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Letter dated 12 July 2013 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 13 (m) of Security Council resolution 2060 (2012), I have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea.

In this connection, the Committee would appreciate it if the present letter, together with its enclosure, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) **Kim Sook**

Chairman

Security Council Committee pursuant to
resolutions 751 (1992) and 1907 (2009)
concerning Somalia and Eritrea

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Letter dated 19 June 2013 from the members of the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

We have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea, in accordance with paragraph 13 (m) of Security Council resolution 2060 (2012).

(Signed) **Jarat Chopra**

Coordinator

Monitoring Group on Somalia and Eritrea

(Signed) **Jeanine Lee Brudenell**

Finance Expert

(Signed) **Emmanuel Deisser**

Arms Expert

(Signed) **Aurélien Llorca**

Transport Expert

(Signed) **Dinesh Mahtani**

Finance Expert

(Signed) **Jörg Roofthoof**

Maritime Expert

(Signed) **Babatunde Taiwo**

Armed Groups Expert

(Signed) **Kristèle Younès**

Humanitarian Expert

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Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012): Somalia

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* The annexes are being circulated in the language of submission only.

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

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Abbreviations

AMISOM African Union Mission in Somalia
 ENDF Ethiopian National Defence Forces
 FAO Food and Agriculture Organization of the United Nations
 KDF Kenya Defence Forces
 MSF Médecins sans Frontières
 NATO North Atlantic Treaty Organization
 UNHCR Office of the United Nations High Commissioner for Refugees
 UNICEF United Nations Children's Fund
 UNSOM United Nations Assistance Mission in Somalia

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Summary

The end of transition in Somalia in summer 2012, though fragile and flawed, nevertheless led to the election of Hassan Sheikh Mohamud as President and presented an opportunity for a new kind of leadership in the country. However, a genuine end of transition necessitated both a change in individual leadership as well as a change in the system of government that in the past had undermined the Statebuilding enterprise through misappropriation of public goods and security sector fiefdoms. While control over financial flows and security institutions was divided between several principal power holders in the past, the new President inherited a system in which he controlled neither. While struggling to extend his reach into government in Mogadishu as well as into the country generally, he has had to develop coping mechanisms to obtain external funds and arrange security relations inside and outside of Government. These limitations at the centre of the Federal Government, the realignment of networks of influence in and around it and more

broadly in Somalia, as well as events in past months, notably in “Jubaland”, threaten to undermine the Federal Government of Somalia and the current peace and reconciliation process in the country.

Meanwhile, Al-Shabaab has suffered conventional military setbacks, particularly in urban centres, including the loss of Kismaayo, as the forces of AMISOM and the Somali National Army expanded their areas of territorial control. However, Harakaat al-Shabaab al-Mujaahidiin continues to control most of southern and central Somalia and has shifted its strategic posture to asymmetrical warfare in both urban centres and the countryside. The military strength of Al-Shabaab, with an approximately 5,000-strong force, remains arguably intact in terms of operational readiness, chain of command, discipline and communication capabilities. By avoiding direct military confrontation, it has preserved the core of its fighting force and resources. Given its structure, internal dissension has had no impact on Al-Shabaab’s ability to conduct operations. The leadership of Ahmed Godane has been kept largely unchallenged, in part by strengthening the role and resources of *Amniyat*, Al-Shabaab’s “secret service”, which is structured along the lines of a clandestine organization within the organization with the intention of surviving any kind of dissolution of Al-Shabaab. At present, Al-Shabaab remains the principal threat to peace and security in Somalia.

The merger between Al-Shabaab and Al-Qaida in 2012 appears largely symbolic. Al-Shabaab continues to pose a regional and international threat through its affiliates. Notably, in Kenya, Al Hijra (formerly the Muslim Youth Centre) and its financier, the Pumwani Riyadhha Mosque Committee, have suffered setbacks from disruptions of Al Hijra’s operations by international and regional security services, as well as unexplained killings and disappearances of its members. However, Al Hijra is striving to regain the initiative, in part through its fighters in Somalia returning to conduct new and more complex operations and through strengthening its ties to other groups in the region. In this context, the self-styled Al-Qaida affiliate, Abubakar Shariff Ahmed “Makaburi”, designated for targeted measures by the Committee in August 2012, is increasingly asserting his influence over Al Hijra.

More broadly in Somalia, several spoiler networks have emerged. In northern Somalia, with the general decline of pirate activity a network of individuals, including known pirate leaders, is engaged in providing private security for

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unlicensed fishing vessels in Somali waters and is connected to weapons smuggling and Al-Shabaab networks in north-eastern Somalia. In the east-central region of Galmudug, a “former” Mogadishu warlord, Abdi Hassan Awale “Qeybdiid”, has returned to prominence by appropriating political power and instigating clan conflict, thereby undermining the Federal Government and threatening security in the northern region of “Puntland”. In southern Somalia, two core groups of spoilers are either aligned against or in favour of the Federal Government. Sheikh Ahmed Mohamed Islam “Madobe” and his Ras Kamboni forces, with Kenyan support, have established their own military presence in Kismaayo in opposition to the central Government, while a group of Hawiye/Habar Gedir/Ayr warlords and their allies in the Darod/Marehan network of Barre Adan Shire “Hiiraale” are acting as proxies for the central Government, but pursuing their own individual and clan-based agendas. Both spoiler groups have interests that intersect with those of Al-Shabaab.

With the decline in the number of pirate incidents, organized criminal networks and individuals are diversifying their financial interests by undertaking different ventures, including providing armed protection aboard vessels involved in regional trade or fishing activities. While piracy may be contained at sea, the various pirate networks remain active. In the persisting absence of serious national and international efforts to investigate, prosecute or sanction those responsible for organizing Somali piracy, the leaders, financiers, negotiators and facilitators will continue to operate with impunity. Of particular concern in this context are the steps taken by the Federal Government towards a policy of amnesty.

Despite the change in leadership in Mogadishu, the misappropriation of public

resources continues in line with past practices. The campaign financing structure of the 2012 elections recycled funds derived from external and internal sources to distort the political system. Notably, public financial management efforts to redirect Government revenues to the Central Bank proved to be serving a flawed objective. On average, some 80 per cent of withdrawals from the Central Bank are made for private purposes and not for the running of Government, representing a patronage system and a set of social relations that defy the institutionalization of the State. In this context, the fiduciary agency managed by PricewaterhouseCoopers was reduced to a transfer agent that could not ensure accountability of funds once they reached the Government of Somalia. Indeed, of 16.9 million transferred by PricewaterhouseCoopers to the Central Bank, US\$ 12 million could not be traced. Key to these irregularities has been the current Governor of the Central Bank, Abdusalam Omer. In addition, the production of the national passport continues to be fraught with fraud and corruption, undermining the integrity of the national travel document. While more customs and port fee revenues from Mogadishu port have been deposited into the Central Bank, they are proportionally less than the increase in shipping traffic, and a monthly average of at least 33 per cent cannot be accounted for. At present, the emergence of significant oil interests in Somalia and the region risks exacerbating political tensions in Somalia, undermining coordination between federal and regional administrations and threatening peace and security in the country.

Despite the relaxation of the arms embargo for the Federal Government of Somalia, a variety of violations persist. The patterns of arms shipments to Somalia remain similar to those of previous years, with smuggling networks able to exploit a number of small ports around the coast of Somalia and supply routes between the northern and southern parts of the country. In addition, concerns over command and

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control within AMISOM and Kenyan forces, as well as support to Somali proxies by the Government of Ethiopia outside any exemption, remain unresolved issues. Generally, there has been an improvement by Member States in complying with procedures of the arms embargo, although the Federal Government has yet to fulfil its obligations under the revised regime. The activities of private security companies continue to grow, at times in violation of the arms embargo.

Despite improved access in certain areas of the country, access to vulnerable civilians remains a challenge for the humanitarian community, and all parties in Somalia continue to obstruct the provision of humanitarian assistance. Al-Shabaab maintained and expanded its ban on most aid agencies in areas under its control, while all actors in Somalia subjected humanitarian organizations to taxation, illegal roadblocks, intimidation and extortion. Moreover, as a consequence of both remote management by aid agencies in Nairobi and the culture of “gatekeepers”, diversion of humanitarian assistance by third parties, as well as by staff and partners of aid organizations, continues to undermine international efforts.

Throughout Somalia, all parties to the conflict continue to violate international humanitarian law and human rights standards. Military operations and guerrilla warfare across the country caused significant harm to civilians. In 2012 in Mogadishu, some 6,680 civilian casualties suffered weapons-related injuries, many of them from improvised explosive devices deployed by Al-Shabaab. Data collected by human rights and humanitarian agencies demonstrate that pro-Government forces have also caused civilian casualties as a result of aerial attacks and naval and ground engagement. Meanwhile, gender-based violence remains an endemic phenomenon.

By November 2012, Kenyan forces, Sheikh Ahmed Madobe and his Ras Kamboni forces had unilaterally begun exporting charcoal from Kismaayo in flagrant violation of the Security Council ban and the instructions of the President of Somalia. Thereafter, approximately 1 million sacks of charcoal have been exported from Kismaayo each month, in addition to exports from Al-Shabaab-controlled Barawe and other smaller ports. Overall, the charcoal exports have increased by 140 per cent in comparison to previous years. The charcoal business architecture and

trade networks remain intact, with Al-Shabaab maintaining a central role and continuing to benefit significantly.

As a result of its investigations, particularly those with financial implications for spoilers in Somalia, the Monitoring Group has experienced increasing obstruction of its work, including targeted killings, threats and intimidation of its alleged sources. In addition, as Somalia proceeds on its precarious path to peace and reconciliation, the various spoilers identified by the Monitoring Group threaten to undermine legitimate authority in the country as well as international assistance efforts. To better secure the gains made to date, the Monitoring Group believes that such individuals violating relevant Security Council resolutions should be designated for targeted measures with the least possible delay. To this end, it proposes several new additions to the sanctions lists established in accordance with Security Council resolutions 1844 (2008) and 1907 (2009).

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I. Introduction

A. Mandate

1. The mandate of the Monitoring Group on Somalia and Eritrea is contained in paragraph 13 of Security Council resolution 2060 (2012), adopted on 25 July 2012. Additional tasks were assigned to the Monitoring Group under resolution 2093 (2013).

2. Pursuant to paragraph 13 (l) of resolution 2060 (2012), the Monitoring Group provided the Security Council, through its Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, a midterm briefing on 15 February 2013. The Monitoring Group also submitted monthly progress reports to the Committee throughout the period of its mandate.

3. In the course of their investigations, members of the Monitoring Group travelled to Belgium, Ethiopia, France, Greece, Italy, the Netherlands, Norway, Seychelles, Somalia, South Africa, South Sudan, Switzerland, Sweden, the United Republic of Tanzania, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yemen and Zambia. In Somalia, members of the Monitoring Group were able to undertake multiple visits to Mogadishu, Garowe, Bosasso and Kismaayo, but much of the south of the country remained inaccessible.

4. The Monitoring Group was based in Nairobi and comprised the following experts: Jarat Chopra (Coordinator), Jeanine Lee Brudenell (finance), Emmanuel Deisser (arms), Aurélien Llorca (transport), Dinesh Mahtani (finance), Jörg Roofthoof (maritime), Babatunde Taiwo (armed groups) and Kristèle Younès (humanitarian).

B. Methodology

5. The evidentiary standards and verification processes outlined in the previous reports of the Monitoring Group apply to work conducted during the mandate under review. The Monitoring Group reaffirmed its methodology pursuant to its previous reports (most recently, S/2012/544 of 13 July 2012). The methodology used for the current report is as follows:

- (a) Collecting information on events and topics from multiple sources, where possible;
- (b) Collecting information from sources with first-hand knowledge of events, where possible;
- (c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;
- (d) Continuously factoring in the expertise and judgement of the relevant expert of the Monitoring Group and the collective assessment of the Group with respect to the credibility of information and the reliability of sources; and
- (e) Obtaining physical, photographic, audio, video and/or documentary evidence in support of the information collected.

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6. The Monitoring Group made a deliberate and systematic effort to gain access to those involved in violations by way of individuals who have direct knowledge or who know people who have direct knowledge about details of violations. On certain occasions, the Monitoring Group was able to witness first-hand active violations.

7. The Monitoring Group interviewed a wide range of sources with relevant information, including government officials and representatives from diplomatic missions, civil society organizations and aid agencies. Members of the Monitoring Group met with a variety of officials of the Federal Government of Somalia, including the President, Prime Minister and Ministers of Foreign Affairs and Finance and Planning, among others, and security agencies. The Monitoring Group also met or communicated with officials from the “Puntland” and “Somaliland” administrations, representatives of other political and armed groups, defectors and members of business communities and Somali civil society.

8. In conformity with guidance provided by the Committee, the Monitoring Group endeavoured to include as much of the testimony and evidence as possible in its final report. However, General Assembly resolutions on the control and limitation of documentation, in particular resolutions 52/214, 53/208 and 59/265, necessitated the extensive use of annexes, preventing much of the substance from being translated. In addition, regulations exclude the insertion of maps, photographs and charts in the main report.

9. In accordance with the Secretary-General’s bulletin entitled “Information sensitivity, classification and handling” (ST/SGB/2007/6) of 12 February 2007, the Monitoring Group has submitted to the Security Council Committee on Somalia and Eritrea, together with the present report, several strictly confidential annexes containing information whose disclosure may be detrimental to the proper functioning of the United Nations or to the welfare and safety of its staff or third parties or may violate the Organization’s legal obligations. These annexes will not be issued as a document of the Security Council.

II. Acts that threaten the peace, security and stability of Somalia

A. Harakaat al-Shabaab al-Mujaahidiin

10. Harakat al-Shabaab al-Mujahideen (Al-Shabaab) remains the principal threat to peace and security in Somalia. During the reporting period, the organization has claimed responsibility for hundreds of assassinations and attacks involving improvised explosive devices of different types (person-borne, vehicle-borne, suicide vehicle-borne, radio-controlled, and victim-operated), ambushes, mortar shelling, grenades and hit-and-run tactics. Al-Shabaab is also responsible for continuous violations of the arms embargo on Somalia and the ban on the export of charcoal (see annexes 6 and 9 to the present report).

¹ By paragraph 8 (a) of resolution 1844 (2008), the Security Council prohibited acts that threaten the peace, security or stability of Somalia. By paragraph 43 (a) of resolution 2093 (2013), the Council included among the prohibited acts those that threaten the peace and reconciliation process in Somalia or threaten the Federal Government of Somalia or AMISOM by force. By paragraph 2 of resolution 2002 (2011), the Council expanded the scope of prohibited acts to include the misappropriation of public financial resources.

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11. Al-Shabaab’s operations have targeted AMISOM forces, United Nations staff and premises, members of the security sector institutions of the Government of Somalia and “Puntland” and, to a lesser extent, other regional entities, but also Somali journalists, elders, politicians, judges, businessmen and civil society activists. These operations have caused hundreds of civilian casualties, including women and children and foreigners.

12. At present, Al-Shabaab remains in control of most of southern and central Somalia, including the entire region of Middle Juba, most of Hiran, Bay and Bakol regions and sizeable parts of Galgadud and Lower and Middle Shabelle regions. Multiple factors explain the resilience of Al-Shabaab, including longstanding

support from some major clans, the capacity to provide a stable environment for business, livestock farming and agricultural production and the ability to represent for local elders a credible alternative to regional warlordism or to Mogadishu-based institutions, still perceived as a source of instability, violence and corruption.

13. The Monitoring Group considers, on the basis of its analysis of confidential intelligence reports, that the military strength of Al-Shabaab, with an approximately 5,000-strong force, remains arguably intact in terms of operational readiness, chain of command, discipline and communication capabilities, in spite of its alleged financial constraints and the loss of control of the port city of Kismaayo in the Lower Juba region of Somalia. However, it is not clear if the merger with Al-Qaida on 9 February 2012 had merely a symbolic impact on the organization or enhanced its expertise and resources. Although the current Al-Qaida leader, Ayman Al-Zawahiri, expressed his support for Al-Shabaab operations in Somalia once again in an audio message of 7 November 2012 and in video footage on 6 April 2013, the organization remains largely self-sufficient. In particular, links to Al-Qaida in the Arabian Peninsula, as described in the previous report of the Monitoring Group, remained more institutional than operational.²

14. The Monitoring Group also understands that Al-Shabaab has compiled and hidden in arms caches important stockpiles of weapons and ammunitions, proportionately distributed all over southern and central Somalia, awaiting the withdrawal of international forces to conduct a multiple-front offensive against the Federal Government of Somalia and its allied militias, and regional administrations.

15. Following the departure of ENDF and its proxies from El Bur, in the Galgadud region, and Hudur, in the Bakol region, Al-Shabaab captured these towns on 11 June 2012 and 17 March 2013, respectively. These takeovers illustrate not only the inability of the Federal Government of Somalia and its associated militias to control any ground without international support, but also the capacity of Al-Shabaab to readily recover lost territory.

16. Al-Shabaab has not launched any major attacks against AMISOM or forces of the Federal Government since the “Ramadan offensive” in August-September 2010, and almost systematically avoids direct military confrontation, even in towns of strategic importance such as Kismaayo. Consequently, Al-Shabaab has preserved the core of its fighting force and resources, devoting only a part of its capacities and manpower to asymmetrical warfare.

² See S/2012/544, annex 2.2, para. 12.

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17. Furthermore, internal dissensions have had no impact on the ability of Al-Shabaab to conduct operations in Somalia. Disagreements over power sharing and resources, which invariably cause tensions among the top leaders, are dealt with at the highest level of the *shura* (council). A broad sense of unity is maintained in the organization by calls to arms to maintain constant pressure on AMISOM, federal and regional security forces and their allied militias, and by employing guerrillatype tactics, techniques and procedures. Nevertheless, a scenario in which the Al-Shabaab military structure dissolves into its component factions cannot be ruled out.

18. In this context, Ahmed Godane’s leadership of Al-Shabaab remains largely unchallenged. He has reportedly strengthened his direct control of the *Amniyat*, known as the “secret service” of Al-Shabaab. Financial and technical resources are increasingly concentrated in the *Amniyat* and it commands the attention of Godane, who seems to be neglecting the military apparatus and its leaders, possibly as a result of public disagreements over strategy and objectives. *Amniyat* functions mostly independently from the rest of Al-Shabaab, through its own chain of command, logistics network and financial resources. It therefore has the capacity to operate discretely, gather intelligence and strike effectively throughout Somalia, specifically in areas under AMISOM/Federal Government of Somalia control, spreading fear even within Al-Shabaab.

19. However, Godane is facing a new wave of public discontent from within the *shura*. On 29 April 2013, a *fatwa* was published online, allegedly instigated by Mukhtar Robow, Hassan Dahir Aweys, Ibrahim “Al-Afghani”, Zubair “Al-Muhajir” and Mo’alim Burhan, condemning attempts to assassinate Omar Hammami, a.k.a. “Abu Mansour Al-Amriki”, and declaring that “there is no obedience to the Emir if it is an act of disobedience to Allah”.³

20. Some of these leaders, represented by Robow and Aweys, are considered to be part of the nationalistic wing of Al-Shabaab, yet they confronted Godane in defence of “Al-Amriki”, today still the main public figure of the international jihadist movement in Somalia. Therefore, to interpret divisions within Al-Shabaab in binary terms — between nationalists and internationalists — is misleading and simplistic. Al-Shabaab has always had a primarily national focus and its internal situation is quite complex.

21. During its mandate, the Monitoring Group had access to a wide range of sources on Al-Shabaab, including confidential daily intelligence reports, classified analytical reports and confidential security reports from international organizations and non-governmental and private actors. In particular, the Monitoring Group interviewed Al-Shabaab defectors and prisoners in Somalia, who provided first-hand testimonies about the organization, its structure and *modus operandi*.

22. Annex 1.1 includes two maps depicting the evolution of Al-Shabaab’s areas of influence and control in southern and central Somalia between 30 August 2012 and 6 May 2013, and a breakdown of security incidents related to Al-Shabaab activity in Somalia.

³ “Fatwa regarding the attempt to assassinate Abu Mansour al-Amriki”, accessed at <http://aljahad.com/vb/index.php> on 30 April 2013. Reportedly, “Al Afghani” and Sheikh Aweys have also individually and publicly criticized Godane’s leadership, in a letter to Ayman al-Zawahiri on 10 April 2013 and an audio message on the situation in Somalia on 17 May 2013. S/2013/413

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23. Annex 1.2 outlines the three main components of Al-Shabaab’s structure: first, its political body, the *shura*; second, its military component, which is on the defensive but still significant; and third, its clandestine service, the *Amniyat*, which is increasingly responsible for the acts threatening peace, security and stability in the areas under the control of AMISOM and Government of Somalia security forces, their allied militias and regional administrations.

24. Annex 1.3 describes the recruitment and training capacities of Al-Shabaab.

25. Annex 1.4 assesses the current status of foreign fighters within the organization, and the tension between Al-Shabaab’s public image in the jihadist community and the reality of isolation experienced by foreign fighters who join the organization in Somalia.

26. Annex 1.5 documents the tactics, techniques and procedures of Al-Shabaab.

27. Annex 1.6 presents the media strategy of Al-Shabaab.

28. Annex 1.7 includes a case study of the presence and operations of Al-Shabaab in “Puntland”, where it constitutes the main challenge to peace, security and stability.

B. Al-Shabaab as a regional and international threat

29. Since the previous report of the Monitoring Group (S/2012/544), issued in July 2012, Al Hijra, formerly known as the Muslim Youth Centre, has suffered significant setbacks, as has its ally Al-Shabaab. The setbacks experienced by Al Hijra have impeded the threat capacity of Al-Shabaab in East Africa and affected the strategic-operational link between the two groups.⁴ While Al-Shabaab experienced military reverses in Somalia, across the border in Kenya, Al Hijra members were plagued by unexplained killings, disappearances, continuous “catch and release” arrest raids and operational disruptions under the “Al-Shabaab/East Africa Al-Qaida Disruption Initiative”.⁵ For instance, on 27 August 2012, the ideological leader of Al Hijra, Sheikh Aboud Rogo Mohammed, was inexplicably killed in Mombasa, Kenya, a month after the Committee designated him for targeted measures.⁶ In addition, active Al Hijra members who have disappeared include one of its “Amirs”, Sylvester Opiyo (a.k.a. “Musa Osodo”), in May 2012 and senior

figures such as Jeremiah Onyango Okumu and Steven Mwanzia Osaka (a.k.a. “Duda Black” and “Duda Brown”, respectively) in June 2012.⁷

⁴ S/2012/544, annex 3.1 (strictly confidential). Credible testimonies from serving and former Al Hijra fighters and documents attributed to senior Al-Shabaab figures, such as Ibrahim al-Afghani, have indicated that Al-Shabaab expected to exploit its strong ties with extremist groups in Kenya and the United Republic of Tanzania to facilitate its external operations. See also www.sabahionline.com/en_GB/articles/hoa/articles/features/2013/04/12/feature-01.

⁵ The Monitoring Group is aware of an initiative funded by the Government of the United States, called “Al-Shabaab/East Africa Al-Qaida Disruption Initiative” whose purpose is to assist East African security services in combating terrorism.

⁶ While the extent of his involvement remains unclear, Aboud Rogo seems linked to the United Kingdom national Michael Oluamide Adebolajo, who is accused of killing a British service officer on 22 May 2013.

⁷ www.opensocietyfoundations.org/sites/default/files/counterterrorism-human-rights-abuseskenya-uganda-20130403.pdf. Credible evidence suggests that Al Hijra members who have disappeared or been inexplicably killed were indirectly linked to attacks or assisted in the recruitment of non-Somali Kenyans to join Al-Shabaab.

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30. Towards the end of 2012, Al Hijra’s difficulties became more evident and were compounded by the fractious state of Al-Shabaab in Somalia and its loss of Kismaayo, a known Al Hijra area of operation. Not only was Al Hijra’s ability to radicalize and recruit new fighters to be sent to Somalia weakened, but its operational ability to pursue its declared war inside Kenya on behalf and in support of Al-Shabaab declined. One Al Hijra fighter claimed that a number of his fellow combatants returning to Kenya had become anxious about the lack of effective coordination between Al-Shabaab and Al Hijra’s “Amir” based in Somalia, Ahmad Iman Ali.⁸

31. Despite the setbacks, Al Hijra, like Al-Shabaab, is striving to remain a credible threat to peace and security both in Somalia and outside. As an operational priority, it is strengthening its ties to the Ansar Muslim Youth Centre in the United Republic of Tanzania⁹ as part of Al-Shabaab’s broader external campaign. It is also establishing strong logistical links to Al-Shabaab affiliates in Rwanda and Burundi.¹⁰

32. The lingering influence and leadership of Ahmad Iman, also Al-Shabaab’s representative for Kenya, inspired a wave of attacks by grenade and improvised explosive device across Kenya, mostly against the local population. While this approach has had marginal success, both Al-Shabaab and Ahmad Iman have repeatedly called from Somalia for sustained attacks in the region and particularly in Kenya.¹¹

33. Probably owing to its limited success and the rather kinetic approach to counter-terrorism taken by the Kenyan security services, Al Hijra, in partnership with the Ansar Muslim Youth Centre in the United Republic of Tanzania, has sought operational direction and guidance since the latter part of 2012 from individuals with former ties to Al-Qaida in East Africa and self-styled Al-Qaida affiliates, including Abubakar Shariff Ahmed “Makaburi” and United Kingdom national Jermaine John Grant.¹² “Makaburi” has exerted a growing influence over Al Hijra and is determined to redirect the group’s resources and manpower from hitting “soft targets” to conducting complex, large-scale attacks in Kenya on behalf and in support of Al-Shabaab. Meanwhile, Jermaine John Grant, confined in prison, has effectively provided assistance, albeit remotely, to ongoing plots involving both Al Hijra and “Makaburi”.

34. Over the years, Al Hijra in Kenya and its Somalia-based fighters have proven adept at mobilizing resources for Al-Shabaab activities in Somalia and the region. As detailed previously by the Monitoring Group,¹³ the Pumwani Riyadhha Mosque Committee has played a clandestine role and continues to provide financial support to Al Hijra, particularly its fighters returning from Somalia to Kenya. In some cases,

⁸ Confidential report dated 20 January 2013 describing, inter alia, the experiences of Al Hijra fighters based in Somalia, archived with the United Nations.

⁹ Evidence also suggests linkages between Al Hijra and a loose-knit Tanzanian extremist group known as “Uamusho”.

¹⁰ The Monitoring Group has received corroborating information that indicates that Al-Shabaab affiliates in Rwanda and Burundi are in contact with some Al Hijra members and associates in Kenya.

¹¹ <https://soundcloud.com/swali-mohamed/brother-ahmad-iman-the>.

¹² During an interview with Kenyan security services in Mombasa on 19 and 25 December 2011, Jermaine John Grant admitted to being a member of Al-Qaida and not Al-Shabaab.

¹³ S/2012/544, annex 3.1 (strictly confidential).

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this support has been earmarked for attacks on behalf and in support of Al-Shabaab. During the mandate, a change was observed in attitude between the Pumwani Riyadhha Mosque Committee and Al Hijra as a result of the new Kenya Prevention of Terrorism Act (2012).¹⁴ However, information and evidence suggests that funding of Al Hijra activities on behalf Al-Shabaab persists.

35. In addition to the Pumwani Riyadhha Mosque Committee as its conventional source of funding, Al Hijra seems to have benefitted from an increasing number of “goodwill donations” from “Makaburi” and other key contributors from the Muslim community in Kenya to carry out attacks on behalf of Al-Shabaab.¹⁵ In addition, Al Hijra has received similar financial assistance from overseas.

36. Despite its public and firm denial of funding or assisting recruitment for Al-Shabaab, the Pumwani Riyadhha Mosque Committee continues to view its support of Al-Shabaab through Al Hijra as a religious obligation.¹⁶ On 31 July 2012, a Committee worker was arrested in Nairobi after collecting a package sent from China at the offices of DHL. The package contained civilian-use items, including car key alarms and laser range finders, which are commonly used in the assembly of improvised explosive devices.¹⁷ Such items are stored in the offices of the Pumwani Riyadhha Mosque Committee located at the Pumwani Riyadhha Mosque before being distributed, including to Somalia for Al-Shabaab attacks. In October 2012, following passage of the Kenya Prevention of Terrorism Act (2012), a Committee official employed at the Kenyan Parliament, Ali Abdulmajid (a.k.a. Ali Bodie), began to encourage and advise the Committee on ways and means of concealing its support to Al-Shabaab through Al Hijra.¹⁸

37. Furthermore, the Monitoring Group has learned of the collusion between the Pumwani Riyadhha Mosque Committee and Al Hijra’s Nairobi-based “Amir”, Issa Mugai “Carragher”, in supporting Al Hijra fighters sent back from Somalia to Kenya by Ahmad Iman and Al-Shabaab to conduct violent attacks. “Carragher”, a “journalist” with the Dutch-run *African Slum Journal* in Nairobi, provided material support to these fighters with the financial assistance of the Pumwani Riyadhha Mosque Committee.¹⁹

38. During an interview on 20 March 2013, “Carragher” denied to the Monitoring Group that he had ever been a member of MYC (Al Hijra) and claimed that the “MYC is dead.”²⁰ However, “Carragher” did admit to being “on the Committee” and attending the MYC-Pumwani Riyadhha Mosque Committee *shura* (meeting) of 28 February 2012. This *shura* had been arranged to consider the reorganization of

¹⁴ www.nation.co.ke/News/Kibaki-assents-to-anti-terrorism-bill/-/1056/1532392/-/twbf2x/-/index.html.

¹⁵ The Monitoring Group is aware that “Mzee” Mohamed Fundi, an Al Hijra elder, and Zaina Fundi, a trustee of the Pumwani Riyadhha Mosque Committee, have also donated funds to Al Hijra.

¹⁶ Interviews with former Al Hijra members and officials of the Pumwani Riyadhha Mosque Committee, September-December 2012.

¹⁷ Evidence indicates that these components are mainly procured from China as civilian-use items.

¹⁸ Interview with confidential source inside the Pumwani Riyadhha Mosque Committee with knowledge of its daily activities, 15 December 2012.

¹⁹ On 10 April 2013, the Monitoring Group sent an e-mail to the Netherlands office of *African Slum Journal* requesting a meeting to discuss the relationship of Issa Mugai “Carragher” with Al Hijra and Al-Shabaab. No response was forthcoming.

²⁰ Monitoring Group interview with Issa Mugai “Carragher” in the presence of an independent observer, 20 March 2013.

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the Muslim Youth Centre, in which the Pumwani Riyadhha Mosque Committee agreed to continue funding the Centre on condition that it change its name as a security precaution. Furthermore, “Carragher” denied to the Monitoring Group any involvement in Al-Shabaab-related activities, including supporting fighters returning from Somalia to Kenya. When asked about one such case in which Tuwa Ibrahim Jibril “Tafawa” received assistance during an operation in Kenya, “Carragher” conceded that he had met “Tafawa” and members of his cell by chance at a football match.²¹

39. A detailed assessment of Al Hijra activities on behalf and in support of Al-Shabaab is included in annex 3.1 to the present report (strictly confidential).

C. Spoiler networks in Somalia

40. The Monitoring Group has identified various spoiler networks in northern, central and southern Somalia, as well as in connection with the Somali security services. Webs of association among pirates, prominent businessmen, warlords and Government officials often intersect with Al-Shabaab networks. The activities of these spoilers are subverting the efforts of the Federal Government leaders, regional authorities and their partners to restore functional, stable government in Somalia.

Northern Somalia

41. With the decline of pirate activity generally, in northern Somalia a number of criminal networks are reverting to prior, familiar patterns of illicit behaviour, including armed protection of fishing activities and illegal fishing, arms trafficking, human trafficking and even trans-shipping of narcotics. As the Monitoring Group has repeatedly noted in prior reports, such networks have penetrated and distorted Government institutions in northern Somalia, but have also emerged as distinct networks of their own, which continue to benefit from statelessness and the war economy and represent a threat to peace and security in Somalia.

42. The Monitoring Group has identified a network of individuals, including known pirate leaders, who are engaged in providing private security for unlicensed fishing vessels in Somali waters and are connected to weapons smuggling and Al-Shabaab networks in north-eastern Somalia. This overall network is organized principally along two separate but connected clan networks, and facilitated by a web of prominent Somali businessmen operating enterprises out of “Puntland”, “Somaliland” and a number of Gulf States, with connections to Iranian businessmen.

43. Cases documented by the Monitoring Group demonstrate the regression of the piracy business network back towards the criminal activity of illegal fishing, which has also been reported to facilitate other forms of contraband, including weapons smuggling. Clan connections between illegal fishing networks and Al-Shabaab in north-eastern Somalia provide opportunities for the Al-Shabaab leadership there to obtain a steady flow of weapons and explosives, particularly originating from criminal networks in Yemen (see annex 3.1).

²¹ Ibid.

Central Somalia

44. Under the pretext of restoring political stability and security in the east-central region of “Galmudug”, a “former” Mogadishu warlord, Abdi Hassan Awale “Qeybdiid”, has returned to prominence by appropriating political power and instigating clan conflict. In addition, the increasing instability in “Galmudug” continues to subvert the leadership of the Federal Government in Mogadishu and represents a potential threat to peace and security in “Puntland”.

45. The inability of “Galmudug” to reach a political settlement between its two contending “presidents” and the absence of effective governance has resulted in clan militias fighting over such issues as taxation at illegal checkpoints. In some cases, suspected members of Al-Shabaab have exploited these checkpoints in order to transit the area during movements between southern and northern Somalia (see

annex 3.2).

Southern Somalia

46. Narrow clan and individual interests are overriding attempts by the Federal Government to reconcile warring factions, break up Al-Shabaab and extend a balanced authority over regional administrations. In particular, there are two core groups of spoilers in southern Somalia, one aligned against the Federal Government and one largely aligned in favour of it. The key spoiler in opposition to the Federal Government is Sheikh Ahmed Mohamed Islam “Madobe”. Spoilers broadly aligned with the Federal Government include Hawiye/Habar Gedir/Ayr warlords and their allies in the Darod/Marehan network of Barre Hiiraale. Each of these spoiler groups has interests that intersect with those of Al-Shabaab.

47. Since late September 2012, the Federal Government of Somalia has encountered considerable resistance from the Ras Kamboni forces of Sheikh Ahmed Mohamed Islam “Madobe”, who helped oust Al-Shabaab from Kismaayo and then established his own political and armed presence in the area with Kenyan military support. The refusal of Ras Kamboni to integrate into official Somali security services has rightly led the Federal Government to regard Ras Kamboni as a spoiler clan militia operating outside the purview of the national Constitution, and therefore constituting a threat to peace and security.

48. The second group of spoilers in southern Somalia is subverting the efforts of the Federal Government leadership and its partners to extend the reach of Government authority and stabilize the country, particularly in Kismaayo. This group includes former warlords and militia leaders who have benefited from years of statelessness and the war economy. Some have co-opted, or been co-opted by Government officials for personal or political gain, while others appear to have connections to Al-Shabaab. In addition, members of this spoiler network have retained private weapons stocks and applied undue pressure on the Federal Government to obtain preferential treatment in the distribution of arms and logistics supplies. Other members of the network have promoted clan agendas in their opposition to the formation of a regional administration in Jubaland and exploited links to Al-Shabaab in support of a military build up around Kismaayo (see annex 3.3).

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49. The relations of the Federal Government of Somalia with such individuals have coincided with negotiations, in part facilitated by Qatar, between the Government and elements of Hizbul Islam and Al-Shabaab that are related to this spoiler network. Negotiating with actors related to listed entities such as Hizbul Islam and Al-Shabaab may contradict Security Council decisions to designate and prohibit support for them. Moreover, even if the Security Council broadly support Federal Government of Somalia attempts at co-opting and pacifying former warring parties as part of a programme of reconciliation, the Monitoring Group is concerned that individual spoilers in this particular network of former warring parties are using the platform of closer relations with the Federal Government to pursue narrow individual interests that already appear to be contributing to threats to peace and security in the southern regions of Somalia.

50. Furthermore, the Monitoring Group has obtained evidence of Eritrean support to this spoiler network. Eritrea has established direct relations with key individuals who act as agents of Asmara’s influence rather than in support of Federal Government institutions. The net effect of Eritrea’s engagement is to undermine the processes of Government decision-making, subvert cohesion and disrupt the Federal Government’s relations both internally and externally (see annex 3.3 to the present report, and the Eritrea report of the Monitoring Group (S/2013/)).

Spoiler networks and the Somali security services

51. The Monitoring Group has received consistent information from a number of sources within the Government of Somalia and its security services relating to the use of Al-Shabaab agents by officials and former officials of the Government. In addition, the Monitoring Group has received information relating to the infiltration

of Al-Shabaab networks into the National Intelligence and Security Agency of Somalia (see annex 3.4).

D. Piracy and kidnap for ransom

Overview

52. For the past decade, the Monitoring Group has reported extensively on Somali piracy.²² It has mapped how piracy grew out of a kind of protection racket in response to illegal fishing and toxic waste dumping, and evolved into a moneydriven, clan-based, transnational organized crime, constituting a threat to global shipping. It has described the factors that made Somalia an ideal context for the growth of piracy and identified some of the individuals who exploited and benefitted from the phenomenon, both in and outside Somalia.²³ It has profiled networks and pirate groups, and explained their operational model and ingredients for success. While it has reported on the worldwide counter-piracy initiatives and efforts to curb the global threat, it has also highlighted the inability and even unwillingness of the Somali leadership and the international community to hold

²² See the reports of the Monitoring Group at www.un.org/sc/committees/751/mongroup.shtml.

²³ The long absence of a central government, the high level of corruption embedded in all layers of society, the struggle against the extremist and terrorist movement Al-Shabaab, the harsh environment, the lack of viable education and employment opportunities and the dominance of a clan-based society are all elements that contributed to Somalia becoming an ideal place for the growth and expansion of Somali piracy in its current form.

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accountable those responsible for organizing, financing and facilitating this multimillion-dollar business.²⁴

53. Today, it appears that the heyday of Somali piracy may be over. During 2012, the number of successful attacks by Somali pirates continued to decline, with 14 registered hijackings.²⁵ This trend, already apparent in 2011, can largely be attributed to the increasing use of private maritime security companies on board merchant vessels and the ability of international naval forces to contain the operational environment.²⁶ Also, the number of incidents of attempted attacks decreased dramatically from 237 to 75, a nearly 70 per cent drop in comparison to the record year of 2011.²⁷ In the first quarter of 2013, the trend has continued, with only five incidents registered, including the hijacking of a Yemeni dhow.²⁸

54. In 2012, Somali pirates extorted and received an estimated US\$ 31.75 million in ransom payouts.²⁹ Today, one merchant vessel, six fishing vessels or dhows and at least 60 individuals remain held by Somali pirates, both on land and at sea.³⁰

55. While pirate operations have declined in number and become smaller in scale,³¹ they have not come to an end entirely. Attacks are still occasionally reported, such as on 2 April 2013 when the Sierra Leone-flagged general cargo vessel *Alpha Kirawira* was attacked some 13 nautical miles south of Barawe. Eight armed men in a white-coloured skiff powered by two Yamaha Enduro outboard engines chased and fired at the merchant ship. The security team on board responded by firing several warning shots. The pirates subsequently aborted the attack³² (see annex 4.1).

56. Unable to hijack merchant vessels and incapable of sustaining the long-term, highly successful piracy business model that generated millions of dollars extorted from shipowners over the past eight years, Harardhere pirate kingpins Mohamed Abdi Hassan “Afweyne” and Mohamed Osman Mohamed “Gafanje” have denounced

²⁴ Since 2005, according to the World Bank, 149 ships have reportedly been held for ransom, for an estimated total of US\$ 315 million to US\$ 385 million. In addition, the World Bank has stated that piracy has cost a yearly average of US\$ 18 billion to world trade.

See www.worldbank.org/content/dam/Worldbank/document/Africa/Somalia/pirates-of-somaliainfographic.pdf.

²⁵ The 14 hijackings include 9 dhows/fishing vessels.

²⁶ Improvements in the implementation of best management practices by the shipping industry and more effective international counter-piracy naval operations, including the disruption of pirate logistics on land, have also greatly contributed to the decreasing success rate of Somali pirates.

²⁷ www.icc-ccs.org/news/836-piracy-falls-in-2012-but-seas-off-east-and-west-africa-remaindangerous-

says-imb.

²⁸ The Yemeni dhow *Nader* was hijacked on 8 March 2013. The crew and Somali security team on board were released but the vessel remains in pirate custody. Another dhow, the *Saad1*, was briefly hijacked on 28 March 2013, but was rescued by the Turkish naval vessel *Gökova*.

²⁹ See http://oceansbeyondpiracy.org/sites/default/files/ecop2012twopager_1.pdf.

³⁰ All are held exclusively in the hands of pirates belonging to the Hobyo-Harardhere pirate network. They include 54 remaining crew members of the hijacked vessels *Prantalay 12* (4), *Asphalt Venture* (7), *Albedo* (15) and *Naham 3* (28), 5 aid workers (2 MSF and 3 International Aid Services) and 1 journalist.

³¹ Up to early May 2013, there were no attacks registered beyond 400 nautical miles off the coast of Somalia.

³² On 5 June 2013, naval forces also confirmed the hijacking of the Indian-flagged dhow *Shahe Faize Noori* some 96 nautical miles north-east of Bosasso. The vessel and crew were safely released on the same day.

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piracy and claimed to have quit the business. On 9 January 2013, they appeared in a press conference in Adado organized by the self-proclaimed “President” of the Himan and Heeb region, Mohamed Abdullahi Mohamed Aden “Tiiceey”.³³ 57. Following the press conference, on 19 January 2013, a small delegation of Hobyo-Harardhere pirate leaders, including Afweyne, his son and Gafanje, reportedly travelled by air from Adado to Mogadishu to meet with senior officials of the Federal Government of Somalia. Their aim was to negotiate and explore the possibility of an agreement entailing amnesty and immunity in exchange for what was rumoured to be the immediate release of all hostages, in addition to other incentives. Subsequently, an agreement and attempt to release hostages in return for an alleged payment of US\$ 2 million from the Federal Government failed. Reported misappropriation of the funds and disagreement among pirate groups resulted in fierce fighting in Galkaayo, during which one pirate negotiator was killed on or about 17 February 2013.³⁴

58. On 28 February 2013, President Hassan Sheikh Mohamud issued an official letter indicating that the Federal Government of Somalia had conducted “indirect” negotiations with the pirates through “the elders” and confirmed his intention to offer an amnesty for “young” pirates, without further specifics. The letter also mentioned that “negotiations” were still at an early stage, but that the intended agreement would not apply to the pirate “kingpins” (see annex 4.2).

59. The Monitoring Group is concerned about the lack of transparency of these ongoing negotiations and by the vagueness and simplified terms of the President’s letter. The steps described by the President could lead towards a general policy of amnesty for Somali piracy. It is an oversimplification to limit a complex transnational organized crime to “kingpins” and “young boys”, even if it is a strategy for bringing accountability, prosecution and punishment to bear in a difficult situation.

60. Furthermore, the Monitoring Group has followed closely developments in “Puntland” and noted that the Puntland Maritime Police Force has increasingly intervened in maritime-related incidents.³⁵ This included the rescue of 22 crew members on board the stranded merchant vessel *Iceberg 1*, which had been held in pirate custody for almost three years.³⁶ While the owner of the vessel claims that the operation had been staged following a financial agreement between the Government of Yemen, the “Puntland” administration and the pirates holding the vessel, he has not substantiated these allegations. However, it remains unclear what motivated the Puntland Maritime Police Force to intervene particularly in December 2012, while the vessel had been stranded less than one nautical mile off the shore since November 2011, and why the Force has not intervened in other hijacking cases.³⁷

³³ www.qubanaaha.com/2013/01/09/hogaamiyiye-maxamed-cabdi-afweyne-iyo-koxdiisaburcadbadeedka-soomaaliya-oo-ku-wadhaaqay-in-ay-ka-baxeen-howlihii-burcadbadeednimadasawiro/.

³⁴ Information obtained from a reliable regional law enforcement source, 20 February 2013, and a Western diplomat based in Nairobi, 20 February 2013.

³⁵ <http://dunidaonline.com/index.php?id=8065>; www.raxanreeb.com/2013/04/ciidamadda-baddapuntland-pmpf-oo-gacan-kusoo-dhigay-kalluumaysato-u-dhalatay-dalka-iiraansawirrohdageyso/.

³⁶ The Ro-Ro cargo vessel *Iceberg 1* (IMO 7429102) and its 25-member crew was hijacked on 29 March 2010.

³⁷ These include the hijacked maritime tankers *Royal Grace* (2 March 2012) and the *Smyrni* (10 May 2012).

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61. The “Puntland” piracy network capitalized on the last ships it held when it released the maritime tankers *Royal Grace* and *Smyrni* on 8 and 10 March 2013, respectively.³⁸

62. Meanwhile, the apparent trend in kidnap for ransom, which increased in September 2011 with the involvement of Somali pirates, has not continued and incidents are infrequently registered. For example, following the kidnapping by pirates of American journalist Michael Moore Scott on 6 January 2012 in “Galmudug”, several international aid workers were abducted in two separate incidents. On 29 June 2012, four Norwegian Refugee Council workers were kidnapped in Dadaab, Kenya, but rescued four days later. On 11 July 2012, three International Aid Services workers were kidnapped in Galkaayo and remain held by Somali pirates (see also annexes 7.1 and 8.1).

Diversification of pirate interests

63. While the decline in reported incidents gives the impression that the piracy business is exhausted, in fact the organized criminal networks and individuals that proved successful in one context are diversifying their financial interests by undertaking different ventures. As described in annex 3.1, networks are adapting to other opportunities, if not actually some of the original precursors to piracy. In this regard, piracy on the high seas may be currently contained, but the networks or individuals that have controlled piracy can easily shift away from or back to piracy in pursuit of prospective returns on investments that can result from the relaxation of private security measures and the withdrawal of international naval forces.

64. Consequently, the Monitoring Group has followed the increasing use of unregulated and untrained Somali security guards to provide armed protection aboard vessels involved in regional trade and/or fishing activities, in potential violation of the arms embargo. For example, in Mogadishu, local authorities, such as the Mogadishu Port Authority (harbour master’s office) and the police, are in control of this business. They provide the guards, the weapons and the licences. Shipping companies are charged US\$ 500 per armed guard per month and are provided with one-year licences (see annex 4.3). In “Puntland”, the enterprise is controlled by private businessmen and linked to illicit maritime activities such as smuggling, illegal fishing and piracy (see annex 3.1), posing a potential threat to regional safety and security.

Judicial challenges

65. To date neither the Somali Government, the “Puntland” administration or any other local authority has seriously prosecuted and jailed any senior pirate leaders, financiers, negotiators or facilitators. The leadership of the principal piracy networks and their associates have continued to enjoy freedom and impunity and have not been hindered in their travel or ability to transfer funds.

66. Working Group 5 of the Contact Group on Piracy off the Coast of Somalia has repeatedly called for coordinated international efforts to identify and disrupt the financial networks of pirate leaders and their investors. However, investigative and judicial responses have been far too limited if existing at all. The lack of political will stems from limited financial resources, jurisdictional barriers, differing national

³⁸ Both vessels were released after a ransom drop of an undisclosed amount.

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interests and agendas and even domestic electoral motivations. Consequently, cooperation between national law enforcement agencies investigating some Somali piracy cases remains poor and is hampered by distrust and competition as much as by judicial restrictions.

