

# SHATTERING THE FOUNDATION OF PEACE, SECURITY AND HUMAN RIGHTS

IN SOMALIA

THE USE OF IMPROVISED EXPLOSIVE DEVICES BY AL-SHABAAB

1 JANUARY 2020 – 31 DECEMBER 2021





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*I was having lunch with government officials at the hotel. After the first explosion happened, there was shooting from all directions. Some people tried to run out of the hotel only to be shot by Al-Shabaab, and the attackers searched every room to find people and kill them on sight. I was injured by shrapnel and blood was all over my clothes. I survived, but dozens of other civilians were not as lucky as me that day. The attack has had a lasting impact on me and my family, and I now have panic attacks whenever explosions or terrorist attacks happen.*

A member of an international NGO who survived the attack that was initiated with a car bomb against the Elite Hotel on Lido beach, Mogadishu, 16 August 2020.

## I. Overview

1. Somalia continues to experience violent attacks that deliberately target civilians and that seriously impact the ability of people in Somalia to enjoy their human rights to the fullest. The use of improvised explosive devices (IEDs) has become a key feature in the armed conflict in Somalia resulting in high levels of civilian casualties.
2. The armed group responsible for the largest number of attacks causing civilian casualties, including those using different types of IEDs, is Al-Shabaab, an affiliate of Al-Qaeda.<sup>1</sup> The United Nations Assistance Mission in

Somalia (UNSOM) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) consider that the main armed conflict in Somalia is a non-international armed conflict between the Government of Somalia, with the support of international military forces, and Al-Shabaab, a non-State organized armed group. The Security Council listed the armed group in 2010 under Security Council Resolution 1844 (2008) citing, among others, its engagement in acts that directly or indirectly threaten the peace, security, or stability of Somalia, obstruction of the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia and carrying out large-scale suicide car bombs in Beletweyne and Mogadishu in 2009.<sup>2</sup>

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1 On 9 February 2012, Al-Shabaab and Al-Qaida issued a joint announcement of their formal merger with Al-Qaeda. See the 2012 Report of the Somalia and Eritrea Monitoring Group <https://man.fas.org/eprint/semg.pdf>.

2 See <https://www.un.org/securitycouncil/sanctions/751/materials/summaries/entity/Al-Shabaab>. Also see the list of Al-Shabaab leaders sanctioned by the Security Council. On 26 February 2021, the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia approved the addition of three Al-Shabaab leaders to its Sanctions List of individuals and entities subject to the measures imposed by Security Council Shabaab leaders sanctioned by the Security Council <https://www.un.org/press/en/2021/sc14455.doc.htm>

