçants de charbon sur les territoires sous leur influence. Les pays importateurs, en particulier les Émirats arabes unis, ont davantage respecté l'embargo sur le charbon de bois, ce qui a eu un effet dissuasif certain sur les exportateurs de charbon en Somalie dès mai 2016. Ces deux facteurs ont contribué à réduire le volume des exportations de charbon depuis la Somalie par rapport aux dernières années. Néanmoins, les réseaux commerciaux organisant les exportations de charbon depuis la Somalie et les importations aux Émirats arabes unis sont toujours présents. Le Groupe de contrôle continue de recevoir des signalements de boutres transportant du charbon de la Somalie vers les Émirats arabes unis et il n'existe à l'heure actuelle aucune barrière efficace pour empêcher les Chabab de taxer systématiquement la production et le transport de charbon. Les Chabab ont également réussi à compenser la baisse des recettes liées au charbon en augmentant l'impôt sur d'autres ressources naturelles et produits de base, comme le trafic de sucre, la production agricole au sud de la Somalie et le bétail au centre du pays. En ce qui concerne la gestion des ressources naturelles, le Ministère du pétrole et des ressources minérales a pris des mesures positives visant à mettre en place un cadre réglementaire régissant l'industrie pétrolière, ayant notamment élaboré un modèle d'accord de partage de production applicable aux contrats d'exploration et d'exploitation. Mais certaines questions n'ont pas encore été réglées, comme la mise en place d'institutions viables chargées de la mise en œuvre de ces accords et la passation d'un accord constitutionnel de partage des recettes entre le Gouvernement fédéral et les entités régionales.

S'il est vrai que des mesures ont été prises pour améliorer la réglementation du secteur financier, le Gouvernement fédéral manque toutefois des capacités institutionnelles suffisantes pour les mettre en œuvre efficacement. Les envois de fonds de l'étranger représentent toujours une part importante de l'économie somalienne, puisque 1,2 milliard de dollars au moins y a été envoyé au moyen du

réseau parabancaire *hawala* en 2015. Ces envois demeurent vitaux pour nombre de Somaliens, en particulier ceux qui vivent dans les zones rurales, mais les réseaux parabancaires ne disposent pas de systèmes de contrôle et de procédures de diligence raisonnable suffisants pour vérifier que ces fonds ne financent pas le terrorisme. Les services monétaires mobiles nationaux proposés par les sociétés de télécommunications posent un problème similaire parce que leur réglementation reste insuffisante en Somalie, ce qui permet donc aux Chabab de les utiliser. Pour tenter de régler ce type de problèmes, le Président a signé en mai 2016 une loi aux fins de la lutte contre le blanchiment d'argent et le financement du terrorisme mais les organes chargés de la faire appliquer manquent des ressources financières et des capacités institutionnelles nécessaires à cet effet. Plus généralement, le Groupe de contrôle estime que le Gouvernement fédéral n'est actuellement pas capable de mettre en œuvre de manière crédible les gels des avoirs imposés par le Conseil de sécurité à l'encontre d'individus et d'entités en Somalie. Enfin, la corruption demeure problématique, y compris en matière de contrats publics et dans d'autres domaines tels que le détournement de terrains publics pour des intérêts privés.

Les sanctions n'ont jamais été aussi opportunes pour aider la Somalie à traverser cette période difficile où elle doit à la fois régler un conflit et édifier son État. En effet, les Chabab constituent toujours une menace imminente pour la paix et la sécurité; la réforme du secteur somalien de la sécurité est loin d'être achevée; le Gouvernement fédéral ne respectant pas les conditions de la levée partielle de l'embargo sur les armes et les États Membres ne s'acquittant pas de leur obligation de rendre compte de tout appui qu'ils apportent aux forces régionales, des mesures s'imposent à cet égard; le pays demeure en proie aux obstructions faites à l'aide humanitaire et aux violations du droit international humanitaire touchant des civils; le financement du conflit par des ressources naturelles pose toujours problème or seules des mesures préliminaires ont été prises pour instaurer une gestion efficace des ressources naturelles; enfin, la corruption demeure problématique parce que les institutions ne sont pas en mesure d'appliquer les nouveaux cadres réglementaires. Dans le cadre de son mandat, le Groupe de contrôle a soumis pour examen au Conseil de sécurité 14 recommandations visant à améliorer l'efficacité de la conception et de la mise en œuvre des sanctions.

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* Les annexes sont distribuées uniquement dans la langue de l'original et n'ont pas été revues par les services d'édition.

I. Introduction

A. Mandat

1. Le mandat du Groupe de contrôle pour la Somalie et l'Érythrée est défini au paragraphe 31 de la résolution 2244 (2015) et au paragraphe 13 de la résolution 2060 (2012) du Conseil de sécurité. Par ses résolutions 2093 (2013) et 2142 (2014), le Conseil a confié au Groupe de contrôle des missions supplémentaires.
2. Conformément aux paragraphes 31 de la résolution 2244 (2015) et au paragraphe 13 l) de la résolution 2060 (2012), le Groupe de contrôle a présenté au Conseil de sécurité, par l'intermédiaire du Comité faisant suite aux résolutions 751 (1992) et 1907 (2009) concernant la Somalie et l'Érythrée, un exposé de mi-mandat le 22 avril 2016. Il a également transmis au Comité des rapports d'étape mensuels tout au long de son mandat.
3. Dans le cadre de leurs investigations, les membres du Groupe de contrôle se sont rendus dans les pays suivants : Afrique du Sud, Angola, Bahreïn, Belgique, Canada, Comores, Djibouti, Émirats arabes unis, États-Unis d'Amérique, Éthiopie, Finlande, France, Iran (République islamique d'), Norvège, Ouganda, Pays-Bas, République-Unie de Tanzanie, Roumanie, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, Seychelles, Somalie, Suède et Suisse. Les membres du Groupe ont pu se rendre régulièrement en Somalie (Baidoa, Bossasso, Galgala, Galkayo, Garowe, Hargeisa, Kismayo et Mogadiscio).
4. Basé à Nairobi, le Groupe de contrôle se composait des experts suivants : Christophe Trajber (Coordonnateur), Jay Bahadur (groupes armés), Charles Cater (ressources naturelles), Bogdan Cheteanu (questions financières), Déirdre Clancy (questions humanitaires), Tapani Holopainen (questions financières), Rufus Kalidheen (armes) et James Smith (questions régionales).

B. Méthodologie

5. Au cours de la période considérée, le Groupe de contrôle a appliqué les règles de preuve et les procédures de vérification déjà indiquées dans ses précédents rapports. Il a réaffirmé sa méthodologie conformément à ses rapports précédents. La méthode qu'il a appliquée aux fins du présent rapport a consisté à :
 - a) Recueillir des informations sur les événements et les différents sujets auprès de sources multiples, dans la mesure du possible;
 - b) Recueillir des informations auprès de sources ayant une connaissance directe des événements, dans la mesure du possible;
 - c) Recenser les éléments qui reviennent régulièrement dans les informations recueillies et établir des comparaisons avec les nouveaux renseignements et les tendances émergentes;
 - d) Prendre systématiquement en compte les conseils techniques et l'opinion de l'expert du Groupe de contrôle compétent dans chaque cas, ainsi que l'avis collectif du Groupe, pour déterminer la crédibilité de l'information et la fiabilité des sources;

e) Obtenir des éléments de preuve matériels, photographiques, audiovisuels ou documentaires à l'appui des renseignements recueillis.

6. Le Groupe de contrôle a délibérément et systématiquement cherché à prendre contact avec les personnes impliquées dans des violations, par l'entremise d'individus ayant une connaissance directe des détails de ces violations ou connaissant des gens directement au courant. À certaines occasions, il a pu constater par lui-même des violations au moment même où elles étaient commises.

7. Le Groupe de contrôle a interrogé de nombreuses sources disposant d'informations, notamment des responsables du Gouvernement et des représentants de missions diplomatiques, d'organisations de la société civile et d'organisations humanitaires. Ses membres se sont entretenus avec plusieurs responsables du Gouvernement, y compris le Président et des ministres, et des responsables des services de sécurité. Il s'est également entretenu ou a communiqué avec des responsables du Puntland et du Somaliland et des administrations régionales par intérim, d'autres personnalités politiques ou membres de groupes armés, des transfuges et des membres des milieux d'affaires et de la société civile somalienne.

8. Le Groupe a décidé de communiquer davantage d'éléments dans ses rapports mensuels afin de fournir au Comité les informations les plus importantes et de l'informer des principales évolutions en temps utile.

9. Conformément à la circulaire du Secrétaire général sur les informations sensibles ou confidentielles : classement et maniement ([ST/SGB/2007/6](#)), le Groupe de contrôle a soumis au Comité, avec son rapport, plusieurs annexes strictement confidentielles qui contiennent des renseignements dont la divulgation pourrait être contraire au bon fonctionnement de l'Organisation des Nations Unies ou au bien-être et à la sûreté de son personnel ou de tiers, ou violer les obligations légales de l'Organisation. Ces annexes ne seront pas publiées comme document du Conseil de sécurité.

II. Actes qui menacent la paix, la sécurité et la stabilité de la Somalie

A. Harakat el-Chabab el-Moujahidin

Situation actuelle

10. Le groupe militant islamiste Harakat el-Chabab el-Moujahidin (Chabab) constitue la principale menace pour la paix et la sécurité en Somalie et demeure une force déstabilisante pour toute la région de l'Afrique de l'Est et de la Corne de l'Afrique.

11. Comme au cours du mandat précédent du Groupe de contrôle, les opérations menées par les États Membres, le Gouvernement fédéral et les administrations régionales pour abattre les principaux chefs des Chabab ont permis d'en éliminer certains. L'assassinat ciblé le plus notable est probablement celui d'un haut responsable des Amniyat, Sultan Mohamed Sandhere, également appelé « Ukash », qui a été tué le 2 décembre 2015 par un drone américain. Impliqué dans l'attaque perpétrée au centre commercial Westgate à Nairobi, le 23 septembre 2013, celui-ci a également pris part à l'attentat-suicide qui a visé le restaurant La Chaumière à

Djibouti, le 24 mai 2014 (voir [S/2014/726](#), annexes 2.1 et 2.3). Fin mai 2016, les forces de l'administration provisoire de Djouba ont assassiné Mohamed Mohamud Kuno (également appelé « Dulyadeyn » ou « Gamadhere »), principal chef militaire des Chabab dans les régions du Bas-Djouba et du Moyen-Djouba, lors d'un raid mené près de Buulo Gaduud (Bas-Djouba). Né à Garissa, au Kenya, Kuno aurait participé à l'organisation de l'attaque lancée le 2 avril 2015 contre l'Université de Garissa, qui a fait 148 morts, dont une majorité d'étudiants (voir [S/2015/801](#), annexe 4.2). Ma'alim Daud, ou Yusuf Haji, a été tué dans le même raid; d'après le Gouvernement américain, qui offrait une prime de 5 millions de dollars en échange de cet homme, celui-ci avait conduit des activités de planification, de recrutement et d'entraînement, ainsi que des opérations contre le Gouvernement fédéral et des pays occidentaux¹. Cependant, il est difficile de s'assurer que la stratégie actuelle, prenant pour cible les hauts responsables des Chabab, permette d'affaiblir les capacités du groupe à long terme. Ce dernier dispose de responsables de rang intermédiaire déterminés et attachés à l'idéologie du groupe, capables de succéder immédiatement aux hauts responsables assassinés.

12. Depuis juillet 2015, date du début de la phase finale de l'opération Couloir de Djouba, dans le cadre de laquelle la Mission de l'Union africaine en Somalie (AMISOM) s'est emparée des fiefs des Chabab à Bardera et Dinsor, les offensives de l'AMISOM stagnent, si bien que les Chabab exercent toujours un contrôle direct sur la majeure partie du territoire de la vallée du Djouba, ce qui leur permet de conserver une source importante de revenus, à savoir la taxe (zakat) sur les terres agricoles.

13. Comme au cours du mandat précédent du Groupe de contrôle, la stratégie générale des Chabab a consisté à se replier dans les zones rurales et à bloquer les routes d'accès aux centres urbains occupés par l'AMISOM et l'Armée nationale somalienne (voir annexe 6.1). Le groupe entend ainsi ébranler l'appui local apporté aux forces d'opposition, tout en réduisant les positions militaires de l'AMISOM à des îlots isolés et de plus en plus difficiles à défendre. Par ailleurs, les Chabab sont souvent parvenus à reprendre le contrôle de localités après le retrait des forces nationales et de celles de l'AMISOM.

Attaques visant des contingents de la Mission de l'Union africaine en Somalie

14. Dans son rapport final pour 2015, le Groupe de contrôle a constaté avec inquiétude que les Chabab avaient recommencé à perpétrer des attaques conventionnelles contre des cibles militaires, alors qu'ils y avaient renoncé après leur retrait de Mogadiscio en 2011 ([S/2015/801](#), par. 88). Le Groupe de contrôle a plus spécifiquement fait référence aux attaques commises les 26 juin et 1^{er} septembre 2015 contre les contingents burundais et ougandais de l'AMISOM, basés respectivement à Ligo et Janale (ibid., par. 91).

15. Le 15 janvier 2016, à l'aube, les Chabab ont mené un assaut de plus grande envergure encore contre une compagnie militaire kényane stationnée à Ceel Adde,

¹ Département d'État des États-Unis, « Rewards for justice: reward offers for information on al-Shabaab key leaders », communiqué de presse, 10 novembre 2015. Un autre chef important des Chabab, Ali Hassan Dhoore, a été tué par un drone américain le 31 mai 2016. D'après les autorités américaines, Dhoore avait planifié l'attaque du 25 décembre 2014 contre les forces de l'AMISOM à l'aéroport international Aden Adde et celle du 27 mars 2015 à l'hôtel Makka al-Mukarama de Mogadiscio.

dans une base opérationnelle avancée de l'AMISOM située dans la région de Gedo, près de la frontière kényane. Deux véhicules piégés ont explosé, le premier à l'entrée principale et le second au centre du camp², avant que le camp ne soit envahi par des centaines de militants, auxquels les troupes kényanes n'ont opposé qu'une faible résistance.

16. Le Gouvernement kényan n'a pas encore publié le nombre officiel de victimes, mais le Groupe de contrôle estime à 150 le nombre de soldats kényans tués lors de cette attaque, ce qui en ferait la plus grande défaite militaire de l'histoire du Kenya³. En outre, au moins 11 soldats ont été capturés vivants et gardés en otages par deux groupes distincts des Chabab, dans le Moyen-Djouba. Depuis leur enlèvement, le Groupe de contrôle a été informé des déplacements des captifs et de leur sort, renseignements qu'il a communiqués aux autorités kényanes à l'aide d'un intermédiaire.

17. Qui plus est, des photographies publiées par les Chabab dans un communiqué de presse, le 17 janvier 2016, ont révélé que le groupe avait saisi une grande quantité de matériel militaire à Ceel Adde, y compris des véhicules blindés de transport de troupes et des canons automoteurs (voir annexe 1.1).

18. Le 9 avril 2016, les Chabab ont diffusé une vidéo de propagande de 48 minutes, présentée principalement en anglais et en kiswahili, intitulée « The Sheikh Abu-Yahya al-Libi Raid: Storming the Kenyan Crusaders' Base »⁴. Si la vidéo laisse paraître l'absence de coordination et la médiocrité des aspects tactiques de l'assaut des Chabab, on y voit également que les forces kényanes n'ont pas su appliquer des mesures élémentaires de défense consistant, notamment, à construire des barrages fortifiés à l'entrée du camp ou à positionner des soldats aux emplacements des mitrailleuses et des mortiers.

19. En outre, l'attaque a mis en exergue le manque de coordination entre les pays fournissant des contingents à l'AMISOM et la fragmentation du mécanisme de commandement et de contrôle de la Mission. Alors que les renforts de l'AMISOM les plus proches de Ceel Adde étaient stationnés à Busar, au sud-ouest, dans une base occupée par des troupes éthiopiennes, les soldats kényans n'ont toutefois pas pu contacter leurs homologues éthiopiens, l'AMISOM ne disposant pas d'un système de communication sûr. Au final, les contingents les plus proches qui ont pu répondre à l'appel étaient des militaires kényans postés au Kenya, qui sont arrivés bien trop tard pour porter secours à la compagnie de Ceel Adde⁵.

20. Le fait que l'AMISOM ne dispose pas de service de renseignements efficace et ne puisse pas coopérer avec les collectivités locales explique en partie le succès de

² Le 17 mars 2016, une source du secteur de la sécurité présente sur les lieux après l'attaque a indiqué au Groupe de contrôle que les véhicules contenaient entre 30 et 50 kg d'explosifs et qu'il s'agissait de véhicules non blindés, contrairement à ce qui avait été largement affirmé dans les médias.

³ Selon des informations parues dans les médias et un entretien en date du 17 mars 2016 effectué par le Groupe de contrôle avec un spécialiste de la sécurité présent sur les lieux après l'attaque.

⁴ Disponible à l'adresse suivante : <http://jihadology.net/2016/04/09/new-video-message-from-%E1%B8%A5arakat-al-shabab-al-mujahidin-the-raid-of-shaykh-abu-ya%E1%B8%A5ya-al-libi-storming-the-base-of-the-crusader-kenyan-army/>.

⁵ Voir Paul D. Williams, « The battle at El Adde: the Kenya Defence Forces, al-Shabaab, and unanswered questions », note d'information, Institut international pour la paix, juillet 2016.

l'attaque⁶. Des membres des services de sécurité somaliens ont indiqué au Groupe de contrôle qu'ils avaient eu connaissance d'une concentration, près de Ceel Adde, de combattants Chabab – dont ils ignoraient la cible – et qu'ils en avaient informé leurs interlocuteurs kényans⁷. Après l'assaut, les forces kényanes ont toutefois nié avoir été prévenues⁸.

21. L'attaque de Ceel Adde et celles commises auparavant à Ligo et à Janale ont eu pour effet cumulé d'amener davantage l'AMISOM à cantonner ses contingents dans des casernes, ce qui a entravé encore la communication avec les collectivités locales. À titre d'exemple, les forces kényanes se sont retirées le 26 janvier dernier de leur position de Ceel Adde et de celles de Badhaadhe et Buulo Gaduud, dans le Bas-Djouba. En février, l'AMISOM a également évacué plusieurs bases opérationnelles avancées, dont celles de Faafxadhuun et Khadija Haji, dans la région de Gedo. Comme bien souvent, les Chabab ont pu occuper les espaces abandonnés par la Mission : 200 combattants Chabab ont ainsi été vus, dans la zone de Khadija Hajji, au début de mars⁹.

22. Le 5 mars 2016, une autre attaque potentielle visant l'AMISOM a été évitée. Les États-Unis ont lancé une frappe aérienne sur le camp d'entraînement des Chabab à Raaso, à 120 kilomètres au nord de Mogadiscio, tuant au moins 150 militants. Il s'agit à ce jour de l'attaque de drone la plus meurtrière dans l'histoire des États-Unis. Un porte-parole du Pentagone a affirmé que la frappe visait une cérémonie de remise de diplômes qui se déroulait dans le camp, ajoutant que les combattants auraient dû avoir quitté le camp et qu'ils « représentaient une menace imminente pour les forces américaines et celles de l'AMISOM » en Somalie¹⁰.

23. Mis à part cet échec infligé au groupe, quelque 500 militants Chabab ont investi, le 9 juin 2016 à l'aube, une base opérationnelle avancée de l'AMISOM occupée par des troupes éthiopiennes à Halgen, sur la route principale reliant Boulobarde à Beledweyne (région de Hiran), après y avoir introduit un véhicule piégé. Entre 100 et 150 autres combattants ont bloqué la route de Boulobarde afin d'empêcher les contingents djiboutiens qui y étaient stationnés de venir en renfort. Bien que les forces éthiopiennes aient réussi à la repousser, l'attaque a fait de nombreuses victimes des deux côtés, une trentaine de soldats ayant été tués¹¹. L'Égyptien Khatib al-Masri, combattant étranger proche associé du militant

⁶ Aux difficultés à coopérer avec les collectivités locales s'ajoute le sentiment qu'avait le clan Marihan, dominant dans le secteur, que les troupes kényanes soutenaient activement le clan rival Ogaden.

⁷ Réunion avec des responsables des services de sécurité fédéraux, le 3 février 2016. Par ailleurs, un chef militaire somalien de la région de Gedo a affirmé publiquement que les troupes kényanes avaient été averties de l'imminence d'une attaque. Voir Harun Maruf, « Somali general: Kenyans were warned of Al-Shabaab attack », VOA News, 18 janvier 2016.

⁸ Voir « [VIDEO] KDF camp had 240 soldiers, half missing », *The Star*, 20 janvier 2016. Disponible à l'adresse suivante : www.the-star.co.ke/news/2016/01/20/video-kdf-camp-had-240-soldiers-half-missing_c1279464.

⁹ Rapport confidentiel de la police kényane en date du 2 mars 2016. Pour en savoir plus sur les retraits de l'AMISOM et de l'armée somalienne, se reporter à la section II.B ci-dessous.

¹⁰ Voir Département de la défense des États-Unis, « U.S. conducts airstrike against terrorist camp in Somalia », 7 mars 2016. Disponible à l'adresse suivante : www.defense.gov/News/Article/Article/687353/us-conducts-airstrike-against-terrorist-camp-in-somalia.

¹¹ Rapport confidentiel des services de sécurité de l'ONU en date du 13 juin 2016.

Chabab américain assassiné Omar Hammami, aussi appelé « Abu Mansour al-Amriki »¹², a péri dans cette attaque¹³.

Attaques visant des hôtels à Mogadiscio

24. Durant le mandat en cours, les Chabab ont continué de lancer des attaques complexes contre des hôtels de Mogadiscio souvent fréquentés par des responsables du Gouvernement fédéral, à un rythme d'environ un attentat tous les deux mois, une tendance qui a été mise en lumière dans le rapport final du Groupe de contrôle pour 2015 (S/2015/801, annexe 4.1). Le mode opératoire est généralement toujours le même : un véhicule piégé est introduit pour faire une brèche dans le périmètre du complexe, qui est ensuite pris d'assaut par trois à six combattants-suicides armés.

25. Durant le mandat en cours, six attaques majeures ont eu lieu à Mogadiscio contre les hôtels suivants : l'hôtel Sahafi (1^{er} novembre 2015), l'hôtel Beach View (22 janvier 2016), l'hôtel SYL (26 février et 30 août 2016), l'hôtel Ambassador (1^{er} juin 2016) et l'hôtel Naso Hablod (25 juin 2016). Quelque 120 personnes ont trouvé la mort dans ces attentats, dont trois parlementaires et le Ministre de l'environnement, Buri Hamza¹⁴. À titre de comparaison, les Chabab avaient commis quatre attaques complexes contre des hôtels de Mogadiscio au cours du mandat précédent du Groupe de contrôle, ce qui signifie que la capacité des Chabab de mener des opérations asymétriques dans la capitale somalienne n'a pas été sensiblement réduite en un an.

Émergence d'une faction de l'État islamique d'Iraq et du Levant

26. Le 22 octobre 2015, un religieux des Chabab basé dans les montagnes de Golis, au Puntland, le cheik Abdulqader Mu'min (Majeerteen/Ali Salebaan), a prêté allégeance à l'État islamique d'Iraq et du Levant (EIIL). Mu'min a été imam à Londres avant de rentrer en septembre 2010 en Somalie, où il est devenu une « figure idéologique » des Chabab du Nord-Est (voir S/2013/413, annexe 1.7).

27. Mu'min pensait probablement qu'en rejoignant les rangs de l'EIIL, il amènerait les Chabab à se dissocier en masse d'Al-Qaida, mais les dirigeants des Chabab, réagissant promptement, ont pris des mesures répressives contre les éléments pro-EIIL du groupe, au Puntland ainsi que dans le sud de la Somalie. En novembre 2015, les éléments des Chabab du Nord-Est fidèles à Al-Qaida ont expulsé Mu'min et plusieurs dizaines de ses partisans des montagnes de Golis, à la suite d'affrontements armés. Mu'min a ensuite pris la fuite vers le district d'Iskushuban (région de Bari), fief de son clan Ali Salebaan.

28. Si Mu'min et une vingtaine de ses adeptes restent fidèles à l'idéologie de l'EIIL, le Groupe de contrôle n'a connaissance d'aucuns liens opérationnels existant entre les deux factions. On sait toutefois que Mu'min reçoit un appui matériel de son cousin du clan Ali Salebaan, le négociant d'armes et ancien pirate Isse

¹² Pour lire le profil d'Omar Hammami, voir S/2013/413, annexe 1.2.

¹³ Selon des renseignements non confirmés mais crédibles, al-Masri aurait été lié à Al-Qaida au Maghreb islamique et pourrait avoir servi d'intermédiaire pour un facilitateur de l'EIIL basé au Yémen. Entretien du Groupe de contrôle avec un responsable des services de renseignement régionaux en date du 8 juillet 2016.

¹⁴ Les parlementaires tués étaient Abdi Mohamed Abtidon, Abdullahi Jama Kabaweyne et Mohamud Mohamed Gure. Consulter également l'annexe 7.1 pour une analyse de la multiplication des actes de violence des Chababs contre les civils.

Mohamoud Yusuf, ou « Yullux » (voir [S/2013/413](#), annexes 1.7 et 3.1.c). Mu'min et Abdisamed Gallan, ancien gouverneur de la région de Bari ayant ouvertement mené une insurrection contre les autorités du Puntland en juin 2016, ont tous deux reçu des livraisons d'armes acheminées avec l'aide de « Yullux » via le port de Qandala (voir annexe 1.2).

29. Des informations plus détaillées sur la faction de Mu'min fidèle à l'EIIL dans la région de Bari sont données à l'annexe 1.2.

Les Chabab au Puntland

Les Chabab du Nord-Est dans les montagnes de Golis

30. Dans son rapport final pour 2015, le Groupe de contrôle a fait le point sur l'insurrection des Chabab du Nord-Est contre les autorités du Puntland, qui se déroule actuellement dans les montagnes de Golis, et s'est dit préoccupé par le fait que ce secteur pouvait servir de lieu de repli pour les militants Chabab fuyant la pression militaire du sud de la Somalie ainsi que de relais entre les Chabab et Al-Qaida dans la péninsule arabique ([S/2015/801](#), par. 96).

31. Le 24 février 2016, le Groupe de contrôle a mené une mission à Galgala (à 30 kilomètres au sud de Bossasso), qui était le siège de la rébellion des montagnes de Golis avant que la ville ne soit libérée lors d'une offensive majeure lancée par les autorités du Puntland en octobre 2014. Des entretiens avec des chefs militaires et de police du Puntland stationnés à Galgala ont révélé que les effectifs de la rébellion avaient diminué, se composant de 70 à 100 combattants, contre 120 à 150 en 2013 (voir [S/2013/413](#), annexe 1.7)¹⁵. Quelque 850 membres de diverses branches du système de sécurité du Puntland (forces régulières, forces de sécurité, police maritime et police de Galgalo) sont postés à Galgala et aux environs. Compte tenu de la disparité de leurs effectifs et de leurs armements, les militants Chabab ne sont pas en mesure d'affronter directement les forces du Puntland, mais ils continuent de les attaquer à l'aide d'engins explosifs improvisés, notamment le long de la route qui mène à Galgala¹⁶.

32. On trouvera à l'annexe 1.4 une description détaillée des effectifs et des dirigeants actuels des Chabab du Nord-Est dans les montagnes de Golis ainsi que de la disposition tactique des forces du Puntland.