67. The continuing decrease in the number of high-profile hijackings will probably weaken any resolve to investigate and prosecute the pirate leadership, in Somalia and abroad, as already indicated by the February 2013 letter of the President of

Somalia (see para. 58 above). This, in addition to the perpetual hold on proposed listings of pirate leaders in the Committee, will inevitably lead to impunity for those who made the most profit from and bear the greatest responsibility for an international crime, and who are now pursuing alternative organized criminal activities. Since the passage of time is affecting the quality and accessibility of testimonies and evidence, the Monitoring Group reiterates the urgent need to establish a dedicated group of investigators with the mandate to collect information, gather evidence and record testimonies relating to acts of Somali piracy, including especially the identification of pirate leaders, financiers, negotiators, facilitators, support networks and beneficiaries.

Pirates and facilitators on Facebook

68. As a transnational organized crime, Somali piracy entails more than armed youngsters at sea in small boats attacking ships or providing armed protection aboard hijacked vessels. The piracy business draws on a widespread network of facilitators internationally and inside Somalia from multiple layers of society. In fact, pirates and their accomplices may be bankers, telecommunications agents, businessmen of various kinds, politicians, clan elders, translators or aid workers, all using their regular occupations or positions to facilitate one or another network.

69. Investigations have confirmed that these myriad facilitators are interlinked through various communication channels and employ social network services, such as Facebook.³⁹ Six profiles of individual cases are included in parts of annex 4 which have been designated as strictly confidential in order to protect possible prosecutions.

E. Public sector financial mismanagement and corruption

70. Despite the change in leadership in Mogadishu and the good-faith efforts of the Minister of Finance, Mohamud Hassan Suleiman, the misappropriation of public resources continues according to past practices and patterns. The system inherited by the new Government is in many ways beyond its control, while at times political decisions and appointments have exacerbated conditions of corruption. Ferocious competition for control of Government at the end of the transition process in the summer of 2012 entailed approaches to campaign financing that took the management of finances outside the public system or contributed to mismanagement through it (see annex 5.1).

³⁹ Despite repeated official correspondence addressed to Facebook Inc., it has never responded to Monitoring Group requests to discuss information on Facebook accounts belonging to individuals involved in hijackings and hostage-taking.

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71. Notably, the efforts of donors to encourage the deposit of Government revenues in the Central Bank proved served a flawed, if technically correct, objective. On average, at least 80 per cent of withdrawals from the Central Bank are made for private purposes and not for the running of Government, representing a patronage system and a set of social relations that defy the institutionalization of the state. The system of *fadlan* (please) in which key leaders authorize individual payments from public funds is fundamental to the distribution of resources within the sphere of Government and contradicts national budgets or structured spending for official bodies. It is not a system that can be changed easily given the breadth of interests at stake at the centre of power and has simply become the way of doing Government business. However, without a legitimate repository for internal and external revenue, efforts to build an effective public financial management system will be undermined. In this context, the fiduciary agency managed by PricewaterhouseCoopers, and intended to serve as a model, was reduced to a transfer agent that could not ensure accountability for funds once they reached the Government of Somalia. Key irregularities has been the current Governor of the Central Bank, Abdusalam Omer. Indeed, of the US\$ 16.9 million transferred by PricewaterhouseCoopers to the Central Bank, US\$ 12 million could not be traced (see annex 5.2).

Passport production, corruption and fraud

72. An in-depth investigation into the fraudulent practices associated with the production of Somali passports was presented in the previous report of the Monitoring Group (see S/2012/544, paras. 18-21 and annex 1.2). Since that time, the same practices have continued to undermine the integrity of the Somali passport as a legitimate travel document. Corruption still revolves around the ePassport, with inflated fees charged by private businesses appointed to issue passports in places where Somalia does not have an embassy or consulate. The ePassport programme continues to be controlled by Ambassador Abdulkadir Sheikhey Al-Hatimi, Consul General of the Federal Government of Somalia in Dubai, United Arab Emirates. The revenues generated from the issuance of passports remain unaccounted for. In the past, not one dollar reached the Central Bank. In the first three months of 2013, the Ministry of Immigration, still headed by General Abdullahi Gaafow Mohamud, did make some deposits in the Central Bank, but did not indicate if these were from passports, visas or another source of income. Regardless, the amount deposited constitutes only 4 per cent of the estimated revenue from the issuance of passports alone.

73. In addition, the security and accuracy of Somali passports remains an issue, especially in the absence of biometric data or a reliable database to account for who has already received a passport. Individuals have been able to obtain multiple passports by using false names. Non-citizens of Somalia have also been issued with passports. The existing system can be exploited for illicit or criminal activity (see annex 5.3).

Mogadishu port

74. Income generated from the port of Mogadishu constitutes the largest internal revenue stream for the central Government, aside from bilateral donations from other Governments. However, port revenues, either customs or port fees, have historically been diverted at the source through a variety of practices that continue

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today. While control over diversion at the port has taken different forms over the years, invariably the port manager is a key figure. Between September 2010 and July 2012, Sayid Ali Moalim Abdulle served as the port manager, and continues to exert influence through the deputy port manager, Ahmed Abdi Kariye (a.k.a. Ahmed Qorqor). The Monitoring Group has documented at least one case in which Sayid Ali diverted US\$ 3,415,840 from humanitarian shipments during the Somali famine in 2011.

75. Based on analysis of activity at Mogadishu port, the monthly revenue potential from import customs alone is in excess of US\$ 3.8 million per month. However, the average monthly deposit in the Central Bank from the port between August 2012 and March 2013 was US\$ 2.7 million in total. While deposits of port revenues into the Central Bank increased generally, they are proportionally less than the increase in shipping at Mogadishu port, possibly indicating a higher rate of diversion. At present, at least 33 per cent of monthly port revenues cannot be accounted for (see annex 5.4).

Petroleum sector

76. The Monitoring Group has gathered information on growing commercial interest in Somalia's oil and gas sector and has identified a number of conflicts of interest that could constitute threats to peace and security as well as exacerbate the risks of corruption.

77. There is currently growing hostility between the Federal Government of Somalia and regional administrations that have signed oil deals independently of the Government. Divergence between the 2008 petroleum law — which is invoked by Federal Government petroleum officials — and Somalia's Constitution is exacerbating this hostility. The Monitoring Group has identified potential flashpoints between regional authorities with self-declared administrations and local armed forces, notably in the areas of Sool and Sanag, between "Somaliland", "Puntland" and the self-declared Khatumo State. In addition, oil industry activity in "Galmudug" occurs in a context of political instability and strong clan rivalries over natural resources in

the Mudug region. A territorial dispute between Somalia and Kenya, given the existing conflict over power-sharing in “Jubaland”, could also represent a possible threat to peace and security.

78. In addition, there is a potential conflict of interest between Norway’s oil concerns and its support for the establishment of an exclusive economic zone that would almost certainly lead to a modification in Somalia’s maritime boundary in favour of Kenya. Serious limitations in the management of the Somali Petroleum Company and the Somali Petroleum Authority require urgent capacity development in order to safeguard their integrity and transparency and to mitigate their possible capture by private interests.

79. In the absence of clear constitutional agreements between federal and regional governments and the introduction of best-practice transparency mechanisms for the management of signature fees and royalties and taxes on future oil production, oil companies should cease and desist negotiations with Somali authorities or risk fuelling non-transparent practices and political disagreements that could exacerbate clan conflict and constitute threats to peace and security (see annex 5.5 and para. 176 below).

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III. Violations of the arms embargo⁴⁰

A. Arms shipments to Somalia

80. In tracking the chain of custody for arms shipments to Somalia, the Monitoring Group gathered extensive evidence from several governments and authorities, both Somali and foreign, identifying and documenting general trends, key arms embargo violations and the logistics of the weapons supply chain.

81. Between July 2012 and February 2013, security forces in “Puntland” seized several cargoes reportedly destined for Al-Shabaab. In particular, two cargoes of arms typical of current trends were captured in the Bari region, “Puntland”. The Monitoring Group has established Yemen as a principal source for these shipments and it further investigated networks of weapons smugglers receiving such cargoes in “Puntland” and “Somaliland”.

82. Al-Shabaab and associated weapons smuggling networks have access to delivery points across the northern coast of Somalia and to a lesser extent along the coast of central and southern Somalia. The Monitoring Group obtained consistent and credible reports of deliveries from as far west as Hiis, in “Somaliland”, to Qandala and Alula in “Puntland”, and the central Somali ports of El Der, specifically its twin ports of Ego and Mareeg, as well as the ports of Harardhere (Mudug) and Barawe (Lower Shabelle).

83. Deliveries by sea to these coastal locations tend to be for resupplying highgrade technical equipment, notably improvised explosive device components, detonating cords, electric detonators, rocket-propelled grenades systems and light weaponry, such as 7.62 mm PKM-type general-purpose machine guns.

84. The Monitoring Group inspected and documented two particular cases of arms deliveries to northern Somalia, at Alula in July 2012 and Qandala in October 2012. Such cases demonstrate the ability of weapons smuggling networks to mobilize resources while Al-Shabaab undergoes a strategic revamping.

85. The Monitoring Group has also obtained consistent reports and evidence of the export from Somalia of technical knowledge for the manufacture of suicide vests and improvised explosive device materials to Kenya and Uganda.

86. The Monitoring Group has spent considerable time addressing the storage of arms and ammunition at the AMISOM base in Mogadishu and tracing weapons from various origins, including Libya, the Islamic Republic of Iran, the Sudan and the Democratic People’s Republic of Korea. The Monitoring Group raised various concerns about the safety of the arms stores, which AMISOM and the United Nations are addressing, and documented violations of the arms embargo on Somalia.

87. In addition, the Monitoring Group investigated suspicious movements of vessels in and around Somalia, including the cases of the motor vessel *Dae San* of

the Democratic People's Republic of Korea and the *Jihan 1* detained in Yemen.
88. See annex 6.1 for these case studies.

⁴⁰ In paragraph 8 (b) of resolution 1844 (2008), the Security Council prohibited acts that violate the general and complete arms embargo imposed by the Security Council in resolution 733 (1992). Paragraph 43 (b) of resolution 2093 (2013) temporarily amended the scope of this prohibition.

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B. Foreign military operations in Somalia

Kenya

89. Despite the success of Kenya's Operation "Linda Nchi" in "liberating" key towns in Sector 2 (Kismaayo),⁴¹ in the course of its current mandate the Monitoring Group has continued to seek and obtain clarity on the status of KDF in AMISOM. On 2 June 2012, the Government of Kenya signed a memorandum of understanding with the African Union that would formally integrate KDF into the command and control structures of AMISOM.⁴²

90. However, the Monitoring Group has encountered a degree of unwillingness on the part of KDF to clarify its status,⁴³ despite the fact that its joining AMISOM warrants an exemption from the arms embargo for its presence in Somalia pursuant to Security Council resolution 1772 (2007). The Monitoring Group has mainly been concerned with issues of command and control. As of February 2013, the Monitoring Group continued to receive corroborating reports indicating that the operational presence of KDF in AMISOM was more theoretical than practical.⁴⁴

91. Since October 2012, the explicit instructions of President Hassan Sheikh to AMISOM to keep the port of Kismaayo closed and prevent the export of charcoal have been consistently flouted by KDF/AMISOM.⁴⁵ In addition, the Monitoring Group has established that the Sector 2 commander of KDF, Brigadier Anthony M. Ngere, and his subordinates in Kismaayo, in combination with the Ras Kamboni militia, have routinely denied clearance for Government of Somalia officials visiting Kismaayo.⁴⁶ On 11 March 2013, the Monitoring Group itself and a delegation of United Nations investigators were prevented from leaving the Kismaayo airport compound. Also, the Monitoring Group observed during its mandate KDF personnel failing to wear the African Union/AMISOM insignia of a troop-contributing country in Somalia. However, the Monitoring Group has lately observed some KDF vehicles and troops displaying the AMISOM/African Union insignia in a concerted effort to demonstrate full integration into AMISOM.⁴⁷

⁴¹ http://news.xinhuanet.com/english/world/2012-09/28/c_131879418.htm.

⁴² http://www.kenyaembassyaddis.org/index.php?option=com_content&view=article&id=155:kenya-signs-memorandum-of-understanding-with-the-african-union-commission-as-resourcesand-troop-contributing-country-to-african-union-mission-to-somalia-amisom-2nd-june-2012-inaddis-ababa&catid=4:front-page-stories&Itemid=88.

⁴³ On 13 February 2013, the Monitoring Group received an official note verbale from the Permanent Mission of Kenya to the United Nations, which attempted, inter alia, to clarify the status of KDF in AMISOM.

⁴⁴ On 16 January 2013, the Monitoring Group met in Nairobi with a senior representative of the African Union to discuss various issues relating to the AMISOM presence in Somalia.

⁴⁵ Telephone conversation with President Hassan Sheikh Mohamud, 26 October 2012.

⁴⁶ <http://blogs.aljazeera.com/blog/africa/so-close-yet-so-far-kismayo>. Unconfirmed reports from a senior AMISOM official on 25 May 2013 claimed that the Minister of Defence of Somalia was scheduled to travel to Kismaayo on 25 May 2013 but was apparently denied access to Kismaayo by the Sector commander and requested to travel on 26 May 2013. In this regard, the Monitoring Group has confirmed several reports regarding the apparent unilateral actions of the Kenya Defence Forces in Kismaayo.

⁴⁷ Monitoring Group visits to Kismaayo in March 2013, as well as interview with a Kismaayo resident on 18 May 2013, in addition to e-mail correspondence with a senior AMISOM official on 11 May 2013.

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92. Furthermore, the Monitoring Group notes that the expected deployment to Kismaayo of a Sierra Leonean contingent of 850 troops is still pending as at May 2013. AMISOM officials have confirmed the presence of an advance team of 400

Sierra Leonean troops in Mogadishu,⁴⁸ awaiting deployment to Sector 2.⁴⁹

93. The Security Council has not authorized an air component of AMISOM, aside from three attack helicopters and nine utility helicopters. However, before and after integrating into AMISOM, the Government of Kenya has continued to deploy the Kenya Air Force in Somalia, potentially violating the arms embargo despite the provisions contained in paragraph 36 of resolution 2093 (2103).⁵⁰

94. On 7 July 2012, one month after joining AMISOM, KDF resumed unauthorized air strikes in Somalia on Jungal village, 30 kilometres from Baardheere in Sector 2.⁵¹ Recently, in January and February 2013, the spokesman for the Forces, Colonel Cyrus Oguna, confirmed that KDF had conducted more air strikes in the Gedo region to “sustain the pressure against the militants [Al-Shabaab]”.⁵²

Ethiopia

95. Until the adoption of resolution 2093 (2013), and specifically paragraph 36 which granted a standing exemption to strategic partners of AMISOM, the presence of ENDF in south and central Somalia violated the arms embargo on Somalia. Ethiopian military units maintained fixed positions and conducted operations in Gedo, Bay, Bakol, Hiran and Galgadud regions.⁵³ Since their arrival in Bay region towards the end of February 2012, ENDF and Al-Shabaab have regularly clashed, especially around Baidoa, but also in the Qansah Dhere area, Bay and around Hudur, Bakol.

96. On 5 January 2012, the African Union Peace and Security Council decided that AMISOM troops would replace ENDF units in areas they liberated from Al-Shabaab. During the course of 2012, a transition from ENDF to AMISOM took place, with a handover to the Burundian contingent in Baidoa and the Djiboutian contingent in Belet Weyne.

97. On 17 March 2013, when Ethiopian units in Hudur town of Bakol region withdrew, it appeared that ENDF was initiating a full-scale departure from Somalia. Somali Government forces and their affiliated militias also withdrew and Al-Shabaab immediately occupied the town, pitting the legality of the ENDF presence against the security vacuum its absence created.

98. The departure of ENDF units from town centres, principally in Bay and Bakol regions, and their redeployment to camps newly established in rural areas, was not only the consequence of tensions between the Governments of Somalia and Ethiopia,

⁴⁸ E-mail communication from senior AMISOM official dated 11 May 2013.

⁴⁹ <http://amisom-au.org/2013/04/amisom-welcomes-deployment-of-sierra-leone-troops/>.

⁵⁰ AMISOM informed the Monitoring Group in a correspondence dated 25 May 2013, the memorandum of understanding between the Government of Kenya and the African Union authorizes Kenya to deploy the Kenya Air Force but not to conduct air strikes inside Somalia.

⁵¹ <http://www.somaliareport.com/index.php/post/3525>.

⁵² <http://panafricannews.blogspot.com/2013/02/kenya-resumes-airstrikes-against-al.html>.

⁵³ Principally around Bardheere, Garbaharay and Luuq towns in Gedo; Baidoa, Qansah Dhere and Goof-Gaduud towns in Bay; Hudur town in Bakol; Belet Weyne town in Hiran; and Guriel in Galgadud.

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particularly over the situation in Kismaayo, but a tactical response to growing insurgent attacks against ENDF in urban areas. In addition, the Government of Somalia replaced governors in Bay and Hiran regions with those less favourable to Ethiopia, and ENDF received limited cooperation from local administrations on security matters.

99. On the one hand, Ethiopia prefers to retain command and control of its troops inside Somalia independent of AMISOM, and therefore does not benefit from the exemption to the arms embargo established by Security Council resolution 1772 (2007). On the other hand, Ethiopia is seeking recognition and financial support from donors for its efforts against Al-Shabaab, while such support is currently channelled through AMISOM.

C. Non-compliance

100. During the reporting period, the Monitoring Group has observed significant improvements in terms of compliance with the arms embargo on Somalia. An

increasing number of Member States and international and regional organizations requested prior approval of the Committee for their programmes of assistance to Somali security sector institutions or for the exportation to Somalia of non-lethal military equipment.

101. However, a large part of the assistance provided to the Somali security forces involved in counter-insurgency and anti-terrorism operations at the federal and regional levels has not been reported. According to multiple diplomatic and military sources, the Governments of the United States and the United Kingdom are increasingly involved in directly supporting intelligence services in “Somaliland”, “Puntland” and Mogadishu, at times in violation of resolutions 733 (1992) and 1425 (2002).

102. From August 2012 to March 2013, the Monitoring Group identified 84 civilian flights operated to Mogadishu and “Puntland” by the United States-based air companies Prescott Support Co. and RAM Air Services, which are connected to United States support to “Puntland” and Mogadishu intelligence services,⁵⁴ in comparison to 65 flights counted in the same period of the previous mandate of the Monitoring Group, indicating an increase in United States support.

103. By contrast, from August 2012 to March 2013, the Monitoring Group documented only 29 flights operated to Somalia on behalf of eight States Members of the United Nations, including four flights destined to Berbera airport in “Somaliland”, as compared to 79 flights observed over the same period during the previous Monitoring Group mandate. These flights, either of a military nature or apparently connected with support to Somali security forces, represent potential violations of the arms embargo.⁵⁵

104. On 6 March 2013, the Security Council adopted resolution 2093 (2013), which modified the sanctions regime on Somalia, particularly aspects related to the compliance framework. In accordance with the provisions of the new regime, the

⁵⁴ See S/2011/433, annex 5.5, paras. 12-15 and S/2012/544, annex 5.5, paras. 53-56.

⁵⁵ According to flight plans submitted to the Civil Aviation Caretaker Authority for Somalia between 1 August 2012 and 31 March 2013.

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Federal Government of Somalia is authorized for a period of 12 months to inform the Committee directly, on the basis of five days’ advance notice, of support and assistance provided to its security forces, with the exception of items listed in the annex to the resolution.

105. Notwithstanding the introduction of this new regime, the Committee has not received, as of the time of writing, any notification from the Federal Government of Somalia concerning support and assistance to federal security forces in Somalia, and on 4 June 2013 sent a letter to the Permanent Representative of Somalia to the United Nations recalling that the “Federal Government of Somalia has the primary responsibility for notifying the Committee, at least five days in advance, of any such deliveries”.

106. The Monitoring Group is currently investigating credible reports of weapons, ammunition, military equipment and vehicles, including armoured personnel carriers, having been delivered after 6 March 2013 or in the process of being delivered to Mogadishu airport and seaport and destined for the Somali National Army, the Somali Police Forces and private security companies operating in Mogadishu. In the absence of due notification to the Committee, these deliveries would constitute violations of the arms embargo on Somalia and would arguably put in question the commitment of Somali federal authorities to comply with the new sanctions regime, thus possibly undermining the viability and sustainability of the modifications.

107. Incidents of non-compliance are described in annex 6.2.

D. Private security companies

108. The continued development of the private security sector in Somalia remains of concern with respect to the arms embargo on Somalia. The Monitoring Group identified several violations committed by private security companies and

contractors operating in Mogadishu, “Somaliland”, “Puntland” and “Galmudug”, and potentially in Kismaayo.

109. Since 2010, the Monitoring Group has reported on the absence of a robust framework for regulating the security business in Somalia.⁵⁶ Despite the end of the transitional period, there are still overlapping authorities ostensibly responsible for the private security sector within the Ministry of the Interior and National Security of the Federal Government. In addition, there are strong indications of conflicts of interest among senior Somali security officials involved in the security business.

110. Furthermore, the modification of the arms embargo pursuant to Security Council resolution 2093 (2013), which grants the Federal Government of Somalia the capacity to notify the Committee regarding support for its public security sector, alters the previous requirement for private security companies to obtain sponsorship of their host Governments vis-à-vis the Committee.⁵⁷

111. Nevertheless, in February 2013, the Dubai-based Tacforce International imported a B6-type armoured vehicle at Mogadishu seaport in violation of the arms

⁵⁶ S/2010/91, paras. 219-229; S/2011/433, paras. 168 and 169 and annex 6.1; and S/2012/544, paras. 59 and 60.

⁵⁷ On the previous requirement, see S/2010/91, para. 156.

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embargo. It did so in full knowledge of breaching the sanctions regime on Somalia, and with the involvement of senior officials within the Ministry of Foreign Affairs and the National Intelligence and Security Agency (see annex 6.2).

112. In “Somaliland”, the Monitoring Group observed a new actor, the Olive Group, deploying staff and equipment in support of “Somaliland” police following the signing of an oil production sharing agreement between regional authorities and Genel Energy and its partners (see annex 5.5).

113. In “Puntland”, two companies left the region without any known successor. These companies were Sterling Corporate Services, formerly Saracen International, which for two years provided technical and financial assistance and support to the Puntland Maritime Police Force in violation of the sanctions regime on Somalia, and Pathfinder Corporation, previously noted by the Monitoring Group (see S/2012/544, paras. 65-67) for its transparency and efforts to operate in compliance with the sanctions regime.

114. In “Galmudug” Somalia, a private company called Specialist Marine Services Ltd. is providing training and military equipment to the “Galmudug” Armed Forces. The company has deployed a team of five expatriates in Galkayo to deliver “basic military training” and has distributed 600 sets of uniforms, communication equipment and body armour, in violation of the arms embargo on Somalia.

115. In Kismaayo, the United States-based Atlantean Worldwide represented itself to the Monitoring Group as a “life support” company. Meanwhile, it is marketing its presence in Somalia to oil and gas companies with the image of a risk management company, as well as portraying itself to several Nairobi-based diplomats as the “Bancroft of Kismaayo”.

116. The activities of these private security companies are detailed in annex 6.3.

IV. Obstruction of humanitarian assistance⁵⁸

117. In 2012, humanitarian agencies continued to respond to the consequences of the 2011 famine and to crisis or near-crisis conditions throughout Somalia. Despite improved access in certain areas of the country, largely as a result of the withdrawal of Al-Shabaab from main cities, access to vulnerable civilians remained a challenge for the humanitarian community, and all parties in Somalia continued to obstruct the provision of humanitarian assistance. Al-Shabaab maintained and expanded its ban on most aid agencies in areas under its control, while all armed actors in Somalia subjected humanitarian organizations to taxation, illegal roadblocks, intimidation and extortion. Moreover, as a consequence of both remote management of humanitarian operations and the culture of “gatekeepers”, as previously documented by the Monitoring Group (see S/2012/544), diversion of humanitarian assistance by third

parties, as well as by staff and partners of aid organizations, continues to undermine international efforts. The United Nations and non-governmental organizations have

⁵⁸ In paragraph 8 (c) of resolution 1844 (2008), the Security Council prohibited acts that obstruct the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia. The Monitoring Group interprets this provision to include the diversion of assistance away from its intended beneficiaries, whether to the advantage of an armed group or simply for the purpose of profit.

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adopted limited mechanisms to achieve higher standards of accountability but they are still in evolution.

A. Denial of access and attacks on aid workers

118. Humanitarian agencies must still negotiate access to vulnerable civilians in most of Somalia, with their degree of success depending on the area and the authorities in charge. Al-Shabaab has, in the past two years, banned most international agencies from operating in areas under its control. After a number of expulsions in November 2011 and January 2012 targeting non-governmental organizations, United Nations agencies and the International Committee of the Red Cross, Al-Shabaab banned Islamic Relief in August 2012. In addition, Al-Shabaab continues to impose taxes on the few humanitarian agencies and their staff permitted to operate in its areas. While most international agencies and their partners deny paying taxes directly to Al-Shabaab, creative means are devised to meet Al-Shabaab's demands, such as providing salary increases to national staff to cover the costs.

119. Government forces and affiliated militias also employ methods of extorting money from aid agencies and workers, either by setting up illegal checkpoints or looting assistance intended for vulnerable civilians. Humanitarian access is further impeded by the conduct of hostilities and military operations throughout the country, with rampant insecurity and curfews routinely imposed on whole towns and villages by all parties to the conflict.

120. Somalia is consistently one of the world's most dangerous countries for aid organizations. In 2012, security analysis and monitoring identified over 150 incidents involving aid workers, including a significant number of grenade attacks on agency compounds, carjackings and lootings. On many occasions, Al-Shabaab has specifically targeted or assassinated aid workers, as in the case of the killing of a staff member of FAO in Marka in August 2012. For its part, the Government of Somalia has failed to provide adequate security and protection to agencies operating in areas under its control. One striking example is the killing, in December 2011, of two MSF international staff members by a local Somali employee. Despite being sentenced to 30 years in prison, within weeks the perpetrator was pardoned by then President Sheikh Sharif Sheikh Ahmed.

121. A detailed list of obstructive incidents and attacks on aid workers is included in annex 7.1 (strictly confidential).

B. Diversion and misappropriation of humanitarian assistance

122. Diversion of aid in Somalia goes well beyond the theft of goods or resources destined to vulnerable populations. Indeed, one of the most pernicious forms of diversion continues to involve the phenomenon previously documented by the Monitoring Group (S/2012/544, annex 6.2). Individuals and groups, operating in networks organized to steal from and exploit vulnerable populations, including internally displaced persons, continue to act as "gatekeepers" and ensure that local "pie-cutting" remains an essential component of aid delivery. Consequently, a large proportion of resources do not reach the intended beneficiaries. In addition, some gatekeepers are responsible for grave violations of human rights, including sexual violence and the mistreatment of vulnerable civilians. International assistance often

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fuels a cycle of abuse as aid organizations engage with gatekeepers for lack of an alternative. According to a senior United Nations humanitarian official, "Somalia is a protection emergency of endemic proportions, where civilians are held hostage by

all of us”.⁵⁹

123. Gatekeepers are only one part of the problem. As different parts of Somalia have become more accessible in recent months, ground observations and greater third party monitoring have often revealed shocking truths about the lack of implementation and low quality of programmes. Diversion of resources by staff, partners and contractors has occurred across organizations, including in the highly visible and well-funded cash assistance programmes that rose in prominence during the 2011 famine response. This led the United Nations to blacklist, for instance, a long-time Somali non-governmental partner, the African Rescue Committee, for fraud.

124. A detailed case study of cash assistance programming appears in annex 7.2.a (strictly confidential).

125. Despite the efforts of some aid agencies to achieve greater transparency and accountability, a culture of denial and secrecy continues to exist that prevents the humanitarian community from sharing bad experiences, learning hard lessons and developing common tools. Many donors are responsible for contributing to this culture of silence because of inconsistent responses and reactions to diversion of aid that do not encourage transparency and openness. Aid organizations complain of unfairness when they are asked to assume risks that are well known and tacitly accepted by donors, which leads to opaque reporting about programme implementation (see annex 7.2).

C. Best practices

126. At present, the Risk Management Unit for Somalia is the most substantial effort made by any United Nations country team to mitigate risks of aid delivery. Established in 2011, the Unit supports United Nations development and humanitarian agencies, their partners, donors and other stakeholders by performing several key functions with tools designed to enhance risk management. The Unit undertakes risk monitoring in Somalia upon the request of individual United Nations agencies.

Moreover, either on its own initiative or upon request, the Unit conducts risk analysis of United Nations partners and contractors to help inform contracting decisions by the agencies. It also provides risk management training to United Nations staff, partners and donors. Most notably, the Unit established the Contractor Information Management System, a database to facilitate information sharing, enhance due diligence and improve the management of contractors in Somalia.

127. However, participation in the Contractor Information Management System is not mandatory and some of the smaller United Nations agencies have yet to share information about their contractors. The effectiveness of the System also depends on the quality of the information provided by United Nations agencies and on their diligence in updating the database, which some do better than others. Furthermore, since the terms of contracts vary greatly across agencies, many contractors are not required to provide information on their partners or subcontractors, creating a major loophole in the risk management system and undermining its ability to monitor the

⁵⁹ Interview with United Nations senior official, Mogadishu, 22 January 2013.

supply chain of implementation, a sensitive issue that had been a main rationale for establishing the Unit in the first place. In addition, United Nations agencies are not obliged to accept the advice generated by the Unit, although it is followed most of the time.

128. Since the Risk Management Unit is exclusively a mechanism for the United Nations country team, non-governmental organizations are not part of its remit, except when they are contracted by a United Nations agency. As a result, non-governmental organizations lack a comparable mechanism to independently assess risk, share information and introduce mitigating measures. The Unit does provide advice and access to risk assessments to non-governmental organizations, but to date such assistance has been ad hoc owing to resource and mandate constraints. Ultimately, non-governmental organizations will need to establish their own community-wide approach to due diligence.

V. Violations of international humanitarian law⁶⁰

129. Throughout Somalia, all parties to the conflict continue to violate international humanitarian law and human rights standards. During the current mandate of the Monitoring Group, military operations and guerrilla warfare across the country caused significant harm to civilians. In 2012, the World Health Organization recorded 6,680 civilian casualties treated in four hospitals in Mogadishu who suffered weapons-related injuries, many due to the use of improvised explosive devices by Al-Shabaab. Data collected by human rights and humanitarian agencies demonstrate that pro-Government forces have also caused civilian casualties as a result of aerial attacks and naval and ground engagement. Meanwhile, gender-based violence remains an endemic phenomenon.

130. United Nations efforts to gather and analyse human rights-related data are greatly impeded by lack of access and resources and the failure of the United Nations Political Office for Somalia to prioritize the human rights agenda. Nevertheless, the Monitoring Group has obtained evidence that the parties in conflict in Somalia have routinely violated Security Council resolution 2060 (2012).

A. Attacks on civilians

131. It is difficult to ascertain the extent to which pro-Government elements use disproportionate or indiscriminate force in the conduct of hostilities, bringing harm to civilians. In addition to the risks of crossfire, protection of civilians is further complicated by the lack of coherent structure and effective command and control within the Somali National Security Forces, which are composed of loosely assembled units and militias. In fact, Government forces and affiliated militias have committed a range of abuses against civilians, including looting in civilian areas, as well as arbitrary arrests and detentions, often for purposes of extortion.

132. AMISOM works closely with government-affiliated militias, instructing them when and where to report for the conduct of military operations, but does so outside

⁶⁰ In paragraph 1 (d) and (e) of resolution 2002 (2011), the Security Council prohibited acts that violate applicable international law, including the use of child soldiers, attacks on civilians, sexual and gender-based violence and abduction and forced displacement.

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any formal organizational structure. Consequently, AMISOM has a duty to ensure that all forces fighting either directly with or on behalf of the Government of Somalia adhere to international humanitarian law. Yet, AMISOM continues to coordinate military operations with militias it knows are responsible for abuses against civilians. For its part, further to the organization-wide adoption of a human rights due diligence policy in July 2011, the United Nations has a duty to ensure that the entities it is supporting, including AMISOM, respect human rights and international humanitarian law.

133. Al-Shabaab continues to cause significant harm to civilians through its indiscriminate use of weapons. According to available data for 2012, Al-Shabaab increased the use of victim-activated pressure-plate improvised explosive devices, while the reported number of civilian casualties resulting from suicide attacks in Somalia also rose sharply. In addition, Al-Shabaab persistently practises targeted assassinations of civilians accused of spying or as punishment for their apparent allegiances, and systematic intimidation of local communities through restrictions on movement, imposition of taxation and strict application of sharia law.

134. During the current mandate of the Monitoring Group, all armed actors in Somalia attacked schools and hospitals, either as direct targets or for use in the conduct of military operations, in violation of international humanitarian law.

135. A detailed list of incidents of harm to civilians is included in annex 8.1.

136. Furthermore, in 2012, 18 journalists were killed in Somalia, now the second most dangerous country in the world, after the Syrian Arab Republic, for those working in news and information. Journalists and the media were the targets of assassination, intimidation and censorship by all major actors throughout the country.

137. A detailed list of incidents of attacks on journalists and the media is included

in annex 8.1.a.

B. Gender-based violence

138. Despite the weakness of human rights monitoring systems, there is significant evidence that sexual violence continues to be widespread in Somalia. Internally displaced women are the most affected group overall. This is because of the overwhelming presence of armed groups and militias in and around over 500 camps for internally displaced persons in Mogadishu, which are populated mostly by women and children.

139. The lack of command and control exerted by central authorities over armed groups and militias remains the most important cause of violence against internally displaced women. The scenarios previously documented by the Monitoring Group (see S/2012/544, annex 7.2) continue to be the norm in Mogadishu, where victims of sexual assault cannot identify the uniforms worn by their attackers and do not know whether they belong to the Somali police, the army or a militia. The predicament of women is compounded by the inability and unwillingness of the police to investigate cases of sexual violence and of the judicial system to prosecute them.

140. Despite public commitments by the President and the Prime Minister of Somalia to address the issue of sexual violence, the central government has to date demonstrated little political will to achieve progress. The well-publicized arrest in **S/2013/413**

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January 2013 of an alleged rape victim, her husband, a journalist who interviewed the woman and others, sent the wrong signal to victims of sexual violence, service providers and activists throughout Somalia. Despite higher courts overturning the convictions, the mishandling of the affair by the authorities and the failure of the police to investigate the original allegation against members of the security forces further reinforced women's reluctance to report cases of sexual violence and seek redress (see annex 8.2 to the present report).

141. Allegations of sexual exploitation and abuse continue to be levelled on a regular basis against AMISOM troops. However, the mission has still not established systems to methodically investigate charges of wrongdoing in a transparent and timely manner.

C. Child soldiers

142. On 3 July 2012, the Transitional Federal Government signed an action plan in which it committed itself to ending the recruitment and use of children in armed conflict. The action plan outlined concrete steps to be taken by the Somali authorities to ensure a "child-free" national army. On 6 August 2012, the Transitional Federal Government signed another action plan to end the killing and maiming of children in armed conflict. This action plan was a response to Security Council resolution 1882 (2009), in which the Council called for concrete and timebound action plans to halt and prevent the killing and maiming of children by parties listed in the Secretary-General's annual report on children and armed conflict.

143. Nonetheless, the recruitment of children and youth by armed forces in Somalia increased in 2012. In that year the United Nations and its partners, through the UNICEF-led monitoring and reporting mechanism, documented 1,990 cases of recruitment by all armed groups, in comparison to 948 in 2011. While Al-Shabaab is responsible for most cases of child recruitment, all the major parties in conflict in Somalia have inducted children into their ranks. Similarly, United Nations reports on the abduction of children indicate that all armed groups also forcibly remove children from their homes or schools.⁶¹ Al-Shabaab mainly abducts children from schools, playing fields and public halls and screens them for recruitment or sexual exploitation. Pro-government forces abduct children following security operations conducted to root out anti-government elements.

D. Forcible displacement or confinement

144. Somalia ranks third in the world after Afghanistan and Iraq as the country with the largest displaced population. As of April 2013, there were 1,037,554 Somali refugees in the region, hosted mainly in Kenya, Yemen, Egypt, Ethiopia, Eritrea, Djibouti, the United Republic of Tanzania and Uganda, as well as nearly 1.1 million

internally displaced Somalis, mostly in the southern and central parts of the country.⁶² The vast majority of new displacements also occurred in southern and

⁶¹ UNICEF compiles these reports from information received from United Nations partners through the implementation of the monitoring and reporting mechanism.

⁶² See UNHCR Somalia briefing sheet, April 2013, available at <http://data.unhcr.org/horn-of-africa/country.php?id=197>.

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central Somalia. While some individuals left their homes because of drought or for livelihood-related reasons, most fled insecurity and ongoing military operations.

145. Between June and September 2012, more than 3,500 individuals left the port city of Kismaayo as a result of the advance of the KDF contingent of AMISOM in southern Somalia. The majority of those displaced fled to the neighbouring district of Afmadow, while a significant number made their way to Mogadishu. Most of these displacements consisted of individuals who had already been displaced for a considerable time in Kismaayo city. Another 1,500 individuals were displaced during the offensive of the Transitional Federal Government and AMISOM in Marka. In the same period, there were 700 displacements in the Jamaame-Jilib corridor in Middle Juba and over 200 in villages surrounding Kismaayo. Overall, by comparison with previous military offensives in Somalia, movements out of Kismaayo were limited owing to restrictions imposed on the local population by Al-Shabaab attempting to use civilians as human shields, a tactic also used in Marka.⁶³

146. Between 1 and 26 September 2012, UNHCR reported that over 12,000 individuals left Kismaayo. Large-scale movements began in mid-September as the KDF contingent and the Somali National Armed Forces neared the city. On 17 September 2012, Al-Shabaab broadcast on its Kismaayo-based radio station, Al-Andalus, a call to arms to fight against KDF/AMISOM and the Somali National Armed Forces. This announcement led to a sudden increase in civilian movements out of the city. According to UNHCR, many of those fleeing were not only escaping conditions of insecurity, but also their use as human shields or forcible recruitment by Al-Shabaab. Indeed, Al-Shabaab was restricting movements and targeting adult males as well as boys in a large-scale recruitment drive to boost its military capacity. Most of the displaced population returned to Kismaayo following the conclusion of the military offensive.⁶⁴

147. On 8 April 2013, UNHCR reported on the impact of the withdrawal of ENDF from Hudur, the regional capital of Bakol. An estimated 2,500 individuals were displaced as Al-Shabaab quickly took control of the town. They followed ENDF troops to the border town of El Barde, where they settled alongside the host community. Local authorities estimated that 250 individuals crossed the border to the Ethiopian village of Muhidle seeking assistance.⁶⁵

⁶³ See UNHCR Somalia Kismaayo PMT report, 16 September 2012, available at <http://data.unhcr.org/horn-of-africa/documents.php?page=2&view=grid&Country%5B%5D=197>.

⁶⁴ UNHCR Somalia, Kismaayo Population Movement and Protection Monitoring, 26 September 2012, available at <http://data.unhcr.org/horn-of-africa/documents.php?page=2&view=grid&Country%5B%5D=197>.

⁶⁵ UNHCR Somalia, Hudur flash report, 8 April 2013, available at <http://data.unhcr.org/horn-of-africa/documents.php?page=2&view=grid&Country%5B%5D=197>.

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VI. Violations of the ban on charcoal⁶⁶

148. Following the entry of KDF/AMISOM troops and the Ras Kamboni forces of Madobe into Kismaayo on 28 September 2012, a number of charcoal stockpiles of considerable size were discovered and gained much attention. The stockpile in Kismaayo was estimated to consist of some 4 million sacks of charcoal with an international market value of at least US\$ 60 million. Comparable stockpiles were found to exist in Burgabo, Kuday, Anole and Al-Shabaab-controlled Barawe.

Throughout October 2012, local charcoal traders, supported by KDF and the African Union, called upon the Security Council to temporarily lift the ban on charcoal in order to clear the stockpiles. However, the objective of the charcoal traders was not a one-time export to recoup investments. Rather, deflecting focus onto the stockpiles was a strategy to maintain the charcoal business indefinitely. Indeed, over the following months, the rate of new charcoal production increased dramatically. Exports of charcoal superseded the scale of the stockpiles, which did not decline in size. Consequently, by far the more critical issue to address was not the stockpiles, but the export of newly produced charcoal driven by interests along the supply chain of the trade.

149. Despite the passage of Security Council resolutions 2072 (2012) and 2073 (2012), which did not lift the ban in any way, KDF, Madobe and his Ras Kamboni forces took a unilateral decision to begin the export of charcoal from Kismaayo by 4 November 2012 in flagrant violation of the ban. Meanwhile, on 2 November 2012, President Hassan Sheikh established a task force to address the charcoal stockpiles. However, on 7 November 2012, KDF, Madobe and his Ras Kamboni forces prevented the task force delegation from leaving Kismaayo airport and the task force was effectively stillborn.

150. See annex 9.1 for an overview of these events.

151. Since November 2012, Somali charcoal has been systematically exported from the KDF/AMISOM/Ras Kamboni-controlled port of Kismaayo and the Al-Shabaab-controlled port of Barawe. In addition, charcoal exports continue from the smaller ports at Buur Gaabo, Anole, Koday and Koyaama, all south of Kismaayo, where stockpiles also exist.

152. The Monitoring Group previously estimated that in 2011 some 9 million to 11 million sacks of charcoal were exported from Somalia, generating annual revenues for Al-Shabaab in excess of US\$ 25 million (see S/2012/544, annex 2.1). The Monitoring Group estimates that the rate of export has now risen to some 24 million sacks per year and represents an overall international market value of US\$ 360 million to 384 million, with profits divided along the charcoal trade supply chain, including for Al-Shabaab. In other words, the scale of charcoal export from Somalia has increased by 140 per cent. If the current rate of production continues, charcoal exports in 2012-2013 will consume some 10.5 million trees and the area of deforestation will cover 1,750 square kilometres, which is larger than the city of Houston, Texas, in the United States.

⁶⁶ In paragraphs 22 and 23 of resolution 2036 (2012), the Security Council prohibited the export and direct or indirect import of charcoal from Somalia and stated that it considered that such commerce might pose a threat to the peace, security or stability of Somalia.

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153. At the port of Kismaayo, based on the preponderance of the evidence, the Monitoring Group conservatively estimates that approximately 1 million sacks of charcoal are exported on a monthly basis, with an international market value of US\$ 15 million to 16 million. While Al-Shabaab-controlled Barawe is less accessible and more difficult to assess, nevertheless the Monitoring Group estimates that 600,000 to 1 million sacks are loaded for export each month.

154. Among 39 charcoal traders identified by the Monitoring Group in Kismaayo, two individuals linked to Al-Shabaab represent 32 per cent of the charcoal consignments exported since November 2012. In addition to this shareholding at Kismaayo, Al-Shabaab taxes trucks transporting charcoal to Kismaayo. In particular, since charcoal production dramatically increased in February 2013 at Al-Shabaab-controlled Badade district near the Kenyan border, Al-Shabaab has been generating some US\$ 675,000 to 1.5 million per month at the Buulo Xaaji checkpoint.

155. Furthermore, the Monitoring Group has identified the six largest charcoal businessmen in Dubai, United Arab Emirates, including the Al-Shabaab-affiliated Saleh Da'ud Abdulla. They import charcoal to a number of member countries of the Gulf Cooperation Council, in particular the United Arab Emirates and Saudi Arabia.

156. Overall, despite the takeover of Kismaayo by KDF/AMISOM and Ras Kamboni

forces, the pre-existing charcoal business architecture not only remains intact, but has grown significantly. Notably, Al-Shabaab, its commercial partners and networks remain central to the business locally and internationally. Essentially, the shareholding at Kismaayo has been divided between Al-Shabaab, Ras Kamboni and Kenyan business interests, but the enterprise has grown. The revenue that Al-Shabaab currently derives from its Kismaayo shareholding, its Barawe exports and the taxation of ground transportation likely exceeds the estimated US\$ 25 million it generated in charcoal revenues when it controlled Kismaayo. As such, Al-Shabaab has managed to exploit the diversification of interests in the charcoal trade to its advantage.

157. See annex 9.2 for an assessment of the scale of exports from Somalia and the charcoal trade supply chain.

VII. Obstruction of the investigations or work of the Monitoring Group⁶⁷

158. The Security Council prohibition on obstruction of the investigations or work of the Monitoring Group followed a series of physical threats against the members of the Group. The Committee deplored the acts of intimidation and interference with the Group's work in a public statement.⁶⁸ The threats emanated from investigations into Somali businessmen involved in the delivery of food assistance (see S/2010/91, para. 238-261). The next available opportunity for the Security Council to enact the prohibition was in its resolution 1907 (2009) of 23 December 2009 introducing the

⁶⁷ In paragraph 15 (e) of resolution 1907 (2009), the Security Council prohibited obstruction of the investigations or work of the Monitoring Group.

⁶⁸ See press release SC/9813-AFR/1919 of 11 December 2009 at www.un.org/News/Press/docs/2009/sc9813.doc.htm. See also Jeffrey Gettleman, "U.N. experts get threats in inquiry into Somalia", *The New York Times*, 13 December 2009.

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Eritrean sanctions regime, though the Monitoring Group understands the provision to apply to its activities in both Somalia and Eritrea.

159. Generally, the higher-risk investigations of the Monitoring Group have been those that may affect individual financial interests in Somalia. With the explicit inclusion of the misappropriation of financial resources in the mandate of the Monitoring Group pursuant to Security Council resolution 2002 (2011), the number of such high-risk investigations has increased. The previous report of the Monitoring Group (S/2012/544) was the first to issue findings under this expanded mandate. Subsequently, individuals labelled as sources of information for the Monitoring Group, whether in fact they were or not, have been assassinated, threatened or intimidated. Falsely accusing an individual of being a source of the Monitoring Group is itself an emerging form of intimidation. Consequently, following consultations with the Committee, the Monitoring Group interprets paragraph 15 (e) of resolution 1907 (2009) to include such acts as eligible for targeted measures.

160. In this regard, the Monitoring Group is aware of at least two individuals who were assassinated because they had allegedly provided information to the Monitoring Group about corruption in the Transitional Federal Government. On 19 July 2012, unknown assailants shot and killed Mohamed Ali Hussein, the Deputy Director-General of the Ministry of Finance. Similarly, on 4 August 2012, unknown assailants gunned down Ibrahim Iman Halane, the general manager of Mogadishu airport. Al-Shabaab was blamed for the attacks. However, security services in Somalia that investigated these as well as other killings attribute responsibility to Artan Abdi Ibrahim "Bidar" and his associate, Fathi Sheikh Muhudin, who are understood to operate hit squads for hire (see annex 3.4 to the present report).

161. In its previous report (see S/2012/544, annex 1.2), the Monitoring Group undertook an investigation into corruption and fraud surrounding the production of Somali national passports that named General Abdullahi Gaafow Mohamud, the Director of Immigration and Naturalization in the Transitional Federal Government. Following the publication of the report, in mid-August 2012, General Gaafow

organized the arrest of Abdi Barre Jibriil, the former Deputy Director of Immigration and a United States citizen, for allegedly assisting the Monitoring Group's investigation. In detention, several soldiers physically assaulted Mr. Jibriil under the direction of General Gaafow. Gaafow further threatened to shoot Mr. Jibriil if he did not sign a document denying any statements made to the Monitoring Group. Because of international press coverage, pressure from "Puntland" elders and diplomatic intervention, Jibriil was eventually released on 1 September 2012. Although elected as a Member of Parliament, Jibriil continues to live in fear for his safety (see annex 5.3).