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3. The group is primarily active in rural areas of the country. It also has a presence in Puntland's mountainous areas near the Red Sea. Al-Shabaab, which means "the Youth" in Arabic, originated from the Islamic Courts Union, and once controlled parts of Somalia in 2006. Between 2007 and 2011, the group expanded to control significant parts of Galmudug, Hirshabelle, South West State, Jubaland and Benadir region, including Mogadishu. However, military operations conducted by the Somali National Army (SNA) and the Security Council-mandated African Union Mission to Somalia (AMISOM) between 2011 and 2014 restored control of major population centers to the Federal Government of Somalia. Al-Shabaab then retreated to rural areas and has since continued its attacks, including through the indiscriminate use of IEDs in populated areas.
  4. This report supplements the UNSOM/OHCHR Joint Public Report on the Protection of Civilians issued in September 2020 and focuses on the continued indiscriminate use of IEDs by Al-Shabaab from 1 January 2020 to 31 December 2021.<sup>3</sup> The United Nations defines an IED as a device placed or fabricated in an improvised manner incorporating explosive material, destructive, lethal, noxious, incendiary, pyrotechnic materials or chemicals designed to destroy, disfigure, distract or harass which may incorporate military stores but are normally devised from non-military components.<sup>4</sup>
  5. The use of IEDs represents one of the major threats to the right to life of civilians in Somalia and is responsible for the largest number of civilian casualties emanating from the armed conflict in the country. Al-Shabaab uses IEDs indiscriminately to target security forces, civilian objects and civilians, including government officials, politicians, clan elders, business owners, media workers, human rights defenders, especially activists promoting the rights of women, and anyone who is, or is perceived as, not conforming with its norms or not complying with the armed group's orders or engaging in activities it does not approve of.
  6. From January 2020 to 31 December 2021, UNSOM/OHCHR documented 1,206 civilian casualties (519 killed and 687 injured) attributed to Al-Shabaab of which 865 (309 killed and 556 injured) resulted from 109 IED attacks. This represents 72 per cent of the civilian casualties attributed to the group for this period and 37 per cent of the total civilian casualties (2,360) for the same period by all actors, including state security forces, AMISOM, clan militia and unidentified elements. Civilians in Benadir region, which includes Mogadishu, and those in South West State, bore the brunt of the Al-Shabaab IED attacks.
  7. The report draws on UNSOM/OHCHR documentation of civilian casualties that is based on OHCHR human rights monitoring methodology. Information on civilian casualties in this report is corroborated through at least three different and independent sources. UNSOM/OHCHR seeks to obtain information from a wide range of sources, in particular from victims and witnesses, as well as from other types of actors such as first responders, hospital staff and medical authorities, community leaders and civil society actors. The prevailing insecurity significantly restricts UNSOM/OHCHR's access to some areas of Somalia and documenting incidents and verifying civilian casualties can present a challenge.<sup>5</sup> Additionally, the actual number of civilian casualties and the scale of incidents is likely to be higher than those recorded by UNSOM/OHCHR, and the figures presented in this report should therefore be considered an absolute minimum.
  8. All parties involved in the non-international armed conflict in Somalia are bound by international humanitarian law (IHL), including customary international humanitarian law, as well as obliged to respect international human rights law. Under IHL, parties to an armed conflict must at all times distinguish between civilians and combatants or those taking direct participation in hostilities and civilian objects and military objectives, and must take all feasible measures to avoid civilian casualties. The incidental death or injury of civilians or destruction of civilian objects resulting from an attack that has been directed towards a legitimate military objective does not necessarily amount to a violation of IHL.
  9. Under customary IHL, civilians are defined as persons who are not members of the armed forces or otherwise combatants or fighters. The report refers to civilian casualties where there are reasonable grounds to believe

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3 Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia. See [https://www.ohchr.org/Documents/Countries/SO/UNSOM\\_protection\\_of\\_civilians\\_2020.pdf](https://www.ohchr.org/Documents/Countries/SO/UNSOM_protection_of_civilians_2020.pdf).

4 The United Nations Office for Disarmament Affairs, see <https://www.un.org/disarmament/convarms/production/>.

5 Disaggregated data remains largely unavailable, but where possible, verified information includes data by sex, age, and cause of death.

that the victims were civilians as defined above and were killed or injured as a direct result of war operations and the acts, decisions, and/or purposes causing them were closely related to the conflict.

## II. Mandate

10. This report is jointly published by UNSOM and OHCHR. The Human Rights and Protection Group (HRPG) of UNSOM prepared the report to cover the period from 1 January 2020 to 31 December 2021 pursuant to UNSOM's mandate under the United Nations Security Council Resolution 2158 (2014). The mandate requires UNSOM to monitor, help investigate and report to the Council on, and help prevent any abuses or violations of human rights or violations of international humanitarian law committed in Somalia.<sup>6</sup>
11. The Security Council expressed grave concerns about Al-Shabaab's continued threat to the peace, security and stability of Somalia and the region, particularly through its increased use of IEDs.<sup>7</sup> The Council also noted the serious humanitarian threat posed to civilians by landmines, explosive remnants of war (ERW) and IEDs in Somalia, which causes serious social and economic consequences for the population of Somalia and to personnel participating in law enforcement, humanitarian, peacekeeping, rehabilitation and clearance programmes and operations.<sup>8</sup>

## III. Legal Framework

12. UNSOM/OHCHR consider that the main armed conflict in Somalia is a non-international armed conflict between the Government of Somalia, with the support

of international military forces, and Al-Shabaab, a non-State organized armed group. All parties to the conflict have clear obligations under international law to protect civilians.

13. IHL requires all parties to an armed conflict, including non-State organized armed groups in a non-international armed conflict, to comply with the rules of distinction, proportionality, necessity and precaution. When used in populated areas, explosive weapons represent an important challenge for the respect of these rules in the conduct of hostilities.
14. International human rights law (IHRL) applies both in peacetime and during armed conflict. It requires States to respect, protect and fulfill human rights at all times during situations of armed conflict. Attacks directed at the civilian population, as well as the indiscriminate use of IEDs, are serious violations of IHL and also violate article 6 of the International Covenant on Civil and Political Rights (ICCPR).<sup>9</sup>
15. Somalia is a party to various international and regional human rights treaties, including the ICCPR, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and others, which notably protect the right to life.<sup>10</sup> Under the ICCPR, the State is obliged to exercise due diligence and to undertake appropriate positive measures in response to reasonably foreseeable threats to life originating from private persons and entities whose conduct is not attributable to the State,<sup>11</sup> including de facto authorities and armed groups. Somalia must seek to hold perpetrators of human rights violations and abuses accountable. Victims of human rights violations must be granted an effective remedy and adequate reparation.
16. While they cannot become parties to international human rights treaties, non-State actors, including non-State organized armed groups exercising control over a

6 Security Council Resolution 2158 (2014) see [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2158\(2014\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2158(2014)).