Incursion des Chabab au Puntland en mars 2016

33. Le 13 mars 2016, une unité des Chabab composée de 350 à 400 combattants, la brigade Khalid ibn al-Walid, a procédé à une incursion amphibie dans le Puntland. Arrivant du district de Xarardheere à bord de cinq boutres, les combattants ont débarqué à deux endroits de la côte du Puntland, près des localités de Garacad et de Garmaal.

¹⁵ L'administration du Puntland donne généralement des estimations bien plus élevées, allant de 250 à 500 combattants. En août 2016, elle estimait que le Puntland comptait au total 400 à 500 membres des Chabab du Nord-Est, d'après une lettre en date du 17 août 2016 adressée au Groupe de contrôle par le Bureau du Président du Puntland.

¹⁶ Le 25 mai 2016, par exemple, un engin explosif improvisé a frappé un véhicule de la police maritime du Puntland qui se dirigeait vers Galgalo, tuant deux de ses occupants et en blessant six autres. Rapport confidentiel d'une agence internationale sur la sécurité en date du 29 mai 2016.

34. Les militants n'avaient pas de véhicule terrestre à leur disposition et les forces du Puntland ont rapidement mené une intervention, appelée « opération Tonnerre » par l'administration. Les militants Chabab ont essuyé une défaite expéditive et décisive, perdant, selon les chiffres officiels publiés par les autorités, 208 de leurs membres, principalement dans les combats qui se sont déroulés près de Garacad. Lors d'affrontements ultérieurs, les forces de l'administration provisoire de Galmudug ont intercepté des combattants Chabab qui fuyaient vers le sud et ont affirmé en avoir tué 115 et capturé 110¹⁷.

35. Les 10 et 11 mai 2016, le Groupe de contrôle s'est entretenu avec des combattants Chabab détenus dans la prison de Garowe depuis cette opération¹⁸. Se fondant sur ces conversations ainsi que sur des entretiens qui se sont déroulés avec des sources militaires et navales et des organisations non gouvernementales, le Groupe de contrôle a conclu que l'objectif de l'opération avait probablement été d'affronter la faction fidèle à l'EILIL dirigée par Abdulqader Mu'min et basée dans la région de Bari, en vue de l'éliminer.

36. La brigade Khalid ibn al-Walid était essentiellement composée d'hommes du rang, dont beaucoup avaient apparemment intégré la brigade sous la contrainte, et aucun haut responsable des Chabab connu n'a participé à l'opération. Bon nombre de ces combattants étaient des enfants : au moment de la rédaction du présent rapport, 54 mineurs capturés durant l'opération étaient toujours détenus dans la prison de Garowe (voir annexe 7.2). En outre, l'administration provisoire de Galmudug a indiqué avoir transféré 44 prisonniers mineurs vers un centre de réinsertion de Mogadiscio bénéficiant du soutien du Fonds des Nations Unies pour l'enfance¹⁹.

37. L'incursion de cette brigade dans le Puntland a été la seule grande opération maritime conduite par les Chabab depuis que le groupe existe. L'anéantissement de la brigade a constitué une importante perte de moyens humains pour les Chabab : forte de quelque 400 combattants, elle représentait vraisemblablement entre 5 % et 10 % de l'effectif total du groupe. Plusieurs centaines de militants s'étant rendus aux autorités du Puntland et de Galmudug, il s'est également agi de la plus importante capitulation de l'histoire des Chabab. Au vu de cet échec, le Groupe de contrôle estime très peu probable que les Chabab tentent une autre opération amphibie complexe à l'avenir.

38. Un récit complet de l'incursion est présenté à l'annexe 1.4.

Politique de libération des détenus sans jugement au Puntland

39. Dans son rapport final pour 2014, le Groupe de contrôle a décrit la politique appliquée systématiquement par l'administration du Puntland, consistant à arrêter des personnes suspectées d'appartenance aux Chabab et à les relâcher immédiatement, même lorsque des preuves accablantes suggéraient l'existence de liens très probables avec les Chabab (S/2014/726, annexe 1.4, note de bas de page 48).

¹⁷ Voir « Somalia: Galmudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas », communiqué de presse, AllAfrica, 28 mars 2016. Disponible à l'adresse suivante : <http://allafrica.com/stories/201603280382.html>.

¹⁸ Au moment de la visite du Groupe de contrôle, 97 combattants Chabab de la brigade Khalid ibn al-Walid étaient détenus dans cette prison.

¹⁹ Voir « Somalia: Galmudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas », communiqué de presse, AllAfrica, 28 mars 2016.

40. Durant le mandat en cours, le Groupe de contrôle a dévoilé des preuves littérales, corroborées par des témoignages oculaires de sources secondaires, montrant que les autorités du Puntland continuaient d'appliquer cette politique, libérant des détenus en dépit de l'existence de preuves crédibles de leurs liens avec les Chabab. Le Groupe de contrôle s'est procuré des copies des ordres de libération de sept individus ayant des liens supposés ou reconnus avec les Chabab, datés du mois de juin 2015 au 16 avril 2016 et signés par différents hauts responsables des autorités du Puntland. Le Groupe dispose également de notes internes de l'organe de renseignement du Puntland présentant le profil de chaque individu et son affiliation aux Chabab.

41. D'après des responsables du Puntland, les personnes reconnues coupables d'appartenance aux Chabab avaient été libérées après avoir fait l'objet de procédures judiciaires conformes au droit et les suspects avaient été relâchés faute de preuves suffisantes ou dans le cadre d'une amnistie accordée en août 2015 par le Président du Puntland, Abdiweli Mohamed Ali « Gaas »²⁰.

42. Les profils des sept individus en question et des copies des ordres de libération sont fournis à l'annexe 1.5 (strictement confidentielle).

Les Chabab, une menace régionale

43. Si les Chabab constituent toujours une menace terroriste transnationale, en particulier pour les pays fournissant des contingents à l'AMISOM, l'aptitude du groupe à mener à bien des opérations à l'échelle régionale a diminué durant le mandat en cours. Le Kenya notamment, qui a longtemps été l'État Membre le plus exposé aux opérations terroristes des Chabab, a réussi à éviter une attaque de grande envergure sur son territoire depuis le massacre d'étudiants à l'Université de Garissa, le 2 avril 2015.

44. Une tentative de massacre visant les passagers d'un bus près de Mandera, similaire à une attaque menée par les Chabab en novembre 2013, a été contrecarrée par des passagers musulmans qui ont protégé les passagers non musulmans pour empêcher qu'ils ne soient exécutés²¹. Dans la nuit du 9 juillet 2016, les Chabab ont fait une incursion audacieuse au Kenya : 100 militants auraient franchi la frontière et attaqué un poste de police à Diff, dans le comté de Wajir. Selon les médias locaux, un policier a été blessé alors que les militants sont parvenus à emporter quelque 10 000 cartouches et une douzaine de fusils AK-47²².

45. La faction Jeïch Aïman des Chabab a perpétré de nombreuses attaques meurtrières, notamment à l'aide d'engins explosifs improvisés, contre les forces de sécurité kényanes et contre des civils non locaux dans le comté de Lamu, au

²⁰ Réunions avec le Chef de cabinet du Président du Puntland, Deeq Yusuf, le 2 septembre 2015 à Nairobi, et avec un agent de l'organe de renseignement du Puntland, le 7 septembre 2016 à Garowe.

²¹ Voir « Kenyan Muslims shield Christians in Mandera bus attack », BBC News, 21 décembre 2015. Disponible à l'adresse suivante : www.bbc.co.uk/news/world-africa-35151967.

²² Voir Lucas Barasa et Angira Zadock, « Shabaab militants attack Diff police station in Wajir », *Daily Nation*, 9 juillet 2016. Disponible à l'adresse suivante : www.nation.co.ke/counties/Shabaab-militants-attack-Diff-Police-Station-in-Wajir/1107872-3287386-6ufkg7/index.html.

Kenya²³. Composée de plusieurs centaines de combattants, la faction se sert de la zone forestière de Boni, qui se trouve à cheval entre la Somalie et le Kenya, comme base opérationnelle pour fomenter des attaques visant la région côtière²⁴. En septembre 2015, les autorités kényanes ont lancé l'opération Linda Boni, rassemblant plusieurs organes de sécurité dans le but d'expulser de la forêt l'unité Jeïch Aïman. Depuis, le nombre et la fréquence des attaques visant Lamu et la région côtière ont diminué, bien que des attaques sporadiques continuent d'avoir lieu. L'amélioration de la collecte de renseignements et la conduite d'opérations antiterroristes par anticipation ont permis aux organes de sécurité kényans de déjouer, en 2016, des attentats planifiés par les Chabab dans les villes côtières de Mombasa et de Kilifi, ayant pour cibles notamment le ferry de Likoni, une discothèque en vogue, et un poste de police²⁵. Il est apparu que des éléments des Chabab, en particulier ceux originaires de Tanzanie, continuent de transiter par le Kenya pour se rendre en Somalie : les services de sécurité kényans ont récemment arrêté plusieurs suspects²⁶.

46. Durant le mandat en cours, d'autres pays fournissant des contingents à l'AMISOM, comme Djibouti et l'Éthiopie, qui ont tous deux été confrontés à des menaces crédibles provenant des Chabab ces deux dernières années, sont parvenus à éviter des attaques terroristes sur leur territoire. Néanmoins, le Groupe de contrôle n'estime pas que la menace régionale que constituent les Chabab ait reculé, étant donné que l'un des objectifs principaux du groupe reste d'éliminer de la Somalie les forces de l'AMISOM qui, selon lui, occupent illégalement les terres musulmanes.

Mohamed Abukar Zubeyr

47. Dans son rapport final pour 2014, le Groupe de contrôle a indiqué par erreur qu'un individu appelé Mohamed Abukar Zubeyr avait commis un attentat-suicide attribué aux Chabab au commissariat central de Bossaso, le 4 août 2014 (S/2014/726, annexe 1.4, par. 22). Un rectificatif concernant cette attaque figure à l'annexe 1.7.

²³ Voir, par exemple, « Kenyan soldiers hurt as gunmen ambush convoy in Lamu », *Standard Digital*, 3 janvier 2016. Disponible à l'adresse suivante : www.standardmedia.co.ke/article/2000186885/kenyan-soldiers-hurt-as-gunmen-ambush-convoy-in-lamu.

²⁴ Jeïch Aïman a également attiré des combattants étrangers provenant, entre autres, de Tanzanie et d'Europe. On peut notamment citer le Britannique Thomas Evans, qui a été tué lors d'affrontements avec l'armée kényane dans le comté de Lamu, le 12 juin 2015, et l'Allemand Andreas Martin Muller, aussi appelé Abu Nusaybah.

²⁵ Voir Alloys Musyoka et Brian Otieno, « Police foil two attacks in Kilifi and Mombasa », *The Star*, 2 janvier 2016. Disponible à l'adresse suivante : www.the-star.co.ke/news/2016/01/02/police-foil-two-attacks-in-kilifi-and-mombasa_c1268590.

²⁶ Voir, par exemple, Abdimalik Hajir, « Police in Garissa arrest 6 Tanzanians heading to Somalia, recover weapons », *Daily Nation*, 25 août 2015. Disponible à l'adresse suivante : www.nation.co.ke/counties/Tanzanians-arrested-Garissa/1107872-2845738-3oqjmwz/index.html. En outre, le Groupe de contrôle s'est procuré un rapport confidentiel de la police kényane dans lequel est décrite l'arrestation, le 16 septembre 2015 à Mtwapa, au nord de Mombasa, de six personnes suspectées d'avoir tenté de rejoindre les rangs des Chabab en Somalie.

B. Secteur de la sécurité

48. Dans son rapport final pour 2015 (S/2015/801, annexe 3), le Groupe de contrôle s'inquiète des nombreux cas de détournement de ressources au sein de l'Armée nationale somalienne. Suite à une série d'échanges entre le Groupe et le Gouvernement fédéral au début du mois de septembre 2015, le Président Hassan Sheikh Mohamud s'est engagé à entreprendre une réforme de fond du secteur de la sécurité²⁷. Si certains acteurs, notamment le Ministre des finances et le général de division Mohamed Aden Ahmed, le nouveau chef des forces de défense, ont fait des efforts notables au cours du mandat pour y remédier, la corruption persiste chez les officiers supérieurs, en particulier dans les services de la logistique.

49. Le Groupe de contrôle a recueilli des preuves du détournement de fonds alloués aux salaires et aux dépenses courantes de l'Armée nationale somalienne, ainsi que de fonds accumulés grâce à la mise en place d'un système d'émission de cartes d'identité vicié (voir annexes 2.2 et 2.3). À la date de la rédaction du présent rapport, et alors que le Président s'est engagé, le 9 septembre 2015, à lancer un appel d'offres pour l'approvisionnement de l'Armée en matériel logistique, une entreprise ayant des liens étroits avec Abdullahi Moalim Nur, général de brigade chargé des opérations logistiques, détient toujours un contrat lucratif avec l'Armée pour la distribution de rations et de fonds, dont la majeure partie est probablement détournée. Suite à des échanges supplémentaires sur la question entre le Groupe et le Gouvernement fédéral, un appel d'offres pour ce contrat a finalement été lancé le 10 septembre 2016 sur le site Web du Ministère des finances (voir annexe 2.4).

50. Lors du mandat en cours, les retraits, par les troupes somaliennes, de positions stratégiques situées dans le sud et dans le centre du pays se sont multipliés, ce qui a eu pour conséquence un retour des Chabab dans ces régions, qui n'a cependant été, très souvent, que temporaire. Ces retraits s'expliquent par le non-versement prolongé des salaires des soldats somaliens imputable, en partie, à des crises budgétaires persistantes²⁸. Les cas d'extorsion pratiquée, notamment à des barrages routiers illégaux, par des soldats n'ayant pas reçu leur salaire ou n'en ayant touché qu'une partie se sont également multipliés, accentuant d'autant les effets ressentis par la population civile et sapant encore davantage sa confiance dans des institutions gouvernementales balbutiantes (voir annexe 2.6).

51. Le fait que les soldats soient regroupés par clan dans la plupart des unités de l'Armée nationale somalienne continue à compromettre leur impartialité, en particulier dans les districts où les relations intercommunautaires sont complexes. Dans son rapport final pour 2015 (S/2015/801, annexe 6), le Groupe de contrôle recense des alliances de circonstance conclues entre certaines unités et des milices de clans régionales ou des Chabab en périodes de conflits. Durant le mandat en cours, le Groupe a reçu plusieurs rapports provenant des régions du Bas-Chébéli, d'Hiran et de Modoug décrivant de telles situations, dans lesquelles des membres de

²⁷ Voir publication du Bureau du Président de la République fédérale de Somalie, direction de la communication (en anglais), *The President: We are committed to substantive security sector reform*, lettre d'information, 9 septembre 2015. Disponible sur : <https://madmimi.com/s/b368a6>.

²⁸ Le Ministère des finances admet volontiers que de nombreux soldats doivent recevoir des arriérés de salaire pour plusieurs mois de travail, à cause des prévisions budgétaires trop optimistes des années précédentes. Le retrait des forces de l'AMISOM de positions stratégiques situées dans le sud et le centre de la Somalie est également préoccupant.

l'Armée, loin d'empêcher des conflits locaux, les ont au contraire alimentés (voir annexe 7.5).

52. Le processus de rattachement des forces régionales à l'Armée nationale somalienne est lent et souffre d'une mauvaise gestion. Jusqu'à 1 350 soldats stationnés à Kismayo, dans la région du Bas-Djouba, ont été officiellement intégrés à l'Armée lors du mandat précédent mais, à l'heure de la rédaction du présent rapport, ils n'avaient reçu du Gouvernement fédéral que 100 armes et ne pourront donc sans doute pas participer à la prochaine offensive sur la Vallée du Djouba. Le Gouvernement fédéral fait preuve d'un manque de vigueur dans son processus d'intégration, alors que des accusations se font entendre selon lesquelles des armes ne seraient livrées qu'aux unités dont les soldats appartiennent à certains clans²⁹.

53. Sans le soutien international dont bénéficie la Somalie dans le secteur de la sécurité, son armée nationale s'effondrerait probablement. Néanmoins, le Groupe de contrôle a constaté, lors du mandat en cours, un manque de coordination dans le soutien international apporté à l'Armée, malgré les quelques efforts faits pour résoudre le problème. Les preuves recueillies par le Groupe permettent également de penser que les rations alimentaires fournies en gros à l'Armée par certains donateurs sont largement détournées. Enfin, le Groupe craint que les programmes de formation en place ne puissent contribuer par inadvertance aux potentielles menaces contre la paix et la sécurité s'ils ne sont pas suffisamment représentatifs au niveau des clans et si les troupes ne sont pas dûment surveillées (voir annexe 2.5).

54. Le Groupe de contrôle craint qu'en l'absence d'une réforme de fond et d'une réflexion approfondie sur sa structure d'ensemble et sa composition, l'Armée nationale somalienne ne finisse par représenter une menace contre la paix, la sécurité et la stabilité dans le pays. On trouvera à l'annexe 2 des informations plus détaillées sur les observations formulées par le Groupe au sujet de l'Armée durant le mandat en cours.

Secteur de la sécurité dans le Puntland

55. Le Groupe de contrôle est troublé de constater les difficultés persistantes que rencontre l'administration du Puntland pour rémunérer ses forces de sécurité. Le mandat en cours a été marqué par des manifestations de soldats dans le Puntland réclamant le versement de leur salaire ainsi que par des menaces de démission de la part du chef des forces de défense du Puntland dans le cas où l'armée et les forces de police de la région ne percevraient pas leur salaire³⁰. La réaction de l'administration à la crise budgétaire a été plus troublante encore, puisqu'elle a choisi de payer les forces de sécurité et les fonctionnaires de la région avec de la fausse monnaie fraîchement imprimée, provoquant une hausse de l'inflation qui a eu des effets déstabilisateurs dans la région et au-delà (voir annexe 4.1).

56. En avril 2015, l'administration du Puntland, désireuse notamment de soulager sa charge financière, a passé un accord avec le Gouvernement fédéral pour rattacher

²⁹ Entretiens avec des membres du personnel d'appui dans le secteur de la sécurité à Kismayo et Nairobi, avril et septembre 2016.

³⁰ Voir (en anglais) *Somalia: Puntland soldiers stage protest over unpaid salaries*, Garowe Online, 11 juin 2016, disponible sur www.garoweonline.com/en/news/puntland/somalia-puntland-soldiers-stage-protest-over-unpaid-salaries; et (en anglais) *Puntland army chief threatens to resign if the forces are not paid*, Goobjoog News, 28 septembre 2015, disponible sur <http://goobjoog.com/english/?p=20011>.

3 000 membres du personnel militaire du Puntland à l'Armée nationale somalienne; la mise en œuvre de cet accord a cependant été lente³¹. Les autres menaces à la sécurité auxquelles le Puntland a dû faire face durant le mandat en cours, notamment un raid amphibie des Chabab en mars 2016 (voir annexe 1.5) et une insurrection menée par un ancien gouverneur (voir annexe 8.10), rendent ce projet d'intégration d'autant plus urgent.

C. Fauteurs de troubles dans la vie politique

57. Dans son rapport final pour 2015 (S/2015/801), le Groupe de contrôle a démontré le lien de plus en plus clair entre, d'une part, la résurgence de la menace posée par les Chabab et les conflits intercommunautaires et, d'autre part, l'incapacité des acteurs de la scène politique d'encourager la réconciliation grâce à un projet politique inclusif et transparent qui s'attaque à la corruption. Durant le mandat en cours, la détention du pouvoir politique a continué à prendre largement le pas sur la mise en place de moyens de gouvernance efficaces et sur l'effort de réconciliation aux niveaux interrégional et intrarégional.

58. Les relations entre le Puntland et l'administration provisoire de Galmudug restent tendues dès lors que les négociations visant à déterminer le tracé de la frontière entre ces territoires n'avancent pas. Le 22 novembre 2015, la construction d'une route près de la « ligne verte » divisant la ville de Galkayo a donné lieu à la mobilisation rapide de forces dans les deux camps, qui s'est suivie d'un conflit bref mais extrêmement violent, faisant 20 morts et 120 blessés et provoquant le déplacement temporaire d'environ 90 000 personnes (voir annexe 7.4, par. 39 à 43).

59. L'administration provisoire de Galmudug continue à faire face à une opposition parfois violente de la part de la faction du groupe Ahl al-Sunna wal-Jama'a basée dans le nord de la région de Galgadoud, qui détient toujours le contrôle de Dhousamarib, le chef-lieu de la région, et de ses alentours. Les tentatives entreprises pour parvenir à un règlement politique du conflit entre ces deux camps suite à des explosions de violence survenues en septembre 2015, puis en mars 2016, n'ont finalement pas été fructueuses. La faction Ahl al-Sunna wal-Jama'a, qui avait activement participé à l'établissement, en 2011 et 2012, des Principes de Garowe, qui avaient permis d'instaurer, pour la première fois depuis l'effondrement de l'État somalien en 1991, un gouvernement stable, s'est retirée du processus fédéral de transition en 2016 après avoir été exclue des négociations entre dirigeants régionaux.

60. L'administration provisoire du Sud-Ouest a consolidé son influence sur Baidoa, mais la ville reste pour ainsi dire isolée du reste de la région, et l'administration n'a peu ou pas de contrôle sur le conflit endémique du Bas-Chébéli (voir annexe 7.6, par. 58). L'échec à intégrer pleinement la communauté Aulihan (division du clan Ogaden, lui-même une division du clan Darod) au sein de la nouvelle assemblée régionale a eu pour conséquence la création d'un État indépendant, le « Haut-Bakool ». Une délégation de l'Autorité intergouvernementale pour le

³¹ Le Groupe de contrôle croit savoir que 600 de ces 3 000 postes sont réservés aux services de sécurité du Puntland, une unité d'élite entraînée par les États-Unis stationnée à Bossasso. Il est prévu que les 2 400 postes restants soient pourvus par des membres des forces régulières après qu'ils se seront soumis à la procédure d'agrément en cours; Entretien entre le Groupe de contrôle et le Chef de cabinet du Président du Puntland, Deeq Yusuf, Nairobi, 2 septembre 2016.

développement, conduite par Mohamed Abdi Affey, a tenté sans succès de rétablir les relations entre les deux camps en août 2016 et la région sécessionniste continue à affirmer son indépendance, dans le but probable toutefois de s'assurer, à terme, une meilleure représentation au sein de l'administration provisoire du Sud-Ouest.

61. L'administration provisoire de Djouba, à dominante Ogaden (clan Darod), a accompli des progrès tangibles en ce qui concerne l'intégration des représentants du clan Marihan (clan Darod) à sa nouvelle assemblée régionale et à son conseil des ministres, suite à une tentative de réconciliation entre les deux camps qui avait eu un certain succès, en mars 2015. Elle reste cependant, à la date de la rédaction du présent rapport, la seule administration aspirant au statut d'État membre de la fédération dont une région tout entière, le Moyen-Djouba, est encore sous l'emprise des Chabab. L'administration est excessivement tributaire des revenus – en baisse – du commerce illégal du charbon pour assurer sa stabilité politique et rémunérer ses forces de sécurité dans la région de Ras-Kamboni. Elle pourrait bientôt voir son autorité mise à mal à Kismayo, qui est historiquement une des villes les plus disputées du pays, si elle ne parvient pas à diversifier ses sources de revenus ou à obtenir une aide extérieure plus importante³².

62. À la date de la rédaction du présent rapport, la mise en place de la dernière administration régionale somalienne, qui doit regrouper les régions d'Hiran et du Moyen-Chébéli, était toujours en cours bien qu'elle ait commencé lors du précédent mandat du Groupe de contrôle. Les désaccords entre les clans dominants de la région quant à l'emplacement de la conférence sur l'édification de l'État et sur la question de savoir quel clan assumerait la présidence de la nouvelle administration ont incité diverses parties prenantes à se retirer des négociations et ont considérablement ralenti le processus d'édification. Le Groupe a reçu de multiples rapports indiquant des tentatives de manipulation du processus de la part du Gouvernement fédéral, comme cela avait été le cas lors de la création de l'administration provisoire de Galmudug. À la date de rédaction du présent rapport, et malgré les efforts déployés pour relancer l'organisation de la conférence de Johar, des informations reçues donnent à penser que les chefs de clan de la région d'Hiran feront tout pour continuer à ralentir le processus jusqu'après les prochaines élections présidentielles (voir annexe 3.1).

63. Après avoir presque entièrement ignoré la question de la transition politique en 2016 durant les trois premières années de son mandat, le Gouvernement fédéral a fini par reconnaître qu'il serait impossible d'organiser, en octobre 2016, des élections démocratiques suivant le principe «une personne, une voix». Les négociations sur le sujet de la transition politique qui se sont déroulées durant l'année qui a suivi ont été dominées par les dirigeants du Gouvernement fédéral et des administrations régionales en place – à l'exclusion de celle du Somaliland – regroupés au sein du Forum national des dirigeants, dans un espace politique toujours plus restreint.

64. La société civile a été largement exclue du processus, et des groupes d'opposition se sont fréquemment plaints de tentatives entreprises pour entraver le débat politique. Le Groupe de contrôle a reçu des informations indiquant que les médias ont reçu des menaces tendant à les dissuader de critiquer le processus de transition, ou soudoyés pour qu'ils soutiennent des dirigeants sortants lors de la

³² Voir la section VI ci-après pour plus d'informations sur le commerce du charbon au niveau local.

campagne électorale³³. Au moment où la reprise de la « formule 4,5 » pour la sélection des membres de la chambre basse du Parlement fait débat, le Groupe a reçu de multiples informations selon lesquelles on aurait tenté de manipuler la liste des 135 « chefs de clan » chargés de sa mise en place. Le Groupe craint, alors que de plus en plus de communautés se retirent du projet d'ensemble de renforcement de l'État, que le risque de conflits intercommunautaires n'augmente si les élections devaient être perçues comme illégitimes, en particulier dans le cas où un membre du Forum national des dirigeants accéderait au pouvoir (voir annexe 3.2).

D. Gestion des finances publiques et détournements

Gestion des finances publiques

65. Les inégalités dans la distribution des ressources, la corruption et l'incapacité du Gouvernement fédéral d'augmenter ses revenus pour pouvoir offrir des services de sécurité de base contribuent à entretenir le climat d'instabilité en Somalie. Les initiatives prises par la Banque centrale de Somalie pour structurer et réguler l'économie nationale ont donné de modestes résultats mais n'ont pas empêché le pays de s'isoler plus encore des marchés financiers mondiaux. La Somalie reste un des pays les plus pauvres, et le plus corrompu, du monde : sa dette nationale est supérieure à son produit intérieur brut et ses institutions budgétaires, inefficaces, entravent le fonctionnement du Gouvernement fédéral³⁴. Les six banques commerciales sous licence de la Banque centrale n'opèrent qu'en zones urbaines, bien que leurs licences aient été délivrées à la condition qu'elles offrent leurs services en zones rurales³⁵. Le Gouverneur de la Banque centrale considère l'incapacité des banques de proposer des prêts aux entreprises comme le plus grand obstacle à la croissance économique de la Somalie³⁶.