162. General Gaafow has also been responsible for threatening and intimidating a named source in the same investigation, Sanjivan Mukherjee, the owner of Just Solution Limited, which had been contracted by the Transitional Federal Government to produce passports. In addition to direct taunts from General Gaafow, Mukherjee and his wife have received threatening telephone calls in the middle of the night. On one occasion, four Somali males surrounded Mukherjee in the parking lot of his office in Nairobi and threatened to kill him if he did not apologize to the Government of Somalia for speaking to the Monitoring Group. Mukherjee and his family currently live in fear for their safety.

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VIII. Sanctions list

163. On 23 August 2012, the Committee approved a revised list of individuals and entities subject to the travel ban, assets freeze and targeted arms embargo imposed by the Security Council in paragraphs 1, 3 and 7 of its resolution 1844 (2008). This list now includes 13 individuals and 1 entity.

164. On 25 July 2012, the Committee approved the addition of Aboud Rogo Mohammed to the sanctions list. The ideological leader of Al Hijra (formerly known as the Muslim Youth Centre), based in Kenya, Mr. Rogo threatened the peace, security or stability of Somalia by providing financial, material, logistical or technical support to Al-Shabaab, an entity listed by the Committee. However, on 27 August 2012, Mr. Rogo was killed under unexplained circumstances in Mombasa, Kenya. The Monitoring Group has recommended to the Committee that Mr. Rogo be kept on the sanctions list pending clarity about his assets and given the ongoing investigations into Al Hijra and the activities of Mr. Rogo's former associates.

165. On 23 August 2012, the Committee approved the addition of Abubaker Shariff Ahmed to the sanctions list. A close associate of Mr. Rogo, Abubaker Shariff Ahmed is a leading facilitator and recruiter of young Kenyan Muslims for violent militant activity in Somalia and has provided material support to extremist groups in Kenya and elsewhere in East Africa, including Al-Shabaab. He is currently exerting a dominant influence over Al Hijra and intensifying his activities.

166. Pursuant to paragraph 13 (g) of resolution 2060 (2012), the Monitoring Group continues to refine and update information on the draft list of those individuals and entities that engage in acts as described in paragraph 1 of resolution 2060 (2012).

IX. State and non-State cooperation with the Monitoring Group

167. Prior to the adoption of Security Council resolution 2093 (2013), the Monitoring Group observed an improved level of compliance with the arms embargo in terms of notification of the Committee. At the same time, during its current mandate, the Monitoring Group received a notable decrease in the level of cooperation from Member States, with only half replying to its enquiries. Several members of the Security Council have either not replied to official correspondence or not provided the information requested.

168. The Government of the United Arab Emirates, labelled as a "non-cooperative Member-State" in previous reports of the Monitoring Group, has for the first time notified the Committee and also replied to certain requests concerning compliance issues. On the other hand, other specific requests concerning individuals and entities relevant to investigations conducted by the Monitoring Group, particularly in the Emirate of Dubai, remained unanswered.

169. By contrast, the Monitoring Group has received a significant rate of positive responses from private entities, with the exception of the United States-based company Facebook, which has not provided any information requested despite repeated correspondence. In addition, the Monitoring Group has received active and comprehensive support from some private entities, such as PricewaterhouseCoopers Associates Africa Limited.

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170. Meanwhile, despite the request made by the Security Council in paragraph 9 of resolution 2060 (2012) for enhanced cooperation, coordination and information sharing between the Monitoring Group and humanitarian organizations, the cooperation of the international humanitarian community continues to be tenuous at best. Regarding issues of diversion of humanitarian assistance, United Nations agencies and non-governmental organizations are concerned that cooperation with the Monitoring Group can have implications for programming, including funding cuts and threats from local authorities. Consequently, only a small number of agencies have been forthcoming with information, often requesting that their names not be disclosed. Other agencies approached by the Monitoring Group with specific concerns and provided with significant evidence have made it clear that they cannot and will not terminate a contractual agreement if a contractor is understood to be performing satisfactorily and the Security Council has not designated the contractor for targeted measures. This is the case even if, contrary to due diligence, evidence demonstrates the contractor's involvement with armed groups or organized crime.

171. The mandate of the Monitoring Group to investigate applicable violations of international humanitarian law also necessitates cooperation from United Nations agencies and civil society groups, since access in Somalia is severely restricted and sensitive information is often obtained by entities with a permanent presence in areas where violations are taking place. In particular, UNICEF manages the Somalia-wide monitoring and reporting mechanism, which involves a network of international and local non-governmental organizations collecting information on issues of direct concern to the Monitoring Group, including grave violations of children's rights. Despite repeated requests, the Monitoring Group was unable to obtain monitoring and reporting mechanism data from UNICEF regarding perpetrators to assist in its investigations. Concerns over security of sources and victims, as well as a lack of clarity about the content and status of the mechanism's data, have impeded the ability of the Monitoring Group to establish accountability for violations of the sanctions regime related to international humanitarian law.

172. Separately, the Monitoring Group would like to express its appreciation for the consistent support received from the President, the Prime Minister and the Minister of Finance and Planning of the Federal Government of Somalia. Despite the good faith efforts of the leadership, cooperation at lower levels of administration was not always forthcoming. For instance, Kamal Hassan Gutale, the Chief of Staff of the President, regularly and unnecessarily obstructed relations between the Monitoring Group and the Federal Government. Also, the National Intelligence and Security Agency has refused to cooperate with the Monitoring Group on such issues as updating information on individuals and entities under targeted sanctions or identification of new names of individuals or entities for submission to the Committee pursuant to resolution 2060 (2012).

173. In addition, the Monitoring Group appreciates the efforts of authorities in "Puntland" for facilitating missions to Garowe and Bossaso on four occasions, providing access to weapons, ammunition and improvised explosive device components seized during security operations, and sharing information on individuals and entities involved in violating the sanctions regime on Somalia.

174. Notably, the Monitoring Group would like to express its sincerest gratitude to the Government of Kenya for hosting its presence at the United Nations Office at Nairobi and facilitating its work and investigations. However, coordination with

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Government authorities would be greatly enhanced by the appointment of a focal point for the Monitoring Group.

175. Finally, the Monitoring Group wishes to acknowledge the staff of the Department of Safety and Security of the Secretariat in New York, Kenya, Somalia and the United Republic of Tanzania for their remarkable support during the course of the current mandate.

X. Recommendations

A. Threats to peace and security

176. The Monitoring Group recommends that:

- (a) The Security Council request the Federal Government of Somalia and regional authorities in Somalia to urgently address gaps between constitutional, legislative and regulatory provisions as they relate to the management of the hydrocarbons sector, and call upon donors and/or the World Bank to provide technical assistance for a number of tasks which may include:
 - (i) The formation of a representative Somali national commission to harmonize constitutional, legal, fiscal and regulatory provisions related to the management of natural resources and associated revenue collection;
 - (ii) The creation of a neutral and transparent government body, supported by donors and external legal advisers, which is mandated to manage and publish the award of oil contracts and any payments made to federal and/or regional authorities, and which is supervised by the Federal Government of Somalia and regional authorities;
- (b) The Security Council recommend that the Federal Government of Somalia, including regional administrations, avoid signing contracts with oil and gas companies in Somalia until appropriate constitutional, legislative, fiscal and regulatory provisions have been clarified and agreed to by the Federal Government and its regional authorities;
- (c) The Security Council, in light of continued misappropriation of public resources in the Federal Government of Somalia, consider again the establishment of a joint international and Somali approach to management of public resources.

B. Piracy

177. The Monitoring Group recommends that:

- (a) The Security Council reconsider the urgent need to establish a dedicated group of investigators with a mandate to collect information, gather evidence and record testimonies relating to acts of Somali piracy, including and especially the identification of pirate leaders, financiers, negotiators, facilitators, support networks and beneficiaries;
- (b) The Security Council continue to encourage the Federal Government of Somalia to identify, arrest and prosecute all individuals who, for the past decade, have been involved in organizing and facilitating acts of piracy;

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- (c) The Security Council encourage the Federal Government of Somalia to require telecommunication and banking companies in Somalia to provide effective registration and identification of individuals holding telephones and bank accounts, in order to facilitate investigations against spoilers and criminal networks;
- (d) The Security Council consider making explicit reference, in its next resolutions on Somalia and piracy, to the Monitoring Group's responsibility of investigating and identifying key individuals responsible for acts of piracy off the coast of Somalia, as well as the movement and investment of piracy proceeds, and call upon Governments, international organizations and national law enforcement agencies to share evidence and information with a view to the arrest and prosecution of senior pirate leaders and their associates, or to their designation for targeted measures.

C. Arms embargo violations

178. The Monitoring Group recommends that:

- (a) The Security Council recommend to the European Union, NATO, the

Combined Maritime Forces and Member States currently engaged in counter-piracy operations in the Gulf of Aden and the Indian Ocean to expand the mandates of those naval forces to enforce the arms embargoes on Somalia and Eritrea through boarding and inspection of vessels suspected of smuggling weapons and illegal fishing;

(b) The Security Council explicitly clarify whether the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated by paragraphs 1 and 2 of resolution 1425 (2002) are to be applied to deliveries of weapons or military equipment or the provision of assistance intended solely to provide security, escort and protection services in Somalia to personnel from the international diplomatic community;

(c) The Security Council consider, for its next resolution on Somalia, consolidating and summarizing the existing provisions for exemptions from the arms embargo, currently included in multiple resolutions, into a comprehensive, single exemption framework;

(d) The Committee urge the Federal Government of Somalia to take all necessary steps to:

(i) Formally clarify to the Committee the actual structure and membership of the security forces of the Federal Government of Somalia to determine which entities can be supported in accordance with paragraphs 33, 38 and 39 (a) of resolution 2093 (2013);

(ii) Report to the Committee on measures it has formally taken to ensure the safe management of arms and ammunition, including their registration, distribution, use and maintenance, and identify its training and infrastructure needs, in accordance with paragraph 39 (c) of resolution 2093 (2013);

(e) The Security Council request AMISOM to provide United Nations experts with complete physical and documentary access to its arms and ammunition stores, including those from the United Nations Mine Action Service and the Panel of Experts on Libya established pursuant to Security Council resolution 1874 (2009).

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D. Obstruction of humanitarian assistance

179. The Monitoring Group recommends that:

(a) The Security Council call upon the Federal Government of Somalia to monitor, investigate and prosecute attacks on aid workers, including illegal taxation and intimidation by its security forces, and hold perpetrators to account;

(b) The Security Council request the United Nations Resident and Humanitarian Coordinator for Somalia or his successor to ensure, with the assistance of the Risk Management Unit, that all United Nations agencies working in Somalia have similar contractual clauses with their contractors, with the following requirements:

(i) All contractors should have a contractual obligation to disclose subcontractor arrangements;

(ii) All contractors and subcontractors should have contractual obligations to support an investigations process by providing information and evidence;

(iii) All contracts should include standard provisions regarding due diligence and restitution obligations by contractors and subcontractors, including termination clauses;

(iv) All contracts should include a clause enabling termination should contractors, subcontractors or vendors be found in violation of Security Council resolutions on Somalia;

(c) The Security Council request the Resident and Humanitarian Coordinator for Somalia or his successor to encourage increased coordination between the Risk Management Unit and non-governmental organizations, and ensure that the Risk Management Unit assists non-governmental organizations in moving towards establishing a unified risk management approach and system;

(d) The Security Council request all donors in Somalia to adopt a consistent approach to diversion and fraud through minimum standards of due diligence and monitoring for their grantees, incentives for grantees that implement them and a

non-punitive approach to reporting on diversion;

(e) The Security Council provide additional resources to the Monitoring Group in the form of an additional expert given the scope of the mandate of the Monitoring Group with regard to obstruction of humanitarian assistance and violations of applicable international law as specified in paragraph 1 (c), (d) and (e) of resolution 2002 (2011) and reaffirmed in resolution 2060 (2012).

E. Violations of international humanitarian law

180. The Monitoring Group recommends that:

(a) The Committee send a letter to AMISOM reminding it not to commit, support or enable violations of international humanitarian law, including through its operational cooperation with pro-government militias;

(b) The Security Council reiterate its request to AMISOM to execute, in a timely, transparent and efficient manner, the request made by the Security Council in S/2013/413

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paragraphs 14 and 15 of resolution 2093 (2012) to prevent and address allegations of misconduct, including sexual violence and sexual exploitation and abuse;

(c) The Security Council encourage the Federal Government of Somalia to work with the relevant United Nations agencies to increase ability of the police and the judiciary to address allegations of sexual violence, and in particular, to systematically investigate all reports of sexual violence, including by security forces, and to hold perpetrators to account;

(d) The Committee request the Resident and Humanitarian Coordinator or his successor to work with UNICEF to ensure that protection data deriving from the UNICEF-managed monitoring and reporting mechanism is shared with the UNSOM human rights group to enable monitoring, follow-up action and accountability for grave violations of human rights in Somalia.

F. Violations of the ban on charcoal

181. The Monitoring Group recommends that:

(a) The Committee establish guidance for Member States for environmentally responsible destruction of interdicted charcoal as a disincentive to the illicit trade in charcoal;

(b) The Committee, further to paragraph 22 of Security Council resolution 2036 (2012), encourage all Member States importing charcoal, and in particular the United Arab Emirates and Saudi Arabia, to immediately take the necessary measures to prevent the direct or indirect import of charcoal from Somalia;

(c) The Committee remind AMISOM of its obligation to prevent the export of charcoal from Somalia, pursuant to resolution 2036 (2012).

G. Sanctions list

182. The Monitoring Group recommends that the Committee proceed without delay to designate for targeted measures:

(a) Al Hijra leaders in Somalia and members in Kenya in addition to the financier of Al Hijra, the Pumwani Riyadhha Mosque Committee;

(b) The leadership of the “Mujahidiin of the Golis Mountains”, or Al-Shabaab North East;

(c) Known pirates and their associates identified by the Monitoring Group or Member States;

(d) Individuals and entities involved in charcoal trading, including Saleh Da’ud Abdulla.

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Annex 1

Harakaat al-Shabaab al-Mujaahidiin

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Annex 1.1.: Al-Shabaab areas of control and influence, and

security incidents related to Al-Shabaab

Al-Shabaab areas of control and influence

1. At present, Al-Shabaab remains in control of most of southern and central Somalia, including the entire region of Middle Juba, most of Hiran, Bay and Bakol regions, and sizeable parts of Galgadud, and Lower and Middle Shabelle regions.

Areas of control and influence in southern and central Somalia on 30 August 2012 (left) and on 6 May 2013 (right); the uncoloured areas are under the control of Al-Shabaab, while stripped areas are under partial influence¹

2. The main differences in terms of areas of control and influence between the map dated 30 August 2012 on the left and the one dated 6 May 2013 on the right, are the capture by AMISOM of Kismayo (Lower Juba), Jowhar (Middle Shabelle), and the former Air Force base of Baledogley (Lower Shabelle), and the take-over by Al-Shabaab of Hudur, the capital of the Bakol region of Somalia, after the withdrawal of Ethiopian troops to El Barde (Bakol) and Ethiopia on 17 March 2013.

¹ Maps included in confidential UN security reports.

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Security incidents related to Al-Shabaab

3. The monthly average of security incidents attributed to Al-Shabaab in southern and central Somalia has increased between the end of 2012 and early 2013, as indicated in the table below.²

Period Abduction Ambush/

Combat/

Hit and run

attack/

Indirect fire

attack

IED Assassination Grenade

attack

Total Average

of

security

incidents

per month

October-

December

2012

4 70 22 43 39 178 59.3

January-

March 2013

2 78 34 52 26 192 64

4. According to these figures, the number of military attacks (ambushes, combat, hit-and-run and artillery/mortar attacks), IED incidents and assassinations has increased, respectively, by 11.42 %, 54.5 % and 20.9 % between October-December 2012 and January-March 2013.

² Data provided by a United Nations specialised department compiling statistics related to security, email communication, 7 May 2013. Archived with the UN.

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Annex 1.2.: Al-Shabaab structure

1. The structure of Al-Shabaab is characterized by its idiosyncratic complexity, which is one of its main strengths and perhaps explains in part the durability of Ahmed Godane's leadership. The structure includes several key elements:

- A strong centralized command combined with decentralised operational capacities;
- An official structure, with senior commanders well known to the public holding figurehead positions, and a military operational structure that is more flexible, clan-oriented and less visible;
- An underlying structure, the *Amniyat*, which integrates the functions of a secret police, responsible for counter-intelligence and political control, and a clandestine special operations unit conducting assassinations and suicide attacks; and
- An ability to pursue both local and national agendas, while still being part of an international jihadist organization with regional objectives.

2. This complexity, however, obscures the actual nature of the decision-making process within Al-Shabaab. On the one hand, for security reasons, Godane has a limited ability to participate in meetings, move freely and communicate by telephone and radio; on the other hand, there are public disagreements at the level of the *Shura* between Godane and the principal military and spiritual leaders of Al-Shabaab, namely Hassan Dahir Aweys, Mukhtar Robow, Ibrahim 'Al-Afghani' and Fu'ad 'Shongole'.

The *Shura*

3. The *Shura* constitutes Al-Shabaab's council of ministers. It is likely the only political arena in which some form of opposition to Godane can to a certain extent be expressed. The most important figures of the Somali jihadist movement, and the main leaders of the Islamic Court Unions who rejected the Djibouti agreement in December 2008, including former Hizbul Islam leaders, belong to the *Shura*. However, its composition is not fixed and fluctuates. Information about its members varies by date and different sources.

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Potential composition of the Shura of Al-Shabaab

4. The Monitoring Group has received conflicting reports about the role in the past couple of years of the *Shura* as Al-Shabaab's decision-making body. According to the testimony of an Al-Shabab defector interviewed by the Monitoring Group, the last meeting of the *Shura* in which decisions were taken by 16 of its members was in December 2010, in Bulsharab, Lower Shabelle region of Somalia.¹ Thereafter, a combination of mistrust amongst the top leadership, and fear that disagreements over strategy could lead to targeted strikes, may have prevented physical meetings of its members from being convened.²

5. During the months of April and May 2013, three key members of the *Shura* have publicly expressed their disagreement with Godane, and called for the reestablishment of the *Shura* as a decision-making body for Al-Shabaab.

6. First, an "Open Letter to Our Amir Sheikh Ayman Al-Zawahiri", attributed to Ibrahim 'Al-Afghani' "on behalf of the silent majority" of Al-Shabaab fighters, dismisses the *Shura* and criticizes the autocratic leadership style of Godane:

¹ Interview with an Al-Shabaab defector, Garowe, 11 November 2012.

² Ibid.

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[The Amir] takes decisions in a secret fashion without legitimate known reasons. This is the end of what remains of the Movement's administration, and incidentally, this council

[the *shura*] is a name with no meaning.³

7. Furthermore, ‘Al-Afghani’ calls for more “justice” within Al-Shabaab, and appeals to Godane to resolve internal conflicts through the *Sharia* court of the organisation, to stop “spilling the blood of the mujahideen”, and “not to take revenge with unjust arrests, but instead to release those who were unjustly arrested” and currently jailed in “several types of secret prisons that are for the Emir”. If the letter is genuine, it indicates perhaps that Godane may have centralized most of Al-Shabaab’s executive powers to the detriment of the *Shura* and its members.

8. Second, the introduction to an audio recording released by a *jihadist* forum on 11 May 2013 and credited to the main figure of the international *mujahidin* in Somalia, Omar Hammami ‘Abu Mansur Al-Amriki’, also refers to attempts to revive the *Shura* and resolve internal issues:

Allah is the Witness that we tried to end these disagreements secretly and then publicly for many years. I was a member in the Shura Council of the Al-Shabaab movement since its inception with Saleh al-Nabhan⁴ and other emigrants and local supporters, and then they put on me the responsibility of the position of the Deputy Shura Emir and the position of the Emir of the Shura Committee, and in spite of that we didn't find any use in the reform attempts.⁵

9. Lastly, on 17 May 2013, another audio file was posted on a *jihadist* forum by the Islamic World Issues Study Center (IWISC), and described as the recording of a press conference of Hassan Dahir Aweys about the current situation in Somalia, in which he declares that:

The result of abandoning the Shura is despotism and dictatorship. Allah had vilified Pharaoh for such a despotic mentality in His words: "I show you only that which I see, and I guide you only to the path of right policy!" [From Ghafir 40:29]

The abandonment of the Shura also resulted in the suspension of the administrative structures and the marginalizing of the Ummah, its scholars and its elites, and that resulted also in weakening the domestic lines and making people go away from it. [...]. Thus, the mujahideen and the Muslim Somali people must bear their responsibility and do their duty that is made incumbent on them by Allah, while strengthening these important elements: Shariah, Shura and then organized administration.

³ “An Open Letter to Our Sheikh and Emir Sheikh Ayman al-Zawahiri”, accessed at <http://www.ansar1.info/forumdisplay.php?f=31> on 10 April 2013. See also annex 2.1.a for a summary of the letter with a specific focus on Kenya and Tanzania.

⁴ Notably, Saleh Ali Saleh Nabhan was accused by the FBI of being a senior Al-Qaida operative in East Africa and one of the instigators of the terrorist attacks in Kenya in 2002. He was killed on 14 September 2009 in a helicopter raid reportedly conducted by US Special Forces.

⁵ Accessed at <http://www.iwisc.net/vb/showthread.php?t=619> on 2 June 2013.

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10. Aweys also quotes a *hadith* recalling its audience that “Allah ordered His Prophet to use Shura to endear the hearts of his Companions and for them to follow his example in matters where there is no clear revelation”.⁶

11. In addition, Aweys condemns the “pressure, slander, assassination” of foreign *mujahidin*, and “launching raids against them”, in a clear reference to recent events targeting ‘Al-Amriki’. He also denounces, echoing the text attributed to ‘Al-Afghani’, the “law of the jungle” ruling Al-Shabaab, a consequence according to him of the decline of its unconditional obedience to the *Sharia*.

12. Internal dissensions amongst Al-Shabaab’s top leadership have had no impact so far on

its ability to conduct operations in Somalia. Nevertheless, a scenario in which Al-Shabaab's military structure dissolves into its component factions is still possible, which could subsequently result in the creation of a new type of clan-based fiefdoms in Somalia, controlled then by Islamist warlords.

Military structure

13. The military apparatus of Al-Shabaab appears to be under the strong influence of Fu'ad 'Shongole' and Mukhtar Robow, generally, and Abdirahman 'Filow' in Lower Juba and Sheikh Yusuf Sheikh Isse (a.k.a. 'Kabakutukade') in Middle Shabelle. These commanders reportedly hold key positions in the military structure, despite apparent tensions at the political level. On a daily basis, they are involved in recruitment, movements of fighters, as well as providing instructions for military ground operations throughout southern and central Somalia.

⁶ Accessed at <http://www.iwisc.net/vb/showthread.php?t=621> on 2 June 2013. Transcript and translation provided by SITE Monitoring service, "Shabaab Official Aweys Speaks on Group's Internal Issues, Losing Ground", 17 May 2013.

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Reportedly the structure of Al-Shabaab's military apparatus

14. The basic military unit of Shabaab is an extremely mobile platoon-size group of between 20 and 30 fighters, each armed with Kalashnikov-pattern assault rifles and hand grenades. An average of a dozen fighters also carry mid-range weaponry, including PKM-type machineguns and rocket-propelled grenade systems (RPGs). In some propaganda videos, Al-Shabaab displays some fighters carrying Dragonov-type sniper rifles, although reports of sniper attacks are not frequent, except in the Juba region.⁷

15. Al-Shabaab platoon-sized units conduct primarily *Kamiinah* (guerrilla) type operations and *Jukta Culus* (hit-and-run) type attacks. In a message posted on 22 February 2012, the administrator of @saud_khalifaa, one of the Twitter accounts which used to promote Al-Shabaab on the internet,⁸ summarized the current military strategy of the organisation:

The enemy advances, we retreat; the enemy camps, we harass; the enemy tires, we attack; He retreats, we pursue.

⁷ See annex 1.2.a. for Al-Shabaab propaganda photographs taken during a military parade in Barawe, which took place according to Shabaab-related media on 29 April 2013.

⁸ See annex 1.6. for Al-Shabaab's media strategy.

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16. Therefore this strategy is not intended to recapture lost positions. Rather, Al-Shabaab aims at "fixing" AMISOM and government troops, and their allied militias, on multiple fronts. This disperses their resources and manpower and multiplies the number of necessary supply routes, which are amongst Al-Shabaab's preferred targets. Such a military strategy has an important psychological impact, and gives the impression that Al-Shabaab is more pervasive than it is, seeming to be able to operate anywhere at anytime.

17. Al-Shabaab tactics, techniques and procedures are further detailed in annex 1.5.

Case study: Al-Shabaab in Jowhar, Middle Shabelle region of Somalia

The Monitoring Group was given access by a military intelligence source to contact records of interviews conducted in November 2012 with a group of ten Al-Shabaab defectors from Middle Shabelle. They were part of a larger group of 249 men who defected to AMISOM on 22 September 2012 in Garsaale neighbourhood, with 74 AK47-type assault rifles, 4 G3-type assault rifles, magazines, one pistol and one handgrenade. Al-Shabaab vacated Jowhar on 7 December 2012, a couple of days after AMISOM and Somali Armed Forces took control of the town.⁹

*Presumed Al-Shabaab fighters surrendering to AMISOM in Garsaale, Middle Shabelle, on 22 September 2012*¹⁰

The defectors were mainly youth recruited among the Bantu community, also known as *Jareer Weyne*, composed of farmers settled for centuries along the banks of the Shabelle River. Most of the fighters allegedly joined the movement in order to protect their families from possible attacks, since they belong to a minority clan. They said they feared that the Al-Shabaab members from the more powerful Abgal and Gaaljeel clans, prominent within Al-Shabaab in this region, would take their land. Somali media reported

⁹ Email communication, 29 January 2013.

¹⁰ See annex 1.2.b. for additional photographs.

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on hundreds of youth from the Bantu communities being forcibly paraded in Jowhar on 16 March 2012, after being recruited by Al-Shabaab.¹¹

According to their testimonies, in September 2012, Al-Shabaab forces in Jowhar and its surrounding areas, headquartered at Jowhar Police Station, totalled 280 fighters divided into three different components:

- *Hisbah* unit (a.k.a. *al-Hisbah*, or *aysh al-Hisbah*) of 150 fighters, responsible for implementing the Shari'a, community policing, and manning checkpoints;
- *Zakawat* unit (a.k.a. the "extortion unit") of 33 fighters, responsible for the collection of local taxes, considered by Al-Shabaab propaganda to be a religious obligation, in reference to compulsory *zakat* to support the *jihad*; and
- *Jabhad* forces (a.k.a. the "revolutionary front"), a 100-strong mobile military unit, equipped with three pick-up trucks mounted with 12.7 millimetre "Dushka" antiaircraft machine-guns.

The Al-Shabaab forces were under the command of the governor of Middle Shabelle, Sheikh Yusuf Isse 'Kabakutukade' (Hawiye / Abgaal). The wage paid by Al-Shabaab to its fighters was a minimum of 100 USD and a maximum of 500 USD, depending upon clan affiliation and seniority. Furthermore, at a ratio of 1 *Hisbah* fighter per 400 inhabitants, Al-Shabaab policing of Jowhar corresponded to an international standard for securing public places and buildings.¹²

According to the defectors, the *Zakawat* units were collecting from checkpoints and businesses an average of 25,000 USD per day, or 750,000 USD per month. The town of Jowhar, the regional capital with an estimated population of 60,000 inhabitants, is ideally located in a fertile area known for its sugarcane plantations, on the main road connecting Mogadishu to the North of the country. If accurate, these figures would indicate that Al-Shabaab has drastically increased its level of taxation in areas under its control as compared to data collected and presented by the Monitoring Group in its 2011 report, even accounting for the growth of the Somali economy.¹³

Amniyat

18. The *Amniyat* is the special clandestine division of Al-Shabaab, under the direct leadership of Ahmed Godane and operational command of Mahad Mohamed Ali, a.k.a. 'Karate'.¹⁴ Indicating the significance of the *Amniyat* inside the organisation to the detriment of its military apparatus, Karate is also considered by to be the Amir's deputy.¹⁵ *Amniyat*

¹¹ "Somali MP says Al-Shabab forcing youth to join battle", BBC monitoring citing Jowhar website, 17 March 2012.

¹² According to the International Centre for the Prevention of Crime website, accessed at <http://www.crime-prevention-intl.org/> on 1 May 2013.

¹³ See S/2011/433, paragraphs 60 to 68.

¹⁴ Other aliases of Mahad Mohamed Ali include Mahad Mohammed Haashi and Mahad Warsame Qalley. However, according to the US State Department programme of Rewards for Justice, the head of *Amniyat* is Zakariya Ismail Ahmed Hersi, a.k.a. Zaki Madobe or Ahmed Diriye, accessed at <http://www.rewardsforjustice.net/index.cfm?page=hersi&language=english> on 6 May 2013.

¹⁵ Meeting with a military intelligence source, Nairobi, 30 April 2013.

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combines a wide range of responsibilities, ranging from intelligence gathering and counter intelligence

to clandestine and special operations.

19. The structure of the *Amniyat* is understood to be organized as follows:

- ☐ Central command;
- ☐ Regional commanders;
- ☐ Finance and logistics support units;
- ☐ Intelligence collection units;
- ☐ Grenade attacks/assassination squads; and
- ☐ Suicide operations squads.

20. Each *Amniyat* unit is autonomous, designated by a codename (e.g. *Arqaladen* or *Madah Jebis* units in Mogadishu), and in principle unaware of other groups, for security reasons in case of arrest and interrogation. Intelligence is collected by smaller units, or even lone operatives, and transmitted to the unit commander, who then transmits necessary information to assassination or suicide squads to prepare operations. The Monitoring Group has obtained clear indications that the *Amniyat* is responsible for most of the person- and vehicle-borne suicide attacks, in spite of Al-Shabaab attributing them to the “martyrdom brigade”.¹⁶

21. On 5 May 2013, in the vicinity of K4 in Mogadishu, a suicide vehicle-borne IED attack targeted a government convoy transporting high-level officials from the Qatari security services, in spite of precise intelligence reports anticipating the immanent attack and reinforcement of security measures, including total disruption of road traffic for three days to mitigate the threat. This demonstrates Al-Shabaab’s ability to plan and execute a targeted attack in the middle of the national capital, even under such circumstances.¹⁷

22. The Monitoring Group was able to interview three ex *Amniyat* operatives.¹⁸ One of these, a former member of an assassination squad, detailed the *Amniyat* modus operandi, from transmission of orders, to deployment of the operative, the designation of the target and execution of the mission. Notably, he described:

We are tasked on the phone to go to some place, sit in a teashop, and then on the phone we are told that the target is the guy passing right now in front of you.¹⁹

23. The *Amniyat* operatives interviewed by the Monitoring Group were young men, around 20 years old, with certain intellectual and operational capabilities or language skills (like Arabic), and with family and clan connections to high-level Al-Shabaab commanders. Initially, new operatives are assigned to intelligence collection units and tasked as drivers for foreign fighters (reporting on unusual events such as unauthorized meetings or suspicious telephone

¹⁶ “5 Martyrdom seekers from the Martyrdom Brigade today attacked an apostate courthouse in Xamarweyne district of #Mogadishu. #JihadDispatches”, @HSMPPRESS1’s post, 14 April 2013.

¹⁷ See annex 1.2.c. for a photograph of the blast scene.

¹⁸ Interviews in Somalia on 9 December 2012, 23 January 2013 and 18 March 2013.

¹⁹ Interview with the Monitoring Group, Somalia, 18 March 2013.

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calls) or receptionists at guesthouses for foreign fighters (recording visitors names, including

women, and date and time of arrival and departure)—all indicating the Al-Shabaab leadership's mistrust in *jihadists*. Members of *Amniyat* receive higher salaries than others in Al-Shabaab, with a junior operative paid 300 to 400 USD per month, and have their expenses covered by the organization or a dedicated *Amniyat* logistics officer.

24. Occasionally, without prior notice or knowledge of the nature of the assignment, operatives are instructed to reinforce Godane's security details. They also at times support units conducting hit-and-run attacks against AMISOM or SNA positions.

25. *Amniyat* operations are concentrated mainly in Mogadishu, where grenade attacks and assassinations occur weekly. Some incidents are not related to Al-Shabaab, but to business disputes, clan revenge or political conflicts. Nevertheless, at the time of writing, some 200 *Amniyat* operatives, commanders and support officers are deployed in Mogadishu.

Probable Amniyat structure in Mogadishu as of December 2012

(names are purposely not readable, to protect ongoing investigations and sources)

26. The Monitoring Group was also provided with confidential information regarding the preparation at the end of 2012 and the partial execution of a large-scale assassination operation by an *Amniyat* cell in Mogadishu. The objective was to mobilize a team of 25 *Amniyat* operatives to conduct a wave of assassinations of national intelligence officers and members of the Federal parliament. To that end, money was collected amongst supporters of Al-Shabaab within the Somali business community in Qatar and sent via Dahabshil, a money remittance company, to Mogadishu, where it was received by the *Amniyat* Finance Officer in Mogadishu, Ali Mohammed Ali 'Abdullahi', and delivered to the *Amniyat* commander in charge of the operation.²⁰

27. The Monitoring Group had further access to three additional cases in which cash U.S. dollars were collected from the Somali business communities in Saudi Arabia and the United Arab Emirates, and transferred by remittance companies to Mogadishu, with the knowledge and aim of financing terrorist activity in Somalia, and specifically to support *Amniyat*

²⁰ Confidential intelligence report, 21 October 2012.

operations in Mogadishu. In the period October to December 2012, the aggregate amount transferred for the four operations was approximately 100,000 USD.²¹ In addition to spreading fear amongst the population and government officials, Somali businessmen in the diaspora supporting *Amniyat* assassinations may serve to achieve ulterior goals, whether clan revenge or elimination of business competitors or political opponents.

28. In a press communiqué dated 18 April 2013, the so-called Press Office of Harakat Al-Shabaab Al-Mujahideen claimed responsibility for the killing of "127 Somali intelligence agents, officials and spies in Mogadishu", and for the subsequent resignation of the head of the National Intelligence and Security Agency (NISA) of Somalia, Ahmad Mo'alim Fiqi. It further stated that the assassination campaign was conducted by the "Mujahideen counter-intelligence teams" in Mogadishu, and led by the "Muhammad Ibn Maslamah Brigade".²² The phrase "counter-intelligence teams" is in reference to *Amniyat*. However, the high casualty figure appears to be propaganda, since, according to UN statistics, only 22 individuals were assassinated by Al-Shabaab in Mogadishu between January and March 2013.²³

29. Overall, *Amniyat*, as an organization within an organization, was most likely intended by Godane to survive Al-Shabaab, in the event that the movement was deprived of any territorial control or clan and political support in Somalia, or if it split into its constituent factions. *Amniyat* is structured like a clandestine terrorist organisation, able to function underground and subsist in areas under Government/AMISOM control, while Al-Shabaab's

military apparatus operates more as a conventional armed opposition group. Even if the main body of Al-Shabaab's forces were demobilized as the result of a combined military and political approach of the FGS and the international community at regional and local levels, *Amniyat* could remain operational.

²¹ Confidential intelligence reports, 5 October 2012, 21 October 2012, and 12 December 2012.

²² "PRESS RELEASE: Campaign of attacks against the Apostate Intelligence Agency", HSM Press office, 18 April 2013. See annex 1.2.d for a copy of the communiqué.

²³ Data provided to the Monitoring Group by a UN department compiling statistics of security incidents in Somalia, email communication, 7 May 2013.

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Annex 1.2.a: Al-Shabaab propaganda photographs taken during a military parade in Barawe, Lower Shabelle, 29 April 2013¹

¹ According to Shabaab-related media, accessed at <http://radioalfurqaan.com/?p=1173> on 30 April 2013.

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Annex 1.2.b: Photographs of presumed Al-Shabaab fighters surrendering to AMISOM in Garsaale, Middle Shabelle, 22 September 2012¹

¹ Photographs provided by AMISOM.

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Annex 1.2.c: Photograph of an armoured vehicle of the Interior Ministry of the Federal Government of Somalia transporting a delegation from Qatar, after a SVBIED attack in Mogadishu, 5 May 2013¹

Photograph of the blast scene, minutes after the attack, with the rest of the attacking vehicle

¹ "Frail peace in Mogadishu shattered by bombing", Al Jazeera, 5 May 2013.

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Annex 1.2.d: Al-Shabaab press communiqué about "Campaign of attacks against the Apostate Intelligence Agency"

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Annex 1.3: Al-Shabaab recruitment and training

1. The Monitoring Group has had access to classified information regarding the presence in Somalia of 20 training camps, particularly in the Lower Shabelle region, including a "suicide training school" in the vicinity of Barawe, as well as in the Bay, Hiran, and Galgadud regions. According to photographs seen by the Monitoring Group, Al-Shabaab training camps generally consist of basic tents and huts hidden in areas covered by forest, and do not comprise fixed structures, with the exception of some specialised training that is or was taking place in former government or military compounds. Additionally, these camps are constantly relocated, generally after one or two training sessions, for security reasons but also for logistical purposes, since Al-Shabaab tends to set up new camps in areas where large numbers of youth are being recruited.
2. Charismatic members of the *Shura*, namely Fu'ad 'Shongole', 'Ali Dhere' and Mukhtar

Robow, play an important role in the recruitment process of new Al-Shabaab fighters, not least because they represent the three main clans in Somalia, respectively the Darod, Hawiye, and Rahanweyn. They regularly meet regional and local Al-Shabaab commanders, as well as clan elders, reportedly offering them financial incentives to mobilize youth and young boys.

According to an intelligence report, on one occasion Shongole offered 1800 USD to a senior clan leader of Lower Shabelle in exchange for 150 young boys.¹ However, UN reports indicate that Al-Shabaab also forcibly abducts children and young boys in communities resisting 'voluntary' recruitment (see section V.C on child soldiers of the main Somalia report).

3. New Al-Shabaab recruits initially receive three months of basic military training, which can be reduced to a month if there are pressures at the frontline for more troops. Thereafter, some trainees continue to take specialized courses in assembling IEDs, sniping, or guerrilla warfare. According to a former *Amniyat* operative interviewed by the Monitoring Group, for those selected to join *Amniyat*, these courses include intelligence collection or assassination, though *Amniyat* mostly conducts its own recruitment process separately.²

4. The same former *Amniyat* operative referred to a 50-year old Sudanese national called 'Hassan', who was serving as a senior training instructor for Al-Shabaab and who claimed to be formerly with the Sudanese military. According to this source, 'Hassan' is also known as 'Jimale', 'Yusuf' or 'Abdi Madobe', and was specifically tasked by Ayman Al-Zawahiri, the Amir of Al-Qaida, to train in Somalia African jihadists who are unable to travel to Afghanistan and Pakistan. 'Hassan' is reportedly in contact with Al-Qaida operatives as well as Godane, in order to plan training strategies and programmes for Al-Shabaab and other Al-Qaida affiliates in Africa.³

5. Furthermore, the former *Amniyat* operative claimed he had been 'Hassan's' personal translator during his time at Wabxo training camp, in the Galgaduud region of Somalia. He stated that he witnessed the presence of one Nigerian in Somalia, killed on 2 May 2011 near the former Defence Ministry in Mogadishu, as well as several Yemenis, Kenyans and Ethiopians, who were acquainted with 'Hassan'. 'Hassan' was also reportedly supervising a training camp

¹ Confidential intelligence report, 24 October 2012.

² Interview with the Monitoring Group, Somalia, 18 March 2013.

³ Interview with the Monitoring Group, Somalia, 18 March 2013.

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in South Sudan, at the border with Kenya, and left Somalia for Nigeria with a group of Boko Haram fighters after the completion of their training in March 2011.⁴

6. In addition to the existence of 20 training camps in Al-Shabaab-controlled areas of southern and central Somalia, the Monitoring Group obtained details regarding 12 training sessions organised between August and December 2012. These included 6 basic military training courses attended by 925 new recruits.

Geographical distribution of Al-Shabaab training camps in southern and central Somalia, operational between August and December 2012

7. During the same period, several specialised training programmes were conducted, as follows:

- ☐ two *Amniyat* training sessions attended by 50 recruits;
- ☐ three specialised courses in IEDs attended by 115 fighters; and
- ☐ two specialised artillery courses on indirect fire with 60 and 80 millimetre mortar tubes, B-10 recoilless guns and rocket-propelled grenade launchers, attended by 46 fighters.

8. Overall, Al-Shabaab strives to maintain its military operational readiness, combining both recruitment campaigns and training programmes. However, ground observation following

attacks conducted by Al-Shabaab “artillery units” appears to indicate that specialized training, notably in terms of indirect fire, are yet to have an impact on Al-Shabaab’s military effectiveness (see also annex 1.5).

⁴ Interview with the Monitoring Group, Somalia, 18 March 2013.

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Annex 1.4: Foreign fighters with Al-Shabaab

1. According to a confidential report made available by a military intelligence service to the Monitoring Group, about 300 foreigners are presently fighting alongside Al-Shabaab in Somalia. In addition to participation in military operations, their role includes technical assistance with weapons systems, operational planning, training, manufacturing of IEDs, IT support, medical assistance and media and public relations. However, there is no report yet indicating the participation of a foreign fighter in a suicide attack.

Unidentified Al-Shabaab “white-skin” foreign fighter (first on the left)

wearing a Western-style desert military uniform during a parade,

which took place according to Shabaab-related media in Barawe on 29 April 2013¹

2. The Monitoring Group excludes from its definition of a foreign fighter those individuals of Somali descent or holding dual citizenship. The nationalities most frequently represented among the foreign fighters are Yemeni, Sudanese, and Kenyan. The larger numbers of foreign fighters are in the region of Barawe, Lower Shabelle. Foreign fighters are regularly invited by Al-Shabaab propaganda to “migrate” to Somalia - the *hijrah* - and join Al-Shabaab to conduct *jihād* against the “apostate regime” and its “foreign crusaders”.

3. Foreign fighters have actively participated in various capacities in the Somali conflict since the 1990s. They fought alongside Al-Ittihad al-Islamiya (AIAI) in response to the Ethiopian invasion of 2006 and in support of the Mu’askar Ras Kamboni forces (MRK) defence of the Jubalands. They subsequently joined Al-Shabaab following the defeat of the Union of Islamic Courts (UIC). However, since the successful launch of “Operation Linda Nchi” by the Kenya Defence Forces and their deployment in AMISOM’s Sector 2 (Kismayo),

¹ Accessed at <http://radioalfurqaan.com/?p=1173> on 30 April 2013. Also, see annex 1.2.a for additional photographs.

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there has been an increasing exodus from Somalia of Al-Shabaab foreign fighters, including those from Al Hijra in Kenya and others affiliated with Al-Qaida.²

4. The departure of foreign fighters from Somalia has been explained, in part, by the military reverses suffered by Al-Shabaab coupled with its loss of revenue, in addition to internal dissension in the organization. However, a number of foreign fighters have left Somalia with the intention of supporting *jihād* in the region, offering direct support to known extremists, in addition to an attempt to revive Al-Qaida East in Africa (AQEA) by aligning with its associated members. While such an attempt may be aspirational, there is some evidence to warrant its careful consideration.

Foreign fighters’ discontent

5. The Monitoring Group has received testimonies indicating that a significant number of foreign fighters, including East African and overseas nationals, have deserted Al-Shabaab for a combination of reasons, including hardships involving at times financial constraints, mistreatment, discrimination and detention on suspicion of being a spy by Al-Shabaab.³

6. On 31 December 2011, Kenya police issued an alert that an Al-Shabaab cell of 15 members, mainly composed of Somalia-based Al Hijra fighters, had entered the country from

Kismayo.⁴ According to the Kenyan police press conference held on the same day, a Somali-based Al Hijra fighter “X”, who is known to the Monitoring Group and has been mentioned in its previous reports, had also arrived in the country with the others to carry out attacks.⁵ This cell had in fact entered Kenya through Hamay in Fafi district, Northeastern Province.⁶ However, during “X’s” debriefing with the Directorate of Military Intelligence (DMI) in December 2011, it transpired that “X” had not entered Kenya to carry out an attack but had joined the cell as a means of deserting Al-Shabaab.⁷

7. According to a series of email communications with another Al Hijra member between 11 and 13 March 2012, “X” explained that his reasons for deserting Al-Shabaab in Somalia were a combination of “racism” by his Somali-Al-Shabaab associates, internal “wrangles” and disputes within the Al-Shabaab leadership.⁸

² Throughout the Somali conflict and in its various stages, fighters with peripheral and direct links to Al-Qaida have had a continuous presence in Somalia. Due to the contentious nature of describing fighters in Somalia as “Al-Qaida”, the Monitoring Group has referred to Somalia-based foreign fighters as “Al-Qaida affiliated”.

³ See also http://sabahionline.com/en_GB/articles/hoa/articles/features/2013/04/12/feature-01.

⁴ <http://www.capitalfm.co.ke/news/2011/12/kenya-police-release-list-of-15-shabaab-suspects/>.

⁵ S/2011/433, pages 140-147 and S/2012/544, page 176.

⁶ Monitoring Group visit to Garissa, 30 December 2011.

⁷ Interviews with Kenyan officials confirmed that towards December 2011, “X” had made several calls from Somalia to his parents expressing his wish to return to Kenya.

⁸ Email communications dated 11 March 2012 at 7:02 pm, 12 March 2012 at 12:47 pm and 13 March 2012 at 4:45 pm between “X” and a Nairobi-based Al Hijra member, accessed and archived with the United Nations.

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8. ‘Al-Amriki’ has also publicly exposed the discontent among Al-Shabaab’s foreign fighters via the Twitter account @abuamerican, corroborating “X’s” account that foreign fighters have exited Somalia for similar reasons.⁹

9. In February 2013, the Monitoring Group received further testimony from a former East African fighter in Somalia and close associate of the Al Hijra ‘Amir’ Ahmad Iman Ali ‘Abu Zanirah’, Al-Shabaab’s representative for Kenyan affairs. Accordingly, a number of East African fighters affiliated with Al Hijra under Ahmad Iman’s command have been increasingly demoralized and unable to continue fighting alongside Al-Shabaab. Deserters have claimed that they left Al-Shabaab not only because of “racism” by their fellow Somali fighters but also due to financial difficulties.¹⁰ While groups like Al Hijra receive funds from Kenya through the Pumwani Riyadhha Mosque Committee (see annex 2) and elsewhere, such funds are distributed inequitably¹¹ and many fighters have to seek assistance from family members, associates in Kenya and at times contacts in the diaspora.¹²

10. International fighters more affiliated with Al-Qaida have endured similar hardships while fighting alongside Al-Shabaab. An alleged member of the *Shura*, Zubeir al-Muhajir, addressed a letter to Godane entitled “Yes, there is a problem” and published on jihadist online forums on 24 April 2013, stating:

There is a problem, because you detained a number of emigrants with the charge that they were joining the apostates. Despite the judgment of the secret court that proved their innocence, you continue to treat them like criminals and you sent some of them away to countries of disbelief and you pursue the others!

A while ago, you made a secret decision that states not to receive the emigrants coming from outside, whether individuals or families, but you didn't announce that decision. I'm afraid that the emigrant will travel and bear the difficulties of the

emigration and then end up either not participating in jihad or being imprisoned by the disbelievers.

Isn't this a problem?!¹³

11. How Al-Shabaab markets itself amongst the jihadist community (see annex 1.6), welcoming *jihadist* from all over the world and promoting the *hijrah* to Somalia, contradicts these testimonies of foreign fighters denouncing living conditions and the perpetual suspicion that they are 'spies'.