7 Security Council Resolution 2498 (2019) see [https://undocs.org/en/S/RES/2498%20\(2019\)](https://undocs.org/en/S/RES/2498%20(2019))

8 Security Council Resolution 2540 (2020) see <http://unscr.com/en/resolutions/2540> and Security Council Resolution 2592 (2021) see [https://undocs.org/S/RES/2592\(2021\)](https://undocs.org/S/RES/2592(2021)).

9 Article 13. Protection of the Civilian Population, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II), 8 June 1977. See <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&documentId=AA0C5BCBAB5C4A85C12563CD002D6D09>. See also Human Rights Committee General Comment No. 31 para 11 and General Comment No. 36, para. 64.

10 Somalia is a State Party to six core international human rights instruments. See details at [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=161&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=161&Lang=EN)

11 Human Rights Committee, General Comment No. 36, para. 21.

territory, such as Al-Shabaab, must respect international human rights norms when their conduct affects the human rights of the individuals under their control.

17. While Al-Shabaab is responsible for the majority of the IED attacks in the country, this does not affect the obligation of Somalia to uphold international human rights law in relation to its territory and other places under its jurisdiction.<sup>12</sup>
18. Furthermore, Somalia is a State Party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.<sup>13</sup> In April 2021, Somalia submitted a request for an extension of the deadline for completing the destruction of anti-personnel mines in contaminated areas in accordance with Article 5 of the Convention.<sup>14</sup>

## IV. Use of IEDs by Al-Shabaab

19. The use of IEDs by Al-Shabaab in heavily populated areas remains a significant cause of civilian deaths, injuries, destruction of livelihoods and displacement in Somalia. They continue to severely impact rights, particularly civil and political and economic and social rights of victims and their families, the delivery of humanitarian assistance, participation in peace-building efforts and other essential political processes in the country. As the primary weapon of choice,<sup>15</sup> with the apparent objective of causing the maximum number of casualties and extensive damage to properties, Al-Shabaab carried out attacks by employing IEDs in a number of ways. These include using vehicle-borne improvised explosive devices (VBIED), suicide attacks using both vehicle-borne improvised explosive devices (SVBIED) and person-borne improvised explosive devices (PBIED), and victim-operated improvised explosive devices (VOIED).

20. During the period covered by this report, UNSOM/

OHCHR recorded 109 IED attacks by Al-Shabaab that resulted in 865 civilian casualties (309 killed and 556 injured). This represents 72 per cent of the 1,206 civilian casualties (519 killed and 687 injured) attributed to Al-Shabaab for this period and 37 per cent of the total civilian casualties (2,360) for the same period by all actors including state security forces, AMISOM, clan militia and unidentified elements. IEDs being the main threat to civilians has also been observed in previous years: UNSOM/OHCHR documented that IEDs employed by Al-Shabaab caused 88 per cent of civilian casualties in 2017 that were attributed to the group, 74 per cent in 2018, and 90 per cent in 2019. In total, since 2017, the use of IEDs by Al-Shabaab is responsible for 3,870 civilian casualties, constituting 51 per cent of all civilian casualties (7,545) by all perpetrators.

21. IEDs (many of which were remote controlled) and VOIEDs planted near roads, placed underneath a vehicle or other facilities and locations used by civilians, were the most commonly used during the reporting period. Of the 109 IED attacks recorded by UNSOM/OHCHR, 78 IEDs, including VOIEDs and remote-controlled ones, resulted in 440 casualties (170 killed and 270 injured) or 51 per cent of the documented civilian casualties from IEDs. The remaining 31 IED attacks were suicide attacks using PBIEDs and SVBIEDs that resulted in 425 casualties (139 killed and 286 injured). Although suicide attacks represented only 28 per cent of IED attacks, they caused 49 per cent of the casualties.
22. The reporting period saw a significant increase in the use of suicide attacks using PBIEDs. UNSOM/OHCHR recorded that, out of the 31 suicide attacks carried out, 30 were by men and one was by a woman. Twenty of the incidents involved an individual suicide bomber detonating an explosive vest in areas such as restaurants, in front of a stadium, in front of a mosque, which is a protected civilian object under IHL, or at a police checkpoint, resulting in 234 casualties (78 killed and 156 injured). In comparison, one incident of the use of a PBIED was recorded in 2019 and one in 2018, with a total of 44 casualties.<sup>16</sup>