66. L'économie somalienne repose encore largement sur l'utilisation d'argent liquide et toutes les transactions importantes se font en dollars des États-Unis. Des shillings somaliens ont été émis pour la dernière fois en 1990, et la vaste majorité des billets en circulation aujourd'hui sont faux. Néanmoins, le taux de change de cette monnaie est resté étonnamment stable : entre 23 400 et 23 600 shillings somaliens pour 1 dollar des États-Unis. Cependant, la flambée des prix des produits de base a provoqué des manifestations violentes au début du mois de mai 2016 à Garowe et à Bossasso. Une inflation au niveau local a éclaté après que des faux billets ont été émis, à l'aide d'une presse située au sein de la banque d'État du Puntland à Bossasso, pour payer les arriérés de salaires des fonctionnaires et des forces de sécurité. Le taux de change s'en est ressenti, se hissant, en mai, à 30 000 shillings somaliens pour 1 dollar. Les manifestations ont progressivement cessé

³³ Entretiens avec des candidats à la présidence et des membres de l'Équipe chargée d'organiser les élections indirectes au niveau fédéral à Nairobi et Mogadiscio, juillet et août 2016.

³⁴ Produit intérieur brut : 5,4 milliards de dollars des États-Unis; dette nationale : 5,6 milliards de dollars; Division de statistique (2014) : 191/191 au classement des pays par richesse, Groupe de la Banque mondiale (2015) : 172/183. Les envois de fonds non pris en compte dans ces statistiques relèvent le revenu par habitant de 20 % à 40 %. La Somalie et la République populaire démocratique de Corée se sont toutes deux vu attribuer un score de 8/100 par Transparency International dans son Indice de perception de la corruption en 2015.

³⁵ Ces six banques sont les suivantes : Groupe Amal Bank, Dahabshil Bank International, International Bank of Somalia, Salaam Somali Bank, Premier Bank et Trust African Bank.

³⁶ Entretien avec le Gouverneur de la Banque centrale, Bashir Issa Ali, Nairobi, mai 2016.

après la mise en place d'un taux de change fixe par les autorités locales³⁷ (voir annexe 4.1).

67. Les faux dollars des États-Unis en circulation continuent à compromettre la stabilité financière de la Somalie. Bien que les faux billets soient de mauvaise qualité, ils ont été utilisés avec succès dans le cadre d'activités criminelles. En août 2016, le directeur des opérations et un guichetier de la Banque centrale ont réussi à détourner 530 000 dollars en remplaçant d'authentiques billets de 100 dollars qui se trouvaient dans la salle des coffres par des faux (voir annexe 4.2).

68. En mai 2016 à Kampala, des représentants de la Banque centrale de Somalie et du Fonds monétaire international ont entamé des négociations au sujet de la réforme monétaire du shilling somalien. Si le Groupe de contrôle salue les efforts faits par la Banque centrale et reconnaît l'utilité potentielle de la réforme monétaire pour stimuler et structurer l'économie somalienne, le calendrier annoncé, qui prévoit l'émission de monnaie dès le début de l'année 2017, semble trop optimiste³⁸. Le Fonds a déclaré qu'il n'appuierait pas le processus financièrement, ce qui forcerait le Gouvernement fédéral à assumer seul le coût de la réforme, estimé à 45 millions de dollars³⁹.

69. La diaspora somalienne a envoyé au moins 1,2 milliard de dollars vers la Somalie en 2015 par le biais d'officines du réseau parabancaire *hawala*⁴⁰. Au cours du mandat, le Groupe de contrôle s'est entretenu avec de nombreux agents du système *hawala* pour évaluer les outils de mise en conformité et de surveillance des transactions⁴¹. L'envoi de fonds depuis l'étranger reste une source vitale de revenus pour de nombreux Somaliens, en particulier pour les habitants des zones rurales. Néanmoins, le manque de volonté dont font preuve les officines du réseau *hawala* et des agents du système concernant la mise en place de mécanismes de surveillance et de mesures élémentaires de vigilance, en contraste avec les régulateurs internationaux qui continuent à prendre de nouvelles dispositions, a poussé de nombreuses banques internationales à fermer des comptes *hawala*. Suite à des campagnes soutenues menées pour permettre aux envois de fonds depuis l'étranger de continuer, certaines banques ont accepté de continuer à collaborer avec certaines de ces officines.

70. Les entretiens et enquêtes menés par le Groupe de contrôle ont dévoilé certaines lacunes dans la capacité des autorités somaliennes de geler les avoirs d'individus et d'entités inscrits sur la liste des sanctions. Les agents du système *hawala* ne possèdent pas toujours les outils de surveillance appropriés, ou décident tout simplement de ne pas les utiliser. Un autre problème grave est que les *hawaladar* qui remettent les sommes envoyées en Somalie à leurs destinataires ne connaissent pas leurs clients. Il arrive qu'ils demandent à vérifier une pièce

³⁷ Achat à 23 600 shillings somaliens pour un dollar, vente à 23 400 shillings somaliens pour un dollar.

³⁸ Voir Felix Njini (en anglais), *Somalia intends to print its own currency by early next year*, Bloomberg, 27 mai 2016. Disponible sur www.bloomberg.com/news/articles/2016-05-27/somalia-intends-to-print-its-own-currency-by-early-next-year.

³⁹ Entretiens avec les représentants du Gouvernement fédéral, Nairobi, 13 août 2016.

⁴⁰ Voir Groupe de la Banque mondiale (en anglais), *Somalia economic update: October 2015*. Disponible sur www.worldbank.org/content/dam/Worldbank/document/Africa/Somalia/somalia-economic-update-october-2015.pdf.

⁴¹ Entretiens menés entre février et juin 2016 à Doubaï, Mogadiscio, Helsinki, Londres, Stockholm et dans le Minnesota (États-Unis).

d'identité, mais ils remettent tout de même systématiquement l'argent transféré au porteur du téléphone dont le numéro est indiqué par l'envoyeur, quel que soit son nom. Les variantes dans l'orthographe du nom des clients et le manque de papiers d'identité fiables font que la plupart des transactions s'opèrent sur la seule base du numéro de téléphone du destinataire. Le Groupe estime que cette méthode a un impact négatif majeur sur la mise en place des gels d'avoirs imposés par le Conseil de sécurité⁴².

71. La cellule de renseignement financier somalienne, le Centre d'information financière, a été fondé au début de 2016. Composée de deux personnes, la cellule est un organe indépendant qui travaille depuis les locaux de la Banque centrale. Sa mission est définie dans la loi sur la lutte contre le blanchiment d'argent et le financement du terrorisme, signée par le Président, en mai 2016, pour répondre à la plupart des exigences du Groupe d'action financière⁴³. Elle comporte, de plus, des articles traitant de la déclaration de devises aux frontières, du gel des avoirs ainsi que de la création d'une cellule de renseignement financier et d'une commission nationale pour la lutte contre le blanchiment d'argent et le financement du terrorisme. Bien que l'adoption de cette loi et la création du Centre représentent une évolution positive, le Groupe de contrôle s'inquiète des multiples problèmes qui viendront probablement entraver la mise en œuvre de cette nouvelle législation – notamment, une pénurie de ressources et de capacités institutionnelles, l'absence de réseaux de coopération au niveau international et un potentiel manque de coopération dans l'application de ces mesures de la part des futures entités déclarantes, telles que les officines du réseau *hawala* ou autres services informels de transmission de fonds ou de valeurs. Le Groupe s'inquiète également de la modification apportée lors de la rédaction de la version finale de l'instrument, qui prévoit la nomination du Ministre des finances plutôt que du Gouverneur de la Banque centrale au poste de président de la commission pour la lutte contre le blanchiment d'argent et le financement du terrorisme – ce qui crée un conflit d'intérêts évident, le Ministère des finances faisant partie des futures entités déclarantes.

Contrats publics et concessions

72. Une nouvelle loi sur la passation des marchés publics, les concessions et les cessions, signée par le Président en août 2016, prévoit la création de nouvelles institutions publiques destinées à améliorer la transparence. D'après les réglementations en place, tout contrat dont la valeur dépasse 5 millions de dollars doit être rendu public, approuvé par le Conseil national provisoire de passation des marchés et soumis, pour examen, au Comité de la gouvernance financière. Le

⁴² Bien que la liste des personnes et entités frappées de sanctions contienne des éléments d'identification comprenant nom et nom de guerre, ces derniers ne sont pas suffisants pour appliquer efficacement le gel des avoirs des personnes visées. De plus, les sociétés de transfert de fonds et services monétaires mobiles ne prennent pas les dispositions nécessaires pour appliquer les mesures de gel des avoirs.

⁴³ Organe intergouvernemental chargé d'élaborer des normes et de promouvoir la mise en application effective des mesures juridiques, opérationnelles et réglementaires prises pour lutter contre le blanchiment d'argent et contre le financement du terrorisme. La Somalie ne fait pas partie du Groupe d'action financière ni de son organe subsidiaire, le Groupe antiblanchiment de l'Afrique orientale et australe.

Groupe de contrôle a constaté que certains nouveaux contrats publics ne respectaient pas ces règles.

73. Le Groupe de contrôle a appris que, le 15 septembre 2015, le Ministre des finances, Mohamed Aden Ibrahim, a signé avec Smart Company for Public Services (SMART) un accord pour la concession de la collecte des taxes de voirie en Somalie. En avril 2016, le Ministre a ouvert un compte à la Salaam Bank pour y déposer les impôts collectés par SMART, bien que, selon la loi somalienne, toutes les recettes de ce type doivent être déposées à la Banque centrale. Lorsque le Vérificateur général des comptes, Nur Farah Jimale, est intervenu, M. Ibrahim a autorisé les agents de SMART à collecter directement des impôts (voir annexe 4.3, fig. 1, 2, 4 et 6).

74. Le 22 juillet 2016, M. Ibrahim a adressé une lettre à Modern Technologies Inc. autorisant l'entreprise à percevoir des impôts. Le contrat a été signé au nom de l'entreprise par Mohamed Hersi Farah, ou « Suldan » (voir *ibid.*, fig. 7 et 8).

75. Le Groupe de contrôle s'inquiète également de l'opacité des contrats publics passés entre le Gouvernement fédéral et deux entreprises turques chargées de l'exploitation du port de Mogadiscio et de l'aéroport international Aden Adde. Le contrat pour l'exploitation du port, qui a été renégocié en mars 2016 par le Ministre des finances et Albayrak Turizm Insaat Ticaret A.S., conduit à s'interroger sur l'efficacité de la façon dont le Gouvernement fédéral produit des revenus (voir *ibid.*, fig. 14)⁴⁴. Le contrat pour la gestion de l'aéroport conclu entre le Gouvernement fédéral et Favori LLC apparaît comme un autre exemple de contrat rédigé avec une rigueur insuffisante, permettant à une entreprise privée d'en exploiter les imprécisions⁴⁵.

76. On trouvera à l'annexe 4.4 des informations concernant un contrat abandonné entre le Gouvernement fédéral et Chinook Urban Mining International.

Secteur des télécommunications

77. Le marché des télécommunications, qui est très compétitif, est dominé par Hormuud Telecom, qui opère en Somalie centrale et australe⁴⁶. Hormuud possède une part de marché de 45 % dans le pays, emploie plus de 6 000 personnes et compte plus de 5 000 actionnaires. L'entreprise fait également partie d'un consortium opérant dans le Somaliland et dans le Puntland.

78. Une mauvaise réglementation des activités des entreprises de télécommunication, y compris celles des services de transmission de fonds, pourrait mettre en péril la paix et la sécurité en Somalie. Les Chabab sont payés principalement par le biais du service de transfert de fonds EVC-PLUS de Hormuud⁴⁷. D'après des sources proches du Gouvernement fédéral, Hormuud refuse

⁴⁴ Le contrat permet à l'entreprise de facturer 60 000 dollars par mois au titre de la fourniture de services de sécurité, qui sont pourtant assurés par les services de maintien de l'ordre somaliens.

⁴⁵ Le Comité de la gouvernance financière a recommandé la renégociation du contrat à de multiples occasions; le Parlement fédéral a officiellement décrié le processus de sélection de l'entreprise le 27 mai 2014, mais le Gouvernement fédéral n'a pas suivi ces recommandations.

⁴⁶ Hormuud a été sanctionné en 2012 par le Bureau américain du contrôle des avoirs étrangers. Son actionnaire principal, Nur Jim'ale, a été sanctionné par l'ONU pour ses liens supposés avec les Chabab. Les deux sanctions ont été levées en 2014.

⁴⁷ Entretiens avec des Chabab faits prisonniers, Mogadiscio, février 2016.

de coopérer et de révéler des informations concernant l'historique des transactions effectuées à l'aide de son service de transfert de fonds (voir annexe 4.5).

Appropriation des terres domaniales

79. Le Groupe de contrôle a recensé, entre 2014 et 2016, de multiples situations dans lesquelles des terres domaniales ont été appropriées avant d'être revendues à des particuliers à Mogadiscio. Des terres domaniales appartenant historiquement à divers ministères ont été vendues à des particuliers par l'Administration régionale de Banadir, au moins depuis que Hassan Mohamed Hussein « Mungaab » a pris ses fonctions de Gouverneur de la région en février 2014. Il a été abondamment rapporté que celui-ci a profité directement de la vente de terres domaniales à des particuliers durant son mandat au sein de l'Administration⁴⁸.

80. Le 28 juillet 2016, le Premier Ministre, Omar Abdirashid Ali Sharmarke, a promulgué un décret portant création d'un comité de protection des biens de l'État chargé de collecter des données sur les propriétés appartenant aux ministères et aux organes qui en dépendent et sur les terres domaniales illégalement acquises. Ce décret, adressé à tous les membres du Cabinet, au Procureur général, au Président de l'Assemblée et au Bureau du Président, ordonne aux ministères et organes qui en dépendent de cesser de délivrer des autorisations de vente ou de location à bail de terres domaniales avant vérification préalable des termes du contrat par le Bureau du Premier Ministre et approbation par le Cabinet⁴⁹.

81. On trouvera à l'annexe 4.6 un complément d'information sur l'appropriation de terres domaniales à Mogadiscio ainsi que les preuves collectées.

E. Ressources naturelles

82. L'exploitation des ressources naturelles continue d'entraîner des risques pour la paix et la sécurité en Somalie. Dans son rapport précédent, le Groupe de contrôle a relevé avec inquiétude une intensification des conflits intercommunautaires autour de l'accès aux terres et à l'eau dans toutes les régions (S/2015/801, par. 30 à 32). Ce risque persiste, en particulier dans le sud du pays où le rapatriement des réfugiés, suite à la décision prise par les autorités kényanes de fermer le camp de Dadab, pourrait aggraver la surexploitation de ressources peu abondantes. Pour financer le conflit, les Chabab recourent de plus en plus au prélèvement de taxes sur le commerce illicite du sucre, la production agricole et le bétail, en particulier lorsque le charbon de bois rapporte moins. En ce qui concerne la gestion des ressources naturelles, des progrès ont certes été faits dans les secteurs pétrolier et gazier, mais le cadre réglementaire et les instances d'exécution n'ont toujours pas été mis en place. Dernier point, un différend concernant la frontière maritime oppose toujours le Kenya et la Somalie, et les droits d'exploitation des réserves pétrolières et gazières considérables sont en jeu. L'issue du différend, quelle qu'elle soit, pourrait

⁴⁸ Entretiens avec d'anciens fonctionnaires de l'Administration régionale de Banadir avec des fonctionnaires travaillant ou ayant travaillé pour le Gouvernement fédéral et avec des membres du personnel d'organismes internationaux, menés à Mogadiscio et Nairobi entre décembre 2015 et août 2016. Le 11 août 2016, « Mungaab » a officiellement été nommé Ministre de la justice.

⁴⁹ Le Gouvernement fédéral a remis au Groupe de contrôle une copie du décret, qui peut être consultée dans les archives du Secrétariat.

avoir d'importantes conséquences sur les relations entre les deux pays et, partant, sur la paix et la sécurité dans la région.

Financement des Chabab

83. Durant la période couverte par le mandat, les Chabab ont de plus en plus cherché à obtenir des revenus en taxant le commerce illicite de sucre, la production agricole et le bétail, en particulier parce que le charbon de bois rapporte moins. Dans son rapport précédent, le Groupe de contrôle a estimé qu'ils tiraient des revenus de leurs postes de contrôle installés dans le sud de la Somalie en prélevant une taxe sur le sucre entrant illégalement au Kenya depuis le port de Kismayo, à raison de 1 000 dollars par camion, mais de nouvelles informations donnent à penser que la taxe exigée à présent pour les gros camions civils dans le Bas-Djouba a été portée à 1 500 dollars par camion (voir [S/2015/801](#), par. 93 et 94)⁵⁰. Selon une source, le volume du commerce illicite de sucre atteindrait jusqu'à 230 camions par semaine⁵¹, ce qui pourrait rapporter aux Chabab de 12 à 18 millions de dollars par an. Dans son rapport précédent, le Groupe de contrôle a indiqué que, selon l'Agence nationale de renseignement et de sécurité, les Chabab auraient gagné 9,5 millions de dollars en taxant la production agricole dans la vallée du Djouba (voir [S/2015/801](#), note 56). Par ailleurs, le bétail, qui représentait 40 % du produit intérieur brut (PIB) de la Somalie et 384 millions de dollars d'exportations en 2015, constitue probablement une source de recettes importante pour les Chabab⁵². Mais leurs méthodes de collecte de plus en plus brutales dans les régions d'élevage du Moyen-Chébéli, de Galgadoud et de Modoug, se sont heurtées à la résistance locale et ont entraîné de nombreux affrontements armés avec les civils et les milices claniques, ce qui donne à penser que la capacité du groupe à extorquer des fonds aux populations locales a ses limites⁵³.

Gestion des ressources naturelles : le pétrole

84. À une réunion avec le Groupe de contrôle le 2 février 2016, le Ministre du pétrole et des ressources minérales a indiqué les trois grandes priorités pour 2016 : conclure un accord de partage des recettes provenant des ressources naturelles entre le Gouvernement fédéral et les régions, élaborer un contrat type de partage de la production, et constituer un registre central des concessions en Somalie qui datent d'avant la cessation des activités pour cause de force majeure en 1991. Avec l'aide de la Banque mondiale et de la Facilité africaine de soutien juridique de la Banque africaine de développement, un nouveau contrat type de partage de la production a pu être établi et a été présenté au Comité de la gouvernance financière pour examen confidentiel, examen qui n'était pas encore terminé au moment de l'établissement

⁵⁰ Communication par courriel d'un membre du personnel de l'ONU, 1^{er} juin 2016.

⁵¹ Voir Journalists for Justice, « Black and white: Kenya's criminal racket in Somalia » (Nairobi, 2015). Disponible à l'adresse www.jfjustice.net/downloads/1457660562.pdf.

⁵² Voir Organisation des Nations Unies pour l'alimentation et l'agriculture, « Somalia exports 5.3 million animals, 6 per cent growth in 2015 », 14 avril 2016. Disponible à l'adresse <http://www.fao.org/somalia/news/detail-events/en/c/410266/>.

⁵³ Voir Cedric Barnes, « Somalia's Al-Shabaab down but far from out », 27 juin 2016, disponible à l'adresse <http://blog.crisisgroup.org/africa/somalia/2016/06/17/somalias-al-shabaab-down-but-far-from-out/>; « Minister: 22 killed as residents, Al-Shabaab clash over Zakah », Shabelle News, 22 février 2016, disponible à l'adresse suivante : www.shabellenews.com; et « Locals clash with Al-Shabaab over alms collection, 4 people killed », Goobjoog News, 11 mai 2016, disponible à l'adresse <http://goobjoog.com>.

du présent rapport. En ce qui concerne le partage des recettes, s'il est vrai qu'un accord général n'a pas été établi, le Gouvernement fédéral somalien a néanmoins conclu des accords bilatéraux de partage des recettes pétrolières avec l'administration provisoire de Galmudug et l'administration provisoire du Sud-Ouest, mais pas avec l'administration provisoire de Djouba et le Puntland⁵⁴. La constitution du registre central des concessions pétrolières a quant à elle peu progressé.

Relations entre le Gouvernement fédéral et les régions

85. L'une des sources de désaccord possibles dans l'industrie pétrolière somalienne est l'absence d'entente claire entre le Gouvernement fédéral et les régions quant au partage des recettes et aux droits de mise en valeur. Le 5 septembre 2015, un contrat de prospection sismique en mer a été signé par le Gouvernement fédéral avec Spectrum ASA (voir annexe 5.1)⁵⁵. L'administration provisoire de Djouba et le Puntland, qui n'ont pas conclu d'accords de partage des recettes pétrolières avec le Gouvernement fédéral, ont exprimé leur ferme désaccord. Dans une lettre datée du 24 décembre 2015 adressée au Vice-Président Directeur de Spectrum, Graham Mayhew, le Directeur général par intérim de la Jubbaland Petroleum Agency, Abdi A. Raghe, a affirmé que les opérations de prospection sismique effectuées sans l'autorisation de l'administration provisoire de Djouba entraîneraient de graves conséquences, notamment la saisie des navires sismiques et la détention de leur personnel⁵⁶. De la même manière, dans une déclaration à la presse du 18 février 2016, le Directeur général de la Puntland Petroleum and Minerals Agency, Issa Mohamud Farah, a prévenu que les forces de sécurité du Puntland arraisonneraient tous les navires des sociétés susmentionnées qui entreraient illégalement dans les eaux du Puntland et arrêteraient leur équipage. Ces conflits résultent en partie de l'ambiguïté qui entoure l'attribution des droits et des obligations concernant la mise en valeur des ressources naturelles, et notamment des contradictions entre la loi sur le pétrole (2008) et la Constitution provisoire de 2012.

Soma Oil & Gas Holdings Limited

86. Durant son mandat précédent, le Groupe de contrôle a mené une enquête poussée sur la société Soma Oil & Gas Holdings Limited (Soma), pour corruption et atteintes aux institutions de l'État au moyen de pots-de-vin versés par l'intermédiaire du programme de renforcement des capacités du Ministère du pétrole et des ressources minérales (voir [S/2015/801](#), par. 48 à 51 et annexe 2.5). Sur la base des premiers éléments de preuve fournis par le Groupe de contrôle, le Serious Fraud Office (SFO) du Royaume-Uni a engagé, le 31 juillet 2015, des procédures contre la Soma sur des allégations de corruption en Somalie. Le 17 août 2016, la Soma a été déboutée de sa demande de contrôle juridictionnel accéléré.

⁵⁴ Dans une réponse à une lettre du Groupe de contrôle, datée du 22 août 2016 ([S/AC.29/2016/SEMG/OC.82](#)), le Ministère du pétrole et des ressources minérales a transmis les textes des accords de partage des recettes pétrolières conclus avec les administrations provisoires de Galmudug et du Sud-Ouest.

⁵⁵ Voir également Spectrum, « Spectrum signs seismic data agreement to kick-start oil exploration offshore Somalia », 7 septembre 2015. Disponible à l'adresse www.spectrumgeo.com/press-release/ground-breaking-seismic-data-agreement-to-kick-start-oil-exploration-offshore-somalia.

⁵⁶ Le texte de la lettre est consultable à l'adresse <http://jubalandtv.com/wp-content/uploads/2015/12/Protest-Letter-to-Spectrum-.pdf> (consultée le 16 septembre 2016).

Elle avait essayé de faire clore l'enquête au motif que sa survie même était en jeu et qu'elle risquait l'insolvabilité avant la fin des investigations. Au cours du contrôle juridictionnel, le SFO a révélé que depuis décembre 2015, il menait également une enquête sur la Soma pour des actes de délinquance graves autres que le programme de renforcement des capacités⁵⁷.

87. Parallèlement, du 25 au 28 juillet 2016, la Soma et le Ministère du pétrole et des ressources minérales ont entamé à Nairobi les premières négociations sur un contrat de partage de la production prévoyant l'exploration et la mise en valeur d'au moins huit blocs. Le 22 août, le Groupe de contrôle a adressé au Ministère une lettre exprimant sa préoccupation devant le fait que le cadre réglementaire et les institutions d'exécution requis en matière de prospection et de mise en valeur des ressources pétrolières n'avaient toujours pas été établis. Il fallait aussi achever l'élaboration du contrat type de partage de production, mettre la loi sur le pétrole en conformité avec la Constitution provisoire, établir un accord général de partage des recettes et créer des institutions techniques, en particulier une direction des hydrocarbures, chargées de veiller à l'application des accords de partage de la production. Le Groupe de contrôle a également noté avec préoccupation que la Soma faisait toujours l'objet d'une enquête pénale (voir [S/AC.29/2016/SEMG/OC.82](#)). Dans une réponse reçue par le Groupe de contrôle le 26 août, le Ministère a reconnu qu'il manquait de personnel technique, notamment un ingénieur économiste et un négociateur de contrats, pour négocier les contrats de prospection et de mise en valeur des ressources pétrolières, et a indiqué qu'il avait sollicité une aide supplémentaire de la Banque mondiale. Le 5 septembre, le Président a émis un décret présidentiel stipulant qu'aucun nouveau contrat ne serait conclu par le Gouvernement fédéral jusqu'aux prochaines élections, reportant ce faisant les négociations avec la Soma.

Différend maritime entre le Kenya et la Somalie

88. Comme le Groupe de contrôle l'a indiqué dans son rapport de 2013, le différend concernant la frontière maritime entre le Kenya et la Somalie pourrait avoir de graves incidences sur la paix et la sécurité régionales. La zone contestée, territoire de forme triangulaire d'environ 100 000 kilomètres carrés situé dans l'océan Indien, présente un fort potentiel commercial car il est riche en pétrole et en gaz. Le Kenya affirme que le tracé de la frontière maritime devrait longer un parallèle (situé entre 1 et 2 degrés sud), tandis que la Somalie soutient qu'il devrait partir de la côte en direction du sud-est dans le prolongement de la frontière terrestre. Le Kenya invoque à l'appui de sa position un mémorandum d'accord entre les deux pays, signé en avril 2009 par le Gouvernement fédéral de transition. Le Parlement somalien n'a toutefois pas ratifié ce document qui a été déclaré « non exécutable » par l'Organisation des Nations Unies en mars 2010. En 2012, le Kenya a autorisé des compagnies pétrolières internationales comme Anadarko Petroleum Corporation, Total et Eni à prospecter dans la zone maritime contestée (voir [S/2013/413](#), annexe 5.5, par. 27 à 30, et annexe 5.5.k).

89. Comme les négociations diplomatiques visant à régler le différend maritime semblaient échouer – le Gouvernement fédéral ayant dénoncé la délivrance par le

⁵⁷ Voir Suzi Ring, « Soma loses U.K. court bid to force SFO to end bribery probe », *Bloomberg*, 17 août 2016. Disponible à l'adresse www.bloomberg.com/news/articles/2016-08-17/soma-loses-u-k-court-bid-to-force-sfo-to-end-corruption-probe.

Kenya de permis de prospection dans le territoire contesté – la Somalie a porté l'affaire devant la Cour internationale de Justice (CIJ) le 28 août 2014. Des exceptions préliminaires ont été soulevées par le Kenya le 7 octobre 2015. Dans une déclaration, le Procureur général a explicitement relié l'affaire du différend maritime à d'autres questions bilatérales. Il a affirmé que les soldats kényans avaient combattu les Chabab, que des citoyens kényans avaient été victimes d'attaques terroristes, que depuis près de vingt-cinq ans le Kenya accueillait plus d'un demi-million de réfugiés somaliens et qu'il pouvait à tout le moins attendre de la part de la Somalie qu'elle honore ses accords bilatéraux⁵⁸. Une audience publique a été programmée à la Cour internationale pour les dates du 19 au 23 septembre 2016.