⁹ The Monitoring Group assesses that the Twitter account twitter.com/abumamerican is most likely to belong to 'Abu Mansour Al-Amriki'.

¹⁰ Interview with a former Somalia-based Al Hijra fighter, February 2013.

¹¹ Uncorroborated reports suggest there is financial corruption in the senior leadership of Al Hijra in Somalia. In 2011, the Monitoring Group received credible audio recording information, archived with the United Nations, that suggested Al-Hijra's ideological cleric, Sheikh Aboud Rogo Mohamed, had raised concerns over the welfare of young Kenyans under the command of Ahmad Iman in Somalia.

¹² Confidential document archived with the United Nations.

¹³ Transcript and translation provided by SITE Monitoring service, "Second Shabaab Official Publicly Criticizes Leader Over Fighter Grievances", 24 April 2013.

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Case study: Al-Qaida affiliate Najjar Majd Abu Sa'ad al-Urduni

On 11 May 2012, Jordanian national Najjar Majd was arrested by Kenyan security services on suspicion of planning a terrorist attack in Kenya with other unknown members of Al-Shabaab, though evidence was lacking at his court trial.² Born in Amman Jordan, 'Abu Sa'ad' had apparently moved to Switzerland with his parents as a young boy but not as a refugee.³

Al-Qaida affiliate Najjar Majd Abu Sa'ad al-Urduni

'Abu Sa'ad' had travelled to Somalia to fight alongside Al-Shabaab and arrived in Kenya on 23 February 2011. Uncorroborated reports suggest 'Abu Sa'ad' was assisted by two unknown Somalis, one who had facilitated his travel from Nairobi through to Garissa and another escorting him from Garissa to Hagadera refugee camp in Dadaab. From Garissa, 'Abu Sa'ad' was transported to Dobely inside Somalia to join Al-Shabaab.⁴

According to information attributed to 'Abu Sa'ad' and corroborated by former East African fighters who had met him in Somalia, following his military training, he spent time in Mogadishu and Baidoa, two Al-Shabaab strongholds at the time. According to his own account, 'Abu Sa'ad' was detained by Al-Shabaab on suspicion of being a spy at a time when there were growing internal tensions between some Al-Qaida-affiliated fighters, including Emrah Erdogan 'Salahuddin al-Kurdi', and the leadership of Al-Shabaab. Other foreign fighters corroborated the fact that a number of Al-Qaida-affiliated fighters were in conflict with Al-Shabaab, including a Somali-based member of Al Hijra associated with 'Salahuddin al-Kurdi'.

A number of foreign fighters, including 'Abu Sa'ad', have justified in part their departure from Somalia on the unexplained circumstances of the death of Fazul Abdullah Mohammed in June 2011.⁵ In fact, 'Abu Sa'ad' claimed that some Al-Qaida-affiliated fighters in Somalia believed that Al-Shabaab played a crucial role in Fazul's death. As a result of death threats from Al-Shabaab, according to 'Abu Sa'ad', he and another Al-Qaida-affiliated fighter known to the Monitoring Group left Somalia between April

¹ <https://chaeshoernli.wordpress.com/tag/al-shabaab/>.

² <https://twitter.com/EuroAnalysis/statuses/213582490898669568>.

³ While born in Amman, 'Abu Sa'ad' claims to be a Swiss national. However, 'Abu Sa'ad's' Swiss

“citizenship” may have been revoked, and he continues to remain in detention in Kenya on immigration-related charges. Unconfirmed reports also indicate that the Government of Jordan has refused to accept ‘Abu Sa’ad’ as a Jordanian national.

⁴ <http://www.gctat.org/fr/analyses-rapports-et-notes/29-ranoc/216-abz-saad-al-urduni->

⁵ <http://www.bbc.co.uk/news/world-africa-13738393>.

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and May 2012 and entered Kenya through Hagadera refugee camp. They proceeded to Garissa where they sought the assistance of senior Kenyan police officer, Felix Jay Munyambu, in securing safe passage to Nairobi with a police escort. Munyambu did not act out of religious conviction or for financial gain, but thought he was assisting two stranded NGO workers.⁶

On arriving in Nairobi, ‘Abu Sa’ad’ and his associate parted ways. The Al-Qaida affiliated fighter claimed he would travel to Yemen, while ‘Abu Sa’ad’ went to the Orchid Hotel in Nairobi where he was later arrested. Although ‘Abu Sa’ad’s account appears to be accurate in part, his associate in leaving Somalia maintained contact with other known Al-Qaida and Al Hijra-affiliated fighters in Kenya and Tanzania, his ultimate destination.⁷

⁶ http://www.hiiraan.com/news4/2012/oct/26298/kenya_ex_garissa_chief_cop_reinstated.aspx.

⁷ <http://www.bbc.co.uk/news/world-africa-18426049>.

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Annex 1.5: Al-Shabaab tactics, techniques and procedures

Weaponry developments

1. Al-Shabaab has repeatedly chosen to trade the loss of ground against the preservation of its military capability. Its withdrawal from Mogadishu and other cities in 2011, 2012 and 2013 demonstrated that it avoided set-battles with AMISOM and the SNA if confronted with larger weapons systems. It altered its posture from the conventional holding of urban centres to asymmetrical approaches to warfare. It has reverted to guerrilla tactics aimed at maintaining its mobility and engaging in combat on its own terms. In doing so, it has buried arms caches at abandoned locations¹ and used portable weapons systems for shifting between positions. It has further developed its IED methods and resorted more to targeted killings by various means. Consequently, Al-Shabaab proved capable of responding quickly and effectively to sudden political and security changes, such as its rapid reoccupation of Hudur town, the capital of the Bakol region, following the withdrawal of Ehtiopian forces on 17 March 2013.

2. Meanwhile, Al-Shabaab has continued to develop its weapons resources and capabilities. For instance, the seizure by Puntland authorities of a suitcase transported by an Al-Shabaab operative in Galkayo South indicated a high level specialist knowledge among Al-Shabaab suppliers and bomb makers. The suitcase contained a complete and professionally assembled “bomb manufacturer kit”² consisting of a fully-rigged suicide vest, anti-armour IEDs, TNT explosives, hand grenades, IED components, together with bomb-making tools and equipment. The kit also contained medical gloves, suggesting awareness about leaving human markers on IEDs that may be subjected to forensic investigation.

3. In March 2013, seizures from Al-Shabaab IED transport operations revealed another significant development in anti-armour IEDs modified by the addition of adjustable stands to orient and aim the charge to better penetrate armoured vehicles. Distinguishable from explosively formed penetrators (EFP) by their sand-casted manufacturing process, these IEDs project small missiles on detonation.³

4. A number of press reports refer to Al-Shabaab’s possession of artillery pieces and SA-7 surface-to-air missiles. Al-Shabaab has displayed several of its fighters with such missiles and

at least two 122mm tracked canons, probably inherited from the Soviet arms legacy in Somalia (see annex 6.1). However, Al-Shabaab has never used such weapons on the battlefield, suggesting technical limitations, and instead exploit them for propaganda purposes. Nevertheless, on 25 October 2012, the Monitoring Group inspected one SA-7, recovered from Al-Shabaab without the launcher, stored at Mogadishu International Airport for future disposal, and was able to confirm that it was part of the same batch of missiles documented by the Monitoring Group two years ago (S/2011/433).

¹ On 8 November 2012, based on information from militants in police custody, AMISOM forces and Somali troops discovered such an arms cache with 50 AK-47 rifles, several PKM machine guns, pistols and ammunition buried at two locations in the Jabarti Muslim Cemetery, Kismayo. Confidential intelligence report, 18 December 2012.

² UN report, Exploitation of Recovered IED Material, Puntland, 26 November 2012.

³ Meeting with UN specialist, Nairobi, 18 May 2013.

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5. Al-Shabaab continues to use mostly 81mm and 82mm calibre mortars in attacks in AMISOM Sectors 1 (Mogadishu) and 2 (Kismayo), but with limited accuracy and effect. Al-Shabaab has sought external training in mortar usage and senior commanders of Al-Shabaab announced their intentions to establish mortar training camps in Lower Juba and Galgudud. However, there has been no discernible improvement in fire control in Al-Shabaab's mortar attacks. Al-Shabaab mortared AMISOM positions near Kismayo port for weeks in late 2012 without causing damage. It seems, therefore, that Al-Shabaab is yet to access the relevant training.⁴

6. In January 2013, the 1st Brigade of the SNA discovered two improvised surface-to-surface rockets in an Al-Shabaab arms cache near Jowhar. These homemade missiles are a new weapons system appearing for the first time and are somewhat similar to those used in the Gaza Strip and Syria. Given their crude manufacture and probably inaccuracy, it is not clear if they were intended to be used on the battlefield or for propaganda purposes. Al-Shabaab has in the past spent resources on the fabrication of improvised weapons systems for no real operational benefit (see also annex 6.1).

7. Since the KDF advance on Afmadow in June 2012, there have been reports of Al-Shabaab's effective use of snipers. Such a capability resides with the foreign fighters that have joined Al-Shabaab. At present, these elements are believed to be based mainly in the areas of Jilib and Jamame.⁵

Al-Shabaab fighters, two of them carrying sniper rifles, during a parade which took place according to Shabaab-related media in Barawe, on 29 April 2013⁶

8. Al-Shabaab is often able to access arms by rapidly integrating into the SNA as defectors and subsequently deserting back to Al-Shabaab with their individual weapons.⁷ At the same

⁴ Confidential intelligence reports, November 2012, and interview with AMISOM intelligence officer, Mogadishu, 15 January 2013.

⁵ Interview with diplomatic official, Nairobi, 13 May 2013.

⁶ Accessed at <http://radioalfurqaan.com/?p=1173> on 30 April 2013.

⁷ Confidential intelligence reports, November and December 2012.

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time, most of the major seizures of weapons belonging to or destined for Al-Shabaab were the result of collaboration by the civilian population or defections of key Al-Shabaab officers, especially from *Amniyat* units.⁸

Proliferation and diversification of IED attacks

9. Key to maintaining a flexible capability to adapt to new circumstances and launching

asymmetrical attacks is the use of IEDs in various forms, whether vehicle-borne IEDs (VBIED), person-borne IEDs (PBIED) (mostly in Mogadishu), and roadside IEDs aimed at AMISOM's lines of supply and communication. Roadside IEDs are at times combined with prolonged attacks on AMISOM defensive positions or convoys along the Mogadishu-Afgoye-Marka road. AMISOM has tended to use this narrow road with several known vulnerable points that explains the high rate of Al-Shabaab attacks on it. In addition, single IED attacks are common and used in the manner of periodic small arms fire or sniping.

10. When Al-Shabaab arranges more complex ambushes against convoys, it tends to use a combination of large-blast IEDs or anti-tank weapons such as RPGs followed by small arms fire. When attacking fixed AMISOM and SNA positions, Al-Shabaab combines indirect mortar and small arms fire. Multiple PBIED attacks are mostly used against Somali targets in Mogadishu.⁹

*Screenshot of a video released on 19 April 2013 showing an Al-Shabaab fighter planting an anti-armor mine in preparation for an ambush of an AMISOM/KDF convoy in the region of Bibi, Lower Juba*¹⁰

11. The use of IEDs as part of Al-Shabaab's tactics aim at fixing AMISOM forces on all their fronts as they expand the area and scope of their military operations. This has both a

⁸ Interview with an Al-Shabaab defector, Garowe, 11 November 2012.

⁹ Interview with diplomatic official, Nairobi, 13 May 2013.

¹⁰ Accessed at <http://radioalfurqaan.com/?p=1173> on 30 April 2013.

physical and psychological effect. Al-Shabaab attacks AMISOM at its vulnerable points while projecting the image that Al-Shabaab has a more pervasive presence in Somalia than it does.

12. Al-Shabaab's tactics, techniques and procedures have evolved in part depending upon how a particular context affects the effective use of IEDs. In areas where Al-Shabaab continues to benefit from some measure of popular support, such as Marka, IEDs tend to be used more systematically. In tactical terms, this indicates that Al-Shabaab IED specialist individuals or teams have probably remained in the area for an extended period and are able to learn from experiences and enhance their skills. In places like Marka, IED attacks are better planned, prepared and executed. By contrast, in places where Al-Shabaab does not benefit from any measure of popular support, its pattern of IED attacks reflects a more ad hoc approach to less effect.¹¹

13. In the countryside, roadside IED attacks have been combined with small arms fire and RPGs, and incorporate more elaborate ambush tactics, such as an escalating sequence of actions. The attack on an AMISOM convoy in Leego, Bay region, on 15 January 2013 was the first example of a complex ambush, which included use of a large explosive charge.¹² More commonly, IED attacks targeting vehicles are placed in the centre of track marks.

14. In April 2013, there was a sharp increase in multiple IED attacks in Mogadishu, including PBIEDs, targeted killings at close quarter, as well as roadside IEDs. Such attacks are motivated both by Al-Shabaab's objectives, but also dissension amongst Somali political and business actors, and often are political rather than military in nature. For example, in an attack on a convoy carrying a delegation from Qatar on 5 May 2013, a reserve of pre-prepared VBIEDs and PBIEDs were deployed at the busy and well-controlled K4 area of Mogadishu on short notice.¹³

IED statistics

15. For many years, data on IEDs has lacked proper categorization and a systematic approach to information-gathering, leading to poor quality statistics. Since 2012, IED data

categorized and processed has improved leading to a higher number of reported incidents.¹⁴ With experience and over time, there has been a more systematic approach to reporting with more accurate data, but also a better understanding of tactical trends through analysis of the individual incidents dynamics. Over the years, the following numbers of incidents have been recorded: 2007 - 22; 2008 – 6; 2009 – 55; 2010 – 35; 2011 – 116; and 2012 – 181.¹⁵

¹¹ Interview with UN specialist, Nairobi, 25 April 2013.

¹² Interviews with Mogadishu-based IED specialists, Mogadishu, 16 January 2013.

¹³ Communications with Somali security expert present in Mogadishu at the time of the attack, and with regional expert on Somali affairs, Nairobi, 9 May 2013.

¹⁴ Data on IEDs in Somalia are collected by AMISOM, UN agencies and Bancroft Global Development.

¹⁵ Based on incident information gathered by AMISOM and the Somali Police, and collated by UNMAS as part of its explosive threat monitoring; meeting with UNMAS specialist, Nairobi, 18 May 2013.

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16. IEDs are now categorized as: explosions, time command, victim-operated, finds, hoaxes and fakes. As of 2013, hoaxes are included as a specific type of IED incident. Hoaxes are mechanisms resembling an IED but lacking an explosive, and designed as a deception or to assess the tactical response of opposing forces. In some cases, hoaxes are used to fix the opposing force at a location and then engage it by other means, hence their importance in the IED typology. IED hoaxes are treated as real IEDs until their true nature is confirmed by an IED specialist.

17. The latest statistics for January to April 2013 for Somalia are as follows:¹⁶

IEDs Command Time

Victim

Operated Unknown

2013-04 12 4 0 1 7

2013-03 16 9 0 1 6

2013-02 14 5 0 1 8

2013-01 14 4 0 1 9

Total 56 22 0 4 30

Weapons supply routes

18. To maintain a flow of arms, corresponding to a renewed IED campaign, Al-Shabaab exploits a complex network of supply routes throughout Somalia. A long logistical chain begins in northern Somalia, extending southwards. At Galkayo South, the route splits into several different ones through which ready-made IEDs are delivered at various Al-Shabaab hubs for onward passage to final destinations in central and southern Somalia. By the end of 2012, several intelligence reports noted that Middle Shabelle was quickly becoming a staging point for the final assembly of IEDs and a launching point for attacks.¹⁷

19. In Puntland, Al-Shabaab's supply networks are using small ports and natural harbours in remote areas adjacent to Bosaso and east of it.¹⁸ The Bari region offers key advantages for illicit and clandestine operations, including a lack of Government presence, its proximity to southeast Yemen, and an absence of infrastructure in a rugged terrain. Also, the terrain of the Bari coast with elevations above narrow beaches is conducive for smuggling operations. High coastal cliffs provide vantage points for oncoming threats, and the beaches have a controlled access with many natural caves to hide cargo and arms caches.¹⁹

¹⁶ Meeting with UNMAS specialist, Nairobi, 18 May 2013.

¹⁷ Confidential intelligence Report, 18 December 2012.

¹⁸ Meeting with Puntland Security officials, Garowe, 10 November 2012, and presentation to the Monitoring Group by Lieutenant-Colonel Shuga Al Mahdi, Director of Operations of the Yemeni

Coast Guard, Sana'a, 23 April 2013.

¹⁹ Meetings with Puntland Security officials, Garowe, 10 November 2012, and Abdurisak Ahmed Ismael, Deputy Minister of Security, Bosaso, 9 December 2012.

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20. Additionally, the area west of Bosaso, including Erigavo and Las Anod, offer many options for weapons smugglers to discreetly move illicit cargo between Somaliland, Puntland, eastern Ethiopia and central Somalia, as well as alternative ports such as Xiis and Maydt between Berbera and Las Qoray.

21. During the monsoon seasons, from approximately December to February and June to August, weather conditions in the Gulf of Aden affect shipping between Yemen and northeast Somalia. High winds and rough seas force smugglers to shift their arms shipping activities towards the western part of the Gulf of Aden and the shortest crossing point at the Bab-el-Mandeb strait.²⁰

22. Overall, Al-Shabaab's supply networks in Somalia exploit remote areas that are not controlled by either Al-Shabaab or Government forces. Despite significant seizures of arms supplies reportedly destined to Al-Shabaab in Puntland, IED capabilities further south have not been disrupted, indicating weapons reserves sufficient to sustain Al-Shabaab's current asymmetrical military strategy.

²⁰ Presentation to the Monitoring Group by Lieutenant-Colonel Shuga Al Mahdi, Director of Operations of the Yemeni Coast Guard, Sana'a, 23 April 2013.

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Annex 1.6: Al-Shabaab media strategy

1. Al-Shabaab maintains a strong presence across Somalia's media through two radio stations, six news websites, one Twitter account and one producer of multimedia content. This active network of outlets spreads Al-Shabaab's propaganda, advertising the release of new audio recordings and video footages. However, it is not clear how these media channels can operate independently of the Amir of Al-Shabaab and who supervise and coordinate their activity, since Godane lacks the capacity to practically supervise the external public relations of Al-Shabaab without exposing himself and his physical location.

Al-Shabaab's international media strategy

2. The main vehicles for Al-Shabaab's international media strategy remain the Al-Kataib media foundation, also known as the Al-Kataib news channel, which develops on regular basis multimedia productions for Al-Shabaab, and a Twitter account (@HSMPress1) established on 3 February 2013. According to intelligence sources,¹ a United Kingdom national, who speaks on behalf of the "HSM Press Office", administers this account. Messages are posted in English and include reports of some of Al-Shabaab's operations, translations of Al-Shabaab "press releases" and Godane's statements, and announcements Al-Shabaab video releases produced by Al-Kataib.

3. On 28 January 2013, Twitter closed down the previous account (@HSMPress) of the HSM Press Office. It had had 21,000 followers who received an average of three messages per day since 7 December 2011. At the time of writing, the new account has almost 3,800 followers and continues to post an average of three messages per day.

4. The current administrator of the @HSMPress1 also uses the account to express his personal opinions on subjects unrelated to Al-Shabaab and debates with other users on Twitter, including an online argument on 6 February 2013 with the administrator of the official Twitter account of the English Defence League.² In this regard, the spokesman of the HSM Press Office has a different profile to other Al-Shabaab counterparts, such as 'Ali Dhere', the official spokesperson, or Abdulaziz 'Abu Mus'ab', the military spokesman.

5. Another Twitter account user (@saud_khalifaa) claims to be an editor for the Al-Kataib media foundations and writes as a native English speaker. As of 27 February 2013, @saud_khalifaa stopped posting tweets following a heated argument between him and @HSMPress1 on one side, and 'Al-Amriki's @abuamerican on the other.³ In early February 2012, a previous account of @saud_khalifaa called @khalifaa_saud was allegedly hacked.

¹ Meeting with a military intelligence source, Nairobi, 30 April 2013.

² Fifteen messages were posted on 6 February 2013 and addressed mainly to the @Official_EDL Twitter account of the English Defence League, a far-right political movement based in the United Kingdom. In one of its messages, @HSMPress1 tells @Official_EDL: "arm yourself, a #Mujahid would loathe to fight the unarmed".

³ An anthology of messages sent by @saud_khalifaa to @abuamerican includes: on 25 February 2013, "he complains about the Mujaheddin 24/7 yet he can only survive under our shade."; on 24 February 2013, "your character stinks"; on 15 February 2013, "Hamami thinks Jihad is Hollywood acting. In pursuit of fame"; on 15 February 2013, "He spends 24hrs on bogus twitter debates. real Mujahids are on the frontline dying for Isam (sic)"; on 27 February 2013, "he complains about the Mujaheddin 24/7 yet he can only survive under our shade".

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Notably, on 22 February 2012, @saud_khalifaa sent a response to @MajorEChirchir, an account belonging to the spokesman of the KDF, mentioning that his "brother @HSMPress is busy in the battlefield", indicating that the two users might be acquainted.

6. Both HSM Press Office and Al-Kataib maintain a line close to that of Amir 'Abu Zubeyr', but are nevertheless somehow disconnected from the military apparatus of Al-Shabaab and the battlefield. They do not cover the insurgency as other *jihadi* media outlets do in Syria, Afghanistan or Iraq, where films, pictures and reports of attacks on Government and international forces are more frequently recorded on cellphones and circulated on *jihadi* online forums. However, they both replicate patterns established by *jihadi* international propaganda, in terms of format and design.⁴

7. Notably, @HSMPress has not posted any recent responses to messages from the @abuamerican account of 'Al-Amriki' regarding his attempted assassination by Godane or his letter addressed to Ayman Al-Zawahiri. At the time of writing, the account @abuamerican has been inactive since 3 May 2013.

Screenshot of a message posted by @abuamerican at 0703 hours Somali time on 26 April 2013, in which "abu zubayr" refers to Godanes

8. According to an *Amniyat* defector interviewed by the Monitoring Group, in 2010/2011, a US national of Somali origin, based in Kismayo and reporting directly to 'Al-Afghani', was drafting speeches and press communiqués for 'Ali Dhere', and taking photographs on the ground for Al-Shabaab media outlets.⁶ He spoke English fluently, as do the other individuals involved in the production and diffusion of Al-Shabaab internet propaganda.

9. Since last year, Al-Shabaab communication has been increasingly focusing on Kenya, including videos in Swahili, featuring Kenyan *mujahidin*,⁷ audio messages addressed to the Kenyan *Ummah*, and press communiqués. For example, on 3 March 2013, an audio message

⁴ See annex 1.6.a for a comparison between an Al-Kataib design for Al-Shabaab and a video entitled "Our Shariah, Loyalty, and Steadfastness Until Victory", released in December 2012 by the al-Mulathameen Brigades of Mokhtar Belmokhtar, active in the Sahel region.

⁵ See also annex 1.6.b for additional posts from @abuamerican.

⁶ Interview with the Monitoring Group, Somalia, 9 December 2012.

⁷ For example: "Mafunzo Bunduki ya AK-47 by Abu Turab Al-Kenyi", entirely in Swahili, released on 18 May 2013; "Mujahideen Moments", featuring one American and two Kenyan *jihadi*, released on 25 February 2013; "Kenyan POWs: The Final Message", 23 January 2013; "The Year of Unity, 1433", featuring a Kenyan *jihadi* addressing a message to the Kenyan government, released

on 15 April 2012; and video messages from Ahmed Iman Ali released on 19 October 2012, 24 April 2012 and 10 January 2012.

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from Godane addressed to the Kenyan public, and specifically “the Muslims of Kenya”, was released on *jihadist* internet forums. In the 4 minute and 51 second message, Godane urged Kenyan Muslims to “boycott the Kenyan elections and wage Jihad against the Kenyan military”.⁸

*Al-Kataib featuring “Ndugu” Ahmed Iman Ali, the Al-Shabaab representative for Kenya, in a video warning the KDF not to enter Kismayo*⁹

10. Al-Shabaab propaganda continues attempting to incite foreigners, particularly East Africans, to travel to Somalia and join Al-Shabaab. On 25 February 2013, it dedicated its last video, released by Al-Kataib on *jihadist* online forums, “to the millions of Muslims in East Africa and beyond...”.¹⁰ The Monitoring Group could also observe an increase in the number of videos released by Al-Kataib during the past months.¹¹ However, the assassination attempt on ‘Al-Amriki’ broadcasted live on his Twitter account represents a set-back for Al-Shabaab’s image among the international jihad community,¹² in addition to the general discontent expressed by fighters (see above annex 1.3).

⁸ “A Message to the Kenyan Public” by Mukhtar Au Al-Zubeir a.k.a. Godane, HSM Press Office, 3 March 2013.

⁹ Screenshot from Al Kataib video entitled “O Muslim, fight!”, posted on jihadist forums on 19 October 2012.

¹⁰ “Mujahideen Moments”, Al-Kataib foundation video, released on 25 February 2013; in addition to “Kenyan POWS: The Final Message”, Al-Kataib media foundation video, released on 23 January 2013.

¹¹ Seven videos were released by Al-Kataib during the months of April and May 2013; an equal number of videos were released by Al-Kataib over a period of 5 months between November 2012 to March 2013.

¹² See annex 1.6.b for photographs of ‘Al-Amriki’ posted on his twitter account, and posts related to his alleged assassination attempt.

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Al-Shabaab local media strategy

11. For the Somali public, Al-Shaabad propagates information mainly through its radio stations, Al-Andalus and Alfurqaan, and their respective websites,¹³ in addition to three other websites, Amiirnuur, Somalimidnimo, and Somalimemo, as well as the Shahada News Agency. These media outlets produce information mostly in Somali but also in English, and often feature well-known Al-Shabaab commanders holding senior positions promoting the group’s actions. They regularly quote statements from Abu Mus’ab or Ali Dhere claiming responsibility on behalf of Al-Shabaab for the latest operations destabilizing Somalia.

*Sheikh Abdulaziz ‘Abu Mus’ab’ holding a press conference on 24 March 2013, according to Al-Shabaab website Somalimidnimo*¹⁴

12. According to a poll conducted in Mogadishu in December 2012 by the African Union/Information Support Team (AU/IST), 56 per cent of the respondents reportedly listen “daily” or “several times a week” to radio Al-Andalus.¹⁵

13. Most of the time, Al-Shabaab radio stations are the sole media agencies able to report in Al-Shabaab controlled areas, where journalists from other outlets are not authorized to travel, creating therefore a captive audience. Nevertheless, the fact that the majority of radio listeners in Mogadishu is still listening to radio Al-Andalus, may indicate continuing support to Al-Shabaab in areas controlled by the Somali Government.

¹³ www.calamada.com and www.radioalfurqaan.com.

¹⁴ Accessed at <http://somalimidnimo.com/salafi/2013/03/alshabab-military-spokesman-sh-abdulazizabu-muscab-held-a-press-conference/> on 28 April 2013.

¹⁵ IST Briefing Note 007, 25 April 2013, page 37; the question asked to a sample of 1,351 radio listeners was “how often do you listen to the following stations?”, and the choice of replies was as follows: BBC Somalia Service, Shabelle, Radio Mogadishu (Government radio), VOA Somalia Service, Kulmiye, Radio Bar-Kulan and Al Andalus.

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Annex 1.6.a: Comparison between Al-Kataib design for Al-Shabaab and a video entitled “Our Shariah, Loyalty, and Steadfastness Until Victory” released on 5 December 2012

by

the al-Mulathameen Brigades of Mokhtar Belmokhtar, active in the Sahel region

Screenshot from “Our Shariah, Loyalty, and Steadfastness Until Victory”, featuring Mokhtar Belmokhtar, posted on jihadist forums on 5 December 2012

Screenshot from Al Kataib video entitled “The Burundian bloodbath, Battle of Dayniile”, posted on jihadist forums on 11 November 2011

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Screenshot from Al Kataib video entitled “Disperse Those who are Behind Them”, posted on jihadist forums on 19 April 2013

Screenshot from Al Kataib video entitled “The Year of Unity, 1433”, posted on jihadist forums on 15 April 2012, featuring Al-Shabaab’s spokesperson ‘Ali Dhere’

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Screenshot from “Our Shariah, Loyalty, and Steadfastness Until Victory”

Screenshot from Al Kataib video entitled “The Year of Unity, 1433”

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Annex 1.6.b: Photographs of Omar Hammami after an alleged assassination attempt, and related messages posted on the twitter account @abuamerican

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Annex 1.7: Case study: Al-Shabaab in “Puntland”

14. During the reporting period, Al-Shabaab and the “Mujahidiin of the Golis Mountains”, or Al Shabaab North East (ASNE), have conducted numerous operations in the Puntland region of Somalia, including hit-and-run raids on defensive positions and checkpoints, ambushes, assassinations and IED attacks.

15. The following list of incidents attributed to Al-Shabaab captures the range of operations threatening peace and security in Puntland:¹

□ On 3 October 2012, in Bosaso, three Al-Shabaab suspects were arrested in a house located 500 metres from the UNHCR compound, with two pistols, two hand grenades, five telephones, three remote control devices and additional materials to assemble IEDs. The suspects reportedly admitted to planning to conduct IED attacks and assassinations in Bosaso.

□ On 17 November 2012, two *Amniyat* commanders were arrested in Galkayo with a suicide vest, grenades and IED components, including explosives. Mohamud Nuh Aden, a.k.a. ‘Abu Hafsa’, was reportedly the head of assassinations for *Amniyat*, and Abdirizak Hussein Tahlil, a.k.a. ‘Ilka’ase’, was a logistics officer.

Photograph of the suicide vest recovered in Galkayo following the arrest of 'Abu Hafsa' by Puntland security forces on 17 November 2012²

□ On 4 December 2012 at 21:20 hours local time, several groups of Al-Shabaab fighters conducted coordinated attacks with mortars and firearms, from multiple directions, against Puntland forces' positions in Laag, located 27 kilometres south of Bosaso on the road to Garowe, and Sugure, a village with an advance post of Puntland security forces 5 kilometres west of the main road and 12 kilometres east of Galgala town. Two Puntland soldiers were

¹ List of incidents based on confidential UN and NGO reports.

² See annex 1.7.a for additional photographs.

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killed. ASNE also planted several radio-controlled IEDs on the road, targeting reinforcements rushing to the scene from Bosaso, killing an additional 10 Darawish soldiers.

□ On 7 and 12 December 2012, follow-up attacks were conducted by ASNE in the same areas.

□ On 4 January 2013 at 22:30 hours local time, ASNE fighters attacked simultaneously checkpoints at the southern entrance of Bosaso and Laag, killing one Puntland soldier.

□ On 17 January 2013, a large number of Al-Shabaab fighters besieged again the Puntland security compound in Sugure, engaging Darawish soldiers with mortars and heavy machineguns.

□ On 10 February 2013, a suicide vehicle-borne IED detonated in front of the police station in Galkayo, killing two bystanders and injuring the Puntland Police Force Deputy Commissioner, General Muhiyadin Ahmed Muse.

□ On 15 February 2013, an *Amniyat* operative shot and killed the Mufti of Puntland, Sheikh Abdulqadir Nur Farah, at the Beder Mosque in Garowe. The surrounding crowd arrested on site the shooter and his accomplice (see below for more details).

16. In response, Puntland security forces conducted several operations, including incursions by foot in the environs of Galgala town, sometimes supported by the air assets of the PMPF (see annex 6.2), and arrested dozens of suspected members of Al-Shabaab. At the time of writing, Puntland jails held around 150 Al-Shabaab members, either already convicted or awaiting judgement. On 15 January 2013, a crewmember of the PMPF helicopter was wounded during a security operation and medically evacuated to Djibouti.

Photograph of Puntland security forces tracking Yassin Kilwe, ASNE leader, in the region of Dudun, Galgala mountains, on 7 December 2012³

17. It is the assessment of the Monitoring Group that Al-Shabaab suffered severe setbacks as a result of Puntland security services increased pressure on the ground, in addition to the defection of several key ASNE commanders, which may have degraded significantly Al-Shabaab's operational capacity in Puntland.

³ Photographs provided by the Puntland Presidency during a visit of the Monitoring Group in Bosaso, 10 December 2012; see annex 1.7.b for additional photographs.

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Al-Shabaab North East structure and leadership

18. Based on interviews with Al-Shabaab defectors and prisoners, and meetings with Puntland security officials,⁴ Al-Shabaab is currently estimated to comprise about 200 fighters in its Region 5, which covers the area east of the Sanag and Bari regions of Somalia (while Galkayo is included in region 2, as indicated in the Al-Shabaab military structure in annex 1.2.). At present, ASNE is divided into two groups:

□ Between 120 and 150 fighters are deployed in the area around Galgala town, referred to as the Al-Madow region, which includes eastern Sanag and the Golis mountain range;

and

□ Between 50 and 80 fighters are deployed in the district of Qandala, referred to as the Al-Bari region.

19. Since 2010, the regional leader of the “Mujahidiin of the Golis Mountains” has been Yassin Khalid Osman, a.k.a. ‘Yassin Kilwe’, ‘Kilwe’ or ‘Yabo’. As previously reported by the Monitoring Group,⁵ ‘Kilwe’, a member of the Warsengeli / Dubays / Hanif sub-clan and a close relation of Godane, was sent to the Galgala region of Puntland by the Amir in early 2010 with 40 fighters to assume the leadership of Mohamed Sa’id ‘Atom’s’ militia group, which he had effectively done by mid-2010. In early 2011, Atom left Puntland and apparently did not return.

Copy of Kilwe’s professional identity card as a school teacher

20. The purpose of the mission assigned to ‘Kilwe’ by Godane was to align the insurgency in Puntland with Al-Shabaab, effectively excluding any possibility of negotiating with Puntland authorities, expand recruitment and local support beyond its existing clan constituencies, and

⁴ Meeting with Puntland security officials, Garowe, 9 November 2012; interview with a Yemeni prisoner, Garowe, 10 November 2012; interview with an Al-Shabaab defector, Garowe, 11 November 2012; interview with an Al-Shabaab defector, Bosaso, 9 December 2012; interview with an Al-Shabaab defector, Bosaso, 23 January 2013; interview with an Al-Shabaab prisoner, Bosaso, 23 January 2013; interview with a suspected member of Al-Shabaab, Bosaso, 24 January 2013; interview with an Al-Shabaab prisoner, Bosaso, 24 January 2013; interview with an Al-Shabaab prisoner, Bosaso, 24 January 2013; meeting with Puntland security officials, Garowe, 26 January 2013; meeting with Puntland security officials, Nairobi, 28 January 2012; interview with a Yemeni suspected member of Al-Shabaab, Garowe, 18 March 2013; and interview with an Al-Shabaab prisoner, Garowe, 18 March 2013.

⁵ S/2011/433, paragraphs 30 to 45, and S/2012/544, paragraph 30 and annex 2.3.

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reorganize the smuggling routes from Yemen to reduce costs, since ‘Atom’ had a reputation for overcharging Al-Shabaab, and gain overall effectiveness.

21. According to a registry seized during the raid on ‘Atom’s’ camp in Dindigle, near Galgala town, conducted from July to September 2010 by Puntland security forces, the composition of his militia was clearly dominated by members from the Warsengeli, Dhulbahante and Dishishe sub-clans of the Darod clan.⁶ In fact, they represented 49 of the 67 fighters listed in ‘Atom’s’ registry, which also indicated information such as year and place of birth, numbers of wives, and military specialties. The geographic origin of 37 fighters was either Maraje, ‘Atom’s’ hometown located 12 kilometres southwest of Galgala town, or Galgala town itself (see annex 1.7.c for an excerpt of this registry).

22. According to a close relative of Sheikh ‘Atom’, the Al-Shabaab flag seized in Galgala by Puntland forces in September 2010 and displayed by Puntland soldiers in a picture previously published by the Monitoring Group,⁷ was the one brought by ‘Kilwe’ from the south and planted at the camp in spite of strong opposition from ‘Atom’ and his closest commanders, including Abdiraham Faaris (a.k.a. ‘Gadafhi’), who has since joined ‘Kilwe’s’ group.⁸

23. ‘Kilwe’ officially took control of ‘Atom’s’ group following his return to the Galgala area in January 2012, after a six months absence in southern Somalia, during which period Ali Ahmed Hussein, a.k.a. ‘Ali Ga’amey’, served as the acting force commander. In February 2012, in his capacity as the “Amir of the Mujahidiin of the Golis Mountains”, ‘Kilwe’ released two separate statements through Al-Shabaab media outlets.

24. First, on 25 February 2012, in an audio message to radio Al-Andalus, he stated: I want to praise God for the unity of our Shabaab brothers with al-Qaida fighters. I want to declare today that we are joined with our al-Shabaab brothers who are devoted to the jihad in Somalia.

25. Second, on 27 February 2012, in a written communiqué in English published by the Al-Kataib foundation, he stated:

We the mujahidin in the Golis mountains declare on 3 Rabi Al-Akhir 1433 A.H. our joining to Harakat Al-Shabaab Al-Mujahideen, I Yassin Khalid Othman AKA Yassin Kilwe Amir of the mujahidin in the Golis mountains give Bayaa to Amir Harakat Al-Shabaab Al-Mujahideen sheikh Mukhtar Abu Al-Zubair.

26. According to an ASNE defector interviewed by the Monitoring Group, ‘Kilwe’s’ leadership has changed the configuration of the force and the way it operates. For example, the *mujahidin* do not rely anymore on the local population, since ‘Kilwe’ considers that “they can be informant for the Puntland government”.⁹ Therefore, the group has developed its own logistic networks to be self-sufficient and not dependant on its environment. In addition, strategic and

⁶ A complete copy of the registry was obtained by the Monitoring Group.

⁷ S/2011/433, paragraph 37, figure II.

⁸ Interview with the Monitoring Group, Bosaso, 24 January 2013.

⁹ Interview with an Al-Shabaab defector, Bosaso, 23 January 2013.

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operational decisions are not taken by consulting the group. Rather, instructions are given in face-to-face meetings with individual members, and only partial information is provided.

27. The recent expansion of ASNE activities to areas dominated by the Darod / Majerteen / Ali Saleebaan clan, mainly in the districts of Qandala and Iskushuban of the Bari region of Somalia, may be due to two other individuals. ‘Ali Ga’amey’, a 45 year-old school teacher from the Harti / Tiinle clan, was appointed the deputy leader of the “Mujahidiin of the Golis Mountains” and placed in charge of finance and administration. In April 2012, Sheikh Abdulqaadir Muumin, a 55-year old charismatic preacher from the Ali Saleebaan sub-clan and an important ideologue for Al-Shabaab, formerly resident in Sweden and the United Kingdom, became the group’s ideological leader. Furthermore, according to Puntland security officials, the Omar Ali sub clan of the Ali Saleebaan has been by contrast specifically targeted by Al-Shabaab, with six of their elders assassinated over the past years, accused of supporting to the Puntland Government.¹⁰

Structure of ASNE according to information provided during interviews with ASNE defectors and prisoners and by Puntland security officials

28. For a couple of years, a group of between 50 to 80 fighters, commanded by Abdirahkim Dhuqub, a 38 year-old school teacher from the Ali Saleebaan / Ismael Ali sub-clan of the Majerteen clan, has been operating in the Al-Bari region of Puntland. According to Puntland intelligence sources, Dhuqub is Muumin’s cousin and took part in the 2004 formation, with

¹⁰ Meeting with Puntland security officials, Garowe, 26 January 2013; one of the officials also referred to the assassination on 20 November 2011 in Bosaso of Sultan Isse Hassan Omar, elder of the Ali Saleebaan / Bicydahan Ali sub clan, and a close support of the Puntland Government (see also paragraph 38 of S/2011/433).

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‘Ali Ga’amey’ and ‘Atom’, of the first Al-Itihaad cell in Bosaso on the occasion of a visit of Aden Hashi Farah ‘Ayrow’, the former Amir of Al-Shabaab killed in 2007.¹¹

29. This group, based in the area of Balidhidin, a small village located 65 kilometres northeast of Iskushuban, has close ties to a pirate group headed by Mohammed Mussa Saeed ‘Aargoosto’, a pirate commander from the Ali Saleebaan / Ismael Ali sub-clan. He is associated with pirate kingpin Isse Mohamoud Yusuf ‘Yullux’ (a.k.a. ‘Isse Yulux’) from the Ali Saleebaan / Bicydahan Ali sub-clan related by family to Muumin (see also annex 3.1.c). According to the

same intelligence source, 'Aargoosto' and 'Isse Yulux' provided financial, logistical and military support to Dhuqub's group.¹²

30. More specifically, detailed information was provided to the Monitoring Group concerning an agreement concluded in March 2013 between 'Isse Yulux' and two associates of Dhuqub, namely Abdikarim Ahmed Ibrahim and Ahmed Mohamed Omar, both from the Ismael Ali sub-clan. The arrangement specified the 'Isse Yuluz' would provide 30 per cent of ransom payments to ASNE. For example, considering the 15 million USD payment for the release of the MT Smyrni and MV Royal Grace, respectively on 9 and 11 March 2013, Dhuqub's group should have received a share of about 4.5 million USD.¹³

***Amniyat* activities in Puntland**

31. According to an *Amniyat* operative who confessed to the assassination of Sheikh Abdiqadir Nur Farah in Garowe on 15 February 2013, a prominent Somali Islamic scholar known for preaching against Al-Shabaab, the "Mujahidiin of the Golis Mountains" were not directly involved.¹⁴ This fact was also confirmed by an ASNE defector, who stated that "Kilwe [was] aware, but he [was] not the one planning the operation",¹⁵ which further confirms that *Amniyat* operates independently of the rest of Al-Shabaab, even in Puntland.

32. In the sequence of events, the *Amniyat* assassin first reached Galkayo in November 2012, where he was operating alone and financed through Sahal, a money remittance company, by one 'Mulid Gasham' as the *Amniyat* finance and logistics officer for Galkayo and Las Anod. The assassin then received instructions by telephone from 'Daud', who he knew to be the head of *Amniyat* in Somalia, to relocate to Garowe on 11 January 2013 for "another job".¹⁶ In Garowe, he was told to contact 'Mohamed', another *Amniyat* operative based in Garowe. The rest of the operation was narrated to the Monitoring Group as follows:

The day before the assassination, I went to the Sheikh's house with Mohamed without knowing that he was the target. Then we saw the Sheikh and Mohamed told me that he was the target.

¹¹ Meeting with Puntland security officials, Garowe, 26 January 2013.

¹² Meeting with the Monitoring Group, Nairobi, 28 January 2013.

¹³ Ibid.

¹⁴ Interview with an Al-Shabaab prisoner, Garowe, 18 March 2013.

¹⁵ Interview with an Al-Shabaab defector, Bosaso, 23 January 2013.

¹⁶ According to a regional expert on Somalia, 'Daud' could possibly be identified as Abdilaahi Haji D'auud (Murosade), reportedly *Amniyat* head of assassinations / suicide squads; email communication, 5 June 2013.

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On Friday at noon, Mohamed came to my place with a plastic bag containing two Makarov pistols with two extra magazines, each containing eight bullets. There was also three grenades.

Around 15:00 hours, we went to the mosque, which was 150 metres away of the Sheik's house.

Initially we planned to wait for him outside and kill him in the street, and started waiting. But the loudspeaker of the mosque was off, so I had to check inside if the Sheikh was in. I saw him praying inside the mosque and at a distance of ten meters, shot at him once and run away.¹⁷

33. This assassination took place five days after a suicide vehicle-borne IED attack targeted the Deputy Police Commissioner in Galkayo, for which Al-Shabaab military spokesman, Sheikh Abdulaziz 'Abu Mus'ab', claimed responsibility. According to the *Amniyat* operative, the two attacks were supposed to occur simultaneously, indicating that *Amniyat*'s top

commanders or Godane himself had ordered both operations, without the participation or perhaps prior knowledge of the ASNE leadership that would have been informed after the decision was taken.¹⁸

34. Furthermore, these two operations took place in spite of the arrest of two *Amniyat* commanders on 17 November 2012 and a substantial seizure of IED components, including one suicide vest and explosives, as described above. This indicates the resilience of Al-Shabaab and its capacity, even in Puntland where it has a less significant presence than in Mogadishu.

Analysis and conclusions

35. The knowledge of the Monitoring Group regarding the current activities, structure and status of Al-Shabaab in northern Somalia was extensively facilitated through the cooperation of Puntland authorities, which provided access on the ground to evidences and prisoners.

36. Consequently, the Monitoring Group has found that its concerns about Al-Shabaab significantly expanding its presence and conducting large-scale military operations in northern Somalia, as expressed in its previous report (S/2012/544), have not yet materialized. Since Al-Shabaab still controls most of southern Somalia, it does not seem to have sufficient resources to relocate more fighters and equipment to the Golis mountain range without overstretching its means.

37. However, Al-Shabaab has clearly reinforced its presence and its logistic capacities in both the Almadow and Albari regions of the north of Puntland, as well as in Galkayo. Therefore ASNE represents currently the main threat to peace and security in Puntland.

38. Consequently, the Monitoring Group recommends to the Committee that it proceeds without delay to designate the leadership of ASNE for targeted measures.

¹⁷ Interview with an Al-Shabaab prisoner, Garowe, 18 March 2013.

¹⁸ Ibid.

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Annex 1.7.a: Photographs of the material seized during the arrest in Galkayo on 17 November 2012 of Mohamud Nuh Aden, a.k.a. 'Abu Hafsa' and Abdirizak Hussein Tahlil, a.k.a. 'Ilka'ase'¹

¹ Photographs provided by the "Communications office" of the Puntland Presidency, email communication, 18 November 2012.

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Photograph of Mohamud Nuh Aden, a.k.a. 'Abu Hafsa'

Photograph of Abdirizak Hussein Tahlil, a.k.a. 'Ilka'ase'

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Annex 2

Al-Shabaab as a regional and international threat

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Annex 2.1: Al Hijra (formerly known as the Muslim Youth Centre) (STRICTLY CONFIDENTIAL)□

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

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Annex 3

Spoiler networks in Somalia

Annex 3.1: Spoiler networks in northern Somalia

Illegal fishing, private security operations and weapons smuggling

1. Following the decline in pirate hijackings of merchant vessels since 2012, pirate leaders have turned towards unlicensed fishing operations in Somali waters as a source of revenue.
2. Puntland officials estimate that tens of thousands of tonnes of illegal catch has been fished from Puntland's coastline between 2012 and 2013 by hundreds of illegal fishing vessels. The vessels are predominantly Iranian and Yemeni owned and all use Somali armed security.¹ The Monitoring Group has inspected at least four forged fishing licenses registered between May and October 2012 that have been confiscated from unlicensed Iranian vessels by international naval forces (see annex 3.1.a). Local fishermen from different communities along the Puntland coast between Las Qoray and Hafun have confirmed that the private security teams on board such vessels are normally provided from pools of demobilized Somali pirates and coordinated by a ring of pirate leaders and associated businessmen operating in Puntland, Somaliland, the United Arab Emirates (UAE), Oman, Yemen and Iran. The security teams assist the vessels to cast nets several kilometres long and often open fire on unprotected fishermen in order to drive out competition. The prize is often lucrative and includes large reef and open water catch, notably tuna.²
3. The Monitoring Group has received several unconfirmed reports that some of the illegal fishing vessels are also being used as cover for weapons smuggling. While the Monitoring Group has been unable to verify any particular vessel that has been used for both illegal fishing and weapons smuggling, it has nonetheless established other connections between the illegal fishing networks and networks involved in the arms trade and connected to Al-Shabaab in northeastern Somalia.
4. The Monitoring Group has received several reports of the traffic of narcotics and humans aboard vessels being used for illegal fishing, but has not received any specific evidence or firsthand testimony to that effect.