12 General Comment No. 31 on the nature of the general legal obligation imposed on States Parties to the Covenant (2004), para. 8.

13 [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-5&chapter=26&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-5&chapter=26&clang=en)

14 <https://www.apminebanconvention.org/fileadmin/APMBC/clearing-mined-areas/2021-Somalia-ExtensionRequest.pdf>.

15 See United Nations Mine Action Service (UNMAS) activities in Somalia available at <https://unsom.unmissions.org/un-mine-action-service> Also see para. 44 of the 2020 report of the Panel of Experts on Somalia available at <https://www.undocs.org/en/S/2020/949>, para. 44.

16 On 9 May 2018, a suicide bomber detonated his explosives in the khat market in Wanleweyn, Lower Shabelle region killing 13 civilians including two children and injuring 15 others. On 24 July 2019, a female suicide bomber allegedly detonated her explosives in the Benadir Regional Administration

## Areas most affected by IED use

23. Similar to previous years, Benadir region (which includes the capital of Somalia, Mogadishu) remained the most affected area by Al-Shabaab IED attacks that resulted in civilian casualties, with 412 casualties from 42 incidents. South West State also saw almost an equal number (39) of IED attacks with 248 casualties. The attacks in Benadir region and South West State represent 74 per cent of all IED attacks carried out by Al-Shabaab in the country and 76 per cent of the casualties caused by IEDs during the period under review. Mogadishu is the seat of the Federal Government of Somalia and hosts the main offices of United Nations and members of the international community supporting the recovery of Somalia from its prolonged crisis. South West State includes the strategic and top food-producing regions of Lower Shabelle and Bay. The concentration of IED attacks in Benadir region and South West State may also be due to factors such as the presence of security forces operating against Al-Shabaab.
24. Other areas affected by Al-Shabaab IED attacks include Hirshabelle with 83 casualties from 11 attacks, Jubaland with 81 casualties from ten attacks, Galmudug with 34 casualties from five attacks, and Puntland with seven casualties from two attacks.

## Types of targets

25. Al-Shabaab uses IEDs to target security forces and civilians. Even when targeting security forces in populated areas, these attacks cause civilian casualties. During the period of this report, UNSOM/OHCHR documented 30 incidents that resulted in 252 casualties (80 killed and 172 injured). In one attack on 20 June

2020, three men and one woman were killed, and three other men injured, after two improvised explosive devices targeting a senior officer of the Somali National Army exploded in Wanleweyn town, Lower Shabelle region.<sup>17</sup>

26. During the period under review, Al-Shabaab also carried out 79 IED attacks against civilians and civilian objects, including institutions, and most of these took place in public spaces such as hotels, restaurants, streets, markets, bus stations and in front of mosques. UN-SOM/OHCHR recorded 21 IED attacks by Al-Shabaab that took place against two hotels, five teashops and 16 restaurants with 305 casualties (112 killed and 193 injured). Al-Shabaab often claims that they are visited by government officials and members of the security forces, regardless of the presence of civilians.
27. For instance, a large-scale attack took place on 16 August 2020 when Al-Shabaab attacked the Elite Hotel on Lido Beach in Mogadishu, which resulted in 39 civilian casualties (14 killed and 25 injured). The attackers gained entrance using an SVBIED and then stormed the hotel resulting in an armed confrontation with Somali security forces that lasted for 12 hours. Al-Shabaab claimed responsibility for the attack and the group's spokesperson for military operations claimed that the hotel was the meeting place for security officials and other civil servants from all branches of the government.<sup>18</sup> This deliberate targeting is consistent with claims by the Al-Shabaab spokesperson during an interview with Aljazeera English in January 2017, in which he called hotels "army bases" which serve as "ministry offices for infidels and apostates".<sup>19</sup>
28. The next day on 17 August 2020, an IED exploded inside a restaurant in Belet Hawo town, Gedo region, killing seven civilians (four men and three women), and injuring 13 other civilians (nine men and four women).