III. Obstruction de l'assistance humanitaire

A. Accès humanitaire⁵⁹

90. Au paragraphe 22 de sa résolution 2244 (2015), le Conseil de sécurité a exigé de nouveau que toutes les parties autorisent et facilitent pleinement la fourniture en toute sécurité et liberté de l'aide aux personnes qui en ont besoin dans toute la Somalie. Cependant, au début de 2016, les organismes humanitaires partenaires se heurtaient encore à de graves difficultés qui les empêchaient d'acheminer de l'aide à 28 districts dans le sud et le centre de la Somalie⁶⁰. Les principaux obstacles étaient créés par les Chabab, qui imposaient des blocus économiques, en particulier dans les régions du Bakool, Bay, Gedo et Hiran, assiégeant les villes et les zones contrôlées par les forces anti-Chabab et empêchant la circulation des biens et des personnes, y compris des agents et des fournitures humanitaires⁶¹. D'autres acteurs armés étatiques et non étatiques ont également contribué aux difficultés, les principaux axes de ravitaillement devenant de plus en plus impraticables en raison d'une prolifération de postes de contrôle illégaux favorisée par la fragmentation du secteur de la sécurité, les luttes de pouvoir et la faiblesse des structures de commandement et de contrôle (voir annexe 6.1).

91. Comme le Groupe de contrôle l'a signalé en 2015, des obstacles bureaucratiques relevant de l'obstruction humanitaire sont restés présents à tous les échelons de pouvoir et dans tout le pays, aggravés encore par l'incapacité du Gouvernement fédéral d'exercer un contrôle centralisé sur l'encadrement réglementaire des opérations humanitaires aux niveaux des régions et des districts (voir S/2015/801, annexe 5.2, et annexe 6.1 du présent rapport). Le nombre

⁵⁸ Voir Koome Kimonye, « Kenya challenges Somalia's case on Indian Ocean boundary », 7 octobre 2015, disponible à l'adresse <http://citizentv.co.ke/news/kenya-challenges-somalias-case-on-indian-ocean-boundaries-102623/>; et Olive Burrows, « Somalia thankless, AG says over maritime boundary row », 8 octobre 2015, disponible à l'adresse www.capitalfm.co.ke/news/2015/10/somalia-thankless-ag-says-over-maritime-boundary-row/.

⁵⁹ Le refus d'accès humanitaire consiste à bloquer le libre passage ou l'acheminement rapide de l'aide humanitaire aux personnes qui en ont besoin et à lancer délibérément des attaques contre des agents humanitaires.

⁶⁰ Voir le bulletin sur la Somalie publié le 28 juillet 2016 par le Bureau de la coordination des affaires humanitaires. Il y a 90 districts en Somalie.

⁶¹ Entretien avec le Gouverneur de la région de Bay, Baidoa, 3 mars 2016. Entretiens avec des agents humanitaires, Mogadiscio, de mars à août 2016. Voir analyse dans l'annexe 6.1.

d'incidents causés par l'imposition de ces entraves a augmenté durant la période considérée en raison de la multiplication des acteurs – notamment les services de sécurité – qui cherchaient à régenter tous les aspects des opérations humanitaires. Cette ingérence a causé des retards et des interruptions dans l'acheminement de l'aide, et l'a complètement bloqué en certains endroits.

B. Attaques contre des agents humanitaires

92. Le nombre d'attaques perpétrées contre des agents humanitaires en Somalie a doublé entre 2014 et 2015, et le bilan a été de 17 morts⁶². Toutefois, durant la période considérée, le nombre d'agents humanitaires ayant perdu la vie lors d'opérations humanitaires a diminué, aucune attaque hautement meurtrière n'ayant été commise⁶³. Néanmoins, le nombre d'atteintes à la sécurité des agents humanitaires a fortement augmenté depuis le mandat précédent, ce qui met gravement en danger l'ensemble des opérations humanitaires⁶⁴. L'intensification générale de la violence armée contre les civils a touché également les agents humanitaires (voir annexe 6.2). Bien que les humanitaires aient été exposés quotidiennement aux attaques, aux menaces et au harcèlement de la part de toutes les parties au conflit et des acteurs politiques et gouvernementaux, la plupart des attaques meurtrières délibérément dirigées contre eux ont été le fait des Chabab.

C. Détournement de l'aide humanitaire

93. Un nombre croissant d'acteurs, en particulier régionaux, ont cherché à instrumentaliser l'action et les agents humanitaires à des fins politiques ou économiques, d'où la nécessité de négocier constamment. Une fois de plus, le Groupe de contrôle a appris au cours de la période considérée que l'aide humanitaire était détournée par des acteurs à tous les stades du cycle de distribution, depuis les intermédiaires désignés des donateurs jusqu'aux fournisseurs, en passant par les autorités officielles et les responsables locaux. Dans certains endroits, un petit réseau d'individus – voire un individu – a acquis une emprise tellement forte sur les opérations humanitaires en monopolisant le pouvoir politique, les finances et l'usage de la force qu'on a pu parler de cartel criminel⁶⁵. Il semblerait que le processus électoral, qui fait l'objet de tractations hautement sensibles autour des enjeux de pouvoir et de ressources, a intensifié les tentatives de détournement de l'aide humanitaire, en particulier dans le cadre des interactions entre les autorités régionales et les organisations humanitaires. La distribution de l'aide bilatérale, par exemple, a continué d'être particulièrement exposée aux manipulations (voir annexe 6.3).

⁶² Courriel du personnel de l'Organisation des Nations Unies, 29 janvier 2016.

⁶³ Le 20 avril 2015, six personnes ont été tuées dans un attentat-suicide à l'engin explosif improvisé contre un minibus du Fonds des Nations Unies pour l'enfance à Garowe.

⁶⁴ Selon l'Organisation des Nations Unies, plus de 80 atteintes à la sécurité des agents humanitaires ont été enregistrées au premier semestre de 2016. Le bilan a été de 5 morts, 8 blessés, 10 arrestations, 3 enlèvements et 5 agressions physiques. Voir le bulletin sur la Somalie publié le 28 juillet 2016 par le Bureau de la coordination des affaires humanitaires.

⁶⁵ Voir analyse du cartel opérant à Dolo dans l'annexe 7.8. Johar et Beledweyne sont les sites d'opérations de réseaux analogues, mais celui de Dolo est l'un des plus soudés et puissants, tant par l'étendue de son contrôle que par sa capacité de l'imposer par l'usage de la force.

94. Dans le même temps, l'Organisation des Nations Unies et les organisations non gouvernementales ont encore amélioré les méthodes de contrôle de la distribution de l'aide en faisant intervenir des centres d'appel, l'imagerie satellitaire, l'évaluation électronique des dossiers et l'enregistrement biométrique des bénéficiaires, et en ajoutant d'autres conditions à remplir⁶⁶. Des efforts ont été faits pour examiner le système d'aide humanitaire somalien comme un tout – sous ses aspects social, culturel, politique et économique –, qui a fait du détournement un élément intrinsèque du modèle de fonctionnement⁶⁷. Des progrès ont été accomplis par certains organismes des Nations Unies sur la question très difficile de savoir comment agir une fois que la fraude a été découverte (voir *ibid.*)⁶⁸. Cela étant, les malfaiteurs déterminés ont su très bien s'adapter : des éléments des nouveaux dispositifs de surveillance des risques ont été subtilisés et utilisés pour détourner l'aide (voir *ibid.*). Les risques ont certes peu évolué, mais on peut déplorer que les organismes des Nations Unies utilisent de moins en moins les mesures collectives de gestion des risques et de responsabilisation développées depuis 2013⁶⁹.

IV. Violations du droit international humanitaire impliquant des actes dirigés contre les civils

A. Les Chabab

95. Durant le mandat en cours, de nombreux meurtres ciblés ont été revendiqués par les Chabab ou leur ont été attribués. Les victimes étaient des responsables gouvernementaux et des fonctionnaires (du niveau des districts jusqu'au niveau fédéral), des agents d'organisations internationales, dont l'Organisation des Nations Unies, des militants de la société civile et des journalistes. Dans une déclaration publiée le 30 décembre 2015, les Chabab ont annoncé que les responsables et les fonctionnaires des services de sécurité seraient les cibles privilégiées de leurs prochaines attaques⁷⁰. Dans leurs déclarations suivantes, ils ont menacé en particulier les parlementaires et les personnes participant aux élections de 2016, ainsi que l'Organisation des Nations Unies et les acteurs occidentaux soutenant le processus électoral.

⁶⁶ En février 2015, le Programme alimentaire mondial a mis en service « SCOPE », un système d'enregistrement numérique de ses bénéficiaires, qui consigne des données d'identité biométriques permettant de contrôler les versements au moyen des signatures biométriques. En juillet 2016, 1,3 million de personnes étaient été enregistrées.

⁶⁷ Voir, par exemple, les travaux de recherche menés dans le cadre de l'étude de cas sur la Somalie du Sud qui relève de l'initiative Collective Resolution to Enhance Accountability and Transparency in Emergencies pilotée par Transparency International. Cette étude visait à rassembler des données factuelles sur les risques de corruption et les mesures de prévention et d'atténuation en relation avec l'aide humanitaire en Somalie du Sud. Les conclusions des travaux de recherche doivent en principe être publiées en octobre 2016.

⁶⁸ L'incapacité des organismes des Nations Unies d'agir avec fermeté lorsqu'un détournement est découvert est l'un des principaux facteurs qui contribuent au cycle de l'impunité dans le système humanitaire en Somalie. Voir S/2014/726, annexes 7.6 et 7.7.

⁶⁹ Il convient de noter toutefois que certains organismes ont intensifié les initiatives individuelles à mesure que se réduisaient les efforts collectifs. Voir annexe 6.3.

⁷⁰ Voir « Al Shabaab Oo Dilal iyo Qaraxyo Ugu Hanjabtay Saraakiisha iyo Jawaasiista DF-ka Ee Ku Sugaan Magaalada Muqdisho », *SomaliMemo*, 30 décembre 2015. Disponible à l'adresse <http://somalimemo.net/articles/4131/Al-Shabaab-Oo-Dilal-iyo-Qaraxyo-Ugu-Hanjabtay-Saraakiisha-iyo-Jawaasiista-DF-ka-Ee-Ku-Sugaan-Magaalada-Muqdisho>.

96. Les attaques complexes contre des cibles civiles « molles » telles que les hôtels et les restaurants se sont multipliées durant la période considérée, en particulier à Mogadiscio, à Baidoa et à Galkayo-Nord, faisant de nombreux morts et blessés (voir annexe 7.1)⁷¹.

97. Les Chabab ont souvent eu recours aux enlèvements pour conserver leur mainmise sur les populations en empêchant toute collaboration avec l'État, en punissant telle ou telle communauté ou en imposant des taxes⁷². Comme le Groupe de contrôle l'a indiqué dans son rapport de 2015 (S/2015/801), les enlèvements opérés par les Chabab étaient parfois suivis d'enlèvements de familles chabab par les forces gouvernementales. Les Chabab ont également exécuté des civils soupçonnés d'avoir collaboré avec leurs ennemis, en particulier après chaque retrait des troupes de l'AMISOM et de l'Armée nationale somalienne⁷³.

98. Poussés par des besoins financiers croissants, les Chabab ont recouru de plus en plus à la violence contre les civils pour exiger le paiement de taxes ou de la zakat et pour recruter de force (voir annexe 6.3). En même temps, le groupe a essayé de se poser en gardien légitime de l'ordre public, en prétendant mener ses propres enquêtes sur les violations commises par d'autres forces, désarmer les milices claniques et organiser des négociations de paix.

99. Avec l'intensification des opérations des Chabab sur tout le territoire, les personnes déplacées, les réfugiés et autres, qui étaient, pour des raisons claniques ou autres, considérés comme associés à ce groupe, ont été quelquefois les premiers à subir la colère de la population après les attaques. À Galkacyo-Nord, par exemple, malgré les bonnes relations qui existaient ordinairement entre les déplacés et les communautés d'accueil et malgré les appels à la retenue lancés par certains responsables gouvernementaux, des meurtres de déplacés, de réfugiés et d'autres étrangers ont été commis après une vague d'assassinats attribués aux Chabab⁷⁴.

B. Forces de sécurité fédérales et régionales et milices locales

100. Le Groupe de contrôle a reçu de multiples informations selon lesquelles des membres des forces de sécurité fédérales et régionales, ainsi que des milices locales, auraient commis des violations à l'égard de civils à des barrages routiers, dans le

⁷¹ Dans une déclaration, les Chabab ont affirmé que les hôtels étaient des cibles légitimes parce qu'ils étaient utilisés par les responsables gouvernementaux et leurs alliés pour conspirer contre le peuple somalien.

⁷² Le 12 juin 2016, par exemple, les Chabab ont enlevé 13 vieillards à Gambole (Moyen-Djouba) et les ont emmenés à Shaw (Hiran). Les otages ont finalement été relâchés après paiement d'une « taxe » versée à la date limite du 25 juillet et moyennant l'engagement de payer régulièrement la zakat. Entretien mené pour le compte du Groupe de contrôle avec des responsables gouvernementaux dans le Moyen-Djouba, transmis par courriel, 8 août 2016.

⁷³ Voir dans l'annexe 2.2 le tableau récapitulatif des retraits des troupes de l'Armée nationale somalienne durant le mandat en cours. Entre décembre 2015 et juillet 2016 par exemple, la ville de Berhani, au sud-ouest de Kismayo, a changé de mains trois fois, et des maisons ont été détruites et des habitants arrêtés.

⁷⁴ Selon des éléments de preuve recueillis par le Groupe de contrôle, quatre demandeurs d'asile et déplacés ont été tués à Galkayo au lendemain d'un attentat-suicide à l'engin explosif improvisé perpétré le 31 mars 2016, qui a tué un haut responsable gouvernemental, ainsi que sept autres personnes, dont deux enfants. Entretien avec un membre du personnel de l'Organisation des Nations Unies, Galkayo, 5 avril 2016; entretien téléphonique avec un membre d'une organisation non gouvernementale, Galkayo, 24 juin 2016.

cadre de détentions illégales ou d'exécutions extrajudiciaires, à des fins d'extorsions, de vengeance tribale ou dans un but politique (voir annexe 7.3).

101. L'Armée nationale somalienne et les forces régionales ont à diverses reprises pris part à des conflits intercommunautaires, exposant par là même la population civile à des risques accrus. Cependant, les forces du Gouvernement fédéral n'ont pas répété les attaques à grande échelle contre des civils dont le Groupe de contrôle avait fait état dans ses deux précédents rapports (S/2015/801, annexe 6.3 et S/2014/726, annexes 8.1 et 8.2). Les problèmes à l'origine de ces attaques, à savoir la lutte sous-jacente pour les ressources et l'absence d'un dispositif central de commandement et de contrôle efficace des forces de sécurité, demeurent pour l'essentiel non résolus⁷⁵.

102. Les forces de sécurité fédérales et régionales, de même que les milices locales, ont eu recours à la violence ou à la menace de violence contre des civils pour servir des objectifs politiques, aussi bien dans le cadre de la construction de l'État qu'en prévision de la transition politique devant intervenir en 2016. En novembre et décembre 2015, par exemple, les tensions entre l'administration provisoire de Galmudug et le Puntland ont dégénéré en un conflit armé qui a fait de nombreuses victimes civiles et entraîné des déplacements massifs. De même, dans les régions disputées de Sool et de Sanaag où le conflit perdure, le Somaliland, le Puntland, des membres des forces locales de « Khatumo » et des milices locales ont commis des violations contre des civils (voir annexes 7.4 et 7.5).

103. Les administrations fédérales et régionales ont toutes deux multiplié les exécutions, en dépit de l'engagement formel que le Gouvernement fédéral avait pris en faveur d'un moratoire⁷⁶. Rien qu'entre janvier et août 2016, il y a eu au total 20 exécutions, dont 7 dans le Somaliland. Dans bien des cas, les peines ont été prononcées contre des civils, y compris des enfants, au terme de procès ne satisfaisant pas aux garanties fondamentales d'une procédure régulière, en violation de l'article 3 commun aux Conventions de Genève du 12 août 1949⁷⁷.

C. Forces internationales

104. Les frappes aériennes contre des cibles civiles et militaires ont augmenté durant le mandat en cours, en particulier dans les régions de Gedo, d'Hiran, du Bas-Chébéli, du Moyen et du Bas-Djouba, et ont fait des victimes civiles, détruit des moyens de subsistance et entraîné des déplacements de populations (voir annexe 7.7). À la suite de certaines de ces frappes, les Chabab auraient ramassé des

⁷⁵ On trouvera à l'annexe 7.5 une analyse de la poursuite du conflit dans le Bas-Chébéli, dans lequel l'Armée nationale somalienne est impliquée.

⁷⁶ Entretiens avec des membres du personnel de l'ONU et d'organisations non gouvernementales, réalisés à Mogadiscio et dans des capitales régionales de mars à août 2016.

⁷⁷ Bien que l'application de la peine de mort ne constitue pas une violation en soi, suivant les circonstances dans lesquelles elle est imposée, elle peut donner lieu à une violation de l'article 3 commun aux Conventions de Genève du 12 août 1949, norme de *jus cogens* du droit international. L'article 3 commun s'applique à toutes les parties somaliennes et interdit notamment « les condamnations prononcées et les exécutions effectuées sans un jugement préalable, rendu par un tribunal régulièrement constitué, assorti des garanties judiciaires reconnues comme indispensables par les peuples civilisés » (al. 1) d) de l'article 3).

engins non explosés en vue de les utiliser dans la fabrication d'engins explosifs improvisés (voir *ibid.*, par. 83).

105. Des informations ont également fait état de victimes civiles dans des offensives terrestres menées par les forces internationales et dont certaines constituaient des violations du droit international, qu'il s'agisse d'attaques visant directement des civils ou d'attaques aveugles ou disproportionnées lancées en réponse aux menaces réelles ou supposées des Chabab (voir annexe 7.6).

D. Recrutement et utilisation d'enfants

106. Durant le mandat en cours, le nombre de cas de recrutement et d'utilisation d'enfants soldats vérifiés par l'ONU a globalement augmenté, et ils ont été opérés plus particulièrement par les Chabab dans les régions du Bas et du Moyen-Djouba, du Bas-Chébéli et de Bakool, notamment avant leur offensive ratée dans le Puntland en mars 2016⁷⁸. Pendant l'incursion, plus de 100 enfants, dont certains avaient à peine 11 ans, ont été capturés par les forces du Puntland et de l'administration provisoire de Galmudug (voir annexe 7.2). En ce qui concerne l'Armée nationale somalienne, l'ONU a constaté 218 cas de recrutement et d'utilisation d'enfants en 2015, contre 197 en 2014⁷⁹. En septembre 2016, le Chef des forces de défense a néanmoins affirmé au Groupe de contrôle qu'avec l'instauration de l'enregistrement biométrique, l'armée ne comptait plus d'enfants soldats⁸⁰. En parallèle de l'appui renforcé aux forces régionales échappant au contrôle fédéral, l'ONU a attribué 40 faits de recrutement et d'utilisation d'enfants au groupe Ahl al-Sunna wal-Jama'a et 17 aux forces de l'administration provisoire de Galmudug pour l'année 2015⁸¹.

107. Dans son rapport de 2015, le Groupe de contrôle a fait état d'allégations selon lesquelles l'Agence nationale de renseignement et de sécurité aurait utilisé des enfants sortis des rangs de groupes armés à des fins de renseignement, en violation du droit international (S/2015/801, annexe 6.4 par. 56). En juillet 2016, une commission d'enquête ministérielle mise sur pied par le Bureau du Premier Ministre a confirmé la véracité de certaines de ces allégations, tout en précisant que la pratique n'avait plus cours⁸².

⁷⁸ En 2015, l'ONU a fait état du recrutement et de l'utilisation de 903 enfants, 555 de ces faits ayant été imputés aux Chabab (voir A/70/836-S/2016/360, par. 113). Au premier trimestre de 2016 seulement, on a recensé 472 cas de recrutement et d'utilisation d'enfants (442 garçons et 30 filles), dont 276 étaient attribuables aux Chabab. Courriel envoyé le 22 juillet 2016 par un membre du personnel de l'ONU.

⁷⁹ En mars 2016, l'ONU a aidé l'Armée nationale somalienne à lancer un programme de travail d'un an visant à soutenir des plans de lutte contre le recrutement et l'utilisation d'enfants, et contre le meurtre ou l'atteinte à l'intégrité physique d'enfants.

⁸⁰ Lettre non datée adressée au Groupe de contrôle par le général de division Mohamed Aden Ahmed, reçue le 6 septembre 2016.

⁸¹ Voir A/70/836-S/2016/360, par. 113. Le Ministre de la défense a indiqué au Groupe de contrôle que le Gouvernement fédéral avait nommé des représentants afin d'œuvrer avec les États régionaux à mettre fin au recrutement et à l'utilisation d'enfants, citant une série d'initiatives auxquelles ont pris part les quatre autorités régionales et Beledweyne. Lettre adressée au Groupe le 5 septembre 2016 (traduction non officielle réalisée par le Groupe).

⁸² Conclusions de la commission ministérielle au sujet de l'article publié par le *Washington Post* sur l'agence de renseignements somalienne et l'utilisation présumée d'anciens enfants soldats à des

E. Déplacement forcé

108. Les conflits armés, les luttes tribales et l'insécurité ont jeté près de 598 000 Somaliens sur les routes entre le 1^{er} janvier 2015 et le 30 juin 2016⁸³. Des populations vulnérables ont continué à être expulsées de zones d'installation sauvages, non seulement à Mogadiscio mais aussi dans d'autres centres urbains, notamment Galkayo-Nord et Kismayo : à la fin du premier semestre de l'année, plus de 46 000 personnes avaient ainsi été déplacées⁸⁴. Les expulsions, qui se produisent fréquemment lors de transferts de terres et de biens illicites et entachés de corruption, ont souvent coïncidé avec d'autres violations commises contre des civils (voir annexe 4.6). En juillet 2016, au paragraphe 39 de sa résolution [2297 \(2016\)](#), le Conseil de sécurité s'est déclaré préoccupé par l'augmentation du nombre des expulsions forcées de populations vulnérables et a souligné que toute expulsion devait être conforme aux cadres nationaux et internationaux⁸⁵.

V. Embargo sur les armes

A. Exécution par le Gouvernement fédéral de ses obligations résultant de la suspension partielle de l'embargo sur les armes

109. En 2013, pour aider le Gouvernement fédéral à combattre les Chabab et à soutenir l'émergence du secteur de la sécurité, le Conseil de sécurité a décidé la suspension partielle de l'embargo sur les armes en Somalie, aux paragraphes 33 à 38 de sa résolution [2093 \(2013\)](#). Le Gouvernement fédéral a été autorisé à importer des quantités illimitées d'armes, de munitions (de certains calibres et de certains types) et d'autres matériels militaires. Le Conseil de sécurité a également accepté que les forces reçoivent d'autres formes d'appui, telles que l'entraînement et l'assistance financière. En contrepartie, le Gouvernement fédéral est soumis à certaines obligations : il est tenu d'informer le Comité à l'avance de toute livraison et de tout appui reçu, de faire directement rapport au Conseil sur la structure et la composition de ses forces et de créer une infrastructure de gestion des armes et des munitions efficace (par. 39).

110. En raison d'informations faisant état du détournement d'armes importées dans le cadre de la levée partielle, de lacunes dans les rapports et du non-respect des obligations en matière de notification, le Conseil de sécurité a décidé en 2014, aux paragraphes 6 et 7 de sa résolution [2142 \(2014\)](#), d'examiner de manière plus approfondie les importations d'armes et des munitions et l'appui consenti au Gouvernement fédéral (voir, par exemple, [S/2014/726](#), annexes 6.2 et 6.4). Si le Groupe de contrôle a noté une certaine amélioration dans les notifications adressées au Comité par le Gouvernement fédéral en 2015, il s'est dit préoccupé par la poursuite des détournements d'armes (voir [S/2015/801](#), annexe 7.1).

fins d'espionnage, en date du 12 juin 2016 (archives du Groupe de contrôle). On trouvera une analyse de ces allégations à l'annexe 7.2.

⁸³ Information fournie par un membre du personnel de l'ONU le 5 septembre 2016.

⁸⁴ Courriel en date du 5 septembre 2016 adressé par un membre d'une organisation humanitaire.

⁸⁵ Le Groupe de contrôle note toutefois que, dans un exposé devant le Conseil des droits de l'homme en avril, le Procureur général a déclaré qu'« il n'y avait pas eu d'expulsion de personnes déplacées ni à Mogadiscio, ni ailleurs en Somalie » (voir [A/HRC/32/12](#), par. 33).

111. Durant le mandat en cours, le Gouvernement fédéral a produit des notifications préalables à la livraison de meilleure qualité et les a adressées au Comité dans de meilleurs délais, et il a renforcé sa coordination avec certains États Membres. En revanche, la procédure en deux étapes de notification après livraison d'armes et de munitions a été insuffisamment appliquée : le Comité n'a reçu qu'un seul rapport d'après livraison répondant pleinement aux exigences. Cependant, l'incapacité du Gouvernement fédéral à présenter les informations nécessaires et à adresser les notifications en temps voulu est davantage liée à une mauvaise communication dans les services de sécurité fédéraux, et entre le Gouvernement fédéral et les États Membres, qu'à un manque de volonté de s'acquitter de ses obligations (voir annexe 8.2).

Notifications concernant l'appui fourni aux forces de sécurité fédérales

112. On trouvera au tableau ci-dessous un récapitulatif des notifications concernant l'appui fourni aux forces de sécurité fédérales.

<i>Obligations</i>	<i>Gouvernement fédéral</i>	<i>État Membre/organisation internationale</i>
Notification préalable	14	7/0
Confirmation de livraison	5	1
Notification après distribution	2	–
(présentées en même temps que 2 des confirmations de livraison ci-dessus)		

113. Durant le mandat en cours, ni le Gouvernement fédéral ni les États Membres n'ont respecté leur obligation d'informer le Comité de tout matériel et de tout appui reçu par les forces de sécurité fédérales (voir annexe 8.2 et [S/2015/801](#), annexe 6.2). Pour l'essentiel, les aides non notifiées relevaient de l'assistance non létale, notamment le versement de salaires et d'indemnités, la construction d'infrastructures, la fourniture de vêtements militaires et l'entraînement de l'Armée nationale somalienne, de la police et de l'Agence nationale de renseignement et de sécurité.

114. Il manque encore des informations essentielles dans les rapports que le Gouvernement fédéral doit présenter sur la structure de ses forces et sur ses dispositifs de gestion des armes et des munitions, en application du paragraphe 7 de la résolution [2244 \(2015\)](#) et du paragraphe 9 de la résolution [2182 \(2014\)](#) (voir annexe 8.1). Malgré la poursuite de l'intégration des milices et le développement de forces parallèles régionales, le Gouvernement fédéral n'a pas signalé de changement dans l'effectif de ses forces depuis l'année 2014, où il avait uniquement donné le nombre de soldats de l'Armée nationale somalienne. Il n'a jamais communiqué de données sur les effectifs des trois autres forces de sécurité (police, Agence nationale de renseignement et de sécurité et corps pénitentiaire). En outre il n'a jamais, durant le mandat en cours, donné de renseignements sur l'intégration et le statut des milices et des forces régionales – même si, s'agissant de ces dernières, les autorités régionales ne laissent sans doute que peu de place au contrôle fédéral⁸⁶. Le

⁸⁶ Au paragraphe 7 de sa résolution [2244 \(2015\)](#), le Conseil de sécurité a fixé une exigence supplémentaire au Gouvernement fédéral en lui demandant de fournir des informations sur le statut des forces régionales. On trouvera à l'annexe 8.1 une analyse des difficultés rencontrées à cet égard.