¹ Puntland officials estimate up to 180 illegal Iranian, and up to 300 illegal Yemeni vessels are fishing Puntland waters, but also allege a small number of Chinese, Taiwanese and Korean vessels, as well as some European-owned vessels, are engaged in illegal fishing. International naval sources corroborate the prevalence of Iranian and Yemeni vessels amongst unlicensed vessels. On 23 April 2013, Puntland authorities detained five Iranian vessels fishing illegally off the coast of Somalia, and arrested approximately 80 Iranian crewmembers and 12 armed Somali security guards.

Interviews with: fishing community leaders on 8 December 2012, Puntland Presidency official on 15 December 2012 and Puntland fisheries Ministry on 8 April 2013.

² Interviews with 6 separate fishing community leaders, 8 December 2012. Local fishermen reported up to 30 incidents of private security teams firing on unprotected fishermen, crushing their nets and ramming their skiffs between September and December 2012.

The Qandala — Hafun network

5. This network operates between the coastal towns of Qandala and Hafun in northeast Puntland, an area that is a known hub for piracy and arms smuggling (see annex 3.1.b for map).
6. The two principal ringleaders of the illicit fishing and security operations in this area are pirate leaders Isse Mohamoud Yusuf 'Yullux' and Mohammed Mussa Saeed 'Aargoosto' (see annex 3.1.c for profiles). Both men are from the Darod / Majerteen / Ali Saleebaan clan of Sheikh Abdulqaadir Muumin, who is the ideological leader of Al-Shabaab Northeast³, and both men originally come from Qandala in the province of Bari, where Puntland authorities seized a major weapons cache in October 2012 (see annex 6.1 for more specific details on this case).

7. Aargoosto recruits unemployed youth, including former pirates, for the private security operations, sourcing manpower from his strongholds of Qandala, Alula and Hafun at \$50 a head per voyage.⁴ Yullux acts as an investor and broker in the illegal fishing enterprises, which are coordinated by Shahdon Ali Yare, a former fisheries and ports Minister from Puntland acting as a principal broker for Iranian businessmen and issuing fraudulent Puntland fishing licenses. Yullux also uses his offshore piracy network to interdict fishing vessels that are not protected by private security operations and has released a vessel on Yare's orders on at least one occasion.⁵

8. Telephone records of Yullux and Aargoosto indicate that they have both been in contact with the same telephone numbers in Oman, Yemen and Kenya, and both are in contact with several numbers in the UAE that are also in direct contact with Yare. In turn, Yare has been in direct telephone communication with at least three Iranian numbers and a satellite telephone used on board an Iranian vessel, the 'Arshia', which has been fishing illegally in Puntland's waters.⁶

9. In addition, a known collaborator of Yare's network, Musa Mirre Ali, is a signatory on a fraudulent fishing license inspected by the Monitoring Group (see photo 2 in annex 3.1.a). The Monitoring Group has also identified a Dubai-based businessman, Abdirizak Barre, acting as a broker between Yare and Iranian businessmen and has obtained evidence of telephone

³ See Annex 1.6. and also S/2012/544, Annex 2.3 for more details on Muumin.

⁴ Information on Aargoosto provided by fishing community elders from Qandala, Alula and Hafun, and an eyewitness who saw Aargoosto recruiting youth at Alula.

⁵ Information on Isse Yullux provided by Puntland authorities and international naval intelligence. Information on Shahdon Ali Yare provided by one of his business associates, international naval intelligence, and fishing community elders. Fishing community elders have provided testimony that Aargoosto was arrested in 2008 or 2009 and transferred to an Iranian prison before being eventually released. Following his release a group of Iranian businessmen provided him with instructions to carry out private security operations for Iranian fishing vessels, and allocated 20 per cent of future profits for these operations. One UAE-based businessman with connections to Iran and himself involved in the illegal fishing business confirmed to the Monitoring Group that the pirate networks take 20 per cent of profits from illegal fishing, while the Iranian businessmen take 80 per cent. Iranian fishing vessels deliver their catch to Iran, Yemen and Oman.

⁶ Information on the 'Arshia' and other Iranian vessels collected by international naval forces and Puntland authorities.

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communications between Barre and Yare, as well as separate communications between Barre and Aargoosto.⁷

10. The operations of Aargoosto and Yullux appear to intersect with Al-Shabaab networks. Puntland authorities allege that Yullux donates funds to Abdulqaadir Muumin⁸, and that he invests in weapons smuggling operations coordinated by Abdirahkim Dhuqub (also Majerteen / Ali Saleebaan), a known weapons trafficker for Al-Shabaab who is based in Qandala (see annex 3.1.c for Dhuqub's profile). The Puntland authorities also allege that Yullux signed an agreement in March 2013 with a Majerteen / Ali Saleebaan Al-Shabaab leader, Abdikarim Ahmed Ibrahim, to share piracy ransom fees for a vessel hidden in Aargoosto's stronghold of Alula. Ibrahim was also allegedly responsible for the October 2012 weapons delivery to Qandala mentioned above.

11. International naval sources have reported to the Monitoring Group that Aargoosto and Dhuqub are co-investors in a number of commercial enterprises and factories in Puntland. The close relationship between Aargoosto and Dhuqub is also substantiated by Puntland authorities who report that Aargoosto and Dhuqub collaborated in the ambush of Puntland armed forces in March 2011, near Hul Anod, where several Puntland soldiers were killed.

12. A link analysis chart of the Qandala – Hafun network appears at Annex 3.1.d.

The Las Qoray network

13. Illegal fishing networks are also operating in the Las Qoray area of northwestern Puntland (see annex 3.1.b for map), and are coordinated by a number of businessmen operating in Puntland, Somaliland and Dubai, and who have connections to Oman and Yemen. The Las Qoray network has ties to the Qandala-Hafun network and also appears to have connections to an arms smuggling ring with connections to Al-Shabaab in northeastern Somalia.

14. The Monitoring Group has identified one of the key individuals involved in coordinating the security details provided to illegal Iranian fishing vessels off the coast of Las Qoray as Yusuf Aalim Osman, a Bosaso-based businessman from the same Darod / Warsengeli / Dubey's sub-clan as Yasiin Khalid Osman (a.k.a. Yasiin 'Kilwe'), the military commander of Al-Shabaab in northeastern Somalia.⁹

15. Yusuf Aalim Osman personally supervises the security for at least 40 Iranian fishing vessels operating in the Las Qoray area.¹⁰ He travels frequently to Salalah in Oman where he is

⁷ Two Dubai-based Somali businessmen and a Dubai-based businessman involved in the illegal fishing trade all confirm Barre's role in coordinating Shahdon's operations.

⁸ The Monitoring Group interviewed Muna Abdulle, the wife of Muumin in Boosaaso prison on 24 January 2013. She was apprehended by Puntland authorities after visiting Muumin in an isolated part of Bari region of northern Puntland, and was reportedly carrying 40,000 USD in cash, given to her by Muumin.

⁹ See Annex 1.6.; also see S/2012/544, Annex 2.3.

¹⁰ Interview with Las Qoray-based fishing community elders, 8 December 2012.

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known to coordinate activities with Ali Saleebaan clan businessmen connected to the Qandala-Hafun network, and to Aden, Yemen, where he is part of a soap exporting business controlled by Warsengeli / Dubey's businessmen.¹¹ Aalim's business partner in Dubai is Abdullahi Ahmed Mohamed, the manager of Najmat Alkhair General Trading L.L.C, a company that acts as a cover for private security operations and the supply of fishing vessels from Oman (see annex 3.1.e).¹²

16. Close connections exist between the Qandala-Hafun network and the Las Qoray network. Telephone records indicate that Yusuf Aalim Osman is in direct contact with telephone numbers in Oman, which in turn are directly in contact with pirate leaders Yullux and Aargoosto. The Monitoring Group dialled one of the Omani numbers in the Dubai office of Abdullahi Ahmed Mohamed, who then admitted the number's owner is an "agent broker" for himself and Yusuf Aalim Osman.¹³

17. Aalim has also been in direct telephone contact with at least three Omani numbers and a Yemeni number, which in turn are in direct contact with Abdi Khayre Mohamed, another Warsengeli / Dubey's businessman, who has been named in a previous Monitoring Group report for his role in smuggling weapons for Al-Shabaab in northeastern Somalia.¹⁴ Since 2010, Abdi Khayre Mohamed has relocated much of his business activities to Berbera, in Somaliland.¹⁵ In addition, Aalim's business partner, Abdullahi Ahmed Mohamed, is in direct telephone contact with Musa Jama Delef, a Warsengeli / Dubey's militia commander of Sanag province who has doubled as an official for the Somaliland security services¹⁶ and who has close connections to Al-Shabaab networks in the Golis mountains, as explained below.

18. Abdi Khayre Mohamed has cultivated relations with Iranian businessmen involved in the illegal fishing trade. One eyewitness present at the Juba Hotel in Bosaso during the course of 2011 reported the presence of an Iranian businessman, known as "Mohammad", who had arrived in Bosaso on a maritime vessel in mid 2011.¹⁷ Puntland authorities questioned the man,

whose name according to his identity documents was Gol Mohammad Nosratzahi (see annex 3.1.f).

19. On the same occasion, another eyewitness confirmed that Nosratzahi introduced himself as an associate of both Abdi Khayre Mohamed and Shahdon Ali Yare. Nosratzahi explained that

¹¹ Interviews with Dubai-based Somali businessman associated with Aalim, 17 December 2012, and Puntland-based businessman associated with Aalim, 26 February 2013.

¹² Abdullahi Ahmed Mohamed confirmed that he is a business partner of Aalim in person to the Monitoring Group on 7 March 2013. Two other Somali businessmen based in Dubai, and associated with Abdullahi Ahmed Mohamed, also confirmed the same information.

¹³ Call made on 11 March 2013.

¹⁴ See S/2012/544, Annex 2.3, paragraph 11.

¹⁵ A Somali business associate of Abdi Khayre Mohamed confirmed he met him in Berbera in January 2012 and that he has been based there for three years.

¹⁶ Recent information obtained by the Monitoring Group suggests that Somaliland authorities have relieved Delef of his official functions.

¹⁷ Interview with Juba Hotel resident, 26 February 2013.

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he was in Bosaso to coordinate commercial fishing activities. The eyewitness at the Juba Hotel also confirmed he saw Nosratzahi meeting Mohamed Aydiid Jaama, the Deputy Chairman of the Bosaso Chamber of Commerce, who has already been identified by the Monitoring Group as an arms broker for Mohamed Sa'iid 'Atom', the former commander of Al-Shabaab in northeastern Somalia, as well as for the Ogaden National Liberation Front (ONLF).¹⁸

20. The Monitoring Group has received reports of the involvement of Mohamed Aydiid Jaama in at least one recent weapons delivery through to Erigavo, in the Sanag province of northern Somalia. According to eyewitness testimony, a skiff operated by Yemeni and Eritrean crewmembers landed in early January 2013 in the beach port of Hiis and offloaded large amounts of ammunition and PKM machine guns. This information has been independently corroborated by a confidential source in Somaliland.¹⁹ According to one of the loaders, on the instructions of Mohamed Aydiid Jaama, the cargo was transferred to Erigavo, where Musa Jama Delef received it at a safe house. According to Al-Shabaab defectors' testimonies, Erigavo is a key weapons trading hub from where Al-Shabaab in northeastern Somalia sources its weapons.²⁰ In addition, a close confidant of Mohamed Sa'iid 'Atom' has confirmed that Delef used to be close to Atom during the armed struggle in the Golis mountain range.²¹ A Somali weapons dealer who has traded in northeastern Somalia has also confirmed that Abdi Khayre Mohamed is still involved in weapons trading, and smuggles weapons cargoes to northern Somalia on dhows carrying soap exported from Yemen.²²

21. A link analysis chart of the Las Qoray network appears at Annex 3.1.g. In addition, a link analysis chart of the relationship between the Qandala – Hafun and Las Qoray networks appears at Annex 3.1.h.

¹⁸ Interview with eyewitness, 27 February 2013. Also see S/2012/544, annex 2.3.

¹⁹ Information received on 2 April 2013.

²⁰ Interview with defector, 23 January 2013.

²¹ Interview, 24 January 2013.

²² Interview, Mogadishu, 15 November 2012.

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Annex 3.1.a: Samples of illegal fishing licences used by Iranian vessels

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Annex 3.1.b: Map of northern Somalia

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Annex 3.1.c: Profiles of Mohammed Mussa Saeed ‘Aargoosto’, Isse Mohamoud Yusuf ‘Yullux’ and Abdirahkim Dhuqub.

Mohammed Mussa Saeed ‘Aargoosto’

Profile: Born in Qandala and from the Darod / Majerteen / Ali Saleebaan clan, Aargoosto is believed to be between the age of 35 and 40 years old. He is one of Puntland’s major pirate investors. A former businessman trading lobster between Hafun and Garad, he turned to piracy in 2007 and was part of pirate attack teams before becoming an investor. Aargoosto is building a house in the South C neighbourhood of Nairobi, Kenya. Naval intelligence sources believe him to be involved in drug trafficking, using fishing vessels for which he is responsible for providing protection. Some sources have informed the Monitoring Group that he is involved in smuggling of migrants and foreign fighters between Somalia and Yemen, as well as weapons. Involvement in Piracy: Aargoosto has been involved in the successful hijacking of the ‘Golden Blessing’ (28 June 2012), ‘Marida Marguerite’ (8 May 2010), ‘Samho Dream’ (4 April 2010) and ‘Golden Nori’ (28 October 2007).

Isse Mohamoud Yusuf ‘Yullux’

Profile: Isse Mohamoud Yusuf ‘Yullux’, born in 1963 and raised in Qandala, is from the Darod / Majerteen / Ali Saleebaan clan. He owned a small restaurant at the Isse Village, an area near to Hafun District where his clan lives. With revenues from the restaurant he started to trade in *khat*. He then joined pirate rings as a hijacker and as an investor in 2008. He is now a major pirate leader, possesses six ‘technicals’ and commands 50 men. He travels to Mogadishu on a regular basis and operates between Alula and Hul Anod.

Involvement in piracy: On 24 May 2008, Yullux and other investors are believed to have financed the capture of the Dutch/Danish vessel ‘Amiya Scan’, which was hijacked off the coast of Somalia and held at the coastal town of Eyl. The vessel was released with all of its crew on 24 June 2008, after a ransom 2,800,000 USD was paid. Isse Yullux received 30 per cent of the total amount. On 20 July 2008, he and other investors financed the capture off the Somali coast of the Panama bulk carrier vessel ‘Stella Maris’ and held the ship with 21 crewmembers at Eyl. The vessel was released along with the crew on 26 September 2008 after a ransom of 2,000,000 USD was paid. Again, he received 30 per cent of the total amount. On 2 June 2009, he and other investors financed the capture of the Egyptian cargo ship ‘Blue Star’ and held the vessel with 28 crewmembers at the coastal town of Hafun. The vessel was released along with the crewmembers on board on 5 March 2009, after a ransom of 1,780,000 USD was paid. On this occasion, he received 50 per cent of the total amount. On 3 March 2010, he and other investors financed the capture of the Saudi oil tanker ‘Al-Nisr Al Saudi’ off the coast of Somalia with 13 crewmembers on board. The vessel was held at the coastal town of Bargal and released on 7 December 2010, after a ransom of 7,000,000 USD was paid. Again, he received 50 per cent of the total amount. As of the middle of 2012, Isse Yullux and his team hijacked the ‘Royal Grace’ and ‘Smyrni’ tankers, which have been anchored between Bargal and Hafun.

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Abdirahkim Dhuqub

Profile: Dhuqub is widely known to be a military operator for Al-Shabaab and involved in infiltrating weapons stocks into northeastern Somalia. He took part in the 2008 fighting against Ethiopia during the battle of Mogadishu. He is based in Qandala coastal town, around which would be also located training facilities for the security section (*Amniyat*) of Al-Shabaab North

East. Dhuqub travels regularly from Qandala to Hul Anod.

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Annex 3.1.d: The Qandala — Hafun network

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Annex 3.1.e: Corporate records of Najmat Alkhair General Trading L.L.C

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Annex 3.1.f: Identity snapshot of Gol Mohammad Nosratzahi

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Annex 3.1.g: The Las Qoray network

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Annex 3.1.h: Connections between Qandala — Hafun and Las Qoray networks

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Annex 3.2: Spoiler networks in central Somalia

1. The east-central region of Somalia is fraught with attempts to subvert the fragile leadership of the Federal Government of Somalia (FGS) in a manner consistent with a broader trend across the ‘liberated’ parts of the country. Key to this subversive tendency is the entity of Galmudug and its warlord-turned-president Colonel Abdi Hassan Awale ‘Qeybdiid’. As Galmudug is becoming increasingly unstable, conditions of insecurity now seem to extend into the regional state of Puntland. Qeybdiid appropriated political power through alleged intimidation, clan manipulation and force, presided over a yearlong political crisis, and is attempting to consolidate his power base through allies in the new government in Mogadishu.

‘Qeybdiid’

2. Abdi Hassan Awale ‘Qeybdiid’ (Hawiye / Habar Gedir / Sa’ad) is often described as a “former” warlord who fought against the United Nations peacekeeping operation and U.S. forces in Somalia during the early 1990s.¹ In October 2005, the Swedish newspaper *Svenska Dagbladet* linked Qeybdiid to an incriminating video showing executions of young boys in the Lower Juba town of Kismayo while he was the chief of police.² Qeybdiid as a “former” warlord still retains close ties to other “former” warlords and current spoilers, including the Eritrean agent of influence Abdi Nur Siad ‘Abdi Wal’, a fellow Hawiye / Habar Gedir / Ayr clansman who is reported to have a close relationship with a senior Al-Shabaab commander (see annex 3.3 for more on Abdi Wal).³

3. Qeybdiid, while politically and militarily more active in the east-central region, continues to have an exploitive relationship with the government in Mogadishu and is therefore viewed by the Monitoring Group as a potential threat to peace and security. Recently in May 2013, uncorroborated reports from African Union Mission in Somalia (AMISOM) security officials indicated Qeybdiid had threatened to redeploy his 300 militiamen from Mogadishu if the FGS failed to meet his political demands.⁴ However, due to Qeybdiid’s new power base and the pressure of competing militias in the east-central region, the Monitoring Group assesses that Qeybdiid’s militiamen in Mogadishu are likely to be no more than 100 in number but still able to undermine the FGS in the capital city.

Political instability

4. Qeybdiid has begun focusing more on Galmudug from 2011 to 2012 on the pretext of resolving the political and security crisis that was plaguing the administration of the former

¹ www.trial-ch.org/en/resources/trial-watch/trialwatch/profiles/profile/783/action/show/controller/Profile/tab/fact.html.

² <http://www.aftonbladet.se/nyheter/article10683570.ab>.

³ Interview with a former ASWJ intelligence officer, Nairobi, 20 November 2013. Information provided by a senior NISA officer on 2 February 2013 suggests Eritrea may have been cultivating new agents of influence in the central regions.

⁴ Email correspondence with senior military intelligence official dated 3 May 2013. It is suggested that 'Qeybdiid' has been using his allies inside the FGS, including the foreign and national security ministers, to demand full recognition of his leadership and Galmudug as a "state" that meets the requirement for a regional state within the context of the Federal Constitution.

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President, Mohamed Ahmed Alin. More likely, the shift in his attention was a reaction to his waning influence in Mogadishu.⁵

5. In spite of the Mogadishu Government's effective recognition of Galmudug as a political entity,⁶ the 'single clan project' fails to meet the constitutional requirement for two or more states to form a regional authority and it continues to face calls for disbandment.⁷

Galmudug was formed in August 2006 as a pragmatic solution to the Mogadishu-centric era of warlords. Paradoxically, however, Galmudug is based on a fundamentally Habar Gedir / Sa'ad clan settlement, and in August 2012, experienced the return to prominence of a Sa'ad / Hilowe warlord, Qeybdiid, who, at the time, was unable to exert full and effective control over Galgaduud and Mudug.

6. In July 2012, a political crisis engulfed Galmudug following a disagreement over the Presidential term of then President Mohamed Ahmed Alin, also a member of the Habar Gedir / Sa'ad clan. Ahmed Alin and his supporters claimed his term was due to end in February 2013. In opposition, a faction led by then Vice-President Abdisamad Nur Guled (Habar Gedir / Sa'ad), backed by Qeybdiid, maintained that Ahmed Alin's term should expire on 31 July 2012, necessitating new presidential elections in August 2012. In essence, the dispute was over the interpretation of the constitution and legal authority of the nine-member electoral commission to call new elections.⁸ However, the crisis appears to have been influenced by Qeybdiid in his bid to offset his loss of influence in Mogadishu, where he still retained an armed presence.⁹

7. On 1 August 2012, under unclear circumstances, and while the incumbent president Ahmed Alin was out of the country, Qeybdiid was elected president of Galmudug.¹⁰ Almost immediately, a former Ahlu Sunna wal Jama'a (ASWJ) official, Mohamud Abdi Elmi, was declared president by a "new" electoral commission apparently endorsed by Ahmed Alin as the outgoing president.¹¹ Elmi was also from the Habar Gedir / Sa'ad / Sinole clan and his power base drawn from the clan militias that formed ASWJ in the Galgaduud and Gedo regions.

8. Since the 'election' of Galmudug's two contending presidents, the sub-clans of Qeybdiid and Mohamud Elmi, the Sa'ad / Hilowe and Sa'ad / Sinole respectively, as well as other clans supporting one or the other group, have been embroiled in periodic clashes. In most cases these

⁵ In December 2009, 'Qeybdiid' lost his lucrative position as the TFG Police Commissioner and became the Minister for Mines and Natural Resources.

⁶ http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_The_S_F_G_s_Strategy_of_Political_Conflict.shtml.

⁷ Email correspondence with senior AMISOM official dated 3 May 2013.

⁸ The Monitoring Group has learnt that former Vice-President Abdisamad Nur Guled had established the nine-member election commission. See <http://www.somaliareport.com/index.php/topic/9>.

⁹ Interview with Sa'ad Hilowe clan member, Nairobi, 3 November 2013.

¹⁰ http://somaliareport.com/index.php/post/3556/Galmudug_President_Opposes_New_Parliament.

¹¹ <http://www.allgedo.com/2012/08/04/press-release-resignation-of-the-minister-of-fisheries-marineresources-and-ports-of-galmudug-state-hassan-m-said-samantar-gacaliye/>.

outbreaks were instigated by the larger militias affiliated with Qeybdiid.¹² According to testimony from a member of the Sa'ad / Sinole sub-clan, clashes have erupted over issues such as competing claims to the right of 'taxation' at illegal checkpoints effectively manned by militias under the control of Qeybdiid.¹³ Such illegal checkpoints can levy up to 500 USD under the guise of 'taxation'.¹⁴

9. More troubling still are reports that members of Al-Shabaab may have exploited at various times checkpoints manned by Qeybdiid's and other militias. In 2012, as Al-Shabaab began to suffer military reverses throughout southern Somalia, it pushed northwards, including passing through Galmudug.¹⁵ On 20 November 2012, the Dagaari checkpoint in Galmudug, manned by militia loyal to Qeybdiid, had routinely provided individuals believed to be members of Al-Shabaab with safe passage.¹⁶

Extending instability into Puntland

10. Despite the ongoing dispute between Qeybdiid and Mohamud Elmi over control of Galmudug, the FGS ostensibly recognizes Qeybdiid, as do the regional authorities of Puntland.¹⁷ However, the Monitoring Group continues to receive numerous reports of criminality and a destabilizing influence that Qeybdiid's 'leadership' in Galmudug is having on Puntland to the north. In the last eleven months, the lack of formal structures, public accountability and effective governance has enabled Qeybdiid's Galmudug to pose a potentially increasing security threat to its neighbour. Examples corroborated by independent sources have included the following:

- December 2012: On 7 December 2012, unknown elements from Galmudug carried out a 3-mortar attack against the Garsoor and Israa neighbourhoods in Puntland. According to the Puntland Deputy Police Commissioner, General Muhiyadin Ahmed Mussa, the attacks were: "on homes, on travellers and civilians."¹⁸
- April 2013: On 21 April 2013, during a serious security breach, armed residents of Galmudug were stopped and one was shot and killed after attempting to enter Galkayo airport by force. The following day, unknown elements from Galmudug fired with anti-aircraft weapons targeting a descending plane at Galkayo airport. Following the

¹² http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_The_S_F_G_s_Strategy_of_Political_Conflict.shtml.

¹³ Interview with Galmudug community leader, Eastleigh, Nairobi, November 2012.

¹⁴ Interview with Sa'ad Hilowe clan member, Nairobi, 3 November 2012.

¹⁵ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2012/10/30/newsbrief-03.

¹⁶ Interview with Galmudug official in Nairobi, 20 November 2012. The Monitoring Group has found no direct connection between 'Qeybdiid' and Al-Shabaab but continues to receive uncorroborated reports that militiamen linked to him have facilitated safe passage for Al-Shabaab through Galmudug.

¹⁷ <http://garsoornews.com/news/somali-pm-meets-authorities-in-mudug-state/>.

¹⁸ "Somalia: Mortars fired from Galmudug area hit civilian homes in Galkayo", Garowe Online, 7 December 2012; and NGO confidential security report.

incident, 3 mortars were again launched from Galmudug towards north Galkayo hitting, according to sources, residential homes.¹⁹

Relations with Mogadishu

11. At the time of writing, Qeybdiid's relations with Mogadishu are further deteriorating in spite of the support from his FGS allies, including Foreign Affairs Minister Fawzia Yusuf Haji Adan and Interior and National Security Minister Abdikarim Hussien Guled.²⁰ Qeybdiid's

estranged relations with Mogadishu were also apparent following an official visit of Somali Prime Minister Abdi Farah Shirdon Saa'id to Puntland and Galmudug on 14 March 2013. The next day, Qeybdiid's administration issued a statement accusing the FGS of undermining Galmudug's right to development.²¹ Qeybdiid's actions as a warlord-spoiler if not addressed politically will continue to undermine the ability of the FGS to extend its control across liberated areas in south central Somalia.

¹⁹ Confidential NGO security report, 22 April 2013.

²⁰ Interview with Galmudug security official, Mogadishu, 25 October 2012

²¹ Statement issued by the Office of the Galmudug Minister of Planning and International cooperation, 15 March 2013.

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Annex 3.3: Spoiler networks in southern Somalia

Co-option efforts by the Federal Government of Somalia

1. In order to extend its limited authority the FGS has engaged in co-opting a number of Al-Shabaab leaders, clan warlords and political agents once allied with Hassan Dahir Aweys (Hawiye / Habar Gedir / Ayr), the former leader of the now defunct Alliance for the Re-Liberation of Somalia-Eritrea (ARS-Asmara). Aweys became chairman of Hizbul Islam, of which ARS-Asmara was a constituent part, and which was eventually absorbed by Al-Shabaab in December 2010. At present, he is still part of Al-Shabaab's military infrastructure and has already been sanctioned by the UN Security Council.¹

2. The Government of Qatar has facilitated FGS co-option efforts. Qatar played an important role in funding the election campaign of President Hassan Sheikh Mohamud (see annex 5.1) and continues to be a key financial and political partner of the FGS. In particular, Qatar has facilitated negotiations between the FGS and Aweys. Doha also hosted President Hassan Sheikh on 3 and 5 March 2013, when FGS representatives met Al-Shabaab delegates for talks brokered by Sheikh Omar Iman Abubakar, the first chairman of Hizbul Islam. The attendees included representatives of Al-Shabaab commander Mukhtar Robow.²

3. These negotiations have broadly coincided with the return to Mogadishu of a number of high profile former ARS-Asmara officials, including Zakaria Mohamed Haji Abdi (former deputy chairman of ARS-Asmara) and General Jama Mohamed Ghalib (formerly Hizbul Islam liaison officer in Eritrea and from the Isaaq clan). The Monitoring Group has also observed a strengthening of links between the FGS and a number of disaffected Hawiye / Habar Gedir / Ayr warlords and political figures involved in acts that constitute a threat to peace and security. The Ayr sub-clan was at one point the backbone of the Islamic Courts Union that governed much of southern Somalia until it was routed by Ethiopian forces in December 2006.

4. In addition, the FGS has begun a process of co-opting former clan warlords who have demonstrated growing hostility to the formation of a regional government in Jubaland and who were

part of the former Juba Valley Alliance (JVA) that controlled Kismayo between 1999 and 2006. The

core leadership of the JVA had been drawn from the Darod / Marehan and Hawiye / Habar Gedir / Ayr clans.

¹ Several sources close to Hassan Dahir Aweys confirm his willingness to negotiate with the Government, that he is a spent force as a political and military leader, but that he continues to be integrated into Al-Shabaab's military infrastructure. However the same sources also describe Aweys as a de-facto "hostage" of Al-Shabaab. See <http://www.un.org/sc/committees/751/index.shtml> for details on UN sanctions measures against Aweys.

² Information on negotiations with Hassan Dahir Aweys provided by Somali Foreign Ministry

source, 27 February 2013. Information on negotiations with Al-Shabaab provided by former member of Hizbul Islam, 1 April 2013, Somali intelligence source, 26 March 2013, and former Somali warlord, 4 April 2013. Diplomatic sources have also corroborated these meetings took place.

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Political and clan tensions

5. Since late September 2012, the FGS has encountered considerable resistance from the Ras Kamboni forces of Sheikh Ahmed Mohamed Islam ‘Madobe’ (Darod / Ogaden clan), who helped oust

Al-Shabaab from Kismayo and then, with Kenyan military support, established his own political and

armed presence in the area. In particular, since October 2012, the explicit instructions of President Hassan Sheikh to AMISOM to keep the port of Kismayo closed and prevent the export of charcoal have been consistently flouted and FGS officials have not been granted full access to the port or the city generally (see annex 9 on violations of the UN Security Council charcoal ban).³ Indeed, successive FGS delegations to Kismayo have been prevented from leaving the airport by the Kenya Defence Forces (KDF) contingent of AMISOM and Madobe’s Ras Kamboni. The refusal of Ras Kamboni to integrate into official Somali security institutions has led the FGS to view Ras Kamboni

as a spoiler clan militia operating outside the purview of the national constitution and constituting, therefore, a threat to peace and security.⁴

6. Clan tensions in Kismayo have been particularly acute between Darod / Ogaden fighters of Ras Kamboni and Darod / Marehan soldiers within the official ranks of the Somali National Army (SNA). On 20 December 2012, growing animosity culminated in a fire fight between both sides over

the control of a checkpoint, which killed eight people.⁵ On 23 February 2013, clan motivated fighting

broke out again in Kismayo when Darod / Marehan forces attempted to break free an inmate at Kismayo’s central police station who had been arrested by Darod / Ogaden Ras Kamboni forces and AMISOM for allegedly harbouring an illegal arms cache and for having ties to Al-Shabaab. At least 11 individuals were reported killed.⁶

7. In the first week of March 2013, approximately 200 Darod / Marehan fighters under the command of the SNA attempted to enter Kismayo as a show of force, but eventually deployed 40 kilometres from the outskirts of the city⁷ (see below for more on this operation). While this deployment was part of an official military operation sanctioned by the FGS, it also provided cover to

Darod / Marehan clan militia attempting to reinforce their military presence around Kismayo. The deployment occurred as the Monitoring Group confirmed connections between individual Hawiye / Habar Gedir / Ayr spoilers, who are complicit in acts that constitute a threat to peace and security, and

Darod / Marehan networks involved in resisting the formation of a regional government of Jubaland.

³ Telephone conversation with President Hassan Sheikh Mohamud, 26 October 2012.

⁴ Meeting with President Hassan Sheikh Mohamud, Mogadishu, 3 March 2013. President Hassan Sheikh Mohamud and FGS officials have also openly criticised Kenyan troops for not providing FGS officials adequate security in Kismayo, See <http://allafrica.com/stories/201305250249.html>.

⁵ Interview with President Hassan Sheikh Mohamud, Nairobi, 22 December 2012. During this meeting, the President expressed his increasing concern about the arming of Ras Kamboni. Also see <http://shabelle.net/eight-killed-in-a-fight-in-kismayo/>.

⁶ Information obtained by Darod clan politicians with connections to Kismayo, 28 February 2013. Also

reported in the press, see AFP story “Clan feud kills 11 in Somali port city of Kismayo” available at http://www.hiiraan.com/news4/2013/Feb/28231/clan_feud_kills_11_in_somali_port_city_of_kismayo.aspx.

⁷ Interview with Darod politician with knowledge of the events, 10 March 2013. Interview with FGS official with knowledge of the events, 15 March 2013.

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8. The FGS and local clan leaders have also been unable to agree on a constitutional process that would satisfy all political factions in Jubaland and which could lead to the establishment of a functional regional government with political agreements in place for revenue and power sharing between the FGS and local authorities.⁸ Amid a breakdown in political talks, and in the context of escalating clan tensions, Madobe proclaimed himself president of Jubaland on 15 May 2013. The same day Barre Adan Shire ‘Hiiraale’, a Darod / Marehan warlord and former leader of the JVA, also

proclaimed himself president of Jubaland, setting the stage for a potential conflict.⁹ Since then, at least three other politicians have since declared themselves rightful president of Jubaland. Hiiraale has

stationed himself in Kismayo since late April 2013, having arrived from Mogadishu with a detachment of his personal militia.

Individual spoilers and threats to peace and security

9. The Monitoring Group is concerned that narrow clan and individual interests may override FGS attempts to reconcile warring factions, break up Al-Shabaab and extend a balanced authority over regional administrations. In particular, there are two core groups of spoilers, one aligned against

the FGS and one largely aligned in favour of the FGS. The key spoiler in opposition to the FGS is Sheikh Ahmed Mohamed Islam ‘Madobe’ (Darod / Ogaden). Spoilers broadly aligned with the FGS include Hawiye / Habar Gedir / Ayr warlords and their allies in the Darod / Marehan network of Barre

Hiiraale. Each of these spoiler groups has interests that intersect with Al-Shabaab. Individual spoilers

and actions constituting threats to peace and security are identified below and in a link analysis chart

that appears at Annex 3.3.a.

Sheikh Ahmed Mohamed Islam ‘Madobe’

10. Sheikh Ahmed Madobe has been a pivotal figure amid several years of inter-clan fighting for control of Kismayo. As a member of the now defunct Islamic Courts Union, he ousted Hiiraale’s JVA

from Kismayo in 2006 and established military control of the city until the Islamic Courts Union were

routed by the Ethiopian National Defence Forces (ENDF) and he fled Kismayo in January 2007.

11. Madobe’s forces returned to Kismayo in August 2008, when Al-Shabaab and Hizbul Islam recaptured the city following the withdrawal of Ethiopian troops from Somalia. In 2009, Madobe’s Ras Kamboni brigade split in two. Fighters loyal to Hassan Abdullah Hersi ‘Al-Turki’ joined Al-Shabaab to defeat Madobe’s residual force and expel him from Kismayo.

12. While Sheikh Ahmed Madobe has been a key ally in AMISOM’s military campaign to expel Al-Shabaab from Kismayo in 2012, his refusal to integrate his troops into the SNA, and his explicit policy of exporting charcoal sourced from Al-Shabaab-controlled territory through Kismayo, has undermined his claim of being a stabilizing force in southern Somalia. FGS officials assert that revenues generated from the charcoal trade have enabled Madobe to expand his private arsenal allowing him to effectively exert, with KDF support, military control over Kismayo and embezzle

public sector revenues, notably from the port.¹⁰

⁸ See <http://allafrica.com/stories/201304010276.html>.

⁹ See Voice of America news article: <http://www.voanews.com/content/leadership-dispute-threatensstability-and-peace-in-jubaland/1662269.html>.

¹⁰ Interview with President Hassan Sheikh Mohamud, 21 December 2012.

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Yusuf Mohamed Siyaad 'Indha'adde'

13. A key spoiler amongst disaffected Hawiye / Habar Gedir / Ayr warlords is Yusuf Mohamed Siyaad 'Indha'adde', formerly the Eritrean-backed chief of defence for ARS-Asmara before joining the armed forces of the Transitional Federal Government (TFG).¹¹ Indha'adde is no longer part of the

official military structure of the SNA but controls at least 300 militiamen, many of whom are integrated within the SNA 3rd Brigade that occupies territory outside Mogadishu and Merka and along

the Afgoye corridor.¹²

14. The 3rd Brigade is principally drawn from the Hawiye / Habar Gedir / Ayr clan. It consists of approximately 840 men and is between 30 and 50 per cent smaller than the other five brigades that secure the Banadir region. General Mohamed Roble Jimale 'Gobale' (Hawiye / Habar Gedir / Ayr), a

close associate of Indha'adde, officially controls the 3rd Brigade.¹³

15. According to military intelligence reports, and sources with access to its chain of command, territory under the control of the 3rd Brigade, particularly in the Afgoye corridor, has been heavily infiltrated by Al-Shabaab. Also, 3rd Brigade elements have repeatedly been involved in setting up illegal checkpoints and harassing civilians, including raping women. During the course of 2012, the 3rd Brigade has engaged in skirmishes with at least one other SNA brigade (6th Brigade).

16. Furthermore, the Monitoring Group has obtained information detailing the complicity of 3rd Brigade elements in the assassination of SNA commander General Mohamed Ibrahim Farah 'Gordon', who was shot in the head during an ambush of his convoy that was heading from Merka towards Afgoye on 28 October 2012.¹⁴ Two eyewitness sources testified to the Monitoring Group that Gordon was assassinated by 3rd Brigade elements and not Al-Shabaab.¹⁵ In addition, two sources

told the Monitoring Group that Gobale had disagreements with Gordon three days before his death when Gordon proposed an operation to attack the position of Hassan Dahir Aweys.¹⁶

17. While the Monitoring Group has been unable to obtain corroborating evidence of these allegations, it has obtained an official account of a raid by AMISOM on a farm on the road between Merka and Afgoye on 29 October 2012. During the raid, AMISOM troops recovered an illegal arms cache, including a rocket launcher and a sniper telescope. The farm manager was interrogated by

¹¹ See S/2010/91, paragraph 60.

¹² Based on AMISOM and TFG estimates dated 21 July 2011, and interviews with confidential sources with access to the 3rd Brigade high command.

¹³ Figures and chain of command provided by confidential source with records of 3rd Brigade registrations. The other five brigades are composed of a mixture of other Hawiye clans, notably the Abgaal, Hawadle, and Muroshade. Some Darod / Marehan elements and other minority clans also make up some of the brigades.

¹⁴ According to confidential military intelligence reporting on 29 October 2012.

¹⁵ Information provided by Ayr element of 3rd Brigade, Mogadishu, 16 October 2012, and by Somali military source, 1 March 2013.

¹⁶ Information provided by Somali military source, 1 March 2013, and corroborated by an associate of Gordon.

AMISOM troops and admitted that the cache belonged to Indha'adde. On 3 November 2012, Indha'adde arrived at the farm with 30 troops and demanded the return of the arms cache.¹⁷

18. The Monitoring Group has obtained direct eyewitness testimony documenting a meeting between Indha'adde and Kamal Hassan Gutale (Hawiye/Habar Gedir/Suleiman), the Chief of Staff of

President Hassan Sheikh, in the Presidency in January 2013.¹⁸ The meeting was brokered by Sheikh Abdulkadir Ali Omar (Hawiye/Habar Gedir/Suleiman), the former TFG interior minister cited by numerous diplomats and associates as having a role in the kidnapping of two French security officials

in 2009.¹⁹ During the course of the meeting, Gutale and Indha'adde discussed options for FGS support to clan fighters loyal to Indha'adde,²⁰ indicative of close relations between certain officials in

the FGS and the 3rd Brigade, notwithstanding the reported security incidents above.

Abdi Nur Siad 'Abdi Wal'

19. Abdi Nur Siad 'Abdi Wal' is a Hawiye / Habar Gedir / Ayr warlord who co-founded the Alliance for the Restoration of Peace and Counter-Terrorism, a group of warlords that fought and was

defeated by the Islamic Courts Union in 2006. However, Abdi Wal is now a close ally of former ARS-Asmara leader Zakaria Mohamed Haji Abdi, for whom he provides security in Mogadishu.²¹ He

is known to command the allegiance of about 100 fighters in Mogadishu, and is involved in contract killings.²² In addition, he commands the allegiance of an unknown number of Ayr fighters amongst the ranks of ASWJ.²³

20. The Monitoring Group has received credible testimony that Abdi Wal is connected to piracy and Al-Shabaab networks and has corroborated this through analysis of his telephone records.²⁴ The Monitoring Group has also received credible reports of Abdi Wal's involvement in an attack on

¹⁷ The cache included two shotguns, a rocket launcher, 4 assault rifles, three clip fed rifles, 17 magazines, one sniper telescope and 828 assorted cartridges. The name of the farm was reported as the Jimal-Mog farm on the Merka-Afgoye road. AMISOM declined to return the cache to Indha'adde.

¹⁸ Interview with eyewitness, Mogadishu, 15 January 2013.

¹⁹ Information provided by Somali Government official with access to the Presidency, 15 January 2013.

²⁰ Information provided by FGS official, 18 May 2013.

²¹ Three separate sources of the Monitoring Group have witnessed meetings between Haji Abdi and Abdi Wal.

²² Information obtained from confidential military intelligence report, and from two Somali Government officials who are both first hand acquaintances of Abdi Wal, November 2012, as well as a source within ASWJ, 26 October 2012.

²³ Information provided by Somali Government official in direct communication with Abdi Wal, 24 November 2012, and corroborated through a source within ASWJ, 26 October 2012.

²⁴ Information received by Somali Government official in direct communication with Abdi Wal, 23 October 2012. His telephone records show connections to Abdirahman Abdulahi Haji, a.k.a. Suhufi, a well-known Hobyo-Harardhere pirate leader and financier involved in many hijacking and abduction cases, such as the FV 'Jahan', MV 'Asphalt Venture', and MV 'Samho Jewelry', and the kidnappings of Michael Scott Moore, Médecins sans Frontières aid workers, and Danish Demining Group employees. Suhufi has reportedly been in contact with individuals connected to Al Shabaab, according to international naval sources.

Mogadishu International Airport on 1 November 2012, in which an RPG was fired on AMISOM containers.²⁵

21. Abdi Wal claims in closed-door meetings that he is a close ally of Mahad Mohamed Ali “Karate”, a senior Al-Shabaab intelligence officer from the Hawiye / Habar Gedir / Ayr clan.²⁶ In two

separate closed-door meetings, Abdi Wal stated that he was part of a plan to win back political power for former members of the Islamic Courts Union and to create instability in Mogadishu until more Ayr are appointed to positions in the FGS.²⁷

22. Both Abdi Wal and his political godfather, another former warlord, Mohamud Afrah Qanyare²⁸ (Hawiye / Habar Gedir / Murosade), have regular contacts with officials in the Somali Presidency and have demanded a greater share of weapons for Hawiye / Habar Gedir clan fighters, warning the Government not to give favourable treatment to Hawiye / Abgaal armed units.²⁹

23. This account coincides with separate reports that Abdi Wal and other Ayr figures may be important allies of FGS-aligned Darod / Marehan leaders who have been involved in building up the Darod / Marehan armed presence around Kismayo.

²⁵ Abdi Wal is known to be located in the airport area of Mogadishu. A military intelligence source stated he had received reports of Abdi Wal’s involvement following the interrogation of some of the perpetrators of the attack. The Monitoring Group corroborated this on 16 January 2013 with an Ayr source in Mogadishu who has access to Abdi Wal’s security team. Reports indicated that the incident was triggered by a financial dispute between Abdi Wal and General Abdullahi Gaafow Mohamud, the Director at Immigration and Naturalization at Mogadishu International Airport, who receives personal security protection from Abdi Wal and his close ally Mohamud Afrah Qanyare.

²⁶ Interview with personal contact of Abdi Wal, 23 October 2012. The Monitoring Group has verified that the source has been in direct contact with Abdi Wal from their respective telephone records.

²⁷ Interview with separate personal contacts of Abdi Wal, 29 November 2012 and 15 January 2013.

²⁸ Qanyare is well known as a former warlord from the Alliance for the Restoration of Peace and Counter-Terrorism. During the summer 2012 end of transition process, he was re-instated by the Somali chief justice as a member of parliament after initially being disqualified by the Technical Selection Committee mandated to vet candidates.

²⁹ Interview with Somali Government official with direct knowledge of the conversation, 15 January 2013.

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Barre Adan Shire ‘Hiiraale’ and Hassan Galad

24. Former leaders of the now defunct JVA, notably Barre Adan Shire ‘Hiiraale’ (Darod / Marehan) and Hassan Galad (Hawiye / Habar Gedir / Ayr), have been instrumental in the Government’s planning of the March 2013 deployment of Darod / Marehan forces to a position 40 kilometers from Kismayo.³⁰ Approximately 200 forces were dispatched from the town of El Waak and were funded by officials in the office of Prime Minister Abdi Farah Shirdon (Darod / Marehan).³¹

25. From El Waak the force passed through roughly a dozen Al-Shabaab checkpoints on its way towards Kismayo without any resistance.³² A key broker between these forces and Al-Shabaab was Abdurahman Filow³³ (Darod / Marehan), a former commander under Hiiraale’s JVA and who was a senior Al-Shabaab commander in Kismayo before being expelled by KDF and Ras Kamboni forces in

September 2012. Moreover, the Al-Shabaab ally, Mohamed Wali Sheikh Ahmed Nuur (Darod / Marehan) (profiled in S/2011/433, paragraphs 320 and 321), guaranteed unopposed passage for the El Waak force through Al-Shabaab-controlled territory.³⁴

26. While Filow has recently allied with officials in the FGS, he has continued to operate as an Al-Shabaab commander, leading recruitment drives in Jamaame in March 2013, and organising an Al-Shabaab attack on Kismayo on 4 April 2013, in which militants fired four explosive projectiles between the old airport and the city university.³⁵ Hiiraale, meanwhile, relocated in late April 2013 from Mogadishu to Kismayo with a detachment of personal militia and has proclaimed himself as the president of a new regional government of Jubaland.

³⁰ A Somali Government official told the Monitoring Group on 1 March 2013 that Hiiraale and Galad had arrived in Mogadishu to 'seek the reactivation' of the JVA through FGS support. A separate Somali government official told the Monitoring Group on 15 March 2013 that the march on Kismayo was coordinated through the Office of the Prime Minister, and involved Hiiraale and Galad.

³¹ Interview with Somali Government official with access to the planning discussions, 15 March 2013.

³² Ibid., and corroborated by two diplomatic security sources and a Marehan source with access to Hiiraale's entourage, 11 April 2013.

³³ Ibid. According to confidential military intelligence reports, during the course of late 2012 and 2013, Filow has negotiated with the FGS to convert Darod – Marehan Al-Shabaab fighters into government-aligned forces within the ranks of ASWJ. Military intelligence reports state that Filow was once a commander of Hiiraale's and was involved in plans to stage hit-and-run attacks against Kismayo following Al-Shabaab's retreat from the city in September 2012. Military intelligence reports him as having attempted to integrate Marehan forces into ASWJ.

³⁴ Information provided by Somali Government official with access to planning discussions, 15 March 2013, and by Marehan sources with access to government circles. A separate Somali government official informed the Monitoring Group that Ahmed Nuur had been in discussions with Hiiraale prior to the 6 March 2013 attack to commit political support from his Marehan allies in Gedo region.

³⁵ Information of Filow's continuing involvement documented in several confidential military intelligence reports during early 2013. Details of 4 April 2013 attack on Kismayo provided by military intelligence officer, 2 May 2013.