offices in Mogadishu during a meeting of senior municipal officials. The attack caused 16 civilian casualties (10 killed and six injured), including the Mayor of Mogadishu. Al-Shabaab claimed responsibility for the attack stating the target was the United Nations Special Representative of the Secretary-General for Somalia but did not give the identity of the suicide bomber. See <https://calamada.com/faahfaahin-laga-helayo-howlgalkii-xarunta-maamulka-gobalka-banaadir/>. However, the Ministry of Internal Security of the Federal Government of Somalia claimed that a blind female carried out the attack in a press release on 8 August 2019, [https://twitter.com/MoIS\\_FGS/status/115962727728133121/photo/1](https://twitter.com/MoIS_FGS/status/115962727728133121/photo/1); See also, "Somalia says blind female suicide bomber killed Mogadishu mayor", Reuters, 9 August 2019, <<https://www.reuters.com/article/us-somalia-security-bomber/somalia-says-blind-female-suicide-bomber-killed-mogadishu-mayor-idUSKCN1UZ1D0>>.

- 17 Al-Shabaab claimed the responsibility of the attack through its affiliated website, Somalimemo.info, stating that the target was SNA trained by the United States of America <https://somalimemo.info/articles/13166/Maleeshiyaad-Mareykanku-tababaray-oo-ku-dhintay-qarax-ka-dhacay-Wanlaweyn>.
- 18 A briefing by Al-Shabaab's spokesman for military operations to Al-Shabaab affiliated media on the attack: <https://radioalfurqaan.com/wp-content/uploads/2020/08/Shir-Jaraaid-Sh-Abu-Muscab-17-08-2020.mp3>; also <https://somalimemo.info/articles/13483/Dhageyso-Sheekh-Abuu-Muscab-oo-ka-hadlay-Weerarkii-Elite-Hotel-Goofgaduud-iyoo-Arrimo-kale>.
- 19 See the interview of Al-Shabaab spokesman to Aljazeera English, in January 2017 [www.youtube.com/watch?v=BJuwu-H0mgs](http://www.youtube.com/watch?v=BJuwu-H0mgs)

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In another attack in Mogadishu on 5 March 2021, 20 civilians were killed, and 30 others injured when a suicide bomber detonated a VBIED at a restaurant in Hamar Jajab district, Mogadishu. In addition to the civilian casualties, it was reported that two members of the security forces were killed, and two others were injured in the attack. On its affiliated website, Al-Shabaab claimed it had targeted security officials.<sup>20</sup>

29. Al-Shabaab also carried out attacks on markets with IEDs, and UNSOM/OHCHR recorded five incidents with 14 casualties during the reporting period. On 22

January 2021, four civilians (three men and one eight-year-old boy), were injured when an IED was detonated in a market in Marka town, Lower Shabelle region.

30. Other civilian objects attacked by Al-Shabaab with IEDs included the construction work on the main road between Mogadishu and Afgoye in Lower Shabelle with the apparent aim of disrupting or halting the entire operation. Two separate suicide attacks targeting the engineers and construction workers, the first on 18 January 2020 and the second on 2 January 2021 resulted in 19 civilian casualties, including Turkish nationals.<sup>21</sup>

*We were celebrating Eid and the end of the Holy Month of Ramadan in our IDP camp and there was a crowd of people that were dancing together, mostly women and children. Someone had placed an improvised explosive device in the camp, and it was detonated in front of this crowd, killing many people and wounding dozens more, including children. Even so long after, many of us are still suffering today.*

Survivors of the attack that took place in the Xanaano II IDP camp in Baidoa on 24 May 2020.

31. Al-Shabaab also targeted civilians during celebrations to mark the end of the Holy Month of Ramadan; on 24 May 2020, four civilians (three men and one boy), were killed and 41 other persons (26 men, 16 women and one boy) were injured when an IED exploded during Eid celebrations in an IDP camp in Baidoa town, Bay region. The explosion occurred as the residents of the IDP camp, including women, men, girls and boys, were reportedly performing traditional songs and dances, which Al-Shabaab sees as un-Islamic. In addition, there was no presence of security forces in the vicinity of that camp at the time of the incident.