Gouvernement fédéral se doit de fournir ces informations, non seulement afin d'honorer les termes de la levée partielle de l'embargo, mais aussi pour permettre aux États Membres de lui apporter une assistance adaptée et ciblée⁸⁷.

Renouvellement de la levée partielle

115. Durant le mandat en cours, le Gouvernement fédéral a maintes fois exhorté le Conseil de sécurité à lever complètement l'embargo sur les armes imposé à ses forces, indiquant que l'embargo l'empêchait de lutter contre les Chabab. Le Conseil de paix et de sécurité de l'Union africaine a également demandé au Conseil une suspension de l'embargo, mesure décisive pour renforcer les institutions de sécurité somaliennes⁸⁸. Cependant, l'embargo n'interdit pas au Gouvernement fédéral d'importer des armes et des munitions. De fait, entre l'autorisation de la levée partielle en 2013 et le 1^{er} septembre 2016, le Gouvernement fédéral et les États Membres ont soumis des notifications préalables concernant 20 679 armes et 13 007 276 cartouches destinées aux forces de sécurité fédérales (voir annexe 8.2). Bien que le Gouvernement fédéral ait amélioré le marquage des armes et la gestion du matériel importé à Halane, la livraison et le suivi des armes à l'extérieur de Mogadiscio représentent toujours des défis majeurs, et cela pour l'ensemble des forces.

116. Il importe donc de décider du maintien de la levée partielle de l'embargo sur les armes pour les forces de sécurité fédérales en ayant pleinement conscience des difficultés que connaît le Gouvernement fédéral pour respecter ses obligations, qu'il s'agisse de gérer les armes importées ou de fournir des informations précises sur la structure, la composition, les effectifs et l'emplacement de ses forces.

Informations sur les saisies d'armes et de matériel militaire

117. Au paragraphe 6 de sa résolution 2182 (2014), le Conseil de sécurité a demandé à l'armée nationale somalienne et à l'AMISOM de recueillir et d'enregistrer des informations sur l'ensemble du matériel militaire confisqué dans le cadre d'offensives et d'aider le Groupe de contrôle à procéder à l'inspection des saisies avant leur redistribution ou leur destruction. Contrairement à ce qui s'est passé au cours du mandat précédent, le Gouvernement fédéral n'a donné aucune information au Groupe sur les saisies d'armes et de matériel militaire dans ses communications officielles⁸⁹. Le 16 septembre 2016, en réponse à une correspondance officielle du Groupe, l'AMISOM a fourni à ce dernier une liste d'armes confisquées et remises au Gouvernement fédéral, par secteur⁹⁰.

⁸⁷ En juillet 2016, dans le préambule de sa résolution 2297 (2016), le Conseil de sécurité a souligné qu'il était important que le Gouvernement fédéral définisse mieux la composition des forces de sécurité nationales, identifie les déficits de capacité afin d'établir les priorités de l'AMISOM et des donateurs concernant l'appui à fournir au secteur de la sécurité et définisse les domaines de coopération avec la communauté internationale.

⁸⁸ Voir Conseil de paix et de sécurité de l'Union africaine, communiqué du 29 juin 2016. Consultable à l'adresse <http://www.peaceau.org/fr/article/communique-de-la-608eme-reunion-du-conseil-de-paix-et-de-securite-cps-sur-la-situation-en-somalie-et-la-mission-de-l-union-africaine-en-somalie-amisom>.

⁸⁹ On trouvera à l'annexe 7.4 du rapport établi en 2015 (S/2015/801) par le Groupe de contrôle une analyse de la mise en œuvre de la résolution dans sa première année d'application.

⁹⁰ Lettre en date du 16 septembre 2016 adressée au Coordonnateur du Groupe de contrôle par Francisco Madeira, Représentant spécial de la Présidente de la Commission de l'Union africaine pour la Somalie.

B. Appui aux institutions somaliennes du secteur de la sécurité

118. En 2013, lorsque la levée partielle a été autorisée, il était prévu que les forces locales soient progressivement intégrées aux services fédéraux de sécurité, ce qui n'aurait laissé que quelques entités en dehors du contrôle du Gouvernement fédéral. Cependant, il a été décidé de maintenir une dérogation supplémentaire à l'embargo sur les armes pour permettre aux forces de sécurité du Puntland et du Somaliland, déjà organisées et opérationnelles, de recevoir une assistance. Ainsi, aux termes du paragraphe 11 a) de la résolution [2111 \(2013\)](#), il est possible de fournir des armes ou du matériel militaire et des activités d'assistance ou de formation technique destinées exclusivement au développement des institutions somaliennes du secteur de la sécurité autres que les forces de sécurité du Gouvernement fédéral, à condition que le Comité donne son approbation après en avoir été dûment informé.

119. Que ce soit pour contribuer à la construction de l'État ou en raison d'interrogations au sujet de la fonctionnalité de l'Armée nationale somalienne, les États Membres renforcent en fait leur soutien aux forces non fédérales (voir annexe 8.3). Cependant, du fait du non-respect constant des obligations relatives aux notifications, la fourniture d'armes, de munitions, d'autre matériel et d'assistance à ces entités échappe en réalité à tout contrôle⁹¹. Durant le mandat en cours, le Comité n'a en effet reçu que trois notifications se rapportant aux forces non fédérales. Émanant d'un seul État Membre, elles concernaient toutes les forces du Somaliland et uniquement du matériel non létal. Par exemple, ni les Émirats arabes unis ni les États-Unis d'Amérique n'ont demandé l'approbation du Comité pour leurs programmes d'appui à la police maritime et aux forces de sécurité du Puntland (voir *ibid.*). Même si ces programmes sont essentiels pour aider les forces en première ligne dans le combat contre les Chabab et l'EIL, il s'agit d'une violation de l'embargo par toutes les parties impliquées dans la fourniture et la réception de l'assistance.

120. Le fait que les États Membres et d'autres donateurs ne soumettent pas leur assistance aux forces non fédérales à l'approbation du Comité compromet l'application uniforme de l'embargo sur les armes et favorise l'approche fragmentaire du secteur de la sécurité⁹². Le Groupe de contrôle a défini des ajustements à apporter au cadre actuel de l'embargo en ce qui concerne les forces de sécurité non fédérales, afin de mieux prendre en compte les réalités du développement du secteur de la sécurité et les besoins en matière de sécurité sur le terrain (voir *ibid.*).

⁹¹ Cela contraste avec la surveillance étroite dont font l'objet les forces fédérales, le Comité contrôlant strictement le respect des obligations imposées en vertu de la levée partielle.

⁹² Après avoir mené un examen stratégique du Bureau d'appui de l'ONU pour la Mission de l'Union africaine en Somalie, y compris un examen approfondi de l'appui fourni à l'AMISOM par tous les partenaires, le Secrétaire général a fait des recommandations au Conseil sur la manière de favoriser l'intégration des forces du Puntland, soulignant notamment que l'appui devait être fourni de manière à favoriser la mise en place d'institutions fédérales de sécurité et à permettre l'exercice du contrôle civil et le commandement et le contrôle de l'Armée nationale somalienne. Voir [S/2015/762](#), par. 64.

C. Réseaux de trafic d'armes

Interception maritime des armes et des munitions⁹³

121. Le Groupe de contrôle a examiné trois affaires concernant la saisie d'importantes caches d'armes par des forces navales internationales faisant partie des Forces maritimes combinées. À chaque fois, des boutres sans pavillon avaient servi à transporter des armes de contrebande, et la Somalie était soit la destinataire soit le point de transit de la cargaison. Des précisions sont données à l'annexe 8.4.

Réseaux de contrebande d'armes du Puntland et du Somaliland

122. Le Groupe de contrôle constate que la plupart des armes illicites continuent d'entrer en Somalie par le Puntland et, dans une bien moindre mesure, par le Somaliland. En mai et juin 2016, il a enquêté sur trois cargaisons d'armes de petit calibre dans la ville côtière de Qandala (Puntland), plaque tournante de la contrebande d'armes historiquement liée au port de Moukalla (Yémen). Il est fort probable qu'une partie de ces armes soient venues équiper la milice d'Abdisamed Gallan, ancien Gouverneur de la région de Bari qui a déclenché une insurrection en juin 2016 en vue de renverser l'administration du Puntland. À la fin d'octobre 2015, un nombre indéterminé d'armes de petit calibre, parmi lesquelles on compterait des poudres pour lanceurs RPG-7⁹⁴, ont été débarquées à environ 5 kilomètres à l'ouest du port de Maydh (Somaliland). Ces cargaisons sont analysées dans les annexes 8.5 et 8.10 respectivement.

Engins explosifs improvisés

123. Les Chabab ont utilisé des engins explosifs improvisés de plus en plus sophistiqués dans leurs opérations grâce à l'arrivée constante d'instructeurs étrangers et au transfert de connaissances acquises dans d'autres zones de conflit. Durant le mandat en cours, on a constaté l'impact des technologies de pointe – projectiles formés par explosion et mines à plateau de pression, par exemple – dans une série d'attaques contre l'AMISOM et d'autres cibles importantes. En outre, avec l'utilisation plus efficace des explosifs artisanaux, les attentats au véhicule piégé ont fait un plus grand nombre de victimes civiles (voir annexe 7.1). On trouvera à l'annexe 8.6 de plus amples détails sur la maîtrise par les Chabab de l'utilisation des engins explosifs improvisés.

Marchés d'armes illicites

124. Le Groupe de contrôle a établi que les fusils d'assaut de type AK et autres armes de petit calibre étaient les articles les plus vendus sur les marchés d'armes illicites en Somalie. Le Yémen continue de fournir à la Somalie des armes qui transitent en grande partie par des petits ports du Puntland, et les soldats des forces fédérales demeurent une autre source d'approvisionnement en armes illicites. On

⁹³ Le Conseil de sécurité a autorisé, dans certaines circonstances, les États Membres à intercepter des navires se trouvant dans les eaux somaliennes et en haute mer, s'ils ont des raisons de penser que ces navires transportent des armes ou du matériel militaire (résolution 2182 (2014), par. 15).

⁹⁴ Entretien datant du 18 février 2016 avec un responsable de la sécurité d'un État Membre, réalisé hors de la région, et entretien datant du 20 février 2016 avec une source des services de renseignement de la région.

trouvera à l'annexe 8.8 un tableau des armes et des munitions disponibles sur les principaux marchés d'armes en Somalie.

D. Daallo Airlines

125. Le 2 février 2016, un engin explosif dissimulé dans un ordinateur portable a explosé à bord du vol 159 de la Daallo Airlines reliant Mogadiscio et Djibouti. En raison de l'altitude peu élevée à laquelle la bombe a été déclenchée, la seule victime a été l'auteur de l'attentat-suicide lui-même, Abdullahi Abdisalam Borleh. Les Chabab ont revendiqué l'attentat le 13 février⁹⁵.

126. On sait que les Chabab ont utilisé un engin explosif improvisé dissimulé dans un ordinateur portable en une autre occasion au moins, lors d'une attaque perpétrée à Mogadiscio en novembre 2013, mais l'attaque de février 2016 est leur première tentative connue d'attentat ciblant directement un aéronef. Le choix d'un homme d'affaires somalien comme combattant-suicide, les nombreuses mesures de sécurité prises au cours de l'opération, y compris l'assassinat présumé de certains conspirateurs à la suite de l'attentat, ainsi que des éléments indiquant que les Chabab auraient reçu une aide extérieure pour fabriquer l'engin, reflètent une évolution de la tactique, des techniques et des procédures du groupe. Cette attaque faisait suite à des informations reçues par le Groupe de contrôle selon lesquelles les Chabab s'employaient à renforcer leur capacité de cibler des avions, d'où la nécessité d'améliorer l'efficacité des mesures de sécurité aérienne en Somalie et dans la région.

127. L'attentat a également mis au jour les liens étroits qui existent entre les Chabab et certains acteurs internationaux. On trouvera à l'annexe 8.7 (document strictement confidentiel) les conclusions du Groupe de contrôle concernant cette attaque.

VI. Violations de l'embargo sur le charbon de bois

128. Au cours du présent mandat, quelques tendances positives ont été constatées en ce qui concerne l'embargo sur le charbon de bois. Conformément aux premières observations du Groupe de contrôle fin 2015, les Chabab ont poursuivi leur réorientation stratégique en délaissant le commerce du charbon au profit des attaques et détentions de charbonniers sur les territoires qui se trouvent sous leur influence. En outre, l'embargo sur le charbon de bois a été davantage respecté, en particulier par les Émirats arabes unis. Ces deux facteurs ont contribué à une diminution du volume des exportations de charbon depuis la Somalie par rapport aux dernières années, particulièrement manifeste depuis mai 2016. Néanmoins, les réseaux commerciaux organisant les exportations commerciales de charbon de la Somalie et les importations aux Émirats arabes unis sont toujours présents. Le Groupe de contrôle continue à recevoir des rapports indiquant que des boutres transportent du charbon au départ de Kismayo et Buur Gaabo et à destination de Doubai (Émirats arabes unis), et il n'existe à l'heure actuelle aucune barrière

⁹⁵ Voir « Al Shabab claims Somalia plane bomb attack », Al-Jazira, 13 février 2016. Consultable à l'adresse www.aljazeera.com/news/2016/02/al-shabab-claims-somalia-bomb-plane-attack-160213130832329.html.

efficace pour empêcher les Chabab de taxer systématiquement la production et le transport de charbon.

A. Production, transport et stocks

129. L'évolution la plus notable en ce qui concerne la production et le transport de charbon de bois à des fins d'exportation est le changement de stratégie opéré par les Chabab, que le Groupe de contrôle a constaté pour la première fois au cours du précédent mandat. Les Chabab ont peu à peu cessé de taxer le charbon aux points de contrôle situés sur les routes menant aux ports, préférant décréter une interdiction des exportations de charbon dans les zones du sud de la Somalie qui se trouvent sous leur influence (même s'il se peut que certains éléments des Chabab continuent de taxer ponctuellement le charbon), imposant le respect de cet ordre en emprisonnant et en attaquant les charbonniers. L'origine de leur changement de stratégie remonte à l'échec d'un accord de partage des recettes, conclu avec Ahmed Mohamed Islam, alias « Madobe », début 2015, qui représentait une part importante des revenus qu'ils tiraient du charbon, en particulier après qu'ils ont perdu le contrôle de Kismayo en septembre 2012 et de Barawe en octobre 2014⁹⁶. Lorsque « Madobe » a cessé de leur verser une part des revenus des exportations de charbon, les Chabab ont riposté en usant de la contrainte dans le but, semble-t-il, de faire baisser les recettes que l'administration provisoire de Djouba tire de la poursuite du commerce de charbon. En fin de compte, les incidences de la baisse des recettes que les Chabab tirent du commerce du charbon sur les conditions de sécurité restent floues, en particulier compte tenu de la capacité qu'a le mouvement de compenser cette perte grâce à d'autres sources de revenus. De même, sur la base des données actuellement disponibles, le Groupe de contrôle n'est toujours pas en mesure de déterminer de façon probante que les Chabab se sont complètement retirés du commerce du charbon.

130. Les deux principaux sites de stockage utilisés pour l'exportation du charbon sont Kismayo et Buur Gaabo (qui se trouve à environ 125 km au sud-ouest de Kismayo). Le 20 avril, le Groupe de contrôle a survolé ces villes en hélicoptère, ce qui lui a permis de confirmer l'emplacement et l'ordre de grandeur des stocks de charbon et de les photographier. Il convient de noter que, comme l'a indiqué le Groupe dans le bilan à mi-parcours présenté au Comité le 22 avril 2016, une base kényane de l'AMISOM se situe très près du stock de charbon de Buur Gaabo. L'annexe 9.1 présente des photographies aériennes et des images satellitaires des stocks de Kismayo et de Buur Gaabo.

131. En février et mars 2016, le Gouvernement fédéral et l'administration provisoire du Sud-Ouest ont demandé l'avis du Groupe de contrôle concernant le stock de charbon de Barawe, vestige de l'époque où les Chabab utilisaient ce port comme principal point de départ des exportations, avant que celui-ci ne soit pris à l'issue d'une offensive conjointe de l'AMISOM et de l'Armée nationale somalienne en octobre 2014. Le Groupe a recommandé que le Gouvernement fédéral, en consultation avec l'administration provisoire du Sud-Ouest, consulte le Comité concernant l'application de l'embargo sur le charbon de bois, ce qui, à sa connaissance, n'a pas été fait. D'après une lettre datée du 14 avril 2016 transmettant un rapport du Gouvernement fédéral sur les armes et les munitions, un comité

⁹⁶ Entretien avec d'anciens négociants en charbon de bois, le 13 juillet 2016; S/2015/801, par. 152.

conjoint du Gouvernement fédéral et de l'administration provisoire du Sud-Ouest sera constitué pour déterminer le volume du stock de Barawe et étudier la possibilité d'une consommation locale. Les recettes seraient versées dans un fonds d'affectation spéciale et affectées en partie à des projets de reboisement et de développement communautaire (voir [S/AC.29/2016/NOTE.25](#)). Le Groupe demeure préoccupé par le fait que le stock de charbon de Barawe constitue une menace pour la paix et la sécurité. Il existe toujours un risque que le charbon devienne une source de conflits entre groupes armés cherchant à en exploiter le potentiel commercial, que les fonds provenant de sa vente soient détournés ou qu'il soit exporté en violation du régime des sanctions (bien que les images satellitaires récentes semblent confirmer que le stock ne s'est pas amenuisé au cours du présent mandat).

B. Exportation illicite du charbon de bois

132. Selon une estimation fournie au Groupe de contrôle par des sources ayant une connaissance approfondie du secteur du charbon de bois, quelque 150 à 200 boutres de charbon quittaient la Somalie chaque année, jusqu'à la baisse considérable du trafic constatée en mai 2016⁹⁷. En supposant que chaque boutre transporte en moyenne 30 000 sacs de charbon, cela équivaut à un total de 4,5 à 6 millions de sacs exportés chaque année depuis Kismayo et Buur Gaabo. Chaque sac de charbon pesant 25 kilos, le poids total serait de 112 500 à 150 000 tonnes par an. La valeur totale annuelle des exportations vers les Émirats arabes unis, principal marché d'exportation, serait comprise entre 135 et 180 millions de dollars au prix de gros (soit 110 dirhams ou 30 dollars le sac) et entre 171 et 228 millions de dollars au prix de détail (soit 140 dirhams ou 38 dollars le sac).

133. La bonne marche des exportations de charbon de bois en Somalie repose sur une alliance entre l'administration provisoire de Djouba et les milieux d'affaires locaux, en particulier à Kismayo. L'un des principaux acteurs de cette relation a été Ali Ahmed Naaji, actuellement bailleur de fonds de la Chambre du commerce, de l'industrie et de l'agriculture du Djoubaland. Le Groupe de contrôle avait établi, en 2013 et 2014, que cet individu était un collecteur d'impôts pour le compte des Chabab, un important trafiquant de charbon de bois illicite et un associé d'Ahmed « Madobe », qui est aujourd'hui le Président de l'administration provisoire de Djouba (voir [S/2013/413](#), annexe 9.2, par. 11 et 26; [S/2014/726](#), par. 141 à 143; annexe 6.8, note 94; annexe 9.2, par. 48 et 63). L'administration provisoire de Djouba a tiré des recettes considérables de l'exportation de charbon de bois illicite en prélevant des taxes aux points de contrôle et dans le port. Le montant de cette taxe étant actuellement évalué à environ 3 dollars par sac, les revenus générés seraient de 1,1 à 1,5 million de dollars par mois, sur la base des quantités estimées ci-dessus⁹⁸. La dépendance de l'administration provisoire de Djouba aux revenus tirés des exportations de charbon de bois comporte néanmoins certains risques. Les Émirats arabes unis ayant renforcé l'application de l'embargo sur le charbon de bois, les exportateurs de charbon hésitent depuis mai 2016 à charger des boutres à Kismayo et Buur Gaabo. Par conséquent, l'administration provisoire de Djouba a rencontré des difficultés financières, a dû contracter des prêts auprès de membres

⁹⁷ La saison de la mousson court d'août à octobre. Le transport de charbon de bois par boutre se déroule principalement pendant les neuf autres mois de l'année.

⁹⁸ Entretien avec d'anciens négociants en charbon de bois, le 13 juillet 2016.

des milieux d'affaires locaux et n'a pas payé les salaires des forces de police. Certains à Kismayo craignent que, si l'administration provisoire ne parvient pas à trouver d'autres sources de revenus pour payer les forces de sécurité régionales, celles-ci ne se rallient aux Chabab⁹⁹.

134. Comme le Groupe de contrôle l'a indiqué précédemment, le contingent kényan de l'AMISOM continue de jouer un rôle important dans l'exportation illicite de charbon de bois du pays (voir S/2013/413, annexe 9, et S/2014/726, annexe 9). Selon des sources travaillant dans le secteur du charbon de bois et dans des organisations non gouvernementales, les forces kényanes permettent le chargement du charbon dans un port qui, dans les faits, est sous leur contrôle, en échange de 2 dollars par sac de charbon exporté de Kismayo¹⁰⁰. Le Groupe a également confirmé la présence d'une base kényane de l'AMISOM adjacente au stock de Buur Gaabo (voir annexe 9.1). S'il ne s'agit pas là d'une preuve péremptoire que le contingent kényan de l'AMISOM est activement impliqué dans l'exportation de charbon de bois depuis Buur Gaabo, cela montre toutefois que les forces kényanes n'empêchent pas les exportations, comme l'a pourtant demandé le Conseil de sécurité dans ses résolutions 2111 (2013), 2182 (2014) et 2244 (2015). Le 23 février 2016, le Groupe de contrôle a écrit au Chef de l'AMISOM, Francisco Madeira, afin de demander des informations sur les mesures prises pour empêcher l'exportation de charbon de bois et garantir le respect par les pays fournisseurs de contingents de l'embargo sur le charbon de bois établi par la résolution 2036 (2012). Le Groupe n'a pas reçu de réponse.

C. Transport du charbon de bois

135. Les transporteurs de charbon de bois et leurs complices dans les ports utilisent plusieurs méthodes pour faciliter le contournement des sanctions. Le recours à des sites reculés, tels que Buur Gaabo, pour stocker et charger le charbon pourrait être en grande partie motivé par la volonté de ne pas se faire repérer. Une fois au moins au cours du présent mandat, le chargement de plusieurs boutres de charbon à Kismayo a été interrompu par l'arrivée imminente d'un membre d'un organisme des Nations Unies. Les boutres partiellement chargés ont été envoyés au large, et le large, et le chargement a repris une fois la visite du port terminée. L'intimidation des travailleurs du port de Kismayo, notamment l'arrestation de personnes soupçonnées d'être des informateurs par l'administration provisoire de Djouba, est de plus en plus courante¹⁰¹. En outre, le nom et le numéro d'immatriculation des boutres sont souvent masqués lors du chargement du charbon pour éviter que les boutres ne soient identifiés et, lorsqu'un navire est équipé d'un émetteur-récepteur relié à un système d'identification automatique, cet appareil est désactivé pour que les mouvements du navire ne puissent être surveillés. Au port de déchargement, généralement aux Émirats arabes unis, de faux documents sont présentés pour dissimuler le réel port de chargement des boutres (voir annexe 9.7).

136. À l'exception récente d'un petit nombre de boutres battant pavillon sri-lankais, presque tous les boutres dont le Groupe de contrôle a établi, au cours du présent

⁹⁹ Entretien avec un politologue local, le 1^{er} septembre 2016.

¹⁰⁰ Entretien avec d'anciens négociants en charbon de bois, le 13 juillet 2016; Journalists for Justice, « Black and white: Kenya's criminal racket in Somalia », (Nairobi, 2015).

¹⁰¹ Entretien avec un politologue local, le 1^{er} septembre 2016.

mandat, qu'ils transportaient de façon illicite du charbon de bois depuis la Somalie battaient pavillon indien. En faisant appel à des sources confidentielles et avec l'aide de la Direction générale de la marine marchande indienne, qui a fourni des listes de navires battant pavillon indien, le Groupe a identifié au moins 29 boutres ayant violé l'embargo sur le charbon de bois depuis le début du mandat. Nombre des individus concernés sont des récidivistes déjà mentionnés dans les rapports précédents du Groupe (voir annexe 9.5). Le Groupe recommande que le Conseil de sécurité autorise les États Membres à saisir, dans leurs eaux territoriales et dans leurs ports, les navires transportant du charbon de bois somalien, dans le respect de leur droit interne, et qu'il exige que ces États Membres informent le Comité de ces opérations, en donnant notamment des précisions sur la saisie et la vente des navires en cause (voir sect. VIII).

D. Importation illicite du charbon de bois

137. Les enquêtes menées depuis le début du mandat renforcent les précédentes observations du Groupe de contrôle selon lesquelles Doubaï est la principale destination du charbon de bois somalien illicite (voir annexe 9.3 pour une analyse des données officielles des Émirats arabes unis sur l'importation du charbon). Des boutres transportant du charbon étaient mis à quai à Port Rached jusqu'en juin 2016, avant d'être déplacées au port de Hamriya¹⁰². Cependant, on a relevé des indices suggérant que les exportateurs de charbon somaliens envisagent à présent d'exporter vers d'autres destinations, en raison du renforcement de l'application de l'embargo par les autorités des Émirats arabes unis¹⁰³.

138. L'outil le plus important pour se soustraire à l'interdiction visant le charbon de bois a été la falsification de documents douaniers, notamment du certificat d'origine, des factures, du connaissement et du manifeste. Par le passé, le Groupe de contrôle a recueilli des informations sur l'utilisation de faux documents déclarant que du charbon de bois expédié de la Somalie vers les Émirats arabes unis était en fait exporté de Djibouti, du Kenya ou des Comores (voir [S/2013/413](#), annexe 9.2; [S/2014/726](#), annexe 9.4; [S/2015/801](#), par. 156 à 161). Les enquêtes ont révélé que l'administration douanière des Émirats arabes unis s'est vue remettre trois types de faux documents utilisés pour des expéditions de charbon depuis la Somalie au cours du présent mandat, à savoir des documents des Comores, du Ghana et du Pakistan (voir annexe 9.7). Ces faux documents étaient produits aux Émirats arabes unis et l'intermédiaire recevait une commission d'environ 5 à 6 dirhams (1,36 à 1,63 dollars) par sac de charbon.

139. Avec l'aide de sources confidentielles et en comparant les rapports précédents, le Groupe de contrôle a repéré un réseau de fournisseurs, d'investisseurs et de grossistes actuellement impliqués dans le commerce illégal de charbon de bois somalien (voir annexe 9.6). Il s'agit d'un commerce très lucratif, puisque chaque sac de charbon somalien génère un bénéfice net d'environ 10 dollars, correspondant à la différence entre les 20 dollars investis et le prix de gros, qui est de 30 dollars aux Émirats arabes unis (voir annexe 9.2).

¹⁰² Cela a été confirmé par un douanier à Doubaï, le 14 juillet 2016.

¹⁰³ Entretien avec un politologue local, le 1^{er} septembre 2016.

E. Application de l’embargo sur le charbon de bois par les États Membres

140. Les Émirats arabes unis ont considérablement amélioré l’application de l’embargo sur le charbon de bois au cours du présent mandat. Dans un premier temps, les cargaisons de charbon de deux boutres, l’une partielle, l’autre complète, ont été saisies par les autorités puis vendues lors d’enchères publiques à Doubaï, auxquelles a assisté le Groupe de contrôle, le 18 mai 2016 (voir annexe 9.4.a). Plus récemment, les cargaisons de charbon de bois de quatre boutres (l’une partielle, les trois autres complètes) ont été saisies par les autorités et pourraient être vendues lors de nouvelles enchères publiques (voir les annexes 9.4.b et 9.4.c).