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27. According to a source in direct contact with Ahmed Nuur and Abdi Wal, both men consider themselves to be part of the same alliance, and have worked with Hiiraale to pressure FGS officials to integrate more Marehan and Ayr elements into Somali security forces.³⁶ In addition, Hassan Galad appears to be merging his forces with militias loyal to Gobale and Indha'adde in the Merka-Afgoye axis.³⁷ These are clear indications that Hiiraale and Galad, who once spearheaded the JVA, are connecting with spoiler networks from the Ayr clan, as described above.

Support from Eritrea

28. The Monitoring Group has received numerous reports about the warming of relations between Asmara and Mogadishu, and has obtained evidence of Asmara's control of political agents close to the Somali Presidency and some of the individual spoilers referred to above.

29. A key foreign policy advisor to President Hassan Sheikh is Ahmed Abdi Hashi 'Hashara', a former leader within ARS-Asmara who is known to have received financial support from Asmara at least as late as 2012.³⁸ In 2012, Hashara described General Jama Mohamed Ghalib, referred to above,

as his political ally and announced his intent to create a new accord between the FGS and former members of ARS-Asmara.³⁹

30. The Monitoring Group has obtained direct testimonies and concrete evidence of Eritrean support to Abdi Wal and Mohamed Wali Sheikh Ahmed Nuur. A source on the Eritrean payroll in

direct contact with Abdi Wal has confirmed that Abdi Wal has admitted in closed-door meetings and that he is acting as an agent for the Eritrean government.⁴⁰ General Ghalib has referred to Ahmed Nuur as a key ally of his.⁴¹

31. In addition to these testimonies, the Monitoring Group has confirmed meetings in Khartoum in late December 2012 between Ahmed Nuur and Mohamed Mantai, the Eritrean Ambassador to Sudan. During these meetings, options for Eritrean financial support to Ahmed Nuur were

³⁶ Information provided by Somali government official, 16 March 2013.

³⁷ Information provided by Somali government official, 1 March 2013, and by former ARS-Asmara source close to Indha'adde, in Mogadishu, 16 October 2012.

³⁸ A source on the payroll of the Eritrean Government informed the Monitoring Group on 11 September 2012 that Hashara had travelled to Asmara before deploying to Mogadishu in August 2012, and received financial support from the Government of Eritrea in 2012. A former Somali Minister with access to the Somali Presidency informed the Monitoring Group on 4 April 2013 that Hashara also acts as an advisor to President Issayas Afwerki of Eritrea.

³⁹ Interview with diplomatic source, 17 September 2012.

⁴⁰ The Monitoring Group has obtained separate evidence of payments made by Eritrea to the source, and therefore is able to corroborate his credibility as an agent of Eritrea. The source's phone records show direct communications between himself and Abdi Wal.

⁴¹ The Monitoring Group has obtained separate corroborating evidence that the source in question has met Ghalib in Mogadishu during the course of 2013.

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discussed.⁴² Telephone records of Ahmed Nuur's Somali telephone number also show direct contact with a landline in Eritrea.

32. Mantai, a former military intelligence officer, has a history of operating in Somalia and was expelled from Kenya in 2009 after he returned from Somalia following meetings with Al-Shabaab agents (see S/2011/433, annex 8.5). Additional information about Mantai, and Eritrean support to Somali spoiler networks appears in the separate Eritrea report of the Monitoring Group report on Somalia and Eritrea.

⁴² The Monitoring Group was invited to witness a telephone call between a confidential source and Ahmed Nuur in late December 2013, when Ahmed Nuur explained he had met Mantai and had requested financial support from him.

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Annex 3.3.a: Spoiler network in southern Somalia

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Annex 3.4: Spoiler networks and the Somali security services

1. A key asset for both Al-Shabaab and former officials within the TFG is Artan Abdi Ibrahim 'Bidar' (Hawiye / Murosade / Sebdi / Abubakar), a known security consultant in Mogadishu who has provided private security protection for Government officials but who has been also identified by senior security officials as an agent for Al-Shabaab.

2. A senior ranking security official, TFG Minister and FGS official have all identified the role of Artan Bidar, a cousin and close confidant of Sheikh 'Ali Dheere', the spokesman of Al-Shabaab with whom he works closely.¹ These and other sources have also identified Artan Bidar as a private security contractor who has worked for TFG former President Sheikh Sharif Sheikh Ahmed, TFG former Speaker of Parliament Sheikh Sharif Hassan Aden, former TFG Prime Minister Mohamed Abdullahi Mohamed 'Farmajo',² and General Abdullahi Gaafow Mohamud, the Director of Immigration and Naturalization at Mogadishu International Airport. Artan Bidar is also the cousin and intimate associate of Mohamed Moalim Hassan, the former

Director of the TFG Presidency (Chief of Cabinet), who helped facilitate his activities.

3. Since mid-2012, Artan Bidar has been under investigation by a number of security officials in Somalia for the alleged assassination of at least several individuals in Mogadishu. In addition to a journalist writing about corruption in the TFG and a comedian who talked about wealthy politicians giving their money to the poor, these include the following two cases, amongst others.³

4. First, on 19 July 2012, unknown assailants gunned down Mohamed Ali Hussein, the Deputy Director-General of the Ministry of Finance. While Al-Shabaab was blamed for the attack, press reports suggested that the motive for the killing was the victim's cooperation with the Monitoring Group in providing sensitive information about TFG corruption.⁴ Investigators subsequently confirmed to the Monitoring Group that the motive was related to the perception that the victim, previously an official at the Central Bank, had denied to the Monitoring Group Sharif Hassan's claim that he had deposited a 10 million USD payment into the Central Bank.

5. Second, in the evening of 4 August 2012, with a similar *modus operandi*, unknown assailants armed with pistols gunned down Ibrahim Iman Halane, the general manager of Mogadishu airport. While Al-Shabaab again was blamed for the attack, investigators subsequently confirmed to the Monitoring Group that the motive for the killing was the allegation that Halane had provided information to the Monitoring Group about Sharif Hassan diverting taxation revenue from the airport.

¹ Information provided by FGS official on 24 November 2012, ex-TFG minister on 3 October 2012, and senior Somali security official on 29 September 2012.

² Artan Badar has been physically seen at the premises of former TFG Prime Minister Formajo by at least one eyewitness.

³ Information confirmed by Somali security officials, Nairobi, 26 and 29 September 2012, as well as private Somali security contractor and Hawiye elders, Nairobi, in August and September 2012.

⁴ See <http://somalianewsroom.com/2012/07/19/somalia-deputy-minister-of-finance-assassinated-inmogadishu/>.
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6. According to Somali security officials investigating these cases, Artan Bidar has 25 to 30 armed men working for him. These include a trusted lieutenant, Fathi Sheikh Muhudin (Hawiye / Karanle), who is also a close associate of both Sheikh Sharif and Sharif Hassan. Muhudin is responsible for running a team of 10 hit men. Reportedly, one of these men, "Ahmed" (Hawiye / Habar Gedir / Suleiman), led the assassination of the airport manager, Halane. The arrested hit men say they are paid 200 USD after successfully killing someone, 20 USD for surveillance and 5 USD in telephone credits. In addition to independently providing assassins for contract killings, Artan Bidar coordinates with Al-Shabaab hit squads through family connections with Ali Dheere.⁵

7. The Monitoring Group has not obtained irrefutable evidence of the involvement of Artan Badar in any specific murder, but has received consistent testimony that he remains a 'gun-for-hire' and an agent involved in infiltrating Al-Shabaab agents into the National Intelligence and Security Agency (NISA), under the cover of acting as informants against Al-Shabaab.

8. In addition, more than 200 Al-Shabaab prisoners seem to have been released on the instructions of former TFG President Sheikh Sharif and former TFG Interior and Security Minister Abdisamad Moalim Mohamud in late August 2012.⁶ Two senior Somali security officials have told the Monitoring Group that two of the suicide bombers involved in the attack on the Jazira Hotel in Mogadishu on 12 September 2012, when President Hassan Sheikh was addressing his first press conference as President, were former prisoners who had been released in August.⁷

9. While the Monitoring Group could not verify the veracity of these claims, it has nonetheless obtained first hand eyewitness testimony from a Somali speaking individual present at the Jazira hotel on 12 September 2012. This individual overheard Somali police deployed inside the hotel discussing the entry plan of the second suicide bomber, who was eventually shot dead by a ministerial security officer that was not part of the police deployment.⁸

10. Furthermore, and according to reports from Somali security officials, Ahmed Moallim Fiqi, who stepped down as director of NISA on 25 March 2013, and Al-Shabaab enjoy a close relationship. Senior TFG officials have voiced concerns that Fiqi used Al-Shabaab agents to

⁵ Information provided by Somali security officials, Nairobi, 26 and 29 September 2012.

⁶ Interviews with Somali MP, 16 October 2012, senior Somali security source, 21 January 2013, and with FGS source, 24 November 2012. The amnesties for the prisoners were part of an annual amnesty for prisoners around the holy month of Ramadan, though a number of Somali security officials say the scale of the August 2012 release was unprecedented.

⁷ Interview with two separate senior Somali security sources, 21 January 2013 and 16 January 2013.

⁸ Information on police collusion with Al-Shabaab provided by eyewitness, 28 April 2013, and information provided on shooting of suicide bomber provided by TFG minister also present at Jazira hotel on 12 September 2012.

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target political opponents within the government.⁹ One senior security official that worked with Fiqi informed the Monitoring Group that several Al-Shabaab suspects he arrested claimed to be working as agents for Fiqi.¹⁰

11. While Al-Shabaab defectors are used regularly to gather information by intelligence agencies in Somalia, there are grounds for concern that Al-Shabaab and other spoiler networks may have leveraged entry points into NISA, where they have succeeded in gathering intelligence on NISA operations or positioning themselves to exploit political disputes at the heart of Government in Somalia.

12. As such, the Monitoring Group notes with concern the attempted theft of a number of mortar rounds from an arms and ammunition storage facility operated by NISA in Mogadishu on 15 March 2013. Two sources confirmed that security guards on duty at Villa Somalia arrested an individual attempting to smuggle out a number of mortar rounds from the NISA armoury on that day. One media report estimated as many as eleven mortar rounds were captured by the security guards, and suggested that subsequent Government investigations revealed a significant leak in NISA's armoury.¹¹

⁹ Interviews with former TFG officials who claimed to have interviewed a number of sources within NISA that testified Fiqi had deployed Al-Shabaab operatives to target the Mogadishu sports theatre on 4 April 2012, which was attended by former TFG Prime Minister Abdiweli Mohamed Ali.

¹⁰ Interview with senior Somali security source, 21 January 2013.

¹¹ Interview with military intelligence source, and separate confidential source 17 March 2013. See also "Cache of weapons stolen from Somali Presidential Palace" on Shabelle News, available at <http://shabelle.net/cache-of-weapons-stolen-from-somali-presidential-palace/>.

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Annex 4

Piracy and kidnap for ransom

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Annex 4.1: Fleeing pirates after a failed attack (2 April 2013)

1. While pirate operations have reduced in number and become smaller in scale, they have not ceased entirely. Attacks are still occasionally reported, such as on 2 April 2013 when the

Sierra Leone-flagged general cargo vessel ‘Alpha Kirawira’ was attacked some 13 nautical miles south of Barawe. Eight armed men in a white-coloured skiff powered by two Yamaha Enduro outboard engines, chased and fired at the merchant ship. The security team on board responded by firing several warning shots. The pirates subsequently aborted the attack. *Armed Somali pirates fleeing in a Yamaha Enduro-powered skiff with boarding ladder visible after a failed attack on the general cargo vessel ‘Alpha Kirawira’ on 2 April 2013, some 13 nautical miles south of Barawe*

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Annex 4.2: President of Somalia letter of 28 February 2013

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Annex 4.3: Ship Security Certificate (Mogadishu)

One-year Ship Security Certificate issued by the Mogadishu Marine Department of the Ministry of Marine Transport and Ports for a Somali operated vessel involved in regional trade between UAE and Somalia

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Annex 4.4: Pirate financier (STRICTLY CONFIDENTIAL) □

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

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Annex 4.5: Pirate negotiator (STRICTLY CONFIDENTIAL) □

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Annex 4.6: Pirate negotiator (STRICTLY CONFIDENTIAL) □

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Annex 4.7: Pirate facilitator (STRICTLY CONFIDENTIAL) □

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Annex 4.8: Pirate facilitator (STRICTLY CONFIDENTIAL) □

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Annex 4.9: Pirate negotiator (STRICTLY CONFIDENTIAL) □

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Annex 4.10: Pirate network linkages (STRICTLY CONFIDENTIAL) □

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Annex 5

Misappropriation of public financial resources

Annex 5.1: Corruption during the 2012 end of transition process

1. The Monitoring Group has obtained eyewitness testimonies and documentation of wide spread manipulation, financial bribes and threats occurring before and during the September 2012 Parliamentarian and Presidential elections.¹ Such manipulation of the elections resulted in individuals linked to the previous regime, and a number of warlords, being returned to positions of power, and in special interest groups capturing the political environment. The Monitoring Group has also obtained information of large-scale financial contributions from Gulf States that were used by principal candidates to buy political support during various stages of the elections (see below).

2. Outgoing officials of the Transitional Federal Government (TFG), from the majority clans, were able to steer the electoral process from its inception in order to reinforce their own power bases.² In particular, former TFG President, Sheikh Sharif Sheikh Ahmed (Hawiye clan), former TFG Prime Minister Abdiweli Mohamed Ali Gaas (Darod clan) and former TFG Speaker of Parliament Sharif Hassan Sheikh Aden (Rahanwein / Ashraf but related to the Digil-Mirifle clan) manipulated the registration of traditional elders who would select Members of Parliament (MPs), and who in turn would select the Speaker of Parliament and President of Somalia. Key figures in this process also included former Minister of Interior, Abdisamad Mo'allin Mohamud, who controlled the distribution of identification cards to registered elders, and Khadija Diriye Mohamed, who was on the Electoral Commission³ and bribed a number of elders to influence the MP selection process.

3. The Monitoring Group has also obtained first hand accounts of threats issued against members of the Technical Selection Committee (TSC), the UN-backed⁴ vetting committee tasked with assessing eligibility of electoral candidates,⁵ as well as eyewitness testimonies of candidates engaged in bribing and threatening MPs during the selection of the President. In addition, presidential candidates used financial contributions from the United Arab Emirates (UAE) and Qatar to buy MP votes during the presidential election.

Manipulation of elders' registration

4. The corruption began with the exclusion of the majority of genuine elders in advance of the MP selection process.⁶ Sharif Sheikh Ahmed, Sharif Hassan Sheikh Aden and Abdiweli Mohamed Ali tasked cabinet members in the TFG to register elders. However, only 135 of the

¹ See also http://www.hiiraan.com/news4/2012/Aug/25559/new_somali_govt_change_of_name_same_old_game.aspx.

² <http://unpos.unmissions.org/LinkClick.aspx?fileticket=c5df15pV7q8%3D&tabid=9705&mid=12667&language=en-US>.

³ The Electoral Commission was responsible for setting conditions for presidential candidates, creating the presidential ballot, and setting the date of the election.

⁴ <http://unpos.unmissions.org/LinkClick.aspx?fileticket=dgSbKEsV1n0%3D&tabid=9705&language=en-US>.

⁵ <http://unpos.unmissions.org/LinkClick.aspx?fileticket=dgSbKEsV1n0%3D&tabid=9705&language=en-US>.

⁶ The Transitional Road Map gave only the majority clans (Hawiye, Darod, and Digil-Mirifle) the power to select elders.

traditional elders were registered by the outgoing TFG.⁷ The Monitoring Group has received testimonies that TFG officials in charge of selecting elders routinely made deals with such elders to pick MPs who would be amenable to the interests of the outgoing TFG principals. In many cases, the elders chosen were considered imposters by their local communities.⁸

5. The Monitoring Group has obtained eyewitness testimony of the manipulation of the elders process by senior officials in the TFG. In particular, the former Interior Minister Abdi'samad Mohamud Ali exercised the final decision over the nomination of elders through his control of the production of identification documents for elders.⁹ The Monitoring Group has obtained first hand testimony detailing the selection by Abdisamad Mohamed Ali of an Al-Shabaab-aligned elder who in turn used his position as an elder of the Hawiye / Habar Gidr / Ayr clan to select Abdi'samad Mohamed Ali as an MP. The elder chosen by Abdisamad Mohamed Ali was Ugas Abdi Dahir, a former ARS-Asmara official and agent of Eritrea who has been named in a previous Monitoring Group report.¹⁰

6. The Monitoring Group has also gathered evidence of the role of some of the principal TFG leaders in bribing elders. Prime Minister Abdiweli Mohamed Ali organized the appointment of a false elder to the Gadabursi / Haber Afan clan, Sultan Abeeb Aw Muhumed. He received 8000 USD from loyal MPs in return for their names being submitted to the TSC.¹¹ The Monitoring Group has also received information that Sheikh Sharif Sheikh Ahmed gave 50,000 USD to a Darod / Warsangeli elder for his support.¹²

7. Furthermore, on 9 August 2012, the elder, Suldun Said Abdisalam, submitted a list of five MPs to the TSC. However, of this list only one name, Dahir Haji Gele Farah, was appointed as an MP (see annex 5.1.a). According to sources, the other four names were replaced by individuals who, like Dahir Haji Gele, paid Suldun Said Abdisalam for their MP seats. Additionally, he selected them on condition that they would vote for Abdiweli, who had also paid him.¹³

Threats to elders

8. Since the 2012 election, five elders who participated in the selection of Parliamentarians have been murdered. The family of one elder stated that he had received several death threats

⁷ http://www.somaliareport.com/index.php/post/3393/What_Does_it_Mean_to_be_a_Somali_Elder_.

⁸ Multiple interviews with government sources; 14 September 2012, 17 October 2012, 26 November 2012, 6 December 2012.

⁹ Interviews with former members of the Technical Selection Committee, 13-14 September 2012, and with former TFG MP, 16 September 2012.

¹⁰ Interview with TFG MP, 16 September 2012 who has strong connections with the Habr Gidr / Ayr community. Also see S/2011/433 for information on Ugas Abdi Dahir.

¹¹ Interview with three former Members of Parliament, 22 January 2013, Mogadishu, Somalia.

¹² Interview with former Members of Parliament, 6 December 2012, Mogadishu, Somalia. This was witnessed by a close associate of one of the MPs being interviewed.

¹³ Interview with former Members of Parliament, 6 December 2012, Mogadishu, Somalia.

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from unknown individuals.¹⁴ Al-Shabaab had previously threatened to assassinate any elder found to have participated in the election process.¹⁵

9. According to TSC members, one elder who did not support Sheikh Sharif was kidnapped and forced at gunpoint to fill out a list of MPs in favour of Sheikh Sharif to be submitted to the TSC.¹⁶

Manipulation of Members of Parliament selection

Threats and obstruction of the Technical Selection Committee

10. Once the traditional elders were identified, a 27 member TSC was appointed in June 2012 to evaluate the individuals put forward by those elders for MP seats.¹⁷ The registered elders were required to submit two individuals for each seat.¹⁸

11. TSC members, who had the right to reject the nomination of MPs by elders on the grounds of their prior history, were routinely harassed and threatened during the process of vetting candidates submitted by the committees of elders. TSC members have reported to the

Monitoring Group that they received threats following their decision to veto the election of 27 MPs by elders on the grounds that many of these candidates had been warlords with histories of having committed grave human rights violations. Notwithstanding TSC objections, at least 17 of these 27 candidates were returned as MPs following a decision by Chief Justice Aideed Abdullahi Ilko Hanaff to veto the objections of the TSC (see annex 5.1.b).¹⁹ According to several sources each warlord paid 20,000 USD to the Chief Justice to rule in their favour.²⁰ TSC members report that Sharif Hassan Sheikh Aden supported the return of these candidates.²¹

Threats to Members of Parliament

12. Members of Parliament resided in secure hotels near Kilometre 4 in Mogadishu due to threats to government officials from Al-Shabaab. The hotel bill for each MP was covered by the TFG and guaranteed by a letter. As such, security became a tool to leverage compliance from

¹⁴ <http://www.raxanreeb.com/2013/04/somalia-elder-who-helped-selection-of-mps-is-assassinated-inmarka-town/>.

¹⁵ <http://www.raxanreeb.com/2013/04/somalia-elder-who-helped-selection-of-mps-is-assassinated-inmarka-town/>.

¹⁶ Interview with members of the TSC, 14 September 2012, Nairobi, Kenya.

¹⁷ <http://unpos.unmissions.org/LinkClick.aspx?fileticket=dgSbKEsV1n0%3D&tabid=9705&language=en-US>.

¹⁸ <http://puntlandi.com/wp-content/uploads/2012/02/Garowe-II-Principles.pdf>.

¹⁹ Interview with TSC members, Nairobi, 14 September 2012.

²⁰ Interview with former MP on 2 May 2013, Nairobi, Kenya. Information supported by TSC testimony on 14 September 2012 (see below), and information from Somali Government source, 22 January 2013.

²¹ Interviews with four TSC members, 14 September 2012, Nairobi, Kenya. TSC members also reported that the Chief Justice intervened in person to object to the veto of the 27 candidates, and that in one case a former warlord who had been vetoed was able to enter the TSC compound in Mogadishu where he issued threats against TSC members.

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MPs. A source told the Monitoring Group that one MP who was at odds with Sharif Hassan Sheikh Aden was evicted from his hotel.²²

13. When all else failed, obstruction and the use of physical force was employed to prevent uncooperative MPs who had been approved by the TSC from attending the MP swearing in ceremony. One MP was forcibly taken out of line as she attempted to enter a bus bound for the swearing in ceremony. She walked to the airport, where she was physically prevented from entering to be sworn in as an MP.²³

Joint Parliamentarian complaint

14. On 10 August 2012, a joint complaint letter was drafted by Parliamentarians, clan elders and intellectuals from mainly Dir and marginalized minority clans condemning the election process as corrupt, and highlighting several examples of bribery and corruption (see annex 5.1.c). Many of the individuals who came forward with this complaint were threatened and had to go into hiding.²⁴ The Parliamentarians attempted to take their complaint to court in late August 2012, but were denied a hearing by Chief Justice Aideed Abdullahi Ilko Hanaff. Several sources have identified Chief Justice Aideed Abdullahi Ilko Hanaff as having extracted bribes in return for filing court cases. In one instance, he is accused of requesting 10,000 USD to file a case, while the actual filing fee is 100 USD.²⁵

Speaker of Parliament election

15. The Monitoring Group has obtained testimony detailing threats issued by former TFG Speaker Sharif Hassan Sheikh Aden during the election of the new speaker of parliament. In particular, during a clan meeting in Mogadishu in June 2012, Sharif Hassan Sheikh Aden stated that he would kill anyone from the Digl-Mirifle clan who would contest the election of the

Speaker of Parliament.²⁶

Presidential election

16. Sources identified Khadija Diriye Mohamed as a key player involved in facilitating corruption in the election of the President. She was appointed to the Electoral Commission which received applications for the position of President and created the final ballot. Potential candidates were required to submit their curriculum vitae, the application and a 10,000 USD

²² Interview with former Member of Parliament, 19 December 2012 in Nairobi, Kenya. According to other MPs and former MPs, they were required to reside in hotels for security reasons and this was paid directly by the TFG for MPs. Information corroborated by Central Bank payments to Mogadishu hotels.

²³ Interviews with Government sources, 22 January 2013.

²⁴ Testimonies given to the Monitoring Group from former Parliamentarians, 6 December 2012. One MP received telephone death threats after participating in a Somali radio interview in Mogadishu.

²⁵ Interview with separate unrelated eyewitnesses and government sources, 22 January 2013, Mogadishu, Somalia.

²⁶ Interview with eyewitness on 12 December 2012, Nairobi, Kenya and former MP, 19 December 2012, Nairobi, Kenya. According to a former MP, Sharif Hassan stated this in an open Rahanweyn meeting in June 2012 in Mogadishu, Somalia.

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entry fee.²⁷ Four days before the election, she resigned from the Commission, citing conflict of interest due to her desire to support Sheikh Sharif²⁸ and is accused of stealing the final presidential ballot to use as a means of bribing MPs.²⁹ She has also been accused of active involvement in the bribery of elders to manipulate the MP selection process.³⁰

17. Just before the election, Sheikh Sharif Sheikh Ahmed and Sharif Hassan Sheikh Aden hosted an event for MPs at the Palace Hotel in Mogadishu. During this event, numerous MPs were taken aside and offered bribes for their votes.³¹ Sources witnessed money being handed out in exchange for votes, and observed Sharif Hassan personally bringing a suitcase of money to this event to pay off MPs.³²

Financial contributions from abroad

18. The Monitoring Group has obtained evidence that Sheikh Sharif Sheikh Ahmed and Sharif Hassan Sheikh Aden both sourced considerable funds from the United Arab Emirates.³³

19. The Monitoring Group has also obtained evidence that President Hassan Sheikh's entourage were also complicit in bribery. Sources indicate that the President received several million dollars from Qatar which was used to buy off political support.³⁴ Important carriers of cash donations from Qatar include Fahad Yasin and Abdi Aynte, two former journalists from the Doha based news organisation *Al-Jazeera*. They are now senior figures at the Heritage Institute for Policy Studies (HIPS), an FGS-aligned think tank in Mogadishu established with financing from Qatar. Aynte, the director of HIPS, is a prominent member of the *Ala Sheikh* political and business association of former TFG President Sheikh Sharif Sheikh Ahmed. Yasin, an associate of HIPS, is the nephew of Farah Abdulqadir, the current Minister of State for the Presidency and part of the *Damul Jadid* political association close to President Hassan Sheikh. Both Aynte and Yasin are important figures in consolidating cooperation between *Ala Sheikh* and *Damul Jadid*.

²⁷ http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2012/09/04/newsbrief-04.

²⁸ <http://khaatumonews.com/2012/09/05/mid-kamid-ah-xildhibaanadii-ku-jiray-gudiga-doorshada-oois-casishay-taageero-ay-sheekh-shariif-u-heyso-darteed/>.

²⁹ Interviews with several former MPs, 26 November 2012, Nairobi, Kenya, and 6 December 2012 and 22 January 2013, Mogadishu, Somalia.

³⁰ Interviews with former Members of Parliament, 6 December 2012 and 22 January 2013. During the

election, another eyewitness and former MP overheard a telephone conversation an elder was having where the caller stated that he had 40,000 USD for him. The elder instructed payment to be made through Dahabshiil.

³¹Interviews with several MPs, 26 November 2012, 6 December 2012, and 22 January 2013. MPs have accused Khadija of providing Sheikh Sharif with the final ballot to use in the bribery of MPs at the Palace Hotel event. MPs were taken aside and given 5000 USD in exchange for their vote, and they were required to sign the ballot in front of him and then bring it to the voting. According to MPs, this was why the newly elected Speaker Mohamed Osman Jawari required that all ballots had to be stamped by him before they could be counted.

³² Interview with eyewitness who is a former MP, 14 February 2013, Minneapolis, MN, U.S.A.

³³ Meeting with Somali analyst, 7 September 2012 and senior UN officials involved in the electoral process, 12 September 2012 and 13 September 2012. See also <http://www.aljazeera.com/news/africa/2012/09/201291083927688186.html>.

³⁴ Interviews with Hawiye elders involved in payments to MPs, 2 September 2012 and 26 September 2012.

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20. Yasin has been involved in carrying cash donations from Qatar on behalf of President Hassan Sheikh, according to emails dated 4 March 2012 between Hassan Sheikh and Abdulkadir Barnamij.³⁵ Two FGS officials confirm that during the election process, Yasin carried substantial funds from Qatar to Mogadishu for the campaign of Hassan Sheikh.³⁶ One source told the Monitoring Group that he was offered 10,000 USD to vote for Hassan Sheikh, and he was instructed to get into a vehicle with the current Minister of State for the Presidency Farah Abdulqadir to be paid.³⁷

21. Overall, given the stakes, corruption in the 2012 elections was unprecedented in scale of funds and numbers of individuals paid for their support.³⁸ In many ways, the process of ending the transitional period in Somalia and the use of public and private resources to obtain power helped recycle the patterns and practices of mismanaging funds of past administrations into the new Government (see annex 5.2).

³⁵ Information contained in emails provided by source between Hassan Sheikh and Abdulkadir Barnamij on 4 March 2012.

³⁶ Interviews with FGS officials, 3 December 2012 and 15 January 2013.

³⁷ Interview with former Member of Parliament, 14 February 2013.

³⁸ Interview with former MPs, Mogadishu, 6 December 2012 and Nairobi, 7 June 2013.

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Annex 5.1.a: TSC submittal sheet

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Annex 5.1.b: List of vetoed candidates from the TSC

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Annex 5.1.c: Joint complaint letter

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Annex 5.2: Public financial mismanagement and corruption

1. Since the collapse of the Somali State in 1991, there have been some seventeen transitional processes driven by power-sharing arrangements based on representation of the major clans, the so-called '4.5 formula'. Throughout these political configurations, there has been no complementary process regarding reconciliation over resources, with a definition of clear ownership of public goods. Without this clarity, following the collapse of the Government,

Somalis did not consider looting national assets in customary law terms as stealing. Such attitudes became institutionalised as a sense of entitlement in successive transitional authorities with public and private officials seeking personal profit from public resources. The pursuit of power and profit became indistinguishable.

2. By 2012, the World Bank described the complete absence of a system of public financial management (PFM) in the Transitional Federal Government (TFG) of Somalia and reported 131 million USD of Government revenues unaccounted for in 2009-2010, equivalent to a 68 per cent diversion rate for the two years. The World Bank concluded that the Government had sufficient funds from internal revenues to pay all civil servants, parliamentarians and security forces.¹ The Monitoring Group assessed that these patterns continued in 2011 (S/2012/544).

3. During the 2011-2012 Roadmap process, a series of meetings were convened to formulate the modalities for the end of the transition. Between 15 and 17 February 2012, at Garowe II, the issue of resources was briefly on the agenda, but overwhelmed by other pending issues. Without clarity about management of public goods, either within the central Government or with regional administrations, the same sense of entitlement to resources would continue in the post-transition regime, recycling many of the patterns of corruption of the past. In particular, a genuine end of transition process entailed both a change of individuals and a change of system. While elections in summer 2012 ultimately led to a new President, Hassan Sheikh Mohamud, his Government inherited the legacy of the TFG. In this regard, the new regime cannot necessarily be faulted with continuing patterns of corruption per se, but can be held responsible for appointment of individuals involved in past or present corruption. Notably, when Hassan Sheikh came to office, he was not in a position to fully control internal revenue streams and therefore address existing or new forms of diversion.

The Central Bank of Somalia and the *fadlan* system

4. The Monitoring Group previously reported that “the systematic misappropriation, embezzlement and outright theft of public resources have essentially become a system of governance.”² At the heart of this system is the Central Bank of Somalia (CBS). Donor concern has focused on diversion at sources of internal and external revenue and considered deposits in the CBS as the legitimate use of funds by the Government and a key step in establishing a

¹ World Bank, “Summary of Financial Diagnostic Assessment of ‘Audit Investigative Financial Report 2009-10’”, 30 May 2012.

² S/2012/544, paragraph 15.

functioning system of public financial management. However, careful analysis of the actual accounts of the CBS in its current state clearly demonstrates that deposited funds are not used for the running of the institutions of Government and the CBS does not serve as an address for this purpose.

5. Endemic in past and current administrations is the system of *fadlan* (please). According to this practice, private individuals, whether inside Government or outside, make requests to members of the leadership for private payments that cannot be resisted for personal or other reasons. The senior politician signs a note authorising payment that is honoured at the Ministry of Finance or the Central Bank directly. This custom is also called the “khaki envelope” procedure on account of the colour of the envelopes seen carried to the Ministry of Finance. Since banks in Somalia, including the CBS, cannot make electronic transfers internally or externally, all transactions are made in cash. While the current Minister of Finance, Mohamud Hassan Suleiman, has made every good faith effort to reduce the scale of *fadlan*, it is so pervasive as to be beyond his control without a fundamental restructuring of the system.³ In

fact, the CBS accounts are effectively a snapshot of a patronage network and social relations that defy the institutionalisation of the State. They are, in effect, a definition of what the Government is and what it is not.

6. The sources of deposits into the CBS are sometimes indicated but often not. Deposits by the Ministry of Finance, in particular, do not indicate any origin. In addition, there are three types of withdrawals recorded. First, withdrawals are made in the name of a private individual. Second, withdrawals are made for an individual ostensibly associated with a ministry, but it is unclear if that individual is acting in a private capacity, on behalf of a minister privately, or if there is a legitimate operational cost for the ministry. Officially, only a cashier of a ministry is supposed to be able to withdraw funds from the CBS, though this is rarely the case.⁴ Third, withdrawals are made on behalf of an institution of Government, which can be assumed in principle to be intended for an operational cost.⁵

7. According to CBS records, payments to private individuals constitute the bulk of withdrawals. In 2011, these amounted to 87 per cent and in 2012 to 76 per cent of all withdrawals. During the period of the current Government, between September 2012 and April 2013, 72 per cent of withdrawals were made for private individuals. According to one estimate, the annual average over 12 years of individual and purported Government withdrawals was 88 per cent.⁶ Such statistics indicate that the CBS has effectively functioned as a ‘slush fund’ for the *fadlan* system rather than as a financing mechanism for Government expenditures.

³ Interviews with the Minister of Finance, Mohamud Hassan Suleiman, 12 April 2013.

⁴ Interview with former member of the Board of the Central Bank, Nairobi, 18 May 2013.

⁵ Analysis of CBS records 2010-2013 accessed by the Monitoring Group, May 2013.

⁶ Abdirizak Fartaag, “Public Sector Finance in Somalia”, 21 March 2013.

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8. Figures drawn from the CBS records are at odds with the structure of national budgets and the order attributed to Government finances by the Office of the Accountant. Overall national budgets are invariably divided into what is stated to be available from internal revenue and what is needed from donors to meet Government needs, as follows:

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□ 2009 budget for the period July to December: overall 55 million USD; 11 million USD available from internal revenue and the remainder expected from donors.

□ 2010 budget: overall 110 million USD; 20 million USD available from internal revenue and remainder expected from donors.

□ 2011 budget: overall 98 million USD; 28 million USD available from internal revenue and remainder expected from donors.

□ 2012 budget: overall 92 million USD; 43 million USD available from internal revenue and remainder expected from donors.

□ 2013 budget: 84 million USD; 53 million USD available from internal revenue and remainder expected from donors.⁷

9. The overall amount of these budgets corresponds roughly to the actual internal revenue already generated in Mogadishu, combining funds diverted at source and funds deposited into the CBS.⁸ While the amount stated to be available from internal revenue can be compared, depending upon the year, to the scale of funds passing through the CBS, which were 49.5 million USD in 2011 and 41.2 million USD in 2012. The annual breakdown of national revenue and expenditures provided by the Office of the Accountant General either artificially corresponds to figures stated in a national budget (2009 and 2010) or to CBS funds (2012).⁹ However, the line items of income and expenditure attributed to the functioning of Government

by the Auditor General bear no resemblance to the deposits and withdrawals at the CBS overwhelmingly for private individuals.

10. According to CBS accounts, one individual in particular has withdrawn the greatest percentage of funds. Between 2010 and 2013, Shir Axmed Jumcaale, a cashier at the Ministry of Finance, withdrew 20.5 million USD in his name. These funds were used for individual *fadlan* payments made directly by successive Ministers of Finance or officials at the Ministry of Finance, separately from direct individual payments from the Central Bank.¹⁰ Such lump sum withdrawals obscure further accounting of private individual transactions between officials and the recipient.

11. Another individual made the second largest withdrawals. Between 2010 and 2013, Colonel Abdiqaadir Moalin Nuur withdrew 4.7 million USD in his name. There is no further explanation of the purpose of the withdrawals.

12. Sporadic and uneven payments to Members of Parliament are an indistinguishable combination of donor stipends and *fadlan* payments.¹¹

⁷ Assessment of Somali national budgets between 2009 and 2013 of successive administrations.

⁸ World Bank, “Financial Diagnostic Assessment”, April 2012.

⁹ Ibid.

¹⁰ Multiple individuals working at the Central Bank and Ministry of Finance interviewed by the Monitoring Group in 2012 and 2013, confirm that these withdrawals are for individual *fadlan* payments.

¹¹ Confirmed by Central Bank sources, Nairobi, 27 February 2013 and 10 March 2013.

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13. Generally, given the lack of transparency of its funds and the manner in which they are distributed, the CBS does not function as an organ of Government subject to policy decisions or oversight from integrity institutions and Parliament. This is further exacerbated since members of the Board of the CBS are not currently in place and able to authorise decisions, which are left to the will of the present Governor, Abdusalam Omer, appointed on 13 January 2013.

The fiduciary agent model

14. By 2009, with growing donor concern about corruption in the TFG and reluctance to provide direct budget support, an alternative financing mechanism, the Financial Management Agency (FMA), was established in June 2009 through PricewaterhouseCoopers Associates Africa Limited (PWC) based in Nairobi. It was originally conceived as a fiduciary agent with a broad scope of responsibilities. The FMA was to provide a number of services on behalf of donors to the TFG:

□ Financial management of development partner funds, included, *inter alia* controlling a financial flow between Nairobi and Mogadishu and verifying the “tracking of flow and usage of funds”, as well as reviewing budgets for expenditures;

□ Tracking and monitoring funds to “ensure disbursed funds are used effectively and efficiently for purposes for which they were intended”;

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□ Procurement management that involved devising transparent, competitive and costeffective procurement procedures in the TFG; and

□ Developing and implementing a financial training plan for staff in core financial institutions.¹²

15. In addition, there was meant to be an Oversight Committee, including the Minister of Finance, then Sharif Hassan Sheikh Aden, as well as other relevant ministers. The beneficiaries

were stated to be civil servants and soldiers who would receive salaries through the mechanism, and the TFG through contracted goods and services.¹³

16. On 29 June 2009, PWC signed a contract with the TFG incorporating the terms of reference as the “Description of Services” (see annex 5.2.a). For its services, PWC would charge a management fee of 4 per cent for the first 1 - 100 million USD in the FMA, which would go down as the funds increased to 3.5 per cent for 100-200 million USD and 3 per cent for funds over 200 million USD. Donor funds, however, never exceeded 100 million USD.

17. A Senior Advisor at the Ministry of Finance, Abdusalam Omer, was appointed as the authorized representative of the TFG to the PWC FMA. In a subsequent contract of 3 December 2009, he was to be funded by the African Development Bank (AFDB) at a rate of 120,000 USD per annum as part of a public financial management project (see below). As an associate of the Minister of Finance, Sharif Hassan had brought Abdusalam Omer into the Ministry to serve as the interface with the donor community. He had earlier served as the Chief of Staff in the Executive Office of the Mayor of the District of Columbia Government, Washington, D.C., but had been forced to resign following an investigation by the Inspector General into his role in fundraising activities in the Executive Office.¹⁴

18. Following the establishment of the FMA, Abdusalam Omer became the TFG counterpart and the responsible individual for fulfilling the TFG’s obligations. One of these obligations was to provide reports to PWC that ensured the TFG would spend funds in accordance with donor instructions prior to disbursement. However, after two initial reports in 2010, Abdusalam refused to provide further reports.¹⁵ In addition, in collaboration with Sharif Hassan, he began to renegotiate implementation of the terms of reference for PWC, excluding all activities except the sole function of transferring funds to the TFG. In this way, a fiduciary agent was reduced to a transfer agency. PWC thereafter either transferred funds based on instructions of the donor and Abdusalam Omer, or in some cases spent funds directly. While PWC retained a

¹² Drawn from the Terms of Reference for “Financial Management Agency services to the Transitional Federal Government (TFG)”, Ministry of Finance, August 2009.

¹³ Presentation slides entitled, “Fiduciary Management Agency Services”, TFG Ministry of Finance, 2 February 2010.

¹⁴ The District of Columbia Board of Elections and Ethics recommended disciplinary action. See Order of the Office of Campaign Finance, Docket No. CF 2002-13, 29 October 2002.

¹⁵ Interview with Abdirahman Warsame, Nairobi, 28 May 2013.

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monitoring and evaluation function for its own operations, it did not account for TFG use of the funds.¹⁶

19. Between 2009 and 2012, a variety of donors channelled 56,835,354 USD through the PWC mechanism. This included 26,095,955 USD from the U.S. Government transferred from PWC through the agent Amal for the payment of stipends to the Somali security forces. In addition, several donors provided a total of 16.9 million USD for PWC to transfer directly to the CBS. An AFDB project of 1,967,950 USD was spent in part through the Horn Economic and Social Policy Institute (HESPI) in Addis Ababa. In addition, there were direct expenditures on behalf of the TFG and smaller projects with other financial arrangements.¹⁷

CBS transfers

20. Between 2010 and 2012, the Arab League, China, Germany and South Sudan committed 16.9 million USD for various purposes defined in varying degrees of detail in support of the TFG to be transferred by PWC to the CBS.

21. The procedure for transfer entailed, first, authorisation from the donor and Abdusalam Omer, who had the contractual responsibility on behalf of the Ministry of Finance to ensure the

transmission of funds from PWC through to their deposit in the CBS. PWC from its bank accounts in Nairobi then electronically transferred the authorised amount to a money transfer agent, either Amal or Dahabshil, with instructions to deliver the designated funds to the CBS. The offices of either Amal or Dahabshil in Mogadishu, with the PWC monitoring agent, Eagle Associates, physically moved the cash funds to the CBS. At the CBS, in the presence of the Governor of the Central Bank, Abdillahi Hagi, and the Director General of the Ministry of Finance, Amina Sheikh Osman, the cash funds were counted. Upon verification, both Hagi and Osman signed a letter confirming receipt of the cash funds and issued deposit slips to be submitted to PWC (see annex 5.2.b).

22. By this procedure, between May 2011 and April 2012, twenty transfers were made amounting to 16,924,466 USD.¹⁸

23. In the accounts of the CBS, there are no deposits listed as coming from PWC. Rather, there are undefined deposits by the Ministry of Finance. By tracking the date and the amount of the PWC transfers, and checking receipts and slips provided by the CBS to PWC against CBS records, the Monitoring Group identified six deposits amounting to 4,852,235 USD. It was unable to trace 12,072,231 USD as having been deposited in the CBS (see annex 5.2.b.i-iv). While PWC received confirmation receipt letters signed by Hagi and Osman indicating the date and amount received, as well as deposit slips from the CBS for the other fourteen transfers, there are no corresponding deposits in the CBS.

¹⁶ Interview with PWC, Nairobi, 20 March 2013.

¹⁷ PWC, "Receipts from donors", 2009-2012.

¹⁸ Analysis of PWC transfers to CBS, 2011-2012.

24. One of the largest transfers missing was for 2.5 million USD from the Government of Algeria sent through the Arab League (see annex 5.2.c). On 6 May 2011, this transfer was prepared by PWC and it was authorised by Abdusalam Omer (see annex 5.2.d). On 11 May 2011, PWC sent an email notification to Al Amal Commercial Brokerage regarding the pending transaction. On 16 May 2011, CBS Governor Hagi and Ministry of Finance Director General Osman confirmed receipt in writing of 2,025,000 USD at the CBS (see annex 5.2.e) and a CBS deposit slip was forwarded to PWC for their records (see annex 5.2.f). However, in the accounts of the CBS there is no record of a deposit for this amount on this date, or any other date that month.¹⁹ The Monitoring Group considered whether the deposit might have been made in smaller increments over time, but has been informed that this would have been impossible and the CBS would be obliged to generate individual deposit slips for each transaction.²⁰

25. Regardless of whether these funds reached the CBS, the Monitoring Group can confirm that the withdrawals made from the CBS following the dates of transfers were subject to the *fadlan* system and mostly in the name of private individuals. There is no evidence of expenditures from the CBS in accordance with the purposes of the funds stated by the individual donors.²¹

Subsistence supplies to the Somali security services

26. Funds from Libya, Rwanda²² and China were channelled through PWC for the purchase of subsistence supplies for the Somali security services.

27. On 22 September 2009, China provided 500,000 USD to the TFG for support to the running costs of the Government through PWC. In a letter dated 27 October 2009, Minister of Finance Sharif Hassan wrote to PWC authorising 50,000 USD administrative costs to be paid to Abdusalam Omer, 40,000 USD of which he would forward to the Prime Minister's office (see annex 5.2.g). On 28 October 2009, Abdusalam Omer authorised the payment of

50,000 USD (see annex 5.2.h), which was deposited into his personal account the same day (see annex 5.2.i). There are no receipts on file with PWC from the Prime Minister's Office. 28. The same day, Abdusalam Omer authorised 400,000 USD to be transferred to Daljir Trading & General Services for food and subsistence supplies to security forces (see Annex 5.2.j). Daljir Trading was named in the previous report of the Monitoring Group. The owner of Daljir Trading Yuusuf Sheikh Mohamed works closely with his brother Abbas Sheikh Mohamed 'Jamalo' (also spelt Jimale). Both are close clan relations of then TFG President Sheikh Sharif, and together managed "the president's money".²³ Another alleged shareholder

¹⁹ Analysis of CBS accounts for May 2011.

²⁰ Interview with sources with direct knowledge of PWC transfers, 28 and 31 May 2013.

²¹ Detailed analysis of PWC transfers and CBS accounts, 2010-2013.

²² The funds from Libya and Rwanda were originally designated for payment of salaries of MPs.

²³ S/2012/544, annex 1.1, paragraph 50.

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of Daljir Trading is former Mogadishu port manager Sayid Ali Moallim Abdulle (see Annex 5.4).²⁴

29. On 28 October 2009, Yuusuf Sheikh Mohamed of Daljir Trading authorised the payment of 400,000 USD to be sent to Abdirahman Yusuf Omar of Global Creative Agencies Ltd in Nairobi, Kenya (see annex 5.2.k). On 2 November 2009, Minister of Finance Sharif Hassan sent a letter to PWC authorising payment to Daljir Trading through Global Creative Agencies (see annex 5.2.l). On 5 November 2009, PWC authorised and sent the payment (see annex 5.2.m). The Monitoring Group was unable to trace any physical operations of Global Creative. According to sources in the Prime Minister's Office at the time, these funds were not used to purchase supplies for the security forces.²⁵

30. On 16 December 2009, Sharif Hassan sent a letter to PWC concerning 300,000 USD owed to Daljir Trading (see annex 5.2.n). Two additional payments were made by PWC to Daljir to purchase food and subsistence supplies for the security forces. The first payment was made on 17 December 2009 for 140,847 USD (see annex 5.2.o) and the second one on 21 December 2009 for 159,160 USD (see annex 5.2.p). Both payments were made using Libyan and Rwandan funds designated for the salaries of MPs and running costs for ministries and the administration (see annex 5.2.q). The redirection of these funds to Daljir Trading had been permitted by PWC on reassurances from Abdusalam Omer that the remainder of Libyan and Rwandan funds already dispersed would be paid to MPs in a timely manner. Previously, in November 2009, two payments totalling 1.4 million USD had been transferred by PWC to a Dahabshil account in Deira Dubai to support the salaries of MPs (see annex 5.2.r.i-iii). However, by January 2010 the MP salaries had still not been paid (see annex 5.2.s). Again on 1 March 2010, PWC enquired about the status of MP salaries that still had not been paid (see annex 5.2.t). This email was addressed to Abdusalam Omer's junior advisor, Mohamed Abdinur (a.k.a. 'Madeer'), the brother of Finance Minister Sharif Hassan. According to the CBS accounts, these funds were not transferred to the CBS²⁶ and there is no documentation substantiating that MPs were paid from the Dubai account.