32. Al-Shabaab also uses IEDs attacks to assassinate civilians, including government officials, politicians, clan elders, business owners, media workers and members of groups promoting the rights of women. It often claims they were participating in public affairs or failed to comply with its orders. For example, on 11 September 2020, a suicide bomber detonated his explosives during the Friday prayer near a mosque in Kismayu in Jubaland, killing four civilians (three men and one boy), and injuring five men and two women. Al-Shabaab claimed responsibility for the attack and alleged that it targeted the Chairperson of the Jubaland

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<sup>20</sup> <https://somalimemo.info/articles/14357/DF-iyoo-Al-Shabaab-oo-siyaabo-kala-duwan-uga-hadlay-qaraxii-Muqdisho-ka-dhacay>.

<sup>21</sup> <https://somalimemo.info/articles/12233/In-Kabadan-20-isugu-jira-Turki-iyoo-Maleeshiyaadka-Dowladda-oo-dhimasho-dhaawac-ku-noqday-qaraxii-Afgooye>.



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Chamber of Commerce and Industries, who was killed in the attack.<sup>22</sup> In another suicide attack in Garowe, Puntland, Al-Shabaab killed the Governor of Nugaal region of Puntland and injured two other men on 29 March 2020.<sup>23</sup>

### Impact on Enjoyment of Economic, Social and Cultural Rights

33. In addition to causing civilian casualties and destruction of civilian properties, Al-Shabaab's IED attacks affect the entire spectrum of the human rights of the civilian population in the impacted areas, including their enjoyment of economic and social rights, in particular, the right to health. The group targets key

civilian economic infrastructures such as roads, farms, restaurants and markets. These deliberate attacks curtail the movement of goods and services, including humanitarian assistance.

4. Armed conflicts and insecurity are among the leading causes of civilian displacement in the country, and since the beginning of 2021, conflict-related displacements have exceeded flood and drought induced displacements. The UNHCR-led Protection and Return Monitoring Network (PRMN) recorded 777,000 conflict and insecurity generated displacements from January 2020 to November 2021, and 50 per cent of these displacements occurred between Benadir, Lower Shabelle, Middle Shabelle, and Bay regions, which are the economic, commercial and agricultural production powerhouses of the country.<sup>24</sup>

*The minute you become physically disabled, you become another person, you get a new nickname, people look at you differently, and you become a burden to everyone, including members of your family.*

A civilian man who survived an IED explosion in Jowhar, Middle Shabelle, June 2016 and whose injuries left him with a permanent disability.

### Measures addressing the damage caused by the use of IEDs

35. IED attacks inflict grievous physical injuries to the victims and have become a significant cause of disability in Somalia.<sup>25</sup> In accordance with the Convention on the

Rights of Persons with Disabilities and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, Somalia must ensure all aspects of victim assistance for the affected population and promotion of the rights of persons with disabilities, including eliminating disability-based discrimination and stigma.<sup>26</sup>

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22 Al-Shabaab alleged that the victim was the right-hand man of Ahmed Madobe, the President of Jubaland, one of the Federal Member States. See <https://somalimemo.info/articles/13604/WAR-DEG-DEG-AH-AI-Shabaab-Oo-Sheegatay-Masuuliyada-Qarax-Xoogan-Oo-Ka-Dhacay-Kismaayo>.

23 See Al-Shabaab's claim on the assassination of Governor Abdisalam Hirsi at <https://somalimemo.info/articles/12678/Guddoomiyihii-gobolka-Nugaal-oo-lagu-dilay-weerar-ka-dhacay-Garowe>.

24 Conflict and insecurity are the main cause of displacements in Somalia for first five months of 2021 as documented by the UNHCHR-led Protection and Return Monitoring Network (PRMN). See <https://data2.unhcr.org/en/dataviz/1?sv=1&geo=192>.

25 Interview with disability rights advocates in Mogadishu.

26 See articles 4, 5 & 8 of the Convention of the Rights of Persons with Disabilities and article 6 of the Convention on the Prohibition of the Use,

36. Despite the heightened risks of severe injuries from Al-Shabaab IED attacks, there are gaps in addressing both the immediate and long-term needs of the civilian persons with disabilities as a result of Al-Shabaab IED incidents. The healthcare system in the country remains weak, poorly resourced and inequitably distributed<sup>27</sup> which disproportionately affects rural communities, women and children. Due to the prolonged armed conflict, insecurity and recurrent natural disasters such as droughts and floods, health indicators in Somalia, such as the number of health workers, are among the lowest in the world. There are only two health care workers per 100,000 people, while the global standard for health care workers is 25 per 100,000 people.<sup>28</sup> Al-Shabaab IED attacks exacerbate the already low capacity of the health system in the country, which is unable to treat patients with some serious injuries from the IED explosions. A recent report by Amnesty International on the response to the COVID-19 pandemic further highlighted serious deficiencies in the healthcare system.<sup>29</sup>
37. IED attacks affect survivors' mental health leading to a long-term impact. However, mental health services in Somalia are insufficient in terms of the number of facilities, qualified staff, and geographical coverage.<sup>30</sup> Gaps also exist in other areas of victim assistance, including rehabilitation and social and economic inclusion<sup>31</sup> and a lack of data on the number of persons with disabilities.
38. In 2019, the Federal Ministries of Women and Human Rights Development and Internal Security, and the Somali Explosive Management Authority (SEMA) started the process of developing a five-year National Plan of Action for Disabilities and Victim Assistance, which