VII. Coopération des États et des acteurs non étatiques avec le Groupe de contrôle

A. Gouvernement fédéral

141. Au début du mandat en cours, le Groupe de contrôle a bénéficié de l’appui très encourageant du Gouvernement fédéral et des représentants des institutions nationales. Cet appui s’est quelque peu détérioré après la fuite de la correspondance confidentielle du Groupe, mais le Gouvernement fédéral a poursuivi sa bonne coopération avec le Groupe. Le Gouverneur de la Banque centrale, Bashir Issa, s’est mis à la disposition du Groupe pour lui apporter une contribution de fond et lui fournir des réponses détaillées à l’appui de ses enquêtes. Le Ministère du pétrole et des ressources minérales a lui aussi été prompt à réagir aux demandes d’information du Groupe.

B. Autres États

142. Le Groupe de contrôle n’a guère bénéficié de la coopération du Gouvernement kényan et de ses services de sécurité. En outre, il s’est inquiété d’un communiqué concernant son bilan confidentiel à mi-parcours, que le Kenya a diffusé avant la présentation du bilan au Comité à New York. Au moment de la rédaction du présent rapport, le Groupe n’avait pas reçu de réponse au courrier officiel qu’il avait envoyé au Kenya.

143. Dans le cadre de l’enquête du Groupe de contrôle sur l’affaire du vol Daallo Airlines, l’Angola a accueilli le Groupe pour une visite de trois jours. Le Groupe a bénéficié d’une coopération très professionnelle et d’un soutien important de la part des autorités angolaises.

144. Le Groupe de contrôle a engagé une coopération avec la République islamique d’Iran, où il a effectué une visite. La République islamique d’Iran et le Groupe ont pu à cette occasion échanger leurs vues et faire part de leurs préoccupations au sujet des menaces maritimes, de la contrebande d’armes et des réseaux financiers.

145. Le Groupe de contrôle a bénéficié d’une coopération inégale de la part des Émirats arabes unis. S’agissant de son enquête sur le commerce du charbon de bois, sa coopération avec les autorités de ce pays a été fructueuse. Pour ce qui est des questions financières, en revanche, il n’a pas encore reçu de réponse au sujet de

sociétés enregistrées à Doubaï. En ce qui concerne le secteur de la sécurité, il note que les conseillers militaires des Émirats arabes unis lui ont fait obstruction à Bossaso, lui bloquant à deux reprises l'accès à la base de la police maritime du Puntland, en février et en avril 2016.

C. Acteurs non étatiques

146. Le Groupe de contrôle a bénéficié d'une bonne coopération de la part des entités des Nations Unies et des organisations non gouvernementales internationales traitant des questions relatives aux droits de l'homme.

147. Le Groupe de contrôle tient à souligner sa coopération exceptionnelle avec l'administration du Puntland, en particulier le chef de cabinet du Président, Deeq Yusuf, et le chef du protocole du Président, Abdisalaam Hasan. En outre, le Groupe se félicite de l'appui qu'il a reçu des forces de sécurité du Puntland.

VIII. Recommandations

A. Menaces contre la paix et la sécurité

148. Le Groupe de contrôle recommande que le Conseil de sécurité :

a) Appelle de nouveau le Gouvernement fédéral, les autorités régionales, l'AMISOM et les États Membres à coopérer pleinement avec le Groupe pour ce qui est d'échanger des informations sur les activités des Chabab en Somalie et dans la région;

b) Encourage le Gouvernement fédéral à créer un comité d'audit dirigé par des civils consacré à l'Armée nationale somalienne, ayant pleinement accès au service de la logistique et présentant des rapports mensuels au Ministère des finances et aux donateurs internationaux qui fournissent un appui au secteur de la sécurité;

c) Exhorte le Gouvernement fédéral et les autorités régionales à mettre en place une structure de sécurité nationale globale, ouverte et abordable et à s'engager dans un processus réaliste d'intégration des forces;

d) Modifie les critères de désignation relatifs au détournement de ressources financières [résolution [2060 \(2012\)](#), par. 2 c)] pour qu'ils fassent explicitement référence aux détournements ayant lieu dans les administrations régionales et les États fédéraux;

e) Engage le Gouvernement fédéral à ne pas conclure de contrats aux fins de l'exploration et de l'exploitation pétrolières avant :

i) La mise au point définitive du contrat type de partage de production, qui tienne dûment compte de l'évaluation confidentielle du Comité de la gouvernance financière;

ii) La création d'institutions d'application viables, en particulier une direction du pétrole et une compagnie pétrolière nationale;

- iii) la conclusion d'un accord global et constitutionnel de partage des recettes entre les autorités fédérales et régionales compétentes.

B. Embargo sur les armes

149. Le Groupe de contrôle recommande que le Conseil de sécurité :

- a) Rappelle au Gouvernement fédéral l'obligation qui lui incombe de fournir des informations complètes et précises sur la structure, la composition, les effectifs et l'emplacement de ses forces de sécurité, y compris le statut des forces régionales et des milices, et exhorte les autorités régionales à coopérer avec le Gouvernement fédéral dans l'élaboration de ces rapports, selon que de besoin;

- b) Modifie le paragraphe 11 a) de la résolution 2111 (2013), qui précise les dérogations visant la fourniture d'un appui aux institutions de sécurité somaliennes autres que les forces de sécurité du Gouvernement fédéral, afin de clarifier la portée de ces dérogations, notamment pour autoriser que les formes d'assistance telles que le versement d'indemnités et la construction d'infrastructures en bénéficient, ce afin de renforcer le contrôle du Comité sur la circulation du matériel létal et non létal et sur l'appui à ces entités, et demande instamment aux États Membres et aux organisations internationales de fournir un tel appui dans le strict respect des obligations de notification et de demande.

C. Obstruction de l'aide humanitaire

150. Le Groupe de contrôle recommande que le Conseil de sécurité prie les organismes des Nations Unies de redoubler d'efforts pour participer et contribuer au dispositif collectif de gestion des risques et de responsabilisation mis au point par l'équipe de pays des Nations Unies en Somalie, en particulier les éléments qui ont trait à l'échange d'informations, et de réexaminer leurs mandats respectifs ou leurs modes opératoires pour s'assurer qu'ils n'entravent pas ces échanges.

D. Violations du droit international humanitaire commises contre des civils

151. Le Groupe de contrôle recommande que le Conseil de sécurité :

- a) Exhorte le Gouvernement fédéral à enquêter sur les membres des services de sécurité responsables de violations graves et répétées du droit international commises contre des civils en Somalie et à les traduire en justice, et à envisager de désigner des personnes et entités devant faire l'objet de sanctions ciblées;

- b) Demande au Gouvernement fédéral d'envisager d'élaborer un plan de vérification des antécédents en matière de respect des droits de l'homme des candidats à des postes de haut niveau dans les administrations militaires et civiles fédérales et régionales;

- c) Exhorte toutes les forces internationales présentes en Somalie à diffuser des règles d'engagement et des protocoles de choix des objectifs et des moyens de traitement précis, conformément aux bonnes pratiques internationales, afin que les

munitions aériennes soient utilisées dans le strict respect des principes de discrimination, de proportionnalité et de nécessité;

d) Engage l'AMISOM à mettre en œuvre les recommandations formulées dans le cadre de la Politique de diligence voulue des Nations Unies en matière de droits de l'homme et encourage les autres États aidant directement ou indirectement les forces de sécurité somaliennes à adapter leur appui aux mesures définies dans cette politique.

E. Violations de l'embargo sur le charbon de bois

152. Le Groupe de contrôle recommande que le Conseil de sécurité :

a) Autorise les États Membres à, dans le respect de leur droit interne, saisir dans leurs eaux territoriales et dans leurs ports les navires dont il est établi qu'ils ont violé l'embargo sur les exportations de charbon de bois de Somalie, puis à les vendre lors d'enchères publiques organisées par l'autorité qui a procédé à la confiscation, en obligeant leurs propriétaires à assumer les coûts de rapatriement de l'équipage;

b) Appelle de nouveau l'AMISOM à aider le Gouvernement fédéral à empêcher l'exportation de charbon de bois de Somalie et demande à l'AMISOM de faciliter l'accès régulier (au moins une fois par trimestre) du Groupe de contrôle aux ports de départ des exportations de charbon, notamment en fournissant des moyens de transport blindés et en assurant d'autres mesures de sécurité, selon que de besoin.

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[REDACTED]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[REDACTED] was also in contact seven times in April 2016 with Telesom number 25263373[REDACTED] 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 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.

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.

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
- (b) Mohamed Abdullahi Batar (Dir/Gadabursi): Aden's deputy and overall head of military operations 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.

- (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)

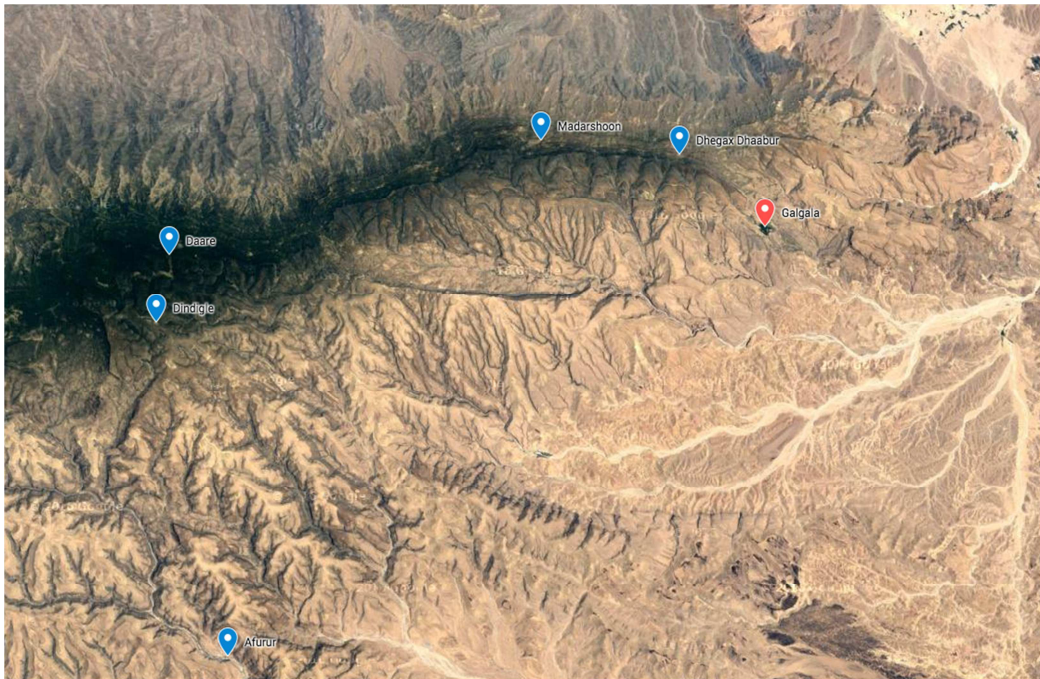


Figure 2: Location of Galgala within Puntland



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 Harardhere 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 Jeediyeey 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 no intention to transfer the 59 detained minors to a rehabilitation centre in Mogadishu, which he referred to as

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.

“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.

Sidebars: 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 Bullo 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 similar

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.

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 Galgaduud 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	S/Kiisha Gt.4aad	shaar B.ABRIIL 2015			
			Magaca Afraan	Magaca Hooyo	Dhasha Ku/shay	Mushaarka	SAXIIXA
✓	1	G/le Sare	Abdullahi Cali Nigal	Nasir Nigal Cali	1969 Hiran	\$600	
✓	2	G/le	Abdullahi Cali Nigal	Nasir Nigal Cali	1982 Sh/dhexe	\$400	
✓	3	G/dhexe	Abdullahi Cali Nigal	Nasir Nigal Cali	1968 baay	\$500	
✓	4	G/Sare	Abdullahi Cali Nigal	Nasir Nigal Cali	1960 B/weyn	\$600	
✓	5	G/Sare	Abdullahi Cali Nigal	Nasir Nigal Cali	1960 B/weyn	\$600	
✓	6	G/sare	Abdullahi Cali Nigal	Nasir Nigal Cali	1950 C/buur	\$600	
✓	7	G/dhexe	Abdullahi Cali Nigal	Nasir Nigal Cali	1960 Garowe	\$500	

Figure 2: January 2016 SNA salary distribution by unit

<p>Taliska Ciidanka Xoogga Dalka Soomaaliyeed Lr:HML/XDS/069/16 Date:22/02/ 2016</p>		<p>قائد القوات المسلحة الصومالية رقم:----- تاريخ:-----</p>		<p>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</p>	
<p>HOGGAANKA MAAMULKA LACAGTA Office of the Finance</p>		<p>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:</p>		<p>G/sare Madaxweyne Hogg.M.lacagta XDS Xuseen Axmed Absuge</p>	
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@hotmail.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.

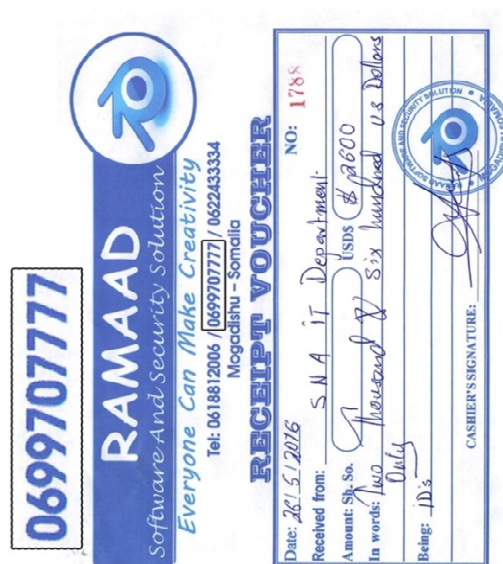
Figure 1: Copy of an SNA-issued identity card (personal details concealed)



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.

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>.

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

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/despise_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 Burdhuule, 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.
11/07/2016:	SNA withdraw from Lantabur, Lower Shabelle, again following AS attack.

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	Description ¹⁰⁴
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 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.

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.

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 Stave-Level Electoral Implementation Teams (SEITs) in the “existing and emerging” Federal Member States, thereby formally marking the redundancy of the pre-existing and constitutionally mandated National Independent

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.

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 a an ineffectual parliament, may ultimately prove to undermine the legitimacy of the next federal government.

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

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/>.

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).

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

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

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.

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.

1. Heshiiskan waxaa loo cuskaday Qod. 1aad ee Xeer Shari L. 1 ee 7dii Febraayo 1965 (dib u habeeyinta Shari L. 14 ee 3dii Juun 1962 kuna saabsan Xeerka Nidaamka Xukumadda).

2. Heshiiskan wuxuu dhacay gelayas markii labada dhinac ay kala saxiixdaan, iyadoo laga diiwaan geliyo Garqaanka Guud iyo Hantiidhowrta Guud iaguna soo saariyo Faafinta Baamiga ah ee Jamhuuriyadda Federaalka Soomaaliya.

Qod. Zaid

Sharcinimada Heshiiska Iyo Dhaqan Galkiisa

Saxiixa Wasaaradda

Mudane Maxamed Aadan Ibraahim

Wasiirka Wasaaradda

Saxiixa Shirkadda

Maxamud Cail Cabdulle

Guddoomiyaha Shirkadda

13.01.2016

Garqaanka Guud iyo Hantiidhowrta

Dr. Cabdullaahi X. Cabdullaahi

13.01.2016

Garqaanka Guud iyo Hantiidhowrta

Dr. Cabdullaahi X. Cabdullaahi

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

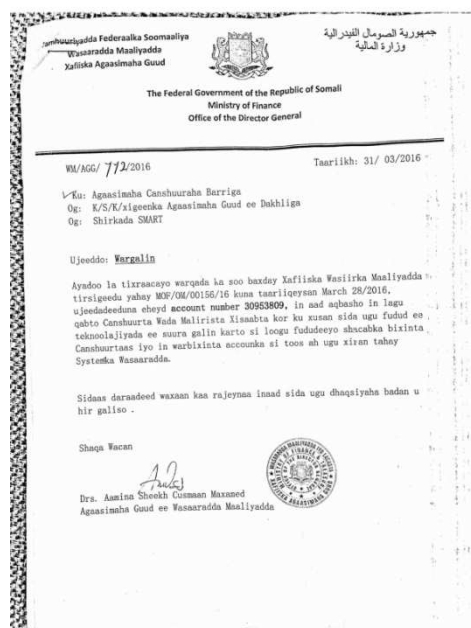




Figure 4: Letter from the Auditor General ordering to transfer the money collected in Salaam Somali Bank for road tax to the Central Bank



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

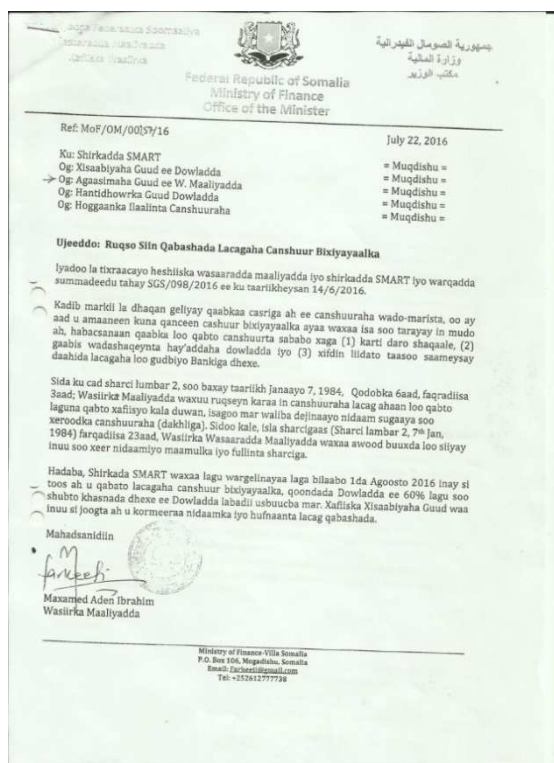


Figure 6: Letter of the Minister of Finance, authorizing Smart to directly collect road tax

Figure 7: First and last pages of the MT contract

<p>Heshiiska u dhexeeya wasaaradda Gaadiidka iyo Duulista Hawada</p> <p style="text-align: center;">iyo</p> <p style="text-align: center;">Shirkadda Modern Technologies INC</p> <p>Hordhac</p> <p>Si loo dhiingaliyo ganacsatada Soomaaliyeed inay maalgashi ku sameeyaan Daalkooda, isla markaana la dhiingaliyo ilahe wax-soo-saarka iyo adeegga bulshada, taasoo qayb ka ah qaabka shaqo u abuurrda bulshada si loo yareeyo shaqaa la'aanta, ayaa Wasaaradda gaadiidka iyo Duulista Hawada ayadoo gudamayna wajaibadeedda horumarka adeegga loo qabo gaadiidlayda isla markaana la kaashanaysa ganacsatada doonaysa in ay maalgashadaan dalkeeda, in la Caayeeyo, lana gaarsiyo heer Caalami (international standard) qaabka loo maamulo dhiwaan galka, lambarada baabuurta iyo Carshuurta Jidka (Tax Road) iyo buugga lahaanshaha baabuurta (Log Book) si looga hortago dambiyada lagu galo gaadiidka, isla markaana ay ugu fududziiso hay'adaha nabadgalyada in ay si sahlan u raadraacaan faldambiyeeyada lagu galo gaadiidka.</p> <p>Wasaaradda gaadiidka iyo Duulista Hawada waxay u soo bandhigtay Ganacsatada iyo ciddii kale ee damaynaysa Qandaraas (Tender) ay ku bixiirayso adeegga gaadiidka (services) ay wasaaraddu u qabto jiray gaadiidlayda, ayadoo Wasaaraddu ka mid noqonaysa milkiilayaasha shirkadda saamlayda ah ee lagu abuurayo heshiiskan.</p> <p>Qodobka ka Taad: Ujeedada Heshiiska.</p> <p>Waxaa heshiiskan dhexmaray Wasaaradda gaadiidka iyo Duulista hawada iyo Shirkadda Modern Technologies INC, ujeedadiisuna tahay inay shirkaddu maalgasho Caayiyinta dukumintiga iyo adeegga la xiriira gaadiidka sida summadada Baabuurka ama Tarigada, Lahaanshaha baabuurka (Log book or ownership), Ilaalinta Xaaladda baabuurka (M.O.T), nugaada waddida gaadiidka, Carshuurta Jidka (Tax Road) iyo wixii kale oo ay samaynaysaa saldhigga inuu haysto qofka baabuurka leh, waxaa kale oo ay sharcigu farayo xogta (Data Base) si sahlan looga helkaro xogta gaadiidka iyo cidda iska leh, taasoo cidaamada amniga iyo kuwa nabadgalyada wadooyinku ku helkaraan xogta gaadiidka ay ka shaqayaan ayagoo taleefoon kula xiriirayo xarunta xogta (data base)ka.</p>	<p>Wasaaradda gaadiidka iyo Duulista Hawada</p> <p>Wasiirka wasaaradda</p> <p>Mudane Sacid J Cali (Qoorsheel)</p> <p style="text-align: right;">Taa</p> <p>Shirkadda Modern technologies INC</p> <p>1- Mudane Maxamed Faarax Xirsi</p> <p>2- Mudane Cabdirizak Axmed Maxamed</p> <p style="text-align: right;">14/23/19</p>
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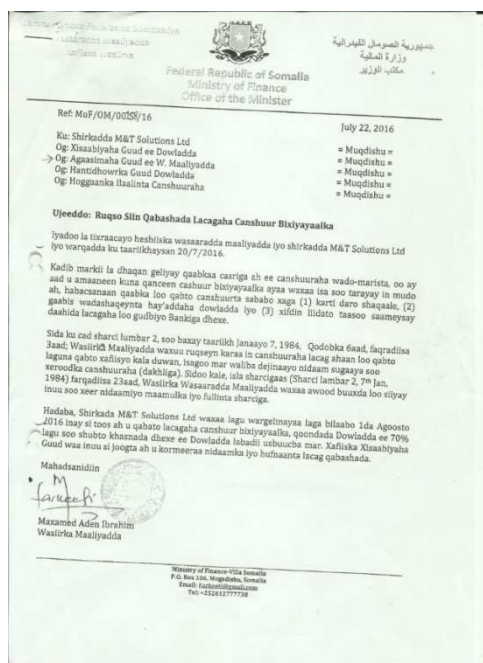


Figure 8: Letter from the Minister of Finance allowing MT to collect taxes directly

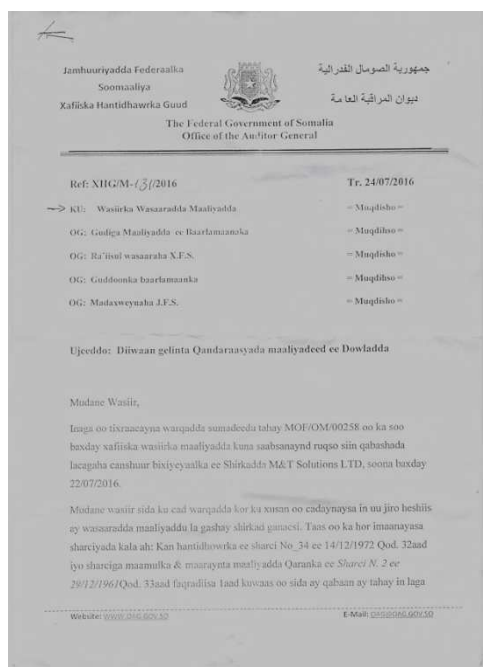


Figure 9a: First page of the AG's letter regarding the illegality of the tax collecting concession awarded by the Minister of Finance to MT



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

Figure 10: first page of the contract with Albayrak

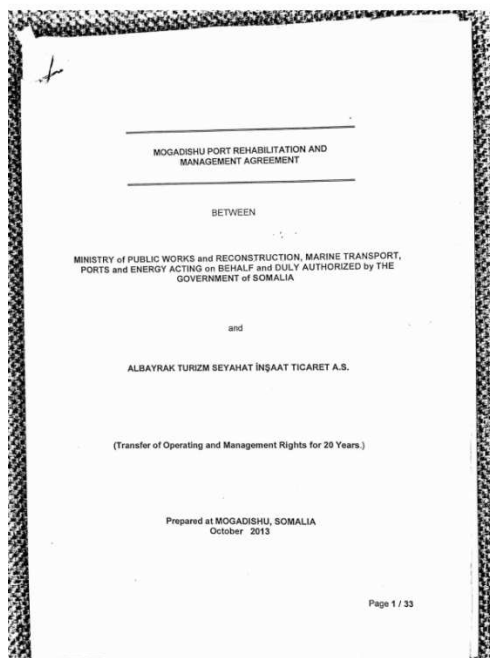


Figure 11: First page of the final version of the agreement with FAVORI from 24 January 2013