African Development Bank and HESPI

31. While the PWC mechanism was still in its initial stages of operations, the TFG began engaging with the African Development Bank (AFDB) regarding a public financial management project. Given Somalia's debt estimated at 3.3 billion USD, which was 81 per cent in arrears, Somalia was unable to obtain funding through commercial banks, and a briefing note was submitted to the AFDB for support to the famine, the internally displaced crisis and capacity building in the Government.²⁷ By 21 November 2009, Abdusalam Omer and

²⁴ S/2012/544, annex 1.1, paragraphs 49-50.

²⁵ Interview with sources working in the Prime Minister's Office, Nairobi, 27 February 2013 and 10 March 2013.

²⁶ Analysis of CBS accounts for 2010.

²⁷ TFG Briefing Paper on Somalia's Normalization of Financial Relations with the African Development Bank.

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Mohamed Abdinur prepared a speech for Sharif Hassan to present to the AFDB in order to obtain a 2 million USD grant for capacity building in public financial management. They sought to emphasise to the AFDB that UN consultants had undermined capacity-building in Somalia and that the grant should be organised around Somali consultants, and in particular the individuals seeking the grant. On 1 December 2009, Aues Scek, a Somali public financial management consultant, emailed the AFDB regarding the implementation of the grant with terms of reference for the PFM Senior Advisor, a curriculum vitae of Abdusalam Omer and a payment schedule (see annex 5.2.u).

32. Abdusalam Omer was duly appointed as the PFM Senior Advisor for the project at the rate of 120,000 USD per annum. Between mid-2010 and November 2012, he received payments for salaries and costs from the AFDB through PWC amounting to 364,000 USD.²⁸ This financed both his role in the project, as well as the Ministry of Finance counterpart to PWC and the donor community.²⁹

33. In addition, payments amounting to 1,150,000 USD were provided to HESPI to undertake capacity-building, CBS support and the drafting of PFM legislation. In March 2011, Ernst & Young completed an audit of the funds dispersed to that date. It found no irregularities with the bookkeeping of HESPI, but provided no supporting documentation.³⁰ More significantly, the report was submitted to Abdusalam Omer as the Senior Advisor for the TFG Ministry of Finance. On 3 March 2011, Abdusalam Omer duly approved the audit, while he was being paid by the project as the PFM Senior Advisor, a clear conflict of interest.³¹

34. Of the 2 million USD grant, according to PWC records (see chart below), at least 81 per cent of the funds were spent on advisor consultancy fees, administration costs and management fees. At present, there has been no verification of the training and capacity-building component of the project.

35. The AFDB commissioned a second audit from Kisaka & Company in April 2013. While the final audit is pending, the auditors found missing documentation at the AFDB and PWC. In April 2012, the Kisaka & Company auditors informed the Monitoring Group that HESPI had refused to meet with them.³²

²⁸ PWC Fund Accountability Statement as at 31 December 2012, p. 23.

²⁹ Service contract for Ministry of Finance support between the TFG Ministry of Finance and Abdusalam Omer, Contract No. MoF/AFDF/03/09, 12 March 2009.

³⁰ The Monitoring Group sought supporting documentation for the audit from the AFDB, but it was not available.

³¹ Ernst & Young, "Auditor's Report and Statement of Expenditure for the Period 01 April 2010 to 30 June 2011.

³² Meeting with Kisaka & Company auditors, Nairobi, April 2013.

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36. On 7 December 2012, the new Minister of Finance, Mohamud Hassan Suleiman, replaced Abdusalam Omer as the representative for the PWC mechanism and appointed Ahmed Hagi Abdullahi and Abdirahman Sharif.³³ Sharif assumed Abdusalam Omer's contract with the AFDB, and his monthly salary of 10,000 USD would be paid from the remaining funds in the

AFDB account of PWC.³⁴

37. In May 2013, the Somalia Parliamentary Finance Committee completed its budget review of the last quarter of 2012. It determined that between October and December 2012, there was a total of 10.3 million USD spent by PWC on the FGS. Out of this amount, 2.3 million USD could not be accounted for.³⁵

Capture of the PFM environment

38. The Monitoring Group has previously documented the phenomenon of the Somali contracting environment and the consequences of the international community transferring risk and responsibility for delivery in the humanitarian context (S/2010/91). The PWC mechanism and the AFDB project represented the development of this phenomenon in the context of PFM. The individuals involved abused development concepts of local ownership and capacitybuilding in order to access resources. It is paradoxical that efforts to achieve financial accountability became vehicles for corruption.

³³ Letter from the Minister of Finance to PWC and donors, 7 December 2012.

³⁴ Meeting with PWC, Nairobi, 17 April 2013.

³⁵ "Somalia Parliament Financial Committee Budget Review Report", 8 May 2013.

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39. Following the announcement at the London Conference on Somalia of 23 February 2012 of a Joint Financial Management Board (JFMB) to be established, an intense period of negotiation between donors and the TFG produced a comprehensive terms of reference.³⁶ The JFMB had been conceived to finally address the mismanagement and misappropriation of public resources in the Somali Government. It was designed to overcome the patterns of corruption and networks of control over public resources. In light of its findings, the Monitoring Group recommended in its previous report an immediate establishment of the JFMB.³⁷ In paragraph 4 of resolution 2060, the Security Council welcomed the establishment of the JFMB. However, subsequently there was insufficient political will to launch it.

40. In particular, on the Somali side, the very individuals involved in capturing the PWC mechanism and AFDB project undermined Somali political support for the JFMB and instead proposed a Financial Integrity Authority. In a familiar pattern, it comprised, amongst others, three PFM consultants, the Minister of Finance and the Governor of the Central Bank, who would, in addition to other functions, coordinate donor funds. It argued:

As UN and private agencies have been used as a conduit and managers of most of the external assistance granted to Somalia in the past twenty years, and the nascent country institutions have been completely bypassed, these decisions have led to emasculation of the Somali Ministry of Finance and central Bank.³⁸

41. The appointment on 13 January 2013 of Abdusalam Omer as the Governor of the CBS in the FGS coincided with the introduction of a new initiative from the Government of Norway. A Special Financing Facility (SFF) would be administered by Norway, which would contribute 30 million USD as the stated shortfall of the 2013 Somali budget. Donor funds would be pooled in an international account and lump sums would be transferred to a government account controlled by the Ministry of Finance to pay for recurrent and capital costs. In its conception, it was effectively the recreation of the PWC mechanism, not as the FMA but again as a transfer agent.³⁹

42. In subsequent iterations of the SFF proposal, the CBS under the new Governor became its financial counterpart. In a second version of 13 February 2013 and a third version of 10 April 2013, the Central Bank was designated to control the government SFF account.⁴⁰ To reinforce the role of the CBS, the recently established President's Policy Unit prepared a proposal to the SFF, dated 9 April 2013, describing the IT, electronic transfer and reporting capabilities of the

³⁶ “Joint Financial Management Board Terms of Reference”, 25 June 2012.

³⁷ S/2012/544, paragraph 115 (a).

³⁸ “Somalia: A Proposal for Setting up a Financial Integrity Authority”, prepared by HESPI, 2012, p. 7.

³⁹ “The Federal Government of Somalia: Financing the First Critical Year”, Nordic International Support Foundation (NISF), 7 January 2013.

⁴⁰ “Public Financial Management Reform in Somalia: The Special Financing Facility (SFF), NISF, 13 February 2013 and 10 April 2013 versions.

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CBS, none of which exist.⁴¹ Indeed, Abdusalam Omer’s own proposal, dated 13 February 2013, which he circulated to donors, sought support to establish these capabilities.⁴²

43. According to SFF Action Plans of 13 February and 10 April 2013, transfers from the SFF international account to the Central Bank-controlled Government account would be made through the *hawala* money transfer system, as in the case of the PWC mechanism.⁴³ In May 2013, with Norway’s support the Ministry of Finance issued a tendering process for the SFF banking services, and awarded the bid to Salaam Africa. The Monitoring Group understands that Salaam Africa bank is an enterprise of Ali Ahmed Nur Jim’ale,⁴⁴ designated by the Security Council for targeted measures. By September 2012, Salaam bank had established investment branches in Mogadishu providing loans against collateral to the growing number of businesses in the city. It was subsequently licensed by Abdusalam Omer after he assumed the office of Governor of the CBS. However, the licensing of banks by the CBS can only be done by the Board of the CBS, which was not in place, and not by the Governor.⁴⁵

44. The modalities of the SFF have been developed on behalf of Norway’s Minister of Development, Heikki Holmås, by a private entity, Nordic International Support Foundation (NISF), formerly headed by the current Special Envoy of Norway to Somalia, Jens Mjaugedal, a candidate supported by The Somali President for the position of Special Representative of the Secretary-General of the new UN Mission for Somalia (UNSOM). The image of Norway’s efforts to support Somalia, however, have been affected by its oil interests in the area (see annex 5.5)

45. The capture of the PFM environment in the FGS by Abdusalam Omer and associates involved with him in the PWC mechanism and AFDB project are likely to undermine technical efforts of the donor community to establish the legitimate, transparent and effective management of public resources. In particular, the model of transferring funds without donor oversight over expenditures throughout the supply chain of procurement proved to have failed. Fiduciary management rather than the transfer of funds requires a different model, entailing at least an adaptation or selective implementation of the JFMB.

⁴¹ CBS, Banking Operations Department, “Guide to the electronic payroll system of the Central Bank of Somalia”, Proposal to the Special Financing Facility (SFF), 9 April 2013.

⁴² CBS, “A New Beginning For The Central Bank of Somalia”, 13 February 2013.

⁴³ “Special Financing Facility: Action Plan”, NISF, 13 February 2013.

⁴⁴ Corroborated by Somalia analyst following a direct discussion with Jim’ale, 7 September 2012, a former member of the Board of the CBS, 20 May 2013, and a Somali banker and associate of Jim’ale, August 2012.

⁴⁵ Former member of the Board of the CBS, 20 May 2013.

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Annex 5.2.a: PWC Contract Signatories

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Annex 5.2.b: Examples of CBS Receipts for Unaccounted for Deposits

Annex 5.2.b.i: Unaccounted for Deposit on 1 June 2011

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Annex 5.2.b.ii: Unaccounted for Deposit on 16 June 2011

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Annex 5.2.b.iii: Unaccounted for Deposit on 29 December 2011

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Annex 5.2.b.iv: Unaccounted for Deposit on 25 January 2012

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Annex 5.2.c: Letter of Request for PWC Funds from MOF Halane

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Annex 5.2.d: PWC Payment Voucher for 5 May 2011

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Annex 5.2.e: Confirmation of Cash Receipt on 16 May 2011

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Annex 5.2.f: Central Bank Deposit Slip Dated 16 May 2011

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Annex 5.2.g: Letter from Minister of Finance Sharif Hassan to PWC

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Annex 5.2.h: PWC Payment Voucher Dated 28 October 2009

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Annex 5.2.i: PWC Letter Authorizing Payment to Abdusalam Omer

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Annex 5.2.j: PWC Payment Voucher for \$400,000

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Annex 5.2.k: Letter from Daljir Authorizing Payment to Global Creative Agencies

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Annex 5.2.l: Authorization from Sharif Hassan for Payment to Daljir

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Annex 5.2.m: PWC Authorization for Daljir Payment

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Annex 5.2.n: Letter from MOF Sharif Hassan to PWC

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Annex 5.2.o: PWC Payment to Daljir on 16 December 2009

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Annex 5.2.p: PWC Payment to Daljir on 21 December 2009

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Annex 5.2.q: Letter from MOF Sharif Hassan Regarding Libyan Funds

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Annex 5.2.r.i: Payment Authorizations & Deposits for MP Pay and Ministries – 3 November 2009

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Annex 5.2.r.ii: Payment Authorizations & Deposits for MP Pay and Ministries – 11 November 2009

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Annex 5.2.r.iii: Payment Authorizations & Deposits for MP Pay and Ministries – 12 November 2009

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Annex 5.2.s: PWC Email Dated 7 January 2010

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Annex 5.2.t: PWC Email Dated 1 March 2010

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Annex 5.2.u: Email from Aues Scek to AFDB

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Annex 5.3: Passport production, corruption and fraud

1. Further to the previous report of the Monitoring Group (S/2102/544), the corruption of the Somali passport has continued according to the same patterns of the past and is still controlled by the same individuals, namely the Director of Immigration, General Abdullahi Gaafow Mohamud and Ambassador Abdulkadir Sheikhey Al-Hatimi of the Dubai General Consulate.
2. Since this continues to undermine the legitimacy and reliability of Somalia's national identity and travel document, many Somalis rely on dual citizenship and multiple passports to travel internationally. Because of Somalia's porous border and its association with Al-Shabaab, organized crime and piracy, many Somalis obtain temporary Somali travel documents from the Embassy in Nairobi to travel to Somalia (see annex 5.3.a). They do this to conceal their travel into Somalia to avoid potential questioning from immigration and customs upon return to their home countries.¹ While most Somalis use such travel documents in good faith to facilitate their passage through Kenya and into Somalia, such documents could also be used for illicit

purposes, by Al-Shabaab and its affiliates, pirates or other criminals to obscure their movements into and out of Somalia.

Mismanagement and insecurity

3. The two main production centres for the Somalia passport are in Dubai and Mogadishu. However, there is no central database or ability to crosscheck applicants.² It is possible for individuals to be approved for a passport in Nairobi after having already obtained one from Dubai. Also, the Monitoring Group was informed that, in October 2012, the database of Mondial Technology Information (MTI) in Dubai crashed and all stored data pertaining to the Somalia passport program was lost.³

4. Further to the findings of the previous Monitoring Group,⁴ Somali passports continue to be issued in false names or with falsified data. Individuals have been able to obtain numerous Somali passports in different names or for others in their name (see annex 5.3.b). The Monitoring Group was informed that Gaafow approved one such passport and Siyad Mohamed Shire, the Consul of Somalia to Kenya, approved another one (see annex 5.3.c).⁵

5. There are no consequences for individuals who use falsified passports. The Italian Embassy in Nairobi identified a woman using a false Somalia passport who was attempting to obtain a visa. The Italian Embassy informed the Somali Embassy in Nairobi. Their response

¹ Information obtained from Somali Government employee, 23 March 2013.

² Meeting with Italian Ambassador to Kenya, Paola Imperiale, Italian Embassy in Nairobi, 14 March 2013. The Italian Embassy has been in contact with the Somali Embassy in Nairobi regarding Somali applicants for Italian visas and was informed that there is no database.

³ Interview with Somali Government official, Nairobi, 10 October 2012.

⁴ S/2012/544, Annex 1.2, paragraph 48.

⁵ Interview with government official eyewitness, Nairobi, 13 March 2013.

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was to issue her a genuine passport and send her back to the Italian Embassy to obtain a visa to travel.⁶

6. The Monitoring Group has obtained evidence that a non-Somali, who is an Al-Shabaab affiliate, was able to obtain a Somalia passport under a false name at the beginning of 2013 and attempted to travel using it (see annex 5.3.d). ⁷ This previously reported problem⁸ is even more troubling given the rise of Al-Shabaab affiliated groups in Kenya and violence attributed to them (see annex 2).

Continuing corruption of the ePassport

7. In the previous report of the Monitoring Group, Abdullahi Elmoge Hersi, the owner of Immigrant Resource Center (IRC) in Minneapolis, Minnesota, U.S.A. stated that he had been awarded the Somalia ePassport contract in the U.S., but at the end of 2010, Ambassador Sheikhey had terminated his contract on behalf of the TFG in favour of a U.S. company in Ohio.⁹ However, IRC's website identifies it as the official issuer of Somalia passports in the U.S.¹⁰ The Monitoring Group was unable to identify a company in Ohio that is performing the same service, and has learnt that many of IRC's employees are from Ohio.¹¹ According to official Somali immigration documents, the listed cost of a passport obtained at Somali embassies or centres outside Somalia is 100 USD, but eyewitnesses in the U.S.A. state that IRC is continuing to charge 350 USD per passport and requiring that all payments be made in cash (see annex 5.3.e).¹² IRC keeps 100 USD for itself and forwards 250 USD to the Somali Embassy in Dubai.¹³

8. The ePassport program is served by the Dubai General Consulate and controlled by Ambassador Sheikhy with the approval of General Gaafow (see annex 5.3.f). After receiving a passport application, IRC emails the applicant's details to Dubai for processing. IRC is

responsible for vetting the applicant and determining eligibility for a Somalia passport. A U.S.A. permanent resident “Green Card” and the ability to speak Somali are deemed sufficient.¹⁴

⁶ Meeting with Italian Ambassador Paola Imperiale, Nairobi, 14 March 2013.

⁷ The Monitoring Group can confirm that a member of an Al-Shabaab affiliate known to the Monitoring Group and who is operating both in Somalia and in the region was issued with a Somali passport by the Somali Embassy in Nairobi in January 2013. In attempting to apply for a visa to a neighbouring country his visa application was rejected. Source?

⁸ S/2012/544, Annex 1.2, paragraph 48-51.

⁹ S/2012/544, Annex 1.2, paragraph 32.

¹⁰ <http://www.ircoffice.com/passports.html>.

¹¹ Information provided by U.S. Government source, 23 April 2013.

¹² Interview with Somali-American, who obtained a Somalia passport from the IRC in Minneapolis, Minnesota, U.S.A. in October 2012, 13 February 2013. See also S/2012/544, Annex 1.2, paragraph 31.

¹³ Interview with Somalia Government official, Nairobi, 16 October 2012, and interview with former MP?, 13 February 2013, Minneapolis, MN, U.S.A.

¹⁴ Interview with U.S. diaspora member who obtained a Somalia passport through IRC, 13 February 2013.

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9. Meanwhile, according to MTI’s accounting statement for the Somali Embassy in Nairobi for the period of 1 January to 2 April 2013, MTI was paid 63,790 USD by the Somalia Government for issuing 1354 adult passports at 35 USD each, as well as 496 children’s passports and 289 express passports at 20 USD each (see annex 5.3.g).¹⁵ The potential revenue for the Somali Government from passports processed just through the Nairobi embassy from January to April 2013 is 103,710 USD. This does not account for passport applications from abroad sent directly to Dubai, providing an additional 150 USD per passport, passports issued from other Somalia embassies or for passports issued inside Somalia. According to MTI’s statements for July 2010 to 31 December 2011, the Somali ePassport and National ID system serves 19 different Somali embassies and consulates and processes applications from inside of Somalia.¹⁶

10. In addition, the Ministry of Immigration is responsible for the collection of visa fees at Aden Adde Airport, Mogadishu, which should also be deposited into the Central Bank. Since the beginning of 2013, an average of 3000 passengers arrived at Aden Adde International Airport each week.¹⁷ Even if conservatively only half of the passengers paid a 50 USD visa fee upon entry, this could potentially amount to 975,000 USD in this time period for visas alone. Combining visa and passport fees, the Ministry of Immigration should have deposited over 1.1 million USD in total for the first three months of 2013, but only 300,000 USD was deposited into the Central Bank.¹⁸ Considering that data for 18 other embassies and from inside Somalia is missing in this calculation, during the first three months of 2013 there is potentially 1 million USD unaccounted for.

11. Furthermore, on 4 November 2012, Abdullahi Elmoge Hersi was appointed as the new Minister of Information and Telecommunications.¹⁹ Historically, this post has been considered a lucrative position with control over revenues that are easily diverted.²⁰ Hersi continues to own IRC and has delegated the running of the business to his wife, Fardousa Yusef.²¹ IRC has two branches in Minneapolis, one located on the first floor of the Karmel Mall, 1 West Lake Street, and one on the second floor of The Village Market, 912 East 24th Street. There is also a branch in Eastleigh, 6th Street, Juba Hotel Building 1st Floor, Nairobi, Kenya. Sources have told the Monitoring Group that Hersi’s appointment was a reward for his participation in the passport program, and an eyewitness observed General Gaafow thanking Hersi for his passport

¹⁵ Interview with FGS source, Nairobi, 23 March 2013.

¹⁶ S/2012/544, Annex 1.2.v.

¹⁷ Based on incoming flight schedule to Aden Adde International Airport during February 2013.

¹⁸ Central Bank deposits from the Ministry of Immigration do not indicate whether they are from passport revenues or another source of income.

¹⁹ <http://www.raxanreeb.com/2012/11/somalia-prime-minister-abdi-announces-new-cabinetministers/>.

²⁰ http://www.transparency.org/files/content/corruptionqas/337_Overview_of_corruption_and_anticorruption_in_Somalia.pdf.

²¹ Interview with U.S. Government source, 6 December 2012.

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work in Minneapolis, saying he hoped that they would continue working together in the future.²²

Threats and violence

12. Following the publication of the previous report of the Monitoring Group (S/2012/544), in mid-August 2012, the Director of Immigration, General Abdullahi Gaafow Mohamud, had the former Deputy Director of Immigration Abdi Barre Jibriil arrested in Mogadishu.²³

Anticipating this, Jibriil wrote a letter on 7 January 2012, addressed to several TFG offices, which stated that if anything were to happen to him, they should consider Gaafow as the suspect (see annex 5.3.h).²⁴ According to Jibriil, he was arrested because he allegedly spoke to the Monitoring Group, and on 31 July 2013, General Gaafow wrote an official letter confirming this accusation (see annex 5.3.i). Gaafow was also overheard saying that he knew that Jibriil had spoken to the Monitoring Group, and if he discovers anyone else having done so, they will receive the same treatment.²⁵

13. Jibriil stated that General Gaafow called him to the courthouse in Mogadishu, where he was detained by Director of the Criminal Investigation Department (CID) Abdullahi Barise, Attorney General Abdullahi Abdi Weheliye and Minister of Interior Abdi Samad Moallin. Jibriil was later informed that Gaafow had paid 75,000 USD to the others to participate in his arrest and detention. Weheliye and several soldiers proceeded to physically assault Jibriil under the direction of Gaafow. They attempted to force him to sign a document disavowing any statements made to the Monitoring Group. Gaafow then threatened to shoot him if he did not recant his statements.²⁶ Jibriil is an important figure in Somalia and Puntland and a U.S. citizen. Because of international press coverage, pressure from Puntland elders and diplomatic intervention, Jibriil was eventually released on 1 September 2012.²⁷ Since the incident, Jibriil has lived in fear for his safety and does not travel alone. Despite the dangers, Jibriil intends to remain in Mogadishu having been elected as a Member of Parliament in 2012.

14. General Gaafow has also been accused of directing threats toward Sanjivan Mukherjee, owner of Just Solution Limited (JSL), which had previously been contracted by the TFG for the production of Somali passports.²⁸ When Mukherjee closed the JSL Dubai office, he shipped his office equipment back to Kenya. Mukherjee stated that employees packing the office accidentally placed the remaining Somali passports and identification cards into boxes with his company's equipment. He intended to return these documents to the Somali Embassy in

²² Eyewitness account on 6 December 2012 at Aden Adde Airport, Mogadishu, Somalia.

²³ <http://www.gadowne.com/2012/08/abdi-barre-yuusuf-jibriil-waa-xildhibaan-cusub-oo-xabsi-lootaxaabey/>.

²⁴ Letter provided by MP Abdi Barre Jibriil to the Monitoring Group.

²⁵ Interview with eyewitness, Nairobi, 10 October 2012.

²⁶ Interview with MP Abdi Barre Jibriil, 13 February 2013, Minneapolis, MN, U.S.A.

²⁷ <http://puntlandi.com/breaking-news-abdi-barre-yusuf-jibriil-regains-his-freedom/>.

²⁸ See S/2012/544, Annex 1.2.a

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Nairobi instead of the Dubai General Consulate of Somalia.²⁹ However, on 15 November 2011, the Kenya Revenue Authority seized the shipment in Mombasa.³⁰ Ambassador Mohamed Ali Nur (Americo) stated publicly that the Somali Government had terminated its contract with JSL because it would not surrender its passport printing machine and claimed that it was illegal for JSL to possess it.³¹ According to former TFG Prime Minister Omar Abdirashid Sharmarke, the termination of the contract surrounded JSL's "failure to streamline operations, improve services and eliminate existing backlog."³² The Somalia Government still owes JSL 1.5 million USD under its previous contract.³³ The Monitoring Group has learnt that the Nairobi Embassy is attempting to negotiate with Mukherjee to drop his demand for payment of the 1.5 million USD, and if he does so they will instruct Kenyan authorities to drop their case.³⁴ Mukherjee has denied being approached about this, and stated that he would not agree to it.

15. Mukherjee's first court appearance regarding his seized shipment was on 12 October 2012, which was attended by General Gaafow and Ambassador Americo. Gaafow approached Mukherjee and began to taunt him, saying, "Where are your UN Monitoring Group friends now?" On 16 October 2012, Mukherjee received several telephone calls in the middle of the night from a private number. When he did not answer his telephone, his wife's telephone began to ring. Mukherjee answered and heard a male voice say, "Sanjiv, we are coming to your house. We will kill you."³⁵ A few days later, four Somali males surrounded him in the parking lot of his office in Nairobi, Kenya. They told him to apologize to the Somalia Government for speaking to the Monitoring Group and he would be forgiven. Otherwise, they said that he would be killed. Mukherjee has had to increase security at his home and office, and is fearful for his safety and the safety of his family.

²⁹ Interview with Sanjivan Mukherjee, Nairobi, 25 October 2012.

³⁰ <http://www.baidoatimes.com/2012/10/13/trial-of-indian-man-accused-of-transporting-fakesomali-passports-starts-in-mombasa/>.

³¹ <http://www.the-star.co.ke/news/article-17811/somalia-wants-held-passports-id-cards-handedembassy>.

³² S/2012/544, Annex 1.2, paragraph 26.

³³ Interview with Sanjivan Mukherjee, Nairobi, 25 October 2012.

³⁴ Interview with Somali government official, Nairobi, 30 October 2012.

³⁵ Interview with Sanjivan Mukherjee, Nairobi, 25 October 2012.

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Annex 5.3.a: Temporary Somali Travel Document

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Annex 5.3.b: Passports for Fadumo Abdi and Siham Nur

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Annex 5.3.c: Passport Changes Approved by Siyad Mohamed Shire, the Consul of Somalia to Kenya

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Annex 5.3.d: Passport Obtained by Non-Somali Using False Name

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Annex 5.3.e: Official Letter from General Gaafow Regarding Cost of Passports

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Annex 5.3.f: Official Letter from General Gaafow giving control of online applications to the Dubai General Consulate

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Annex 5.3.g: Mondial Technology Information Account Statement for 1 January 2013 – 2 April 2013

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Annex 5.3.h: Letter from Member of Parliament Abdi Barre Jibriil

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Annex 5.3.i: Official Letter from General Gaafow regarding MP Abdi Barre Jibriil

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Annex 5.4: Mogadishu port revenue diversion

Port manager Sayid Ali Moalim Abdulle and the TFG legacy

1. In September 2010, Sayid Ali Moalim Abdulle, a close associate of Abukar Omar Adani and a member of the Eel Ma'an group (all named in a previous report of the Monitoring Group (S/2010/91)), was appointed manager of Mogadishu port. The port had a long history of corruption and diversion of the principal internal revenue stream of the Government.¹ According to one estimate,

Sayid Ali, with then Finance Minister Hussein Halane, Prime Minister Mohamed Abdullahi Farmaajo

and President Sharif Sheikh Ahmed, exercised a complete control of the port with the diversion rate reaching 100 per cent.² As a result, by 2012, a number of complaints were lodged against Sayid Ali (see below).

2. The Monitoring Group has documented that Sayid Ali diverted at least 3,415,840 USD from humanitarian shipments during the Somali famine (see annex 5.4.a). Revenue at the port is generated

through two main sources, including customs duty on import and export of cargo, and port charges and handling fees.³ Vessels chartered by humanitarian agencies and other ships transporting humanitarian aid were subjected to illegal taxation at a rate of 36 USD per tonne even though officially humanitarian aid is exempt from customs at the port. Seventeen vessels carrying humanitarian cargo were taxed, amounting to 3,415,840 USD (see annex 5.4.a).⁴ This money was not

deposited by Sayid Ali in any official account of the Government.⁵

3. In addition, aid agencies were overcharged warehouse fees (see annex 5.4.b).⁶ On 29 February 2012, the International Committee of the Red Cross (ICRC) was sent a bill in the amount of 75,520 USD for the storage of 1864 tonnes of rice and 2250 tonnes of beans for 77 days (see annex 5.4.c).

4. Sayid Ali was also able to divert funds by manipulating and retaining port charges. On 18 December 2011, the MV Amal that had been chartered by the World Food Programme for a humanitarian shipment, docked at Mogadishu port. On 25 December 2011, it was charged fees for docking, anchorage, mooring, tug service and security amounting to 10,331 USD (see annex 5.4.d).⁷ On 27 December 2011, Abdulahi Abkow, the representative for Al-Noor Al-Mustaqeem General Trading in Mogadishu, deposited 19,575 USD into the Mogadishu Port Authority's Dahabshiil account #MUQD0008518 (see annex 5.4.e). This included additional stevedoring fees charged for off-loading the vessel.

¹ World Bank, “Financial Diagnostic Assessment”, April 2012, and see S/2012/544, annex 1.1.

² Abdirizak Fartaag, “Public Sector Finance in Somalia”, 21 March 2013. Summary available at <http://www2.lse.ac.uk/IDEAS/programmes/africaProgramme/pdfs/Abdirizak-Fartaag-LSE-IDEASOccasional-Paper-Reconstructing-Somalia-and-the-Politics-of-Public-Sector-Finance.pdf>.

³ World Bank, “Summary of Financial Diagnostic Assessment of ‘Audit Investigative Financial Report 2009-2010’”, 30 May 2012.

⁴ Documents compiled and provided by shippers in Mogadishu and Nairobi.

⁵ This figure is a conservative estimate and corroborated by additional documentary evidence as well as testimony of traders, shippers and port employees between October 2012 and March 2013.

⁶ http://www.somaliareport.com/index.php/post/2389/Supreme_Court_Calls_on_Port_Chairman_to_Resign.

⁷ Document obtained from Mogadishu shipper, Nairobi, September 2012.

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5. On 2 January 2012, Al Mustaqeem received a bill from the Mogadishu Port Authority requesting that they remit an additional 47,292 USD for shore handling of the MV Amal (see annex 5.4.f). On 18 January 2012, Al Mustaqeem sent a letter to the Mogadishu Stevedoring Committee to clarify the tariffs listed on this bill (see annex 5.4.g). The chairman of the Stevedoring Committee, Mohamud Ali Ugas, responded on 19 January 2012, and clarified the tariffs (see annex 5.4.h). He indicated that the actual rate of the tariffs was 4 USD per tonne for all handling charges, while the Mogadishu Port Authority was requesting 8 USD per tonne. C/raxmaan C/laahi Aadan from

the Somali Business Union in Banadir Region also sent a complaint letter regarding the 8 USD per tonne handling fee as inflated by Sayid Ali (see annex 5.4.i).

6. According to Ugas, there had not been any changes to the port charges since 2006, when the TFG took over Mogadishu port. In addition, a change to port fees would require the involvement of the stevedoring and commercial committees (see annex 5.4.h). Since Mogadishu port lacks cargohandling

equipment, it uses stevedores to manually load and offload ships, who have to pay 50 per cent of their earnings to the Mogadishu Port Authority.

7. During this same period, Dr. Cali Maxamed Yuusuf (a.k.a. ‘Cali Yare’) from the Attorney General’s Office sent a letter to the Minister of Ports dated 21 December 2011 regarding further corruption by Sayid Ali (see annex 5.4.b). Allegations of money laundering and illegal collection of national revenues were levelled against Sayid Ali regarding 3,008,700 USD (4,317,500,000 Somali shillings) he collected from truck-owning businessmen at the port, which he claimed would be given

to assist famine victims (see annex 5.4.b).

8. On 16 March 2012, port workers went on strike alleging corruption on the part of the port manager, Sayid Ali, which resulted in the workers not being paid (see annex 5.4.j). Because of Sayid

Ali’s close ties to then TFG President Sheikh Sharif, the workers feared assistance from the Government would not be forthcoming.⁸ Around this time, Ahmed Abdi Hassan, (a.k.a. ‘Watah’) of the Mogadishu Port Labor Office sent a letter to the TFG Prime Minister, Abdiweli Mohamed Ali Gaas, and the international community regarding mismanagement of the port and corruption by Port Manager Sayid Ali (see annex 5.4.k). This was accompanied by a petition from the Stevedoring port employees (see annex 5.4.l). The Mogadishu Port Labor Office noted that the port fails to abide by international port regulations, and lacks rules, regulations and nationally regulated tariffs. They stressed the need for the port to be nationalised and placed under new stricter guidelines. The letter also noted that port revenue is derived from many different sources, some of which may not be accounted for in the Central Bank, but diverted illegally into private accounts. An analysis of deposits

from Mogadishu port into the Central Bank during the period of Sayid Ali’s management clearly

indicates they are sporadic at best, and in some months absent altogether.⁹

⁸ <http://www.raxanreeb.com/2012/03/somalia-mogadishu-port-workers-on-strike-demandingremoval-of-port-management/>.

⁹ Analysis of Mogadishu port deposits from Central Bank records, accessed by the Monitoring Group in February 2013.

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9. In July 2012, Sayid Ali was removed from the position of Mogadishu port manager. Maxamed Colaad Liibaan, the cashier for Mogadishu port, testified on 15 July 2012 that only 7775 USD remained in the port accounts after Sayid Ali left his post (see annex 5.4.m).

New port corruption practices

10. The current port manager, Abdullahi Ali, took office in mid-July 2012. However, Sayid Ali continued to exert influence at the port through the deputy port manager, Ahmed Abdi Kariye (a.k.a.

‘Ahmed Qorqor’) who remained in place. Numerous shippers describe Ahmed Qorqor’s corruption at

Mogadishu port.¹⁰ He altered the modus operandi of diversion to diffuse opposition from traders and the Stevedoring Committee. Instead of overcharging handling fees, he underreported the volume of cargo being imported or exported for customs purposes and made agreements with shippers to split the difference in their savings.¹¹ He is also reported to share these profits with Kamal Hassan Gutale,

the Chief of Staff of the President, from the same Habar Gedir / Suleiman clan.¹²

11. Given the practices surrounding misreporting of cargo, it can be difficult to monitor the type and account for the actual volume of cargo passing through Mogadishu without checking port records

against shipping manifests. In addition, often two manifests exist for ships docking at Mogadishu, a real one and one used for customs purposes with the involvement of port authorities. However, the Monitoring Group has learnt through port employees that there is currently an average of 53 vessels arriving each month at Mogadishu. Of these, 16 are large ships. The average scale of cargo off-loaded

is 125,000 tonnes per month, though in February 2013, a busier month, this figure rose to 140,000

¹⁰ Interviews with numerous shippers and traders in March and April, 2013.

¹¹ Interviews with numerous shippers and traders in March and April, 2013.

¹² Confirmed by two port employees, Mogadishu, 15 October 2012, and an FGS official from the Ministry of Interior, 3 June 2013.

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tonnes.¹³ On 27 May 2013, Deputy Port Manager Ahmed Qorqor claimed that 70 ships were docking

every month.¹⁴ If correct, this would mean up to 165,000 tonnes maybe off-loaded on a regular basis at the port.

12. Prior to 2011, an average of 15 to 20 vessels was docking at the port every month, with 30 per cent of these being larger ships. The potential revenue from this shipping, accounting for 30 per cent

non-taxable humanitarian cargo, would amount to average monthly revenues of 1.9 million USD.¹⁵

While the average number of large ships docking at the port remains 30 per cent of the overall total, the total number of vessels docking per month has doubled if not tripled since the new management took over the port.¹⁶ This indicates that the average monthly revenue from the port should be or exceed 3.8 million per month in import customs fees alone, not accounting for port fees, warehouse

rentals or other charges. However, the average monthly deposit in the Central Bank from Mogadishu port between August 2012 and March 2013 totalled only 2.7 million USD. While there has been an increase in deposits of port revenues in the Central Bank, this is proportionally less than the growth in shipping, indicating a greater rate of diversion at the port. According to another estimate, at least 33 per cent of revenue generated at the port is currently unaccounted for.¹⁷

¹³ Interview with port employee, 25 May 2013.

¹⁴ <http://english.cntv.cn/program/africalive/20120710/100281.shtml>.

¹⁵ World Bank, "Financial Diagnostic Assessment", April 2012.

¹⁶ <http://www.bbc.co.uk/news/world-africa-22404123>.

¹⁷ Abdirizak Fartaag, "Public Sector Finance in Somalia", 21 March 2013.

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13. The Monitoring Group has been unable to obtain a current and official tariff sheet from the port, and different individuals provide varying descriptions of how customs tariffs are determined. On

17 October 2012, the Monitoring Group met with port manager Abdullahi Ali and requested information regarding the tariffs at the port which he refused to provide. He stated that the port was updating its website, and advised that the tariffs would be posted there.¹⁸ To date nothing has been posted, and the website is not updated.¹⁹ However, in 2011, the Ministry of Finance issued new tax guidelines for the port, indicating an export tax in addition to an import tax (see annex 5.4.n). Considering that most vessels load cargo for export to offset the cost of their voyage, this could increase the potential port revenue by another 950,000 USD to 1.9 million USD.²⁰

14. Although there has been an increase in deposits in the Central Bank from Mogadishu port under President Hassan Sheikh's administration, the lack of transparency at the port has enabled continued diversion and corruption. Joint international and Somali management of the port with transparent accounting and regular auditing would assist the FGS in controlling its largest internal revenue stream.

¹⁸ Interview with port manager Abdullahi Ali, Mogadishu, 17 October 2012.

¹⁹ <http://www.mogadishoport.com/pages/> - this website currently lists Sayid Ali Moalim Abdulle as the port manager.

²⁰ Estimate based on 25-50 per cent of potential revenue from export customs.

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Annex 5.4.a: List of Humanitarian Ships Charged Taxes

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Annex 5.4.b: Attorney General's Office Letter Regarding Sayid Ali

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Annex 5.4.c: Mogadishu Port Authority Bill to ICRC

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Annex 5.4.d: Mogadishu Port Authority Receipt for MV Amal

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Annex 5.4.e: MV Amal Dahabshiil Deposit Receipt

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Annex 5.4.f: Mogadishu Port Authority Bill for MV Amal

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Annex 5.4.g: Al Mustaqeem Letter to Stevedoring Committee

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Annex 5.4.h: Official Letter From Stevedoring Committee

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Annex 5.4.i: Official Letter from Banadir Somali Business Union

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Annex 5.4.j: Stevedoring Lost Income for One Month

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Annex 5.4.k: Mogadishu Port Labor Office Complaint Letter

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Annex 5.4.l: Stevedoring Port Employee Petition

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Annex 5.4.m: Mogadishu Port Cashier Testimony of Funds Remaining

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Annex 5.4.n: 2011 Port Tariff Sheet

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Annex 5.5: Somalia's petroleum sector: threats to peace and security and corruption risks

Threats to Peace and Security

Divergence of the Somali Provisional Constitution and the Petroleum Law

1. Fundamental discrepancies exist between Somalia's Provisional Constitution, adopted by the National Constituent Assembly (NCA) on 1 August 2012, and the Transitional Federal Government (TFG) Petroleum Law of Somalia, gazetted on 7 August 2008.¹ The Somali Constitution gives considerable autonomy to regional Governments to enter into commercial agreements, independently

from the central Government. However, the Petroleum Law, which has not been adopted by the FGS

parliament but which is nonetheless currently being invoked by FGS officials in Mogadishu, states that the central Government enjoys the privilege to distribute natural resources (see annex 5.5.a for relevant sections of the Petroleum Law).² These inconsistencies, unless resolved, may lead to increased political conflict between Federal and regional Governments that risk exacerbating clan divisions and therefore threaten peace and security.

2. Article 44 of the Provisional Constitution states that *"the allocation of the natural resources of the Federal Republic of Somalia shall be negotiated by, and agreed upon, by the*

Federal Government and the Federal Member States in accordance with this Constitution”.

3. In addition, article 54 also states that *“the allocation of powers and resources shall be negotiated and agreed upon by the Federal Government and the Federal Member States (pending the formation of the Federal Member States) except in matters concerning A) Foreign Affairs; B) National Defence; C) Citizenship and Immigration; D) Monetary Policy, which shall be the powers and responsibilities of the federal government”.*

4. Finally, article 142 states that *“until such time that all the Federal Member States of Somalia are established and the adopted Federal Member State Constitutions are harmonized with the Somali Federal Constitution, the Federal Member States existing prior to the provisional adoption of this Provisional Constitution by a National Constituent Assembly shall retain and exercise powers endowed by their own State Constitution”.*

5. On the other hand, article 3 of the 2008 TFG Petroleum Law states that *“petroleum belongs to the Somali nation and it will be protected and distributed by the central government and its agencies according to the law of the Republic of Somalia”.* Under Article 7, the law states that *“all agreements pertaining to petroleum that were signed after 1991 with the entities purporting to be governments of all or any part of Somalia are considered non valid agreements”.*

¹ Petroleum Law of Somalia Law No. XGB/712/08 dated 6 August 2008.

² See http://somalianews.files.wordpress.com/2012/07/120708-harmonized-draft-constitution-engtran_incl-errata-changes.pdf for copy of the Provisional Constitution, which was ratified on

1 August 2013.

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6. While the Petroleum Law also states that revenues derived by petroleum resources would be divided between the Federal and regional Governments subject to further legislation, the Monitoring Group is not aware of any revenue sharing formula that has been adopted or meaningful discussions between the FGS and the regions on the issue of ownership and licensing of petroleum resources.

7. In the absence of clear agreements between Federal and regional Governments, continuing oil industry activity may therefore constitute a threat to peace and security until the FGS and its regional Governments can overcome such constitutional and statutory discrepancies. Conflict between the Federal Government and regional authorities

8. The changeover from a Transitional to a Federal Government in Somalia has sent a strong signal to many oil companies who have waited since the collapse of the state of Somalia in 1991 to renew their prior licenses that were placed on hold on grounds of *force majeure*.

Many oil companies are now considering resuming oil exploration across the country especially since technological advances in the oil industry since 1991 have made the discovery of oil reserves more probable. For a map and list of prior holders, see annex 5.5.b.

9. Negotiations to reactivate prior licenses are currently underway and are being led by a number of former TFG officials who purport to represent the Somali Petroleum Company (SPC) and who have been re-appointed by the FGS. According to official letters of appointment that were obtained with the Monitoring Group, the key officials in question are:

1) Dr Hussein Ahmed, the director of the SPC.

2) Dr Abdullahi Haider, Special Adviser to the TFG Minister of Petroleum Affairs, and unofficial Special Adviser of President Hassan Sheikh Mohamud on oil issues.³

3) Patrick Mollière, Adviser to the Somali Federal Government on Petroleum Affairs.⁴

10. Abdullahi Haider has publicly maintained that oil licenses awarded by regional governments are illegal and that prior license holders will be considered as privileged partners,

over and above any licenses that have already been granted by regional governments, notably Puntland and Somaliland.⁵

³ Meeting with a Nairobi-based US diplomat, 30 May 2013.

⁴ The Group has seen a 17 February 2013 appointment letter for Patrick Mollière signed by FGS Minister of Natural Resources Abdirizak Omar Mohamed. Mollière had previously been appointed on 14 January 2012 by TFG Minister of Water, Energy, Petroleum and Mineral Resources, Abdulkadir Mohamed Diesow, where he was thanked for his work for the Somali Government for the prior six years. In addition, Mohamud Olow, Somalia Ambassador to Indonesia is regularly privy to internal SPC discussions. Olow was involved in obtaining financing from Indonesian oil and gas company MedcoEnergi for the drafting of the 2008 Petroleum law, the costs of which are now to be offset by the award to MedcoEnergi of Somali oil acreage.

⁵ Haider was quoted as “a senior adviser to Somalia's Ministry of Energy” in a 2 October 2012 article by Reuters as saying prior holders would be “given priority”.

See <http://www.reuters.com/article/2012/10/02/somalia-oil-exploration-idUSL6E8L2O7D20121002>.

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11. Several prior license holders, who are supported by the petroleum team above, are in open conflict with regional governments who since 1991 have signed new deals with oil companies, some

of which directly overlap with prior license holders. Examples of such conflict include the following

cases:

1) The FGS considers the activities of the Africa Oil consortium in Puntland as illegal. US oil major ConocoPhillips continues to claim territory being exploited by Africa Oil as part of its prior license (see annex 5.5.c.).

2) BP is currently in conflict with South African oil firm Ophir Energy Limited, which has been licensed by the government of Somaliland to operate in blocks defined by the Somaliland authorities as SL9 and SL12.⁶ Some of Ophir's claims clash with blocks 35 and M-10A, which are claimed by BP (see annex 5.5.d. for map and 5.5.e. for BP's claim).⁷

3) Norwegian oil company DNO entered into a Production Sharing Contract with the authorities of Somaliland in April 2013.⁸ The area under contract clashes with a prior license held by ConocoPhillips.

4) The FGS also challenges the legality of recent agreements between the Somaliland authorities and Anglo-Turkish oil company Genel Energy, which in 2012 was awarded a 75 per cent interest in what is referred to as the Genel Block, and a 50 per cent interest in the Odewayne Production Sharing Agreement (PSA).⁹

5) US oil firm Liberty Petroleum, through its affiliate Petro Quest Africa, has signed a Production Sharing Agreement with the regional government of Galmudug, which has been upheld by a 19 March 2013 Somali Supreme Court ruling.¹⁰ The area licensed by Galmudug to Petro Quest Africa, however, falls into a prior license claimed by Shell (see annex 5.5.f.).

⁶ Also see <http://www.ophir-energy.com/our-assets/our-assets.aspx>.

⁷ Also see <http://somalilandtimes.net/199/22.shtml>, original source The Economist Intelligence Unit, 2005.

⁸ See <http://www.dno.no/dno-operations/somaliland/>.

⁹ See <http://www.genelenergy.com/operations/somaliland.aspx> for details of Genel Energy's licenses in Somaliland. In an interview with the Monitoring Group on 12 March 2013, an FGS oil official claimed that the 2012 Genel Energy agreements with Somaliland were illegal. Genel Energy meanwhile has announced it will drill two wells in the Genel Block by 2015. See 30 October 2012 article: <http://www.reuters.com/article/2012/10/30/somalia-exploration-somalilandidUSL5E8LUDPU20121030>.

Genel Energy CEO is Tony Hayward, who is on the board of Londonlisted commodities trader Glencore. Hayward's chairman at Glencore, Simon Murray, has announced in 2012 that he would be chairing a new private security operation, Typhon, to counter piracy in Somali waters, see: <http://www.bbc.co.uk/news/world-africa-18209357>; <http://www.telegraph.co.uk/news/worldnews/piracy/9016188/Typhon-fights-back-againstpirates.html>.

¹⁰ Sources within the FGS argue that the Supreme Court ruling, signed by the President of the Supreme Court Aided Abdullahi Ilkahanaf, was motivated by his loyalty to Qeybdiid over and above existing Somali law.

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Oil negotiations in Galmudug State

12. Apart from the Petro Quest Africa deal, the Monitoring Group has obtained information of engagement between Abdi Hasan Awale Qeybdiid (Hawiye / Habar Gedir / Sa'ad), the President of Galmudug state in central Somalia, and a number of other oil companies. The Monitoring Group has obtained email correspondence documenting negotiations between GTC Global, a Houston-based oil servicing company, and Abdi Hasan Awale 'Qeybdiid'. The correspondence details a request for 3.5 million USD made by the government of Galmudug as part of a PSA that was being negotiated with GTC Global at the time the correspondence was written on 18 August 2012 (see annex 5.5.g.).

13. The Monitoring Group has been in contact with a representative of GTC Global who said the company did not pay any money to the government of Galmudug, and who claimed that the government of Galmudug has instead entered into negotiations with several other oil companies.