still remains in draft form.<sup>32</sup> Moreover, the legislation for SEMA, which has the mandate for victim assistance, has been pending at the People's House of the Federal Parliament since 2015.<sup>33</sup> In 2020, the Federal Ministry of Women and Human Rights Development launched a series of public consultations in the country for the National Disability Bill but the process has yet to be finalized. UNSOM/OHCHR takes note of the launching of the National Disability Agency on 13 July 2021. The National Disability Agency is charged with designing, developing, and implementing laws, policies, programmes that affect persons with disabilities in the country. However, it faces serious challenges, including a lack of funding and other technical resources to fully implement its mandate.

## Accountability

39. Somalia has a legal obligation to ensure accountability for the victims and survivors of violations and abuses of international human rights law as well as violations of international humanitarian law. The obligation includes effective, prompt, thorough and impartial investigations and, where appropriate, bringing those allegedly responsible to justice through fair and independent judicial proceedings imposing adequate sanctions commensurate to the seriousness of the conduct.<sup>34</sup> The Provisional Constitution of Somalia also recognises the redress of past human rights violations as a priority issue and requires the State to put in place adequate procedures for redress of violations of human rights which must be available in courts that people can readily access.<sup>35</sup>

Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

27 <https://www.who.int/hac/donorinfo/somalia.pdf>.

28 <https://www.who.int/news-room/feature-stories/detail/covid-19-locusts-flooding-who-and-triple-threat-in-somalia>

29 Amnesty International, 2021, "We just watched COVID-19 patients die", <https://www.amnesty.org/en/wp-content/uploads/2021/08/AFR5246022021ENGLISH.pdf>.

30 It is estimated that one in every three Somalis is affected by a challenge related to their mental health. However, there are only a few health facilities offering mental health services — for a country of 15 million, there are only 3 psychiatrists and 25 trained nurses dealing with mental health. See <http://www.emro.who.int/somalia/news/urgent-need-to-scale-up-mental-health-services-in-somalia.html> [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/mental\\_health\\_presentation.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/mental_health_presentation.pdf).

31 See Situation Analysis of Persons with Disabilities in Somalia. UNSOM, 2019.

32 <https://unmas.org/en/news-somalia-plans-to-develop-strategy-to-assist-survivors-of-mine-explosions>

33 The Somali Explosives Management Authority (SEMA) was established under Presidential decree No. 107 on 6 August 2013. In 2015, SEMA was endorsed by the cabinet of ministers and the legislation for SEMA were submitted to the Federal Parliament for approval. However, the legislation has not yet been approved by the federal parliament. <https://www.globalprotectioncluster.org/2021/06/14/unmas-somalia-ndmun24-booth/> Also see NDP-9 Volume I: page 165.

34 See the General Assembly Resolution (A/RES/60/147 adopted on 16 December 2005) on Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/496/42/PDF/N0549642.pdf?OpenElement>.