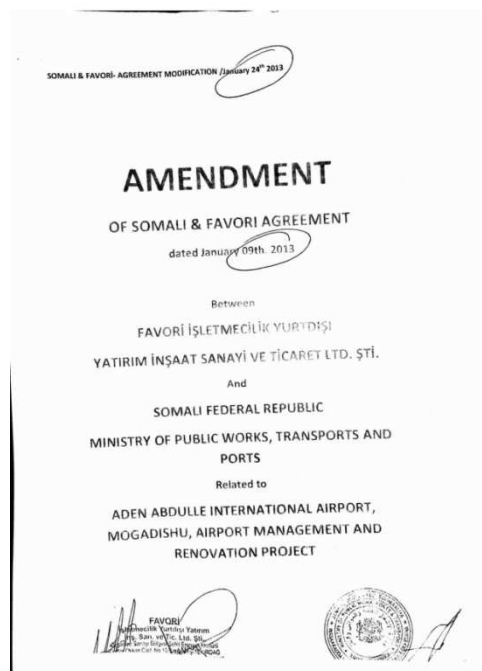


Figure 12: Interim agreement between the Minister of Finance and Albayrak

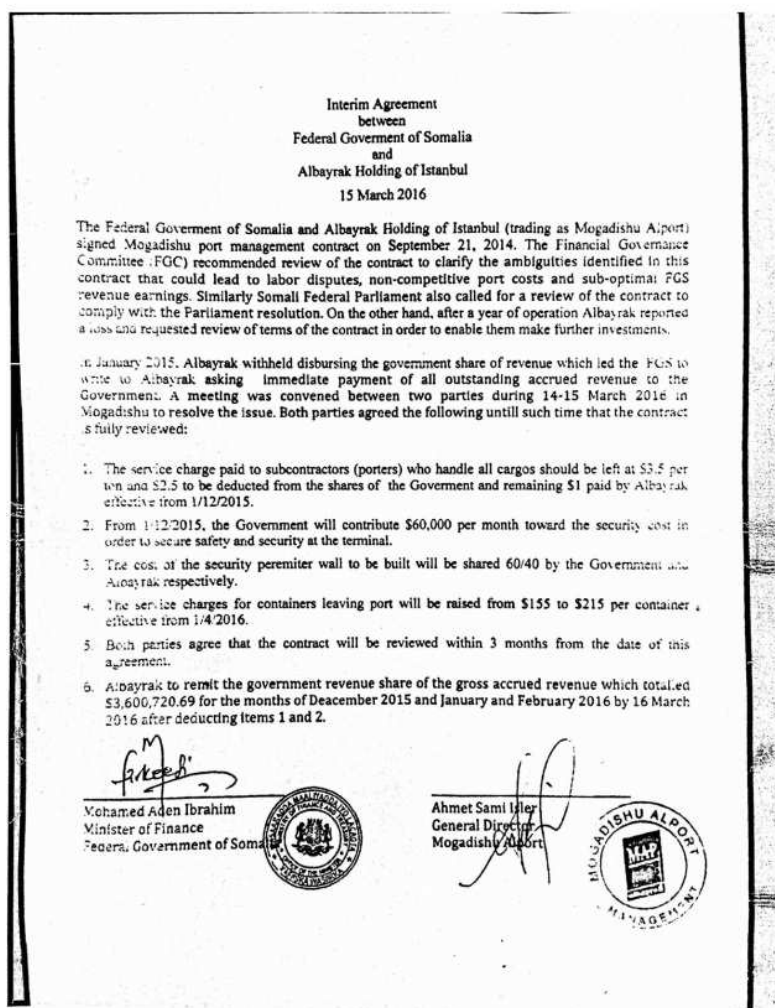


Figure 13: FAVORI financial report for the first 6 months

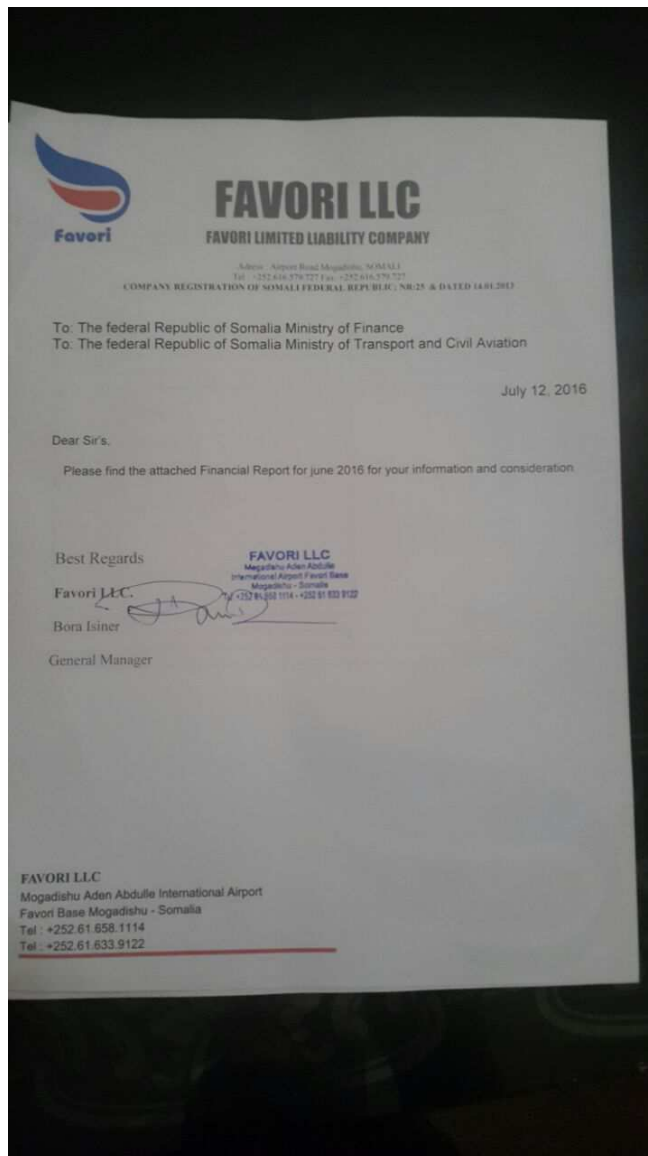


Figure 14: Financial situation for June 2016

FAVORI LLC

INCOME STATEMENT		2016 JUNE
Landing Fees/Extra Charges		148,547.14
Navigation Fee		161,805.00
Handling Charges		286,759.14
Pass International Charges		232,000.00
Pass Domestic Charges		39,831.00
Cargo Freight Charges		88,334.19
Handling Commission Incomes		107,933.24
TOTAL SALES		1,165,249.74
Netto Salaries		159,042.00
Terminal Cleaning Company		8,600.00
Cleaning material		372.00
Repair (building and vehicles)		9,564.00
Fuel oil Expenses		51,384.80
Communication expenses		145.00
Travel Expenses		21,033.60
Operational expenses		1,995.75
Internet expenses		7,550.00
Freight expenses		0.00
Insurance Accruals		14,957.49
Personal Accommodation and Food Expenses		18,947.58
Bank charges		447.25
Depreciation		297,379.15
TOTAL EXPENSES		613,408.62
NET PERIOD PROFIT OR LOSS		551,841.12

249,228.50

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

Smart
General Services Ltd

Tar: 20/08/2016

Ref: S/25/104/2016

Ujeedo: Cadayn

Aniga oo ah **Ibrahim Mohamed Mohamud** Gudoomiyaha Shirkada Smart General Service waxaan halkan ku cadaynayaa shaqiyadka hooi ku xusan in ay yihiin Milkiiyayaasha Shirkada:

1. Mohamed Ahmed Mohamed
2. Ibrahim Mohamed Mohamud
3. Abdiraxman AH Ahmed

Gudoomiyaha Shirkada
Ibrahim Mohamed Mohamud




Address: vinti una Oct St, Somali Airline
Email: smart-sm@hotolad.com
Toll free: +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 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

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.

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

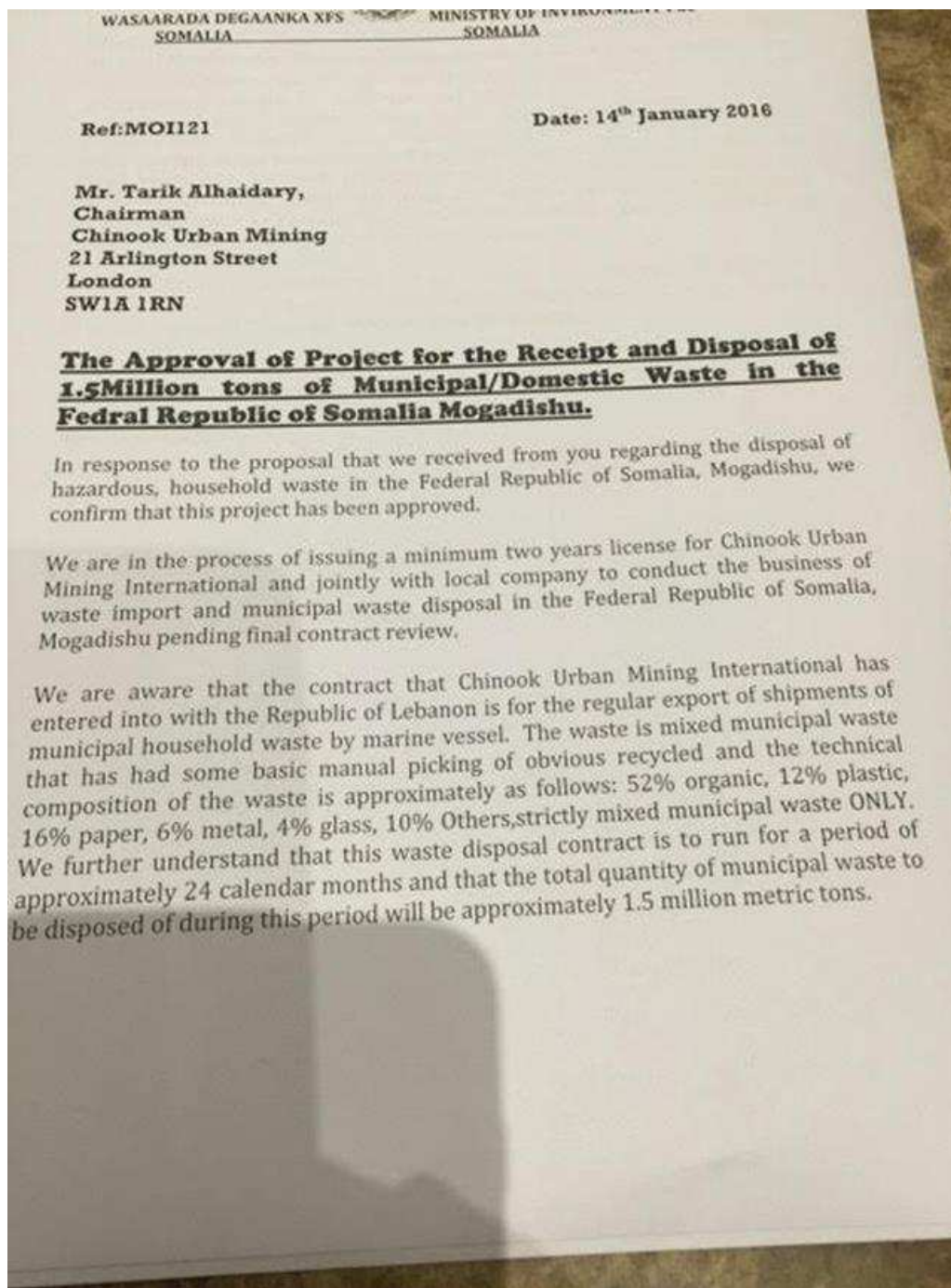
34. The SEMG notes the positive steps taken by the FGS, in particular Governor Issa and Minister Ibrahim, with regards to identifying and forestalling the signing of the contract with Chinook Urban Mining International. The exposure of the Chinook letter of approval provides an indication of the ongoing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

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.

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 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: Ogoalansho kamaarimid dhul (Noolo Oosto)

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

Hadaba annagaoo tixgalineyna, qadarineyna codsigaa nooga yimid Maamulka Sare ee Gobolka Banaadir gaar ahaan Duqa Magaalada Muqdisho waxaanu u ogoalaneyn codsigaa waxana kamaaraneyn dhulka, dhulkaas oo kuyaala Degmada Dharkenley 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 kamaaraneyn dhulka, baddamaa dadkii laga dumiye dhulka aan kor ku xusney laajinayo.

Wadashaqeyn Wacan,

Said J. Ali Korshel
Wasiirka Wasaaradda

Email: minister@mtca.gov.so, saidkorshel@yahoo.com Tel: +252-61-577444/+252-69-777444

Figure 6: Office of the President approval

Jamhuuriyadda Federaalka Soomaaliya
Xafiska Madaxweynaha

جمهورية الصومال
مكتب الرئيس

Federal Republic of Somalia
Office of the President

JFS/XM/OKMDH/02/2015 Febraayo 10, 2015

KU: GUDDOOMIYAH G/OBOLKA BANAADIR AHNA DUQA MAGAALADA MUQDISHO -MUQDISHO

UJEEEDDO: OGGOLAANSO NOOLO OOSTO DHUL (OGGOLAANSO KA MAARMID DHUL)

Mudane Guddoomiye,

Iyada oo la tixraacayo ogoalansha Wasaaradda Gaadiidka iyo Duulista Hawada ee ku aadan ka maarmidda dhulka ku yaalla Degmada Dharkenley (600 X650 mt) islamarkaana la tixgalinayo codsigaa ah in and dhulkaas dib u dejin ugu sameeyso dadkii Soomaaliyeed ee laga dumiyey hareeraha iskuulka 21 Oktoobar ee Degmada Waberi, waxaa lagu ogoalaaday codsigaa.

Fulin wacan

Xasan Sheekh Maxamuud
Madaxweynaha JFS

Office of the President, Villa Somalia, Mogadishu - 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
إدارة محافظة بنادر
بلدية مقديشو
مكتب المحافظ

JAMHUURIYADDA FEDERALKA SOOMAALIYA
Maamulka Gobolka Banaadir
BANAADIR HOOSE EE MUQDISHO

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

Ku: Madaxweynaha Jamhuuriyadda Soomaaliya Muqdisho.

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

Tix-raac Warqada sumadeedu tahay XW/WGDH/300/2014 ee ku taariikheysan 24/12/2014 kuna raabsan ogoalansho ka maarmid dhul (Noolo oosto) kana soo baxday Xafiska Wasiirka Wasaaradda Gaadiidka & Duulista Hawada.

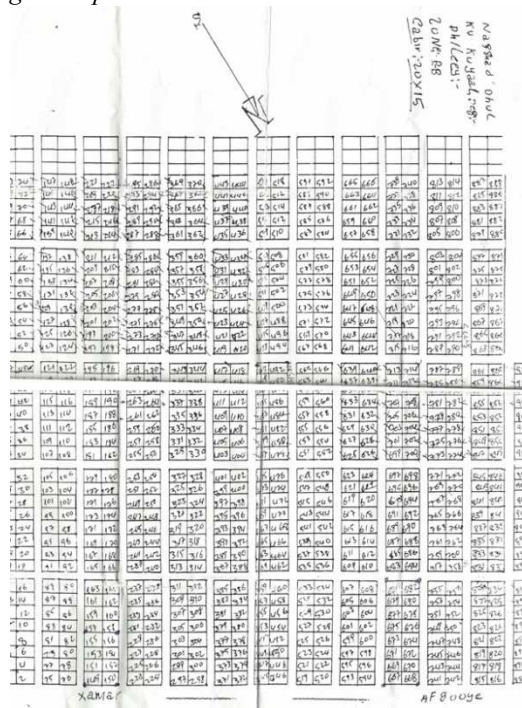
Mudane Madaxweyne, Waxaan halkaan kugu soo gudbinayaa codsi ku aadan in aad noolo oosto saarto dhulka ku yaalla Degmada Dharkenley cabirkisuna yahay 600X650mt, ayna leedahay Wasaaradda Gaadiidka & Duulista Hawada, dhulkaas oo aan u doonyno in aan dib u dejin ugu sameeyno dadkii laga dumiyey hareeraha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

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

Iga guddoon 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



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

Xukuumadda Federaalka
Wasaaradda Ganacsiga & Warshadaha

الحكومة الفيدرالية
وزارة التجارة والصناعة

Federal Government of the Somali Republic
Ministry of Commerce & Industry
Office State Minister

SUMMAD/011/015 Date: 08/04/2015

Ku: Madaxweynaha Jamhuuriyadda Federaalka Somaliya -Mogadishu-

Ujeedo. Warbixin dhuleed

Mudane madaxweyne waxaan halkaan kuugu soo gudbinayna warbixin ku saabsan dhul aylahayd wasaaradda warshadaha & ganacsiga xaaladiisa waa sidan dhulkaasi waxuu ku yaalla wadada warshadaha Was (100*100m)

1. Dhulkaasi manookarero warshad
2. Uma haysto wax maalgalin ah
3. Cidi maalgalin ku samaynayso waan soo dhawaynaynaa

Mahadsanid

Mohamed Hassan Adan
Wasiirka dawlada Wasaaradda Ganacsiga & Warshadaha
Email: ms_adan39@hotmail.com/moc@moc.gov.so

Contact phones: +252 615251879/+2526189977466
Tel/Fax No: 252-1 856976

Figure 11: Benadir Regional Administration distribution list

Jamhuuriyadda Soomaaliya
Dowladda Hoose ee Muqdisho
Muqdisho - Soomaaliya

جمهورية الصومال
حكومة محلية مقديشو
مقديشو - الصومال

Summad: DH/MA/GGDM/01/74/2015
Taariikh: 14/06/2015

Ku: Agaasimaha Waaxda Maamulka Dhulka Dhoose ee Xamar
Ku: Agaasimaha Waaxda Farsamada Dhulka Dhoose Xamar

Muqdisho.
Muqdisho.

Ujeedo Lacag shubis.

Tix-raac warqadda summadeedu tahay 011/2015 ee ku taariikhaysan 08/04/2015 ujeeddadeedun tahay Warbixin & ka maarmid Dhuleed kana soo baxday Xafiiska Wasiir-dowlaha Wasaaradda Ganacsiga & Warshadaha.

Iyadoo la fulinayo Amarka Madaxweynaha J.F.S ee ku taariikhaysan 03/06/2015 kaasuu duqa Magaalada Muqdisho lagu farayay in uu fuliyo soo jeedinta Wasaaradda Ganacsiga & Warshadaha ee tix-raaca sare ku xusan.

Haddaba, Agaasimaha Waaxda Maamulka dhulka Dhoose ee Xamar oo ay warqaddani ka tooska ah ugu soooto waxaa lagu farayay in aad lacagta ku qeexito Mudanayaashu Magacyadooda iyo ku xusan yihin, una dhameystirto wixii hab rac dukuminti ah, dhulkaasi oo ku yaalla Degmada yaqaashid.

1. Maxamed Xasan Aadan	Cabirka dhulka 20X100 L.No: 11-13-15-17
2. C/raxmaan Ibraahim Cali	Cabirka dhulka 20X100 L.No: 12-14-16-18-20
3. Jimcaale Galal Xasan	Cabirka dhulka 20X40 L.No: 1/2 -
4. C/raxmaan Aadan Ciisaa	Cabirka dhulka 20X20 L.No: 9
5. Xasan macallin Khalif	Cabirka dhulka 20X20 L.No: 10
6. Faadumo Cumar Cabdi	Cabirka dhulka 20X20 L.No: 8
7. Ibraahimacadii Jimcaale Calasow	Cabirka dhulka 20x20 L.No: 7
8. Ibraahim Muuse Abusakar	Cabirka dhulka 20x20 L.No: 5
9. C/raxmaan Maxamed Tuuryare	Cabirka dhulka 20x20 L.No: 6-
10. Maxamed Rooble Jimcaale	Cabirka dhulka 20X20 L.No: 4
11. C/qaadir Cali Mire Diiriye	Cabirka dhulka 20X20 L.No: 3
12. Hibo Xasan Xaaji Axmed	Cabirka dhulka 20X20 L.No: 19

Sidoo kale, Agaasimaha Waaxda Farsamada dhulka waxaa lagu farayay in ka guuto Waajibka uga aadan arintan.

Sidaas darteed, Waxaa laydiinku adkeynayaa in aad fuliyo waan.

Hawi-Wacan.

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

Figure 10: Director General of the Presidency order

Jamhuuriyadda Federaalka Soomaaliyeed
Madaxtooyada
Xafiiska Agaasimaha Guud

جمهورية الصومال الفيدرالية
الرئاسة
مكتب المدير العام

Federal Republic of Somalia
The Presidency
Office of the Director General

Ref: JFS/XM/AG/ SCDDH/8/6 Sitembar oo, 2016

KU: GUDDOMIYAH GOBOLKA BANAADIR -MUQDISHO
OG: XEER-ILAAJIYAH GUUD EE QARANKA -MUQDISHO
OG: GUDDIGA BADBAADINTA HANTIDA QARANKA -MUQDISHO
OG: WASAARADDA GANACSIGA IYO WARSHADAH -MUQDISHO

UJEEDDO: SOO CELIN DHUL DOWLADEED

Xafiiska Madaxweynaha Isagoo Tixraacaya,

1. Warqadda Summadeedu tahay 011/015 Tr. 08/04/2015 kana soo baxday Xafiiska Wasiir Dowlaha Wasaaradda Ganacsiga iyo Warshadaha, Ujeeddadeeduna ahayd Warbixin Dhuleed, kuna caddayd in aaney dhulkaasi Wasaaraddu u haynin wax maalgalin ah isla markaana ay soo dhaweynaynaa ciddii maalgalin ku samaynayso.
2. Warqadda Summadeedu tahay DH/MG/GGDM/01/74/2015 Tr. 14/06/2015 Ujeeddadeeduna ahayd: Lacag Shubis. Nusurkeeduna ahaa in lagu qeybiyo dhulka sare ku xusan ee ay Wasaaraddu maalgalin in lagu sameeyo ku soo codsatay, isla markaana loo isticmaalay Ujeedadii laga lahaa si ka duwan loona qeybiyay muwaadiniin caadi ah oo aan wax maalgalin ah ku sameyn karin, suna ka mid yahay isla wasiir-dowlaha uu qoraalka kasoo baxay taasoo muujineysa in ay jirto dano iska horimaanaaya (conflict of interest).
3. Amarka madaxweynaha ee ku tariikhaysan 07/06/2015 ujeeddadiisuna ahayd: in la fuliyo talo soojeedinta Wasaaradda kana hadlayay in loo raadiyo qaabkii iyo ciddii maalgelin ku samaynayso kaasoo loo isticmaalay si ka duwan taladii madaxweynaha.

Somalia Presidency, Villa Somalia, Mogadishu, Office Tel: (+2525) 941000,
Email: somar@presidency.gov.so Fax: (+2525) 941001, Mobile: (+2525) 615817067

Sidaas darteed.

Wuxuu Xafiiska Madaxweynuhu amrayaa:

1. Dhammaan hay'adaha kor ku xusan in la xaqiijiyo in dhulkaasi lagu soo celiyo gacanta Dowladda gaar ahaan Wasaaradda Ganacsiga iyo Warshadaha.
2. In Maamulka Gobolka Banaadir iyo Dowladda Hoose ee Muqdisho ay baabi'iso dhammaan mulkiyadaha ay dhulkaasi ee sida sharci-darrada ah loogu qeybiyay shakhsiyaad aan ahayn maalgeliyayaal.
3. In guddiga Badbaadinta Hantida Qaranka xaqiijiyaan in lagu soo celiyo hantidaas gacanta Dowladda gaar ahaan Wasaaradda Ganacsiga iyo Warshadaha.

Fulin Wacan

Cali Maxamed Cumar
Agaasimaha Guud ee Madaxtooyada

Somalia Presidency, Villa Somalia, Mogadishu, Office Tel: (+2525) 941000,
Email: somar@presidency.gov.so Fax: (+2525) 941001, Mobile: (+2525) 615817067

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.Ş. 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



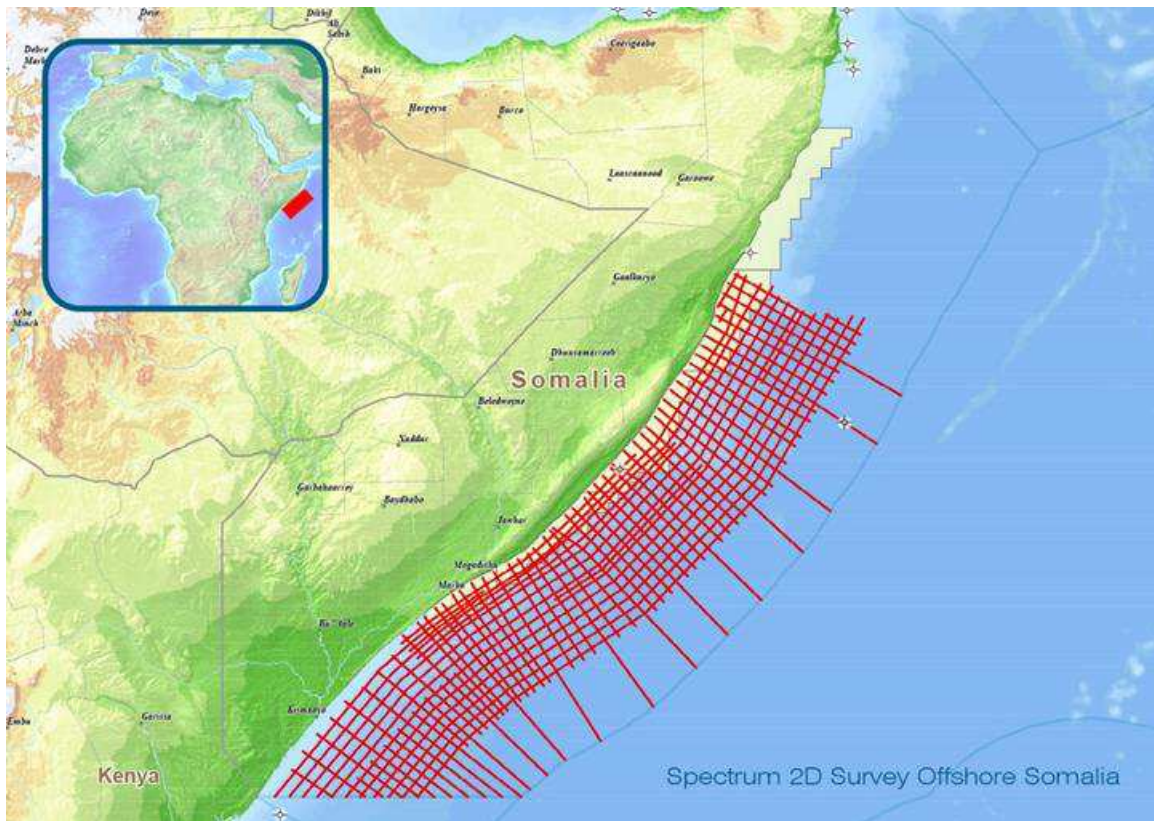
Figure 14: Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land adjacent to Adan Adde International Airport, 1 September 2016



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 in Bakool region: the donkeys were slaughtered, the carts and goods destroyed and the loaders tortured but

²⁰⁰ By August 2016, costs for a convoy on the Mogadishu-Baidoa-Dolow route were still 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 2016. 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.

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 Meer, 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 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

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).

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-Shaabab, 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 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.

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.

- 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 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.

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.

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 Hiiraan 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

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

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.

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

Diversions 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

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

suspend the 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 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.

(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

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>.

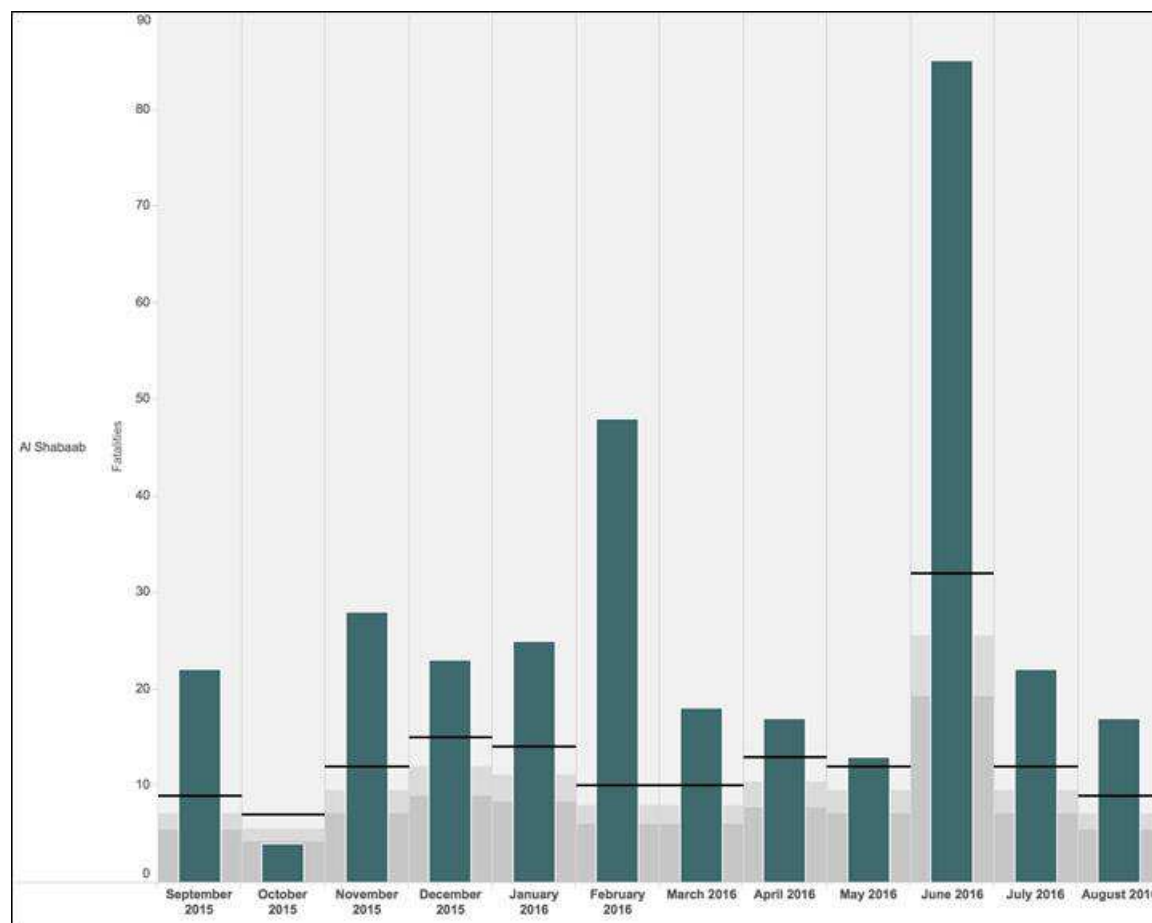
Annex 7

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 (IEDs).³⁰² On 28 February 2016, for example, an attacking combining a person borne IED (PBIED) and vehicle borne IED

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.