35 Provisional Constitution of Somalia art. 39. Redress of Violations of Human Rights.

40. There has been limited accountability in terms of prevention of attacks, persecution of alleged perpetrators and justice for the victims and survivors of the Al-Shabaab IED attacks which take place mostly in areas controlled by the Federal Government of Somalia. There are also limitations in responding to Al-Shabaab IED attacks and bringing perpetrators to justice. Despite the high casualty rates among the civilian population from Al-Shabaab's indiscriminate or disproportionate IED attacks, the arrest and prosecution of those responsible for IED attacks remains a significant challenge.<sup>36</sup> Out of the 109 IED attacks recorded by UNSOM/OHCHR during the reporting period, authorities were able to arrest suspects in four cases.<sup>37</sup> In one of these cases, the Military Court in Puntland convicted six men to prison terms between 15 and 25 years for their involvement in the suicide attack that killed the Nugaal Governor and injured two others in Garowe town on 29 March 2020. A contributing factor to the low number of arrests is the elusive and clandestine nature of those involved in IED attacks and that many of those responsible for IED attacks live and operate outside government-controlled areas.
41. There have been efforts by Somalia, with the support of international partners, to build the capacity of the Somali security forces to conduct counter-IED operations and IED-disposal and protect the civilian population and civilian objects against the dangers resulting from IEDs.<sup>38</sup> For example, in support of the security transition plan, UNMAS continues to support counter-IED efforts to train and equip the Somali National Army. By the end of 2021, 16 teams were trained/equipped at the federal and member state levels and by 2022, five more teams will be established to enhance the capacity of the forces to counter the threat of IEDs in Somalia. However, there still exist gaps and challenges to prevent and mitigate the continued use of IEDs by Al-Shabaab.

## V. Recommendations

UNSOM/OHCHR urges Al-Shabaab to immediately cease the deliberate targeting of civilians and civilian objects and to cease the indiscriminate and disproportionate use of all IEDs, including the use of PBIEDs and VBIEDs, and must immediately stop using VOIEDs.

UNSOM/OHCHR calls upon Al-Shabaab to comply with and ensure respect for IHL and IHRL.

UNSOM/OHCHR recommends, that the Federal Government of Somalia, with the support of international partners, strengthen the capacity of the Somali security forces to effectively conduct counter-IED operations and IED-disposal and that the Government dedicate all necessary resources to ensure the development and full implementation of the national counter-IED strategy and finalise legislation for the Somali Explosives Management Authority (SEMA).

UNSOM/OHCHR calls on the Federal Government of Somalia to speed up the passage of the draft National Counter-Terrorism Bill of 2016, which has been before the People's House of the Federal Parliament since 2017 and ensure that it is compliant with Somalia's international human rights obligations.

UNSOM/OHCHR urges that the Federal Government of Somalia, with the support of international partners, reaffirm its commitments to the assistance to and effective remedies for victims of IED attacks and finalise the draft National Plan of Action for Disabilities and Victim Assistance and the proposed National Disability Bill.

UNSOM/OHCHR urges the Federal Government of Somalia to provide the necessary resources for the National

36 The appropriate legal jurisdiction for these cases is the civilian criminal courts yet, they are handled through the military courts. In addition to the legal jurisdiction issues, the transparency of military trials remains challenging thereby, obscuring whether or not basic fair trial guarantees are ensured.

37 In one of the cases, three suspects were arrested and detained for Al-Shabaab claimed IED attack which killed three civilians and injured 13 others in a market in Baidoa town, Bay region on 28 May 2021, but were released after 11 days of detention without being charged or appearing before a court as required by the Criminal Procedure Code. In another case, on 3 October 2020, the Military Court in Puntland convicted six men to prison terms between 15 and 25 years for their involvement in the suicide attack that killed the Nugaal Governor and injured two others in Garowe town on 29 March 2020.

38 See <https://www.unmas.org/en/programmes/somalia>

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Disability Agency to fully function under the 2018 Law for the Establishment of National Disability Agency.

UNSOM/OHCHR urges the Federal Government of Somalia to seek international cooperation and partnerships on its commitments to the rights of persons with disabilities as stated under Article 32 of the Convention on the Rights of Persons with Disabilities, Article 2 of the International Convention on Economic, Social and Cultural Rights, and Article 6 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

UNSOM/OHCHR urges the Federal Government of Somalia, with the support of international partners, to strengthen the capacity of Somalia National Bureau of Statistics to undertake and maintain disaggregated (gender, age) statistics and data collection on persons with disabilities, in line with Somalia's obligations under Article 31 of

the Convention on the Rights of Persons with Disabilities.

UNSOM/OHCHR urges the Federal Government of Somalia to establish an effective, standing national mechanism for reporting and follow-up (NMRF), with a comprehensive formal legislative or policy mandate.

UNSOM/OHCHR urges the Federal Government of Somalia to speed up the process for the development of a National Protection of Civilians Policy, which should take forward recommendations from the 2016 Universal Periodic Review of Somalia, Somalia's Human Rights Roadmap and the 2017 and 2020 UNSOM/OHCHR reports on Protection of Civilians and is in line with the measures recommended in the UN Human Rights Due Diligence Policy framework.

UNSOM/OHCHR urges the Federal Government of Somalia to establish a civilian casualty tracking, analysis, and response system.