³⁰² See section II A of this report for an assessment of Al-Shabaab operations during the mandate.

(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.

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
- 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

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.

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.

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,

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.

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.

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 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

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.

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.

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 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

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.

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>.

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.

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 2016, 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

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.

the IGA 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 1.1.

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 Murusdaa 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 anti-Al-Shabaab forces—and forces with mixed allegiance—during early February and July/August, accompanied by

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.

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

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 Galgaduud: 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.

Measures to enhance compliance

51. Pursing 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 enquiries 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 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 Bullo Mareer killings, there was no

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 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

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 Wardinle 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.

and the Liyiu 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 Liyiu police) and the Haber Gedir.

61. In 2015 the Monitoring Group had reported on large scale attacks by the Liyiu 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 Liyiu police base as part of a longer running dispute.⁴⁴⁴ On 23 April 2016 fighting between Liyiu 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/HaberYous 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 Liyiu 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 Francisco 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 Abdikarin

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.afcom.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-Shaaaab”, 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 Haramadhere.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

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.

obligations to the 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 such munitions to Kenya during the period—if any. As the requirement to retain export records had expired, however, no

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>.

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 Abdinur⁴⁹⁵

85. During the last two years the Monitoring Group received multiple allegations, from Somali and international sources, alleging that Abdirashid Hassan Abdinur (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 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

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 "Ilkadhare", but they were not the focus of the SEMG's investigations during this period of the mandate.

⁵⁰¹ BBC Somali, interview with Abdirashid, 31 August 2015, audio file on file with the Monitoring Group.

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 Dolow.

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 Dolow, 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 Dolow. 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.

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.29/2014/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 Abudlle 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 better channel their support to the FGS. A table which is updated regularly, with input from the UN agencies and

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 Abudlle. 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.

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 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.

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).

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.

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.

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

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

2016 (hereafter IAN No. 2), paragraph 10.

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.

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.

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 the Monitoring Group holds the PSF to be an effective unit that contributes to the maintenance of peace and security in

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.

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

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.

which 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, policing

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.

(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 miles' 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 by other terrorist groups, and in adapting and introducing these techniques within Somalia.⁵⁷⁹ This ability

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.

Chapter 1 ⁵⁷⁸ "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>

⁵⁷⁹ Information provided by confidential UNMAS interlocutor.

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.

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)



16-16743

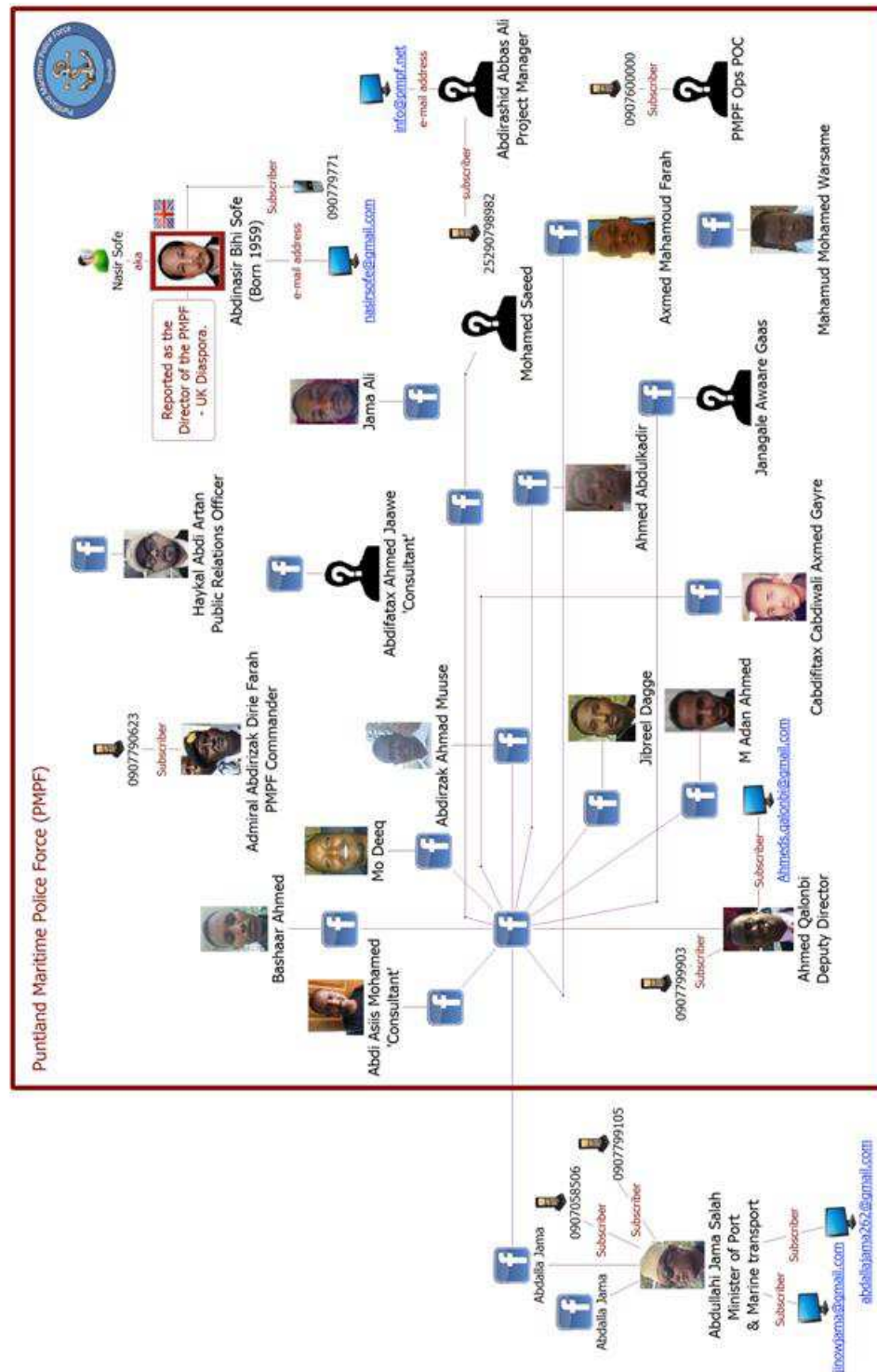


Figure 3: Satellite image of the Puntland Security Forces (PSF) base in Bosaso, 23 July 2016 (coordinates 11.290231, 49.194008)



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

- (e) Abdulqadir Mumin (Majeerteen/Ali Salebaan)
- (f) 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.

- (g) Abdisamed Gallan (Majeerteen/Ali Salebaan)
- (h) Mahad Isse Aden “Laboballe” (Majeerteen/Ali Salebaan)
- (i) Said Gul Ismail (Majeerteen/Ali Salebaan)
- (j) Mohamed Mire Ali Yusuf “Soodareeri” (Majeerteen/Ali Salebaan):
- (k) Abdirisak Ali Said Hussein “Shahdon” a.k.a. Shahdon Ali Yare (Majeerteen/Ali Salebaan)
- (l) Abdifatah Hayir (Majeerteen/Ali Salebaan)
- (m) Abdilatif Yusuf Barre (Deshishe)⁶⁰¹
- (n) “Razak” (clan unknown)
- (o) Abdimalik Mohamed Abdi Muse (clan unknown)
- (p) Mohamed Abdullahi Abdirahman Nur a.k.a. Garad Caynab (clan unknown)
- (q) Mohamed Abdi Muse (clan unknown)
- (r) Faiso Said Hasan Ismail a.k.a. Aisha Said Hasan Abdirahman (clan unknown)
- (s) Mohamed Hussein Said Yusuf (clan unknown)
- (t) Liban Dheere (Majeerteen/Ali Salebaan)
- (u) Mohamed Aydiid Jama (Warsangeli)⁶⁰²
- (v) 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 antiaircraft 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 SEMG from obtaining photographs of the shipments, an international agency security report indicated that

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.

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 Kooriga-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 Hurdio,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

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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

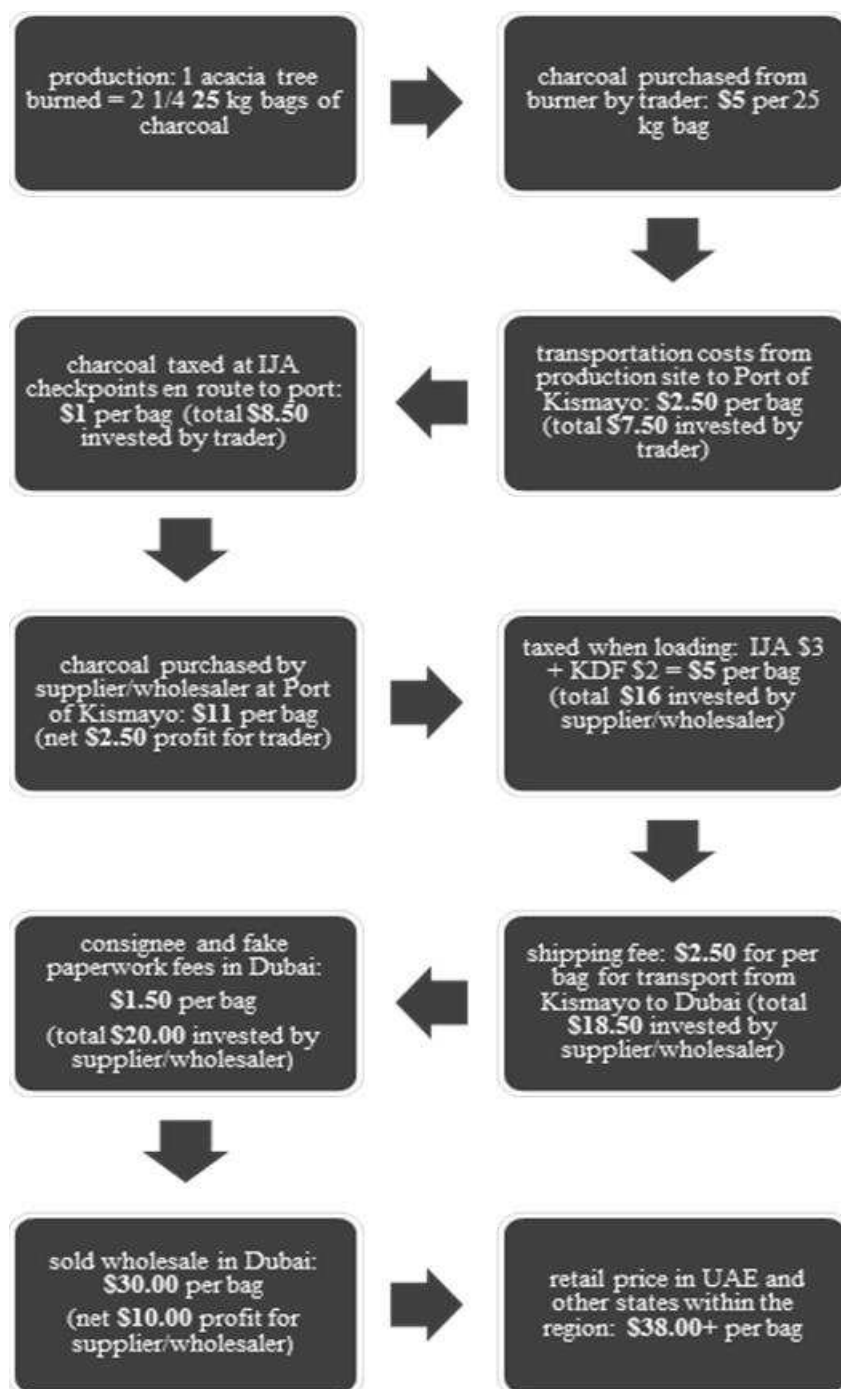


Figure 11: Buur Gaabo stockpiles, 17 June 2016



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.

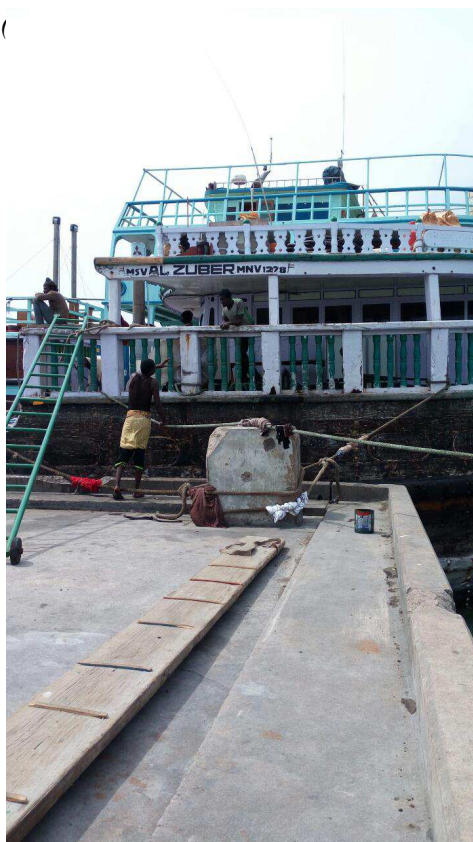
10. Cumulatively, cross-referencing official UAE import data with the findings of SEMG investigations suggests clear patterns regarding the use of false certificates of origin at UAE ports for the purpose of evading the charcoal ban on Somalia. While the official data states that no charcoal has been 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 (February 2016)



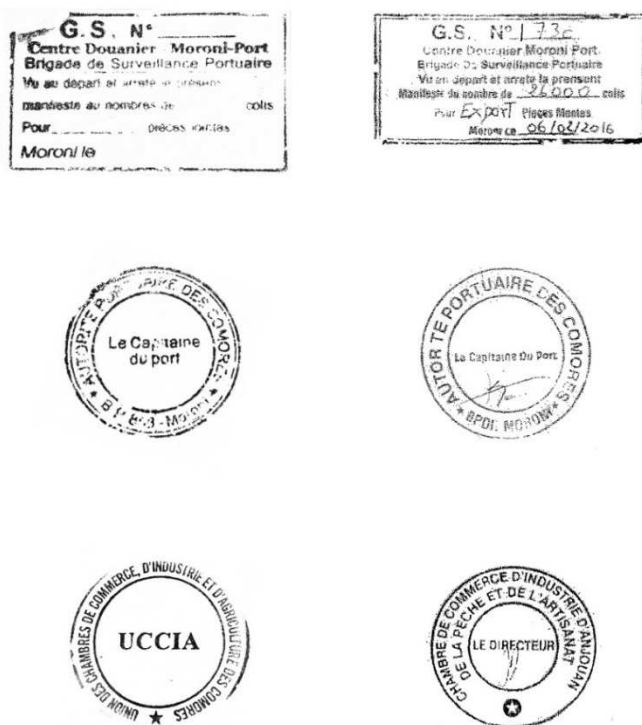
12. On 7 April 2016, the Government of the UAE replied with a letter regarding the three dhows. *Al Zuber* arrived in the UAE on 23 February, three days before receipt of the Monitoring Group's letter, and unloaded its cargo of 18,000 bags of charcoal. *Yasin* arrived in the UAE on 9 March with a cargo 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 cargoes 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	Haresh 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 Ahmed⁶²²	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 Naaji⁶²⁵	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 Barre⁶²⁷	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)

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.

Name of trafficker	Nationality of trafficker	Company/ Affiliation	Dhow cargos identified by SEMG
Mohamud Ali Osman (a.k.a. “Qonof”) ⁶²⁸	Somalia	•partner with Kismayo-based supplier Farah Jama Awil and investor Baba Mansoor Ghayed	<i>Raj Milan</i> (2013)
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 Ghayed (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

⁶²⁸ S/2014/726, annex 9.2, paragraphs 48 and 50.

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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UNION DES COMORES
Union - Solidarité - Développement
MINISTRE DU COMMERCE
INDUSTRIE ET TOURISME
DOM COMORES

UCCIA

جمهورية القمر المتحدة
وحدة - تضامن - تنمية
المندوب التجاري والصناعة
والزراعة في جزر القمر

Certificat d'origine

شهادة منشأ

Nous certifions d'après les renseignements 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:

الشهادات التي بموجبها المعلن اسم البضائع كما يلي: البضائع المعتمدة: الآداب

Marques - Brands - العلامات	Nature de la Marchandise - Description of Good - نوع البضاعة	Finals Weight - الوزن
SHERE NAUSHAD (2087987)	26000 BAGS OF CHARCOL	650000 KGS

Chargé par **MOON TRANSPORT & SERVICES MORONI** A destination de **PORT RASHID DUBAI OR SHARJAH**
Loaded by **شركة بوساطة** Destination **SOHAR PORT OMAN/KUWAIT DOHA PORT**

PRODUIT D'ORIGINE **COMORES**
PRODUCT OF

Moroni, le 06 FEB 2016
موروني، في

Déclaration de sortie N° CEG / EXP 544
Declaration out

le Président de la chambre de Commerce
The president of the chamber of commerce

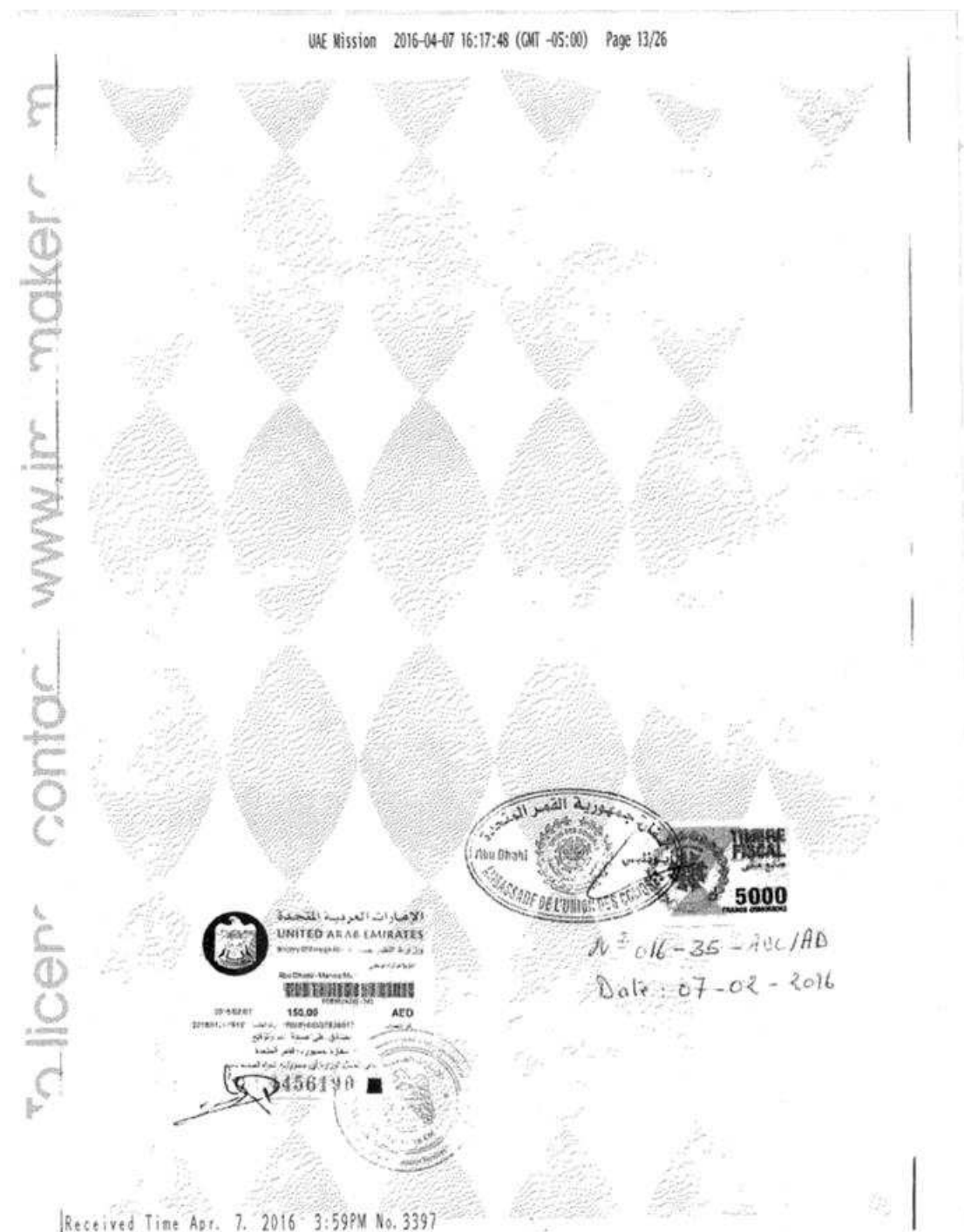
LE DIRECTEUR

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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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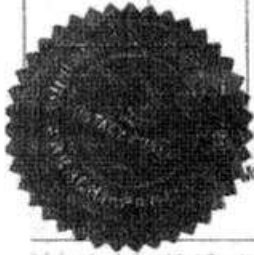


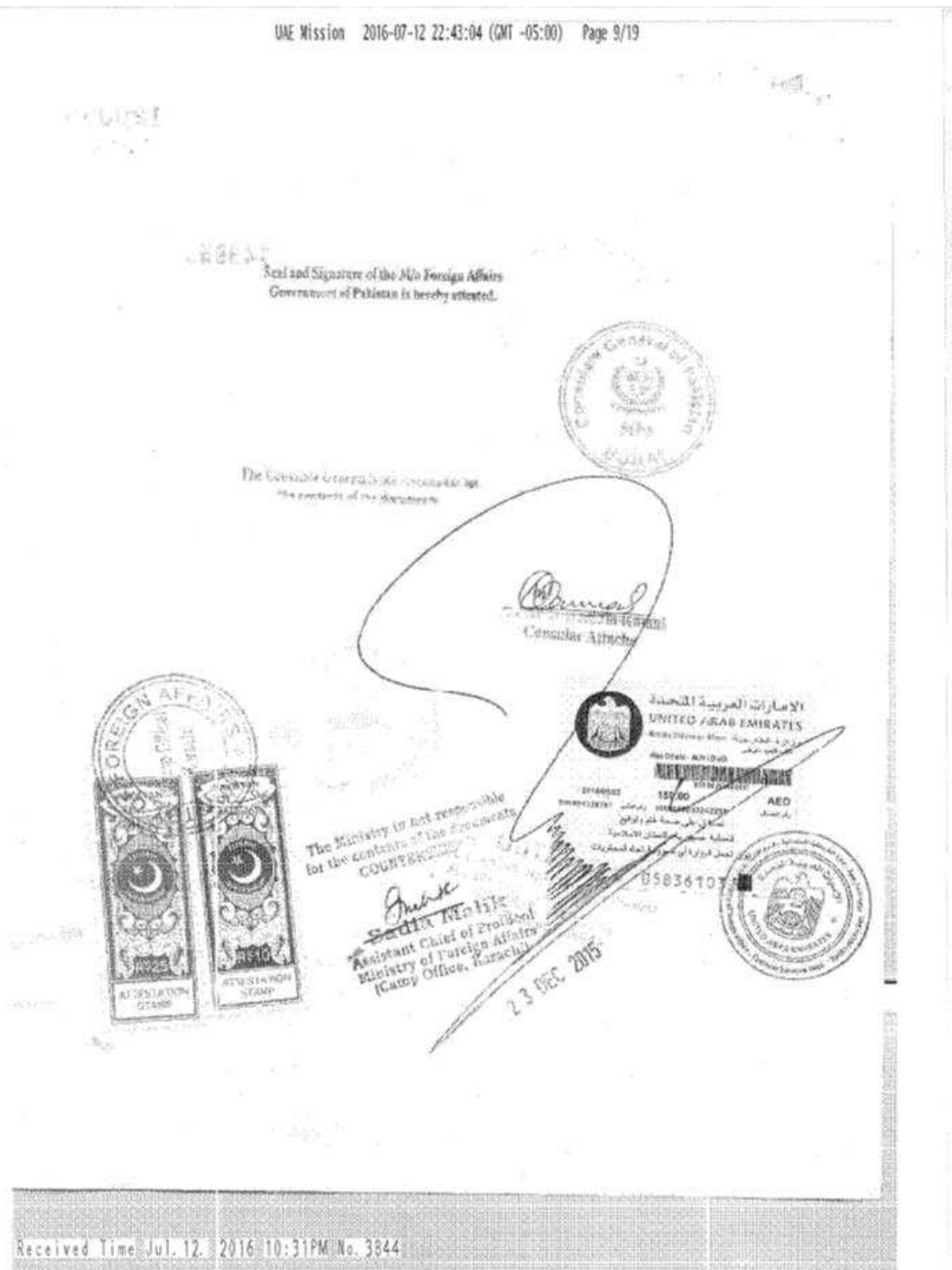
Exporter (Name, Address and Country) M/S UNITED INTERNATIONAL OFFICE # 21-A, MEZZANINE FLOOR, NAGINA CENTRE M.A. JINNAH ROAD, KEAMARI, KARACHI-PAKISTAN		REFERENCE NUMBER  120095		
Consignee Importer (Name, Address and Country) M/S ARABIAN SCANDINAVIAN GENERAL TRADING P.O. BOX # 86637 DUBAI UNITED ARAB EMIRATES		CERTIFICATE OF ORIGIN 149665 Karachi Chamber of Commerce & Industry P.O. Box No. 4158, Alwan-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		
Exporter's Membership Number 		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	 Pakistan
				
ATTESTED Muhammad Nadeem (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: _____		Stamp		
Received Time Jul. 12, 2016 10:31 PM 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) SHANE WHIFFLE 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) DAIRY INTERNATIONAL GROUP HOLDING CONTRACTING & TRADING		Issued in GHANA (country) <small>See notes overleaf</small>	
3. Means of transport and route (as far as known) BY SEA AL-ISLAMI		4. For official use	
6. Item number	6. Marks and numbers of packages N/A	7. Number and kind of packages, description of goods 34000 BAGS OF COMMERCE 	8. Origin criterion (see Notes overleaf) light
			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 GHANA (country) and that they comply with the origin requirements specified for those goods in the Generalized System of Preferences for goods exported to THE UNITED STATES OF AMERICA  Place and date, signature of authorized signatory	

GEORGE S. KOMUENHONG
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11 General word lists

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Preference profiles must also be strictly ordered in all states with the index of the number of alternatives or sufficiently ordered in at least a subset of the states, and the number of states must be at least 2.

1970 *Proclaim Your Freedom in the United Arab Emirates* *الإمارات العربية المتحدة* *Arabic* *Arabic*
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1. *What is the main purpose of the study?*

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