14. On 11 October 2012, a delegation composed of Alain Madelin, former French Finance Minister, Philippe Bohn, former Africa Director and adviser to the Strategy Director for EADS, a French journalist from *Le Figaro*, Renaud Girard,¹¹ and Abshir Aden Ferro, a French-Somali businessman, travelled by road from Galkayo to Hobyo, escorted by Qeybdiid and his militia.¹² *President Qeybdiid, Abshir Aden Ferro and Alain Madelin, on the road back from Hobyo to Galkayo, on 11 October 2012 (see additional photographs in annex 5.5.h.)*

¹¹ Renaud Girard, « Expédition dans le fief des pirates somaliens », *Le Figaro*, 15 October 2012.

¹² The delegation had to leave Hobyo soon after its arrival, after being attacked by two pick-up trucks mounted with anti-aircraft weapons, reportedly belonging to Suleiman militias; "Heavy fighting erupts in Hobyo district of Mudug region", Raxanreeb, 11 October 2012, and "Pirates 'expel' Qeybdiid from Hobyo", Radio Bar Kulan, 11 October 2012.

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15. According to a confidential source with extensive knowledge of oil negotiations in Galmudug, the French delegation of businessmen travelled to Galkayo and Hobyo on behalf of Total, a French oil company.¹³ Nevertheless, during a meeting with the Monitoring Group, Abshir Aden Ferro denied Total's involvement in this project, and refuted the existence of a project aimed at establishing a counter-piracy programme in the Mudug region.¹⁴

16. It is indeed not clear what was the real aim of such a high-level, although unofficial, French delegation.¹⁵ However, the Monitoring Group has received information confirming the association between the Galmudug authorities and a group led by Abshir Aden Ferro, with included also Chris Moore, former Drum-Cussac President for North-America, and a representative of the French consortium Sea Protection for Horn of Africa (SEAPHORA), Vincent Clouzeau.¹⁶ The group promotes the creation of the "Galmudug Anti-Piracy Task Force" (GAPTF), and during the fall of 2012 was lobbying the international community for support and funding.¹⁷

17. The clashes between Suleiman and Sa'ad militias were directly related to the visit of Hobyo by the French businessmen. Following their visit to Hobyo, the President of the Himan

and Heeb administration, based in Adado, released a public statement on 13 October 2012 condemning the President of Galmudug, Abdi Qeybdiid, for fuelling the conflict in Hobyo through his attempt to take full control of the town.¹⁸

18. The situation in the Mudug region is particularly tense, with long-standing disputes over grazing land, water points but also the port city of Hobyo, between two sub-clans of the Hawiye / Habar Gedir, the Suleiman, dominant in the Himan and Heeb administration, and the Sa'ad, who control the Galmudug State of Somalia. As also demonstrated in annex 3.2., intraclan rivalries remain high within the Sa'ad, in particular between the Hilowe sub-clan of President Qeybdiid and other sub clans. It is therefore the understanding of the Monitoring Group that, in this context, such activities of foreign companies in the Galmudug State of Somalia represent an additional threat to peace and security in the region.

¹³ Meeting with a confidential source working in the oil industry, Dubai, 9 March 2013.

¹⁴ Meeting with Abshir Aden Ferro, Nairobi, 18 January 2013.

¹⁵ Meeting with a Nairobi-based French diplomat, 12 November 2013.

¹⁶ During hearings of the Defence Committee of the National Assemblée on 9 November 2010, the rapporteur Christian Ménard revealed that EADS, alongside Thalès, DCNS and Altran, was part of SEAPHORA. This consortium was created at the initiative of the Industry Minister, Christian Estrosi, with the support of the French Presidency; accessed at <http://www.assembleenationale.fr/13/cr-cdef/10-11/c1011014.asp> on 8 June 2013.

¹⁷ Email communication with a diplomatic source, 11 November 2012.

¹⁸ Confidential security report, 16 October 2012 ; Galmudug authorities responded by qualifying the accusation from Himan and Heeb administration as “improper” and claiming that Hobyo has always been and always will be ruled by Galmudug.

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Conflict between regional states, self-proclaimed administrations and local militias

19. Facts about the existing licences awarded by both Somaliland and Puntland demonstrate the potential flashpoints that exist over oil exploration in the disputed area of Sool and Sanag regions.

On the left, a map representing block SL18,¹⁹ awarded by Somaliland and fully owned by Oslo-based DNO International; on the right, illustration of the Nugal block, awarded by Puntland

to the consortium led by Africa Oil, a company owned by the Lundin Family²⁰

20. The two maps above, extracted from official websites of DNO International and Africa Oil, indicate the locations of the two blocks included in the PSAs signed respectively with Somaliland (SL 18) and Puntland (Nugaal Block). According to these maps, it seems evident that block SL 18 and the Nugaal block are overlapping.

21. Potentially, it means that exploration operations in these blocks, conducted by both DNO and Africa Oil under the protection of regional security forces, its allied militias or private forces, could generate a new conflict between Somaliland and Puntland, and affiliated proxies over the control of the Sool and Sanag regions. On 6 December 2012, Puntland has already issued a press release entitled “Puntland Cautions Oil Exploration Attempts in Sool Region May Trigger Conflict”.²¹

¹⁹ Accessed at <http://www.dno.no/dno-operations/somaliland/> on 25 April 2013.

²⁰ Accessed at <http://www.africaoilcorp.com/s/Puntland.asp?ReportID=505141> on 26 April 2013.

²¹ Press Release, Garowe, Puntland, 6 December 2012.

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22. During a 2012 meeting, the representatives of Africa Oil in Nairobi²² strongly stated that the company will not conduct any activity in the Sool region of Somalia, despite the fact

that “the company disputes the claims of the Republic of Somaliland” on the Nugaal block.²³

23. However, in its response to the Monitoring Group’s letter, DNO International failed to comment on the impact of oil exploration operations on peace and security in the Sool and Sanag regions.²⁴ Moreover, the letter states that “the Government of Somaliland will provide DNO with designated security forces to ensure the security of all personnel and property in connection with DNO’s activities”, adding that “DNO will engage a private security contractor to provide advice to DNO and coordinate day-to-day security activities”.

24. In addition, the President of the self-declared State of Khatumo, Mohamed Yusuf Jaamac, denounced in a letter dated 28 April 2013 to the executive chairman of DNO International, Bijan Mossavar-Rahmani, the legality of the PSA, claiming also that “your deal with Somaliland [...] fuel [sic] the conflict in northern Somalia” (see annex 5.5.i.). The day after, the “forum for peace, unity and development” of the Khatumo State addressed a similar letter to the director of corporate communication and public affairs of DNO International. The document says:

In the case of our Khatumo State, [Somaliland militias] only occupy our regional capital Lascanod which is expected to be liberated in due course. Otherwise, the rest of our State, including this so called Block SL 18, is fully under our control (see annex 5.5.j.).

25. The Monitoring Group also understands that Africa Oil may start exploring in the Nugaal block in the event that a competitor begins with their own explorations in an area included in the PSA assigned by the Puntland Government to Africa Oil.

26. Therefore, the Monitoring Group is deeply concerned by the fact that protection of oil exploration operations may lead to a new armed conflict for the control of the disputed areas between Somaliland, Puntland and Khatumo militias. Moreover, it is alarming that regional security forces and armed groups may clash to protect and further western-based oil companies interests. In this case, the involvement of a Norwegian company on one side, and of a Swedish-owned/

Canadian-based company on the other, is even more disturbing, considering the longstanding implication of Norway and Sweden in promoting peace and dialogue in Somalia.

Conflict between Somalia and Kenya over the maritime boundary

27. Somalia and Kenya have differing interpretations of their maritime boundary and associated offshore territorial rights. Currently, Somalia claims its maritime boundary with Kenya lies perpendicular to the coast, though this boundary is not enshrined in a mutually

²² Meeting with Africa Oil representatives, Nairobi, 19 March 2012.

²³ Accessed at <http://www.hornpetroleum.com/i/pdf/2011-YE.pdf> on 10 May 2013.

²⁴ Letter to the Secretary of the Committee on Somalia and Eritrea, 14 May 2013.

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accepted agreement with Kenya, which envisages the maritime boundary as being defined by the line of latitude protruding from its boundary with Somalia.²⁵

Map of disputed offshore zone between Somalia and Kenya, including positions of Kenyan issued oil licenses

28. The FGS has thus refused to recognise oil licenses granted to multinational companies by Kenya and which protrude into waters defined as Somali according to that perpendicular demarcation line. Oil multinational companies affected by the FGS opposition have included French oil company Total (Kenyan license L22), Italian major ENI (Kenyan licenses L21, L23 and L24), US oil firm Anadarko (Kenyan license L5) and Norway’s majority state-funded Statoil²⁶ (Kenyan license L26) (see again annex 5.5.k for a more detailed map of disputed oil

licenses).

²⁵ Kenya claims that a **Memorandum of Understanding** (MoU) **signed** with Somalia's TFG in April 2009 set the border running east along the line of latitude. However, Somalia claims that the purpose of the MoU was not to demarcate the maritime boundary but rather to grant non-objection to Kenya's May 2009 submission of claim²⁶ to the UN Commission on the Limits of the Continental Shelf to delineate the outer limits of Kenya's continental shelf beyond the 200 nautical mile limit. (Each country's claim requires proof of cooperation with its neighbors.) Since it was not ratified by the parliament, Somalia **claimed** that the MoU did not, in fact, have legal basis. Somalia's parliament **rejected** this MoU in August 2009, claiming that Somalia was adhering to the appropriate requirements for delimitation of the continental shelf – not agreeing to a maritime boundary with Kenya. See Lesley Anne Warner, "East Africa's Oil/Gas Rush Highlights Kenya-Somalia Maritime Border Dispute", available at <http://lesleyannewarner.wordpress.com/2012/07/21/east-africas-oilgas-rush-highlights-kenyasomalia-maritime-border-dispute/>. On the 6 June 2013, the Office of the Prime Minister in Somalia issued a statement saying that the council of ministers had decided that The Federal Government of Somalia does not consider it appropriate to open new discussions on maritime demarcation or limitations on the continental shelf with any parties.

²⁶ See <http://www.statoil.com/annualreport2011/en/shareholderinformation/pages/majorshareholders.aspx> for precise statistics on Norwegian government holdings in Statoil.

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29. The FGS has persuaded Statoil, Anadarko and Total to withdraw their claims that partially infringe on Somalia's demarcation line. However, ENI, which has been allocated three licenses that fall within the Somalia's definition of Somali waters has yet to withdraw its claims at the time of submission of this report.²⁷ The remaining dispute between ENI and the FGS, and the persistence of a contested perpendicular line of demarcation, may serve to create further animosity between the Governments of Somalia and Kenya at a time when both are at loggerheads over the creation of a political administration in Jubaland.

30. This territorial dispute could exacerbate tensions between Somalia and Kenya that have already been sharpened by political disagreements over the control of Kismayo and the Jubaland territory (see annexes 3.3 and 9.1).

Corruption Risks

Conflicts of interest surrounding the adoption of an Exclusive Economic Zone for Somalia.

31. Since 1972, Somalia has claimed an extension of its territorial sea from 12 to 200 nautical miles. However, article 3 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) limits coastal States to claim a maximum territorial sea of 12 nautical miles from the coast. Although Somalia signed UNCLOS in 1982, there has been considerable confusion over whether Somalia's national legislation has been harmonised to give recognition to the UNCLOS regime.²⁸ On 1 May 2013, however, President Hassan Sheikh issued a statement announcing that the FGS has identified a 1988 law which puts Somalia fully in compliance with UNCLOS, and which would allow Somalia to implement an Exclusive Economic Zone (EEZ), where territorial control would be limited to 12 nautical miles but where Somalia would continue to claim sovereign rights to explore, exploit, conserve and manage natural resources that exist within 200 nautical miles of its coast.

32. Once Somalia adopts the EEZ under the UNCLOS regime, Somalia and Kenya would be required to initiate a separate process to negotiate a mutually acceptable maritime boundary. This would open the possibility of an adjustment of the maritime boundary from its perpendicular position towards a position following the line of latitude.²⁹ Such a shift would effectively place some if not all of the disputed licenses mentioned above back into Kenyan

²⁷ In November 2012, an FGS oil official informed ENI in writing that the three other oil majors had

withdrawn their claims from Kenyan waters. In February 2013, the FGS was still in negotiations with ENI regarding the withdrawal of their claim, but in email correspondence also left open the possibility of negotiating a prior license which is situated in Puntland.

²⁸ See Thilo Neumann and Tim Rene Salomon, “Fishing in Troubled Waters – Somalia’s Maritime Zones and the Case for Reinterpretation”, *Insights*, American Society of International Law, 15 March 2012.

²⁹ According to a maritime lawyer interviewed by the Monitoring Group on 22 April 2013, should Somali MPs vote for an EEZ, the boundary would be identified through a process of negotiation between the Somali and Kenyan Governments under international mediation, and would likely shift from a perpendicular position towards a position of latitude, given previous precedent set in the East African region, particularly in relation to the Tanzanian-Kenyan maritime border.

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waters. It is for this reason that on 8 October 2011 the Somali MPs voted down attempts to introduce an EEZ during the Roadmap process.³⁰

33. The Monitoring Group understands that Kenya suspended Norwegian oil company Statoil from block L26 in late 2012, as the company was unwilling to meet financial obligations of developing exploration activities in the block while legal uncertainty prevailed over the Kenyan-Somali maritime boundary.³¹ However, a Kenyan Government official has confirmed that Statoil has nevertheless expressed interest in returning to develop L26 should the maritime boundary dispute be resolved in favour of Kenya.³²

34. The Monitoring Group has obtained information of attempts by the Norwegian Government to influence Somali parliamentarians and other FGS officials to adopt the EEZ for Somalia, which, as explained above, would lead to a separate process of redrawing of the maritime boundary towards a line of latitude.

35. Norway has been involved in attempts to introduce the EEZ onto the parliamentary agenda since at least 2008, when former UN SRSG for Somalia Ahmedou Ould Abdallah initiated the preparation of preliminary information indicative of the outer limits of the continental shelf on Somalia. At the time this was conducted, Statoil had no commercial interest in Somalia.³³ However, efforts by Norway to lobby Somali officials to adopt the EEZ now coincide with current Norwegian interest in the fate of L26 as well as with Norwegian involvement in the application of a Special Financing Facility (SFF) donor fund of \$30 million which has been allocated under the management of FGS officials with a track record of corruption (see annex 5.2).

36. Indeed, between 6 and 13 April 2013, two non-governmental organisations, the Oslo Center and the National Democratic Institute, hosted several Somali MPs, including the FGS speaker of parliament and Norwegian national, Mohamed Osman Jawari, on a Study Tour for the Federal Parliament of Somalia, in Oslo. The week-long programme included a briefing on the SFF by Norway’s Special Envoy to Somalia, Jens Mjuagedal, and Senior Advisor, Rina Kristmoen, as well as a briefing on Norwegian legal assistance to Somalia for the establishment of an internationally-recognized EEZ. Former Norwegian oil minister Einar Steensnaes also briefed on the issue of management of natural resources (see annex 5.5.1. for programme).

³⁰ See http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_The_Roadmap_Gets_a_Tear_on_the_EEZ.shtml.

³¹ Kenyan Energy ministry Permanent Secretary, Patrick Nyoike was quoted in the financial press on 5 November 2012 as suggesting Statoil was relieved of L26 due to failing to honour a 3-D seismic development plan, see <http://www.businessdailyafrica.com/Corporate-News/Kenya-expels-oil-giant-Statoil-from-exploration-plan-/539550/1612432/-/708r31z/-/index.html>. However, a Kenyan Government official interviewed in April 2013, said he had been informed that Statoil did not want to take the risk of developing L26 while the maritime boundary was still in legal dispute.

³² Interview, 12 May 2013.

³³ See Norwegian Foreign Ministry website:

http://www.regjeringen.no/en/dep/ud/press/news/2009/shelf_assistance.html?id=555771. L26 was negotiated in 2012, see <http://www.trademarksa.org/news/norwegian-firm-statoil-joins-search-oilkenya>. S/2013/413

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37. In this way, Norway's development assistance to Somalia may therefore be used as a cover for its commercial interests there. Norway's Minister of International Development, Heikki Eidsvol Holmås has, however, publicly denied any link between Norway's assistance to Somalia in establishing its continental shelf rights and any commercial oil interest.³⁴

Transparency and Capacity Issues within SPC and SPA

38. The Monitoring Group has identified shortcomings in transparency and capacity of Somalia's petroleum institutions, the SPC and the Somali Petroleum Authority (SPA). Such issues need addressing in order to mitigate potential risks of corruption.

39. The FGS has already begun negotiations with seismic companies³⁵ that have been invited to Somalia ahead of a planned oil-licensing auction. The FGS has also conducted negotiations with oil majors BP, Chevron, ConocoPhillips, ENI, Shell and Total, all of whom have been approached in relation to reactivating commercial activity. The SPC Director, Hussein Ahmed, has also been quoted confirming that a number of the above companies have committed to returning to Somalia.³⁶

40. However, the SPC is not the *de jure* organisation to handle such agreements. The SPC is conceived primarily as a commercial enterprise with rights to participate in any PSA (see Article 20 of the Petroleum Law, annex 5.5.a) up to a maximum of 30 per cent (see Article 35 of the Petroleum Law, annex 5.5.a). Indeed, it is the SPA that should be a regulatory body primarily responsible for the grant of PSAs (see Article 19 of the Law, annex 5.5.a).

41. Given the nascent status of the Somali petroleum institutions, however, it is clear that there is already a blurring of responsibilities with the SPC director and his advisors already taking charge of regulatory matters and discussions with potential investors in the Somali oil sector. In particular, such a situation could cause conflicts of interest should the SPC award licenses to foreign oil companies while it negotiates its own commercial participation in such licenses.

42. In addition to this, SPC officials have been discussing the registration of the SPC as a commercial entity in one of several offshore jurisdictions, notably the British Virgin Islands, Singapore or Abu Dhabi.³⁷ As explained by an FGS oil official this discussion took place because the SPC has failed to open a hard currency bank account due to concerns by various banks about the SPC being wholly Somali domiciled, and the reputational risks that would entail.³⁸

³⁴ See <http://www.ft.com/intl/cms/s/0/a6d5d1b6-bd9f-11e2-a735-00144feab7de.html>.

³⁵ Spectrum, TGS Nopec, CGG Veritas and Schlumberger are all companies that have been named as invitees.

³⁶ See <http://www.raxanreeb.com/2013/04/somalia-government-plans-to-sign-30-oil-and-gas-production-sharing-contracts/>, 18 April 2013, original source Bloomberg News.

³⁷ Email correspondence dated 9 January 2013 between FGS oil officials, obtained by the Monitoring Group.

³⁸ Meeting with FGS official, 12 March 2013.

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43. The Monitoring Group therefore recommends urgent international support to the Somali Government to strengthen capacity within the SPA and to create an independently managed *cadastre* of oil licenses, which should be linked to a clear financial trail for any signature fees collected during any licensing and re-licensing of oil acreage. Both oil companies and the Somali Government should openly declare such signature fees, as per best practice advocated

by the Extractive Industries Transparency Initiative (EITI). The SPA should have an independent sovereign bank account managed as part of a credible public financial management agreement between the Somali government and credible donors who support capacity building initiatives.

44. Should the SPC be registered in an offshore jurisdiction, the Monitoring Group believes this may create difficulties in creating a transparent environment for credible independent audits, as mandated by Article 44 of the 2008 Petroleum Law. An offshore registration may increase the risk of an SPC account with hidden beneficiaries, unless such an account is clearly marked as a sovereign account, and all receipts can be accounted for under the terms of published contracts between the SPC and its partners, which should also be subjected to a credible and independent audit on a regular basis.

45. Without such institutional safeguards in place, the Monitoring Group is of the view that oil licensing fees and future oil revenues will remain at risk of being diverted, thereby representing a corruption risk, but also straining relations between the FGS and regional governments.

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Annex 5.5.a: Excerpts of the 2008 TFG Petroleum Law

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Annex 5.5.b: Map and list of prior license holders

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¹ Pecten Somalia is a subsidiary of Shell

Block Name Group Name Company Name Interests (per cent)

Block 25 PHILLIPS Phillips Petroleum Corp Somalia 100

Block 31 AGIP 1 Agip (Africa) Ltd 50

Block 31 AGIP 1 Texaco Inc 50

Block 06 AMOCO 2 Agip (Africa) Ltd 50

Block 06 AMOCO 2 Amoco Somalia Petroleum Co 50

Block 09 AMOCO 2 Agip (Africa) Ltd 50

Block 09 AMOCO 2 Amoco Somalia Petroleum Co 50

Block 12 AMOCO 2 Agip (Africa) Ltd 50

Block 12 AMOCO 2 Amoco Somalia Petroleum Co 50

Block 27 CONOCO 1 Continental Oil Co 50

Block 27 CONOCO 1 Du Pont E & P No 1 B.V. 10

Block 27 CONOCO 1 NMC Somalia Oil Expl. Co Ltd 15

Block 27 CONOCO 1 Phillips Petroleum Corp Somalia 25

Block 28 CONOCO 1 Continental Oil Co 50

Block 28 CONOCO 1 Du Pont E & P No 1 B.V. 10

Block 28 CONOCO 1 NMC Somalia Oil Expl. Co Ltd 15

Block 28 CONOCO 1 Phillips Petroleum Corp Somalia 25

Block 29 CONOCO 1 Continental Oil Co 50

Block 29 CONOCO 1 Du Pont E & P No 1 B.V. 10

Block 29 CONOCO 1 NMC Somalia Oil Expl. Co Ltd 15

Block 29 CONOCO 1 Phillips Petroleum Corp Somalia 25

Block 30 CHEVRON Chevron Corp 100

Block 32 CHEVRON Chevron Corp 100

Block M-11 CHEVRON Chevron Corp 100

Block 33 CONOCO 2 BG Somalia SA 25

Block 33 CONOCO 2 Continental Oil Co 60

Block 33 CONOCO 2 NMC Somalia Oil Expl. Co Ltd 15

Block 34 CONOCO 2 BG Somalia SA 25

Block 34 CONOCO 2 Continental Oil Co 60

Block 34 CONOCO 2 NMC Somalia Oil Expl. Co Ltd 15

Block 35 AMOCO 1 Amoco Somalia Petroleum Co 50

Block 35 AMOCO 1 Gulfstream Resources Canada Ltd 10

Block 35 AMOCO 1 International Petroleum Corp 20

Block 35 AMOCO 1 Murphy Eastern Oil Co 10

Block 35 AMOCO 1 Neste Oy 10

Block M-10A AMOCO 1 Amoco Somalia Petroleum Co 50
Block M-10A AMOCO 1 Gulfstream Resources Canada Ltd 10
Block M-10A AMOCO 1 International Petroleum Corp 20
Block M-10A AMOCO 1 Murphy Eastern Oil Co 10
Block M-10A AMOCO 1 Neste Oy 10
M-3 PECTEN 1 Mobil Somalia 50
M-3 PECTEN 1 Pecten Somalia 50
M-4 PECTEN 1 Mobil Somalia 50
M-4 PECTEN 1 Pecten Somalia 50
M-5 PECTEN 1 Mobil Somalia 50
M-5 PECTEN 1 Pecten Somalia 50
M-6 PECTEN 1 Mobil Somalia 50
M-6 PECTEN 1 Pecten Somalia 50
M-7 PECTEN 1 Mobil Somalia 50
M-7 PECTEN 1 Pecten Somalia 50
Government Area GOVT Government of Somalia 100

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Annex 5.5.c: ConocoPhillips notice to Red Emperor Resources in respect of conflicting claim with Africa Oil

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Annex 5.5.d: Somaliland New Blocks Scheme compared with 1991 Prior Concession Holder Map

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Annex 5.5.e: BP's claim on oil blocks 35 and M-10 A

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Annex 5.5.f: Liberty Petroleum Correspondence with Shell over disputed oil concession

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Annex 5.5.g: Correspondence involving GTC Global and Qeybdiid

From: bekoucha@emirates.net.ae

To: soran@globalgeosciences.com

CC: engabdulkadir@hotmail.com; giamafarah@gmail.com; ahqaybdid@yahoo.com; caalin2002@hotmail.com; bekoucha

@eim.ae; francois.bonaparte@globalgeosciences.com

Subject: Conference call with HE President & Making Galmudug a SAFE AREA

Date: Sat, 18 Aug 2012 10:09:55 +0400

Dear Soran,

Salem Alaiikum,

This is a follow up to the conference with HE Mr. Adbi, the President of Galmudug and to yesterday discussion with regard to the review and signature of the PSA Document.

First of all, it is with great pleasure, that we cordially congratulate His Excellency Mr. Abdi, on his election as President of the Galmudug State. We wish HE a productive tenure and new achievements in his new responsibility of his new job. We wish him that during his term in the Presidential Office, to bring peace to people of Somali, as well as prosperity to Somalia. We wish to HE all the success in building friendly, long lasting relationship between Somalia and all the Countries of the World, and bring the development, the prosperity of Galmudug and Somalia for the benefit of his people. Please accept, Your Excellency, the assurances of my highest consideration.

I would like to thank Mr. Abdulkadir for coordinating and arranging the conference call, and also I would like to convey

our thanks to His Excellency, for giving me the time to discuss the way forward of Production Sharing Contract (Between the Government of Galmudug and GTC Global) for the Exploration & Production of the Oil Concession Blok in

Galmudug.

During the discussion in the conference call, HE highlighted the following:-

1. His concern about the security and assurance of safe working place in Galmudug, which is vital to Contractor (GTC-Global) prior to move the people and the equipment for the Exploration and Development of the Concession. His Excellency, indicated that he requires **US\$ 3,5MM** , to be enable His Excellency to make Galmudug a SAFE AREA. HE requested that these FUNDS shall be provided by the Contractor "GTC-Global" as part of the PSC.

2. He indicated that the terms and conditions of the PSA will be reviewed and discussed with GTC-Global in a meeting, that shall coordinated arranged accordingly by GTC-Global and shall be held in Dubai-UAE in due time.

Please, note in line with our yesterday discussion, I kindly request you to review HE's request(Item one above), that GTC- Global to provide and confirm in written Letter, the mode of the provision of the Funds for the security, in order to create and assure a SAFE Galmudug.

Your usual prompt response to the above request, and your collaboration to support and assist HE in this vital and important TASK to assure a SAFE Galmudug , and building long term relationship for the mutual benefit between the Government of Galmudug and GTC Global and also to review and finalize the signature of the PSA are highly appreciated.

Thanks.

Best regards.

Have a safe and reliable day.

Miloud Bekkoucha

Cell: 00971 50 825 3186

Proper Planning Prevent Poor Performance for better People, better Plans, better Process & better Plants.

Together Everyone Achieve More Work, Let us Work Together.

Structure Determines Behavior which Creates Performance

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Annex 5.5.h: Photographs of a French delegation in Hobyo on 11 October 2012

President Qeybdiid and Abshir Aden Ferro, and Qeybdiid's militia, in Hobyo, 11 October 2012¹

Philippe Bohn and Abshir Aden Ferro, carrying a weapon, in Hobyo, 11 October 2012²

¹ Renaud Girard, « Expédition dans le fief des pirates somaliens », Le Figaro, 15 October 2012.

² "Waftiga uu hogaaminayo M/weynaha Galmudug oo kormeer kusameeyay goboladda Mudug iyo

Hobyo", Hobyo Radio & Website, 13 October 2012 ; accessed at

<http://hobyoradio.com/10,13,20121Usa&france.html> on 24 October 2012.

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Abshir Aden Ferro, President Qeybdiid and Philippe Bohn in Hobyo, 11 October 2012³

Alain Madelin, Philippe Bohn, Renaud Girard and Abshir Aden Ferro, on the road to Galkayo back from Hobyo, 11 October 2012⁴

³ Ibid.

⁴ Ibid.

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Annex 5.5.i: Letter from the President of the Khatumo State of Somalia to the executive Chairman of DNO International

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Annex 5.5.j: Letter from the Chairman of the Khatumo Forum for Peace, Unity and Development to DNO International

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Annex 5.5.k: Map showing perpendicular line of demarcation between Somalia and Kenya, and Kenyan issued oil licenses

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Annex 5.5.1: Programme of Study Tour of Somali MPs in Oslo 6 – 13 April 2013

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Annex 6

Violations of the arms embargo

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Annex 6.1: Arms shipments to Somalia

Arms embargo

1. With the passage of Security Council resolution 2093 (2013) on 6 March 2013, the Security Council amended the general and complete “embargo on all deliveries of weapons and military equipment to Somalia” imposed by resolution 733 (1992).¹ For one year, the Security Council modified, but it did not lift, the arms embargo. As such, the measures mentioned above do not apply to deliveries of weapons or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia. Moreover, in the Annex of the resolution, the Security Council provided a list of arms, ammunition and military equipment and materials which are not covered by this modification of the arms embargo.² In paragraphs 39 (a) and (b) and 41 of resolution 2093 (2013), the Security Council also requested the Monitoring Group to assess the situation concerning the safe management and storage of arms and ammunition in Somalia.

2. During the reporting period, the pattern of arms flow to Somalia remained consistent with those of previous years. The Monitoring Group was given unprecedented access to captured arms, ammunition, and essential items to manufacture specialised improvised explosive devices (IEDs). Since 2011 and particularly since August 2012, there has been a significant increase in IED incidents in Mogadishu and across areas controlled by AMISOM (see annex 1.4). Cases investigated by the Monitoring Group suggest a deliberate effort on the part of Al-Shabaab to obtain larger and possibly more frequent supplies of IED components, corresponding to the insurgency’s return to an asymmetrical strategy.

3. In its investigation on arms trafficking to and within Somalia, the Monitoring Group received the cooperation of several foreign Governments, especially Bulgaria, India and Yemen, regarding important violations of the arms embargo on Somalia and the modus operandi used by Al-Shabaab in the procurement of arms and ammunition.

4. The assistance of the Puntland authorities was equally crucial in identifying and detailing the nature and purpose of two important seizures of arms and IED components. However, Puntland remains the main entry point for large-scale illicit commercial arms imports, indicating that the Puntland administration’s enforcement of the arms embargo continues to be selective, focusing solely on shipments intended for Al-Shabaab.

¹ Paragraph 5 of resolution 733 (1992) was reaffirmed in paragraphs 1 and 2 of resolution 1425 (2002).

² Resolution 2093 (2013) did restrict the type of weapons concerned and excluded “... surface to air missiles, including Man-Portable Air-Defence Systems; guns, howitzers and cannon with a calibre greater than 12.7mm, and ammunitions and components specially designed for these (this does not

include shoulder fired anti-tank rocket launchers such as RPGs or LAWs [Light Anti-tank Weapons], rifle grenades, or grenade launchers.); mortars with a calibre greater than 82mm; anti-tank guided weapons, including Anti-tank Guided Missiles (ATGMs) and ammunition and components specially designed for these items; charges and devices intended for military use containing energetic materials; mines and related materiel; weapon sights with a night vision capability. See Annex of Security Council resolution 2093 (2013).

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5. The Monitoring Group also investigated suspicious shipments of arms in the Gulf of Aden and around the Horn of Africa, including several illicit cargoes of arms and explosives that were intercepted.

6. Conflicts in Somalia continue to be sustained by arms flows from within the region and more distant suppliers. As explained below, Yemen remains the primary market for arms and ammunition smuggled into Somalia.

The arms embargo and the rebuilding of Somalia's security sector

7. Since assuming office in September 2012, President Hassan Sheikh Mohamed and members of his cabinet and Government repeatedly requested the arms embargo on Somalia to be lifted. Somali authorities wanted, as a sovereign prerogative, to acquire weapons independently. The lift was also viewed as an exit strategy for foreign forces.³

8. During the last months of 2012, and at a series of high-level consultations held in January and February 2013, Somali and foreign Government officials asked for the Monitoring Group's position and advice on the issue of lifting of the arms embargo.⁴ Initially, the Monitoring Group recommended the use of existing exemptions procedures, since they permitted direct support to the official Somali security sector and preserved the obligation of supplying states to notify the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (hereafter "the Committee") regarding the nature and range of security-related support.⁵ In this context, the Monitoring Group recommended that the FGS be given the authority to notify the Committee and that a broad exemption for non-lethal equipment and material be introduced.⁶

9. The Monitoring Group was also concerned that an ease or partial lift of the embargo would increase inflows of arms and ammunition to Somalia and lower prices.⁷ In addition, the Monitoring Group was aware that the official security forces had been infiltrated by Al-Shabaab, even at the highest levels, and were vulnerable to clan conflicts and the interest of spoiler networks (see annex 3). In the easing of the arms embargo, it was incumbent on the Somali Government to maintain legitimate control over arms shipments from the point of entry in Somali to their effective management at safe storage locations, and effective command and control over those using the weapons in security operations.

10. Following the adoption of resolution 2093 (2013), on 27 March 2013, at his first Arab summit, the President of Somalia stated: "We take full responsibility. The world is looking at

³ Lifting The Arms Embargo in Somalia: A Brief Outlook, 24 February 2013.

<http://somalianewsroom.com/2013/02/24/lifting-the-arms-embargo-in-somalia-a-brief-outlook/>.

⁴ Meetings with Security Council members, Mogadishu, 15 January 2013, and Mrs. Fawzia Y. H. Adam, Minister of Foreign Affairs, FGS, UK Foreign and Commonwealth Office, London, 1 February 2013.

⁵ Monitoring Group Midterm Briefing to the Committee, New York, 15 February 2013.

⁶ Ibid.

⁷ Interview with a prominent Somali arms dealer, Mogadishu, 16 January 2013.

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us and monitoring... We are not worried about getting supplies, we are concerned about the management of these supplies".⁸

11. Indeed, the management of weapons supplies to the FGS is an immediate requirement, a fundamental responsibility and should be a prerequisite for security sector donors.

Development of capabilities and infrastructure for weapons management

12. In the context of the arms embargo modification, the Somali authorities face many challenges including limited systems of management, a near total absence of infrastructure, such as armouries and safe storage facilities for arms and ammunition, as well as a lack of general technical capacity.

13. In order to identify priorities and specific obstacles, the FGS and concerned international parties have established a Weapons and Ammunition Management Technical Working Group that identified five critical "... elements for the control and management of arms and ammunition":

- Arms Control and Stockpile Management.
- Import [...] of small arms and light weapons.
- Tracking [...] of small arms and light weapons.
- Public Awareness and Education.
- Legislative Measures.”⁹

23. Further to paragraph 39 (a) of resolution 2093 (2013), another critical step is to identify the actual structure of the Somali security forces and determining which militias will remain active parts of Government forces. Other clarifications required include defining which ports of entry are to be used, how arms and ammunition are to be securely and safely received at the port, accounted for, moved into secure storage, and registered. While immediate requirements call for the construction of armouries and magazines, general management, operating procedures in dealing with arms and ammunition, such as specific transport between secure locations and accounting for individual weapon systems, are equally crucial.¹⁰

24. Prioritising these needs in order to request international assistance in the building of infrastructure, training of individual personnel and units dealing with arms and ammunition and the development of security procedures will be essential. Sequencing of these will be critical in order to comply with sanctions requirements and to develop the capacity of the Somali security sector.

⁸ “Somalia to get small arms after U.N. lifts embargo”, Reuters, Doha, 28 March 2013.

⁹ See Draft Terms of Reference, Weapons & Ammunition management Technical Working Group, Colonel Anthony Howie, Senior Military Adviser, UNPOS, 10 May 2013.

¹⁰ Communications with UN source, Nairobi, 10 April 2013 and 19 April 2013, and diplomatic source with in-depth knowledge of Somali Militias, Nairobi, 29 April 2013 and 13 May 2013.

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25. As a first step, the FGS is identifying its armoury requirements for all elements of the security forces, including the Somali National Defence Forces, Somali National Police and National Intelligence and Security Agency.¹¹

26. These requirements and how to address them are being discussed at the Technical Working Group co-hosted by Somali Government representatives and UNMAS, together with representatives from different Somali security forces, international donors and NGOs capable of delivering support in the construction of secure facilities and the training in arms-related activities. The Monitoring Group has been formally invited to participate in this Technical Working Group in June 2013.¹²

Violations of the arms embargo

27. In order to define the chain of custody for arms shipments to Somalia, the Monitoring Group gathered extensive evidence from several Governments and authorities, both Somali and foreign, identifying and documenting general trends, key arms embargo violations, and weapon

supply logistics.

28. Between July 2012 and February 2013, security forces in Puntland seized several cargoes reportedly destined for Al-Shabaab.¹³ Two cargoes of arms captured in the Bari region of Puntland are documented below. Such cases demonstrated the ability of weapons smuggling networks to mobilise resources in the context of a strategic shift by Al-Shabaab. Information received from Puntland and Yemeni authorities, as well as the Monitoring Group's own investigations,¹⁴ has established Yemen as a principal source of these shipments. Additional evidence indicates the involvement of an individual entity based in Djibouti as part of a network that supplies arms and ammunition to Al-Shabaab in Somalia.¹⁵

29. Furthermore, the Monitoring Group investigated networks of weapons smugglers transporting cargoes within Somalia, notably in Puntland and Somaliland. Al-Shabaab and associated weapons smuggling networks have access to delivery points across the northern coast of Somalia, around the horn of Somalia governed by Puntland, and to a lesser extent down the coast of central and southern Somalia. The Monitoring Group has received consistent and credible reports of deliveries from as far west as Hiis, in Somaliland, to Qandala and Alula in Puntland, and to the central Somali ports of El Dhere, specifically its twin ports of Ego and Mareeg,¹⁶ as well as the ports of Harardhere (Mudug) and Barawe (Lower Shabelle).¹⁷

¹¹ Ibid.

¹² Communication with UNMAS, 24 April 2013.

¹³ For example, the content of the cargoes related to explosive materials and IED-making components indicate that these were destined to Al-Shabaab. Also these cargoes were intercepted in a region where Al-Shabaab operates. Puntland authorities declared that these cargoes were Al-Shabaab's. For further analysis, see below.

¹⁴ Meeting with Puntland security officials, Garowe, 10 November 2012.

¹⁵ Meeting with Government of Yemen officials, Sana'a, 23 April 2013. Official correspondence by the Government of India to the Committee on the supply of detonation cord, 15 April 2013.

¹⁶ Meeting with AMISOM officer and Somali researcher with an intimate knowledge of central Somalia, Mogadishu, 16 January 2013; corroborated by Puntland government security reports, 2013.

¹⁷ Ibid.

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30. Deliveries by sea to these coastal locations tend to be for the purpose of resupplying high-grade technical equipment, notably IED components, detonating cord, electric detonators, rocket propelled grenades systems (RPG-7), and light weaponry, such as 7.62mm PKM-type general purpose machine guns.

31. The Monitoring Group has also obtained consistent reports and evidence of the export from Somalia of technical know-how on the manufacture of suicide vests and IED materials to Kenya and Uganda.¹⁸

32. In a specific example, on 31 March 2013, Kenyan media reported that a bag containing an IED "ready for detonation" was seized from a commercial minibus in Kariobangi, near Nairobi.¹⁹ The IED was a purpose made suicide vest, with pockets secured by Velcro strips, designed to contain sheets of explosives wrapped in plastic and several layers of stainless steel ball bearings to create a fragmentation effect.²⁰ The vest was fully rigged with red detonating cord, and was also wired with a home-made doubled electrical circuit connected to a Nokia cell-phone. The use of several different initiation circuits linked to the explosive charge was designed to guarantee sure command of detonation at the time of attack (see photographs in annex 6.1.a.).

33. The Monitoring Group has analysed photographic evidence concerning this case from a confidential source and the media; and compared them with suicide vests exploitation reports on suicide vests of similar design and construction captured in Somalia in 2012, which suggests

a transfer of know-how between Al-Shabaab in Somalia and Al-Shabaab members or its sympathisers operating in Kenya.

34. Confidential reports indicate several that Al-Shabaab members, among whom two arrived in Kenya in 2012, and were arrested in April 2013 in relation to the manufacture of this suicide vest.

Arms seizures in Puntland

35. Although the Monitoring Group was not given access to information concerning the routine arms and ammunition deliveries to Puntland through commercial channels with the apparent consent of the Puntland authorities, it was granted unprecedented access to supplies seized by authorities that were reportedly destined for Al-Shabaab.

¹⁸ Daily confidential intelligence report, 16 November 2012. Meetings with a diplomatic source who closely investigates proliferation of illicit arms trafficking, Mogadishu, 16 January 2013, and with counter-terrorism law enforcement agency, Kampala, 4 April 2013.

¹⁹ See Daily Nation, <http://www.nation.co.ke/News/Police-launch-search-for-criminals/-/1056/1735826/-/my71e9/-/index.html>

²⁰ Communications with confidential diplomatic source, Nairobi, 28 May 2013 and 3 June 2013.

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Seizure in Alula, Puntland, July 2012

36. On 11 November 2012, the Monitoring Group inspected a consignment of arms and explosives that had been captured by the Puntland authorities in the coastal town of Alula, in the Bari region of north-eastern Somalia, and subsequently moved into storage in Garowe.

37. The consignment was allegedly delivered to Alula in the days prior to 23 July 2012.

Local residents in the vicinity informed Puntland authorities about the delivery. A Yemeni boatman, Mr. Salih Afif Al-Amudi, involved in the transportation of the material to Alula, was subsequently arrested. In an interview with the Monitoring Group, Al-Amudi admitted he had transported the cargo in a speedboat from the Yemeni port city of Mukullah, and had been paid by a Somali arms trafficker known as Najib Adballah, who operates between Yemen and Puntland.²¹

38. The cargo consisted of 40 kilograms of explosive materials, a number of automatic pistols, and two sacks containing hundreds of electric detonators. Whilst the explosive materials proved to be ammonium nitrate, and the automatic pistols were surprisingly blankfiring pistols, there were over 1,500 detonators (see photographs in annex 6.1.b.).

Electric detonators, manufactured in Germany in 2003, 2004 and 2005, Garowe, 11 November 2012

Electric detonators

39. Among the items found, a large number of detonators appeared to have been manufactured in Germany. Markings on the cartons containing the detonators referred to the German manufacturer ORICA GERMANY GMBH.²² Each carton contained 100 Dynadet-U-Oms detonators of medium intensity manufactured in 2003, 2004 and 2005. The Monitoring Group received independent

²¹ Interview with Al-Amudi, Garowe, 10 November 2012.

²² Orica Mining Services, (Orica Germany GmbH – Orica Europe Pty Ltd & Co Kg), 53840 Troisdorf, Germany is owned by Orica Limited, East Melbourne, Victoria 3002, Australia.

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confirmation that these detonators were sold to individuals and entities in Yemen and is continuing to

follow up with the Yemeni security services.

40. In the meantime, significantly, detonators of the same manufacturer and model were

identified as components built into well-designed suicide bomber vests, captured by the Puntland security forces in Galkayo on 17 November 2012.²³

Bag containing a white granular substance

41. Although Puntland's initial report referred to an explosive compound in a bag, the Monitoring Group was able to determine that it probably contained Ammonium Nitrate, a fertilizer also commonly used in the manufacture of homemade explosive compounds for IEDs.²⁴ Two such bags containing ammonium nitrate were also part of a seized cargo near Qandala on 17 October 2012, as below.

Blank-firing pistols

42. The pistols depicted in Puntland's initial report and subsequently inspected and researched by the Monitoring Group, were found to be blank-firing pistols. They cannot shoot a projectile in their original condition. These pistols are made by ATAK Arms of Istanbul, Turkey. The ZORAKI Hand Gun M.814 model²⁵ uses 9mm P.A.K. Blank Ammunition²⁶ and holds 14 rounds (see photographs in annex 6.1.b.).

43. These pistols produce a loud blast, like a real shot. This model can fire in either semi-automatic or fully automatic mode. It field strips as a genuine semi-automatic hand gun, and looks and feels authentic in terms of size and weight. Their frame structure is made of polymer, with an added layer of chrome.

44. To the Monitoring Group's knowledge, this is the first time that such pistols have been identified in a shipment reported for Al-Shabaab. Sources in European law enforcement agencies report that similar blank-firing pistols have been modified (re-bored) to fire projectiles, and used in robberies. Given the inherent design and materials originally used, they remain unreliable, subject to backfiring and can seriously wound the operator.²⁷

45. Given the nature of this small scale but significant case, in the context of multiple reports of ongoing weapons smuggling into the Bari region from Yemen, and the consistent use of electric detonators in IED attacks, the Monitoring Group recommends further investigation into weapons smuggling to Somalia coordinated by Al-Shabaab-affiliated networks in Yemen.

²³ Meeting with specialist in counter-IED, Nairobi, 12 May 2013.

²⁴ Meeting with specialist in counter-IED, Nairobi, 29 April 2013.

²⁵ Manufactured by Atak Silah San. Tic. Ltd., Istanbul, Turkey. The pistols are of the Atakarms series.

²⁶ "P.A.K." is the German acronym for "Pistole Automatik Knall", which basically means "blank ammunition for automatic pistol", a specific term used for non-lethal weapons.

²⁷ Communications with law enforcement agencies, Brussels, 11 March 2013, and Nairobi, 7 April 2013.

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The critical nature of such components, and the relative ease of transportation from Yemen, is suggestive of a predictable and consistent supply source and of other undetected instances where supplies of detonators evaded the embargo.

Seizure in Qandala, Puntland, October 2012

46. On 17 October 2012, members of the local community living near Qandala, in the Bari region of north-eastern Somalia, informed Puntland authorities in Bosaso that a "fiberglass dhow of the type known to originate from Yemen" landed at a natural bay called "Butiyalo".²⁸ Five males disembarked and unloaded a significant cargo of arms and ammunition. Puntland authorities alleged that the dhow had evaded capture and disappeared.²⁹ The Monitoring Group was not shown evidence of the type of ship used.

47. Puntland security forces launched an operation that resulted in the capture of 37 sacks. These bags contained a large number of munitions and explosive equipment, including:

- 220 PG-7 rounds
- 304 PG-7 propellant charges (boosters)
- Five rolls of detonating cord
- 500 electric detonators
- 137 kg of TNT
- One 73 mm gun (2A28 Grom)
- 230 hand-grenade detonators
- Two bags of ammonium nitrate

Arms captured near Qandala, 19 October 2012 – Source: Puntland Administration

²⁸ The Qandala area offers a series of natural bays and beaches that have been traditionally used by smugglers for decades.

²⁹ Meetings with Puntland security officials who seized the arms consignment, Garowe, 6 and 7 December 2012.

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48. The Monitoring Group conducted a physical inspection of the cargo and confirmed that the quantity of material captured matched the original report of the Puntland authorities, and obtained information that the cargo had been contaminated by seawater.³⁰

49. The Qandala seizure represents one of the most important captures of arms in recent years, both in terms of the volume of cargo, diversity and nearly new condition of the majority of the ammunition. In short, this shipment offered the Al-Shabaab consignee a full complement of all the items required to manufacture IEDs and engage in a variety of other and notably more conventional offensive operations. The range of items was extensive enough for one Al-Shabaab unit to sustain a yearlong IED campaign.

PG-7 anti-tank rounds and propellant charges for RPG-7

50. PG-7 anti-tank rounds and propellant charges for RPG-7 constitute the largest component of this arms consignment. Most of the explosives and propellant charges (PG-7 anti-tank rounds for RPG-7) were in nearly new condition, with many items still wrapped in their original plastic and paper packaging. With the cooperation of the Government of Bulgaria, the Monitoring Group was able to determine that the majority of charges were manufactured in Bulgaria (see photographs in annex 6.1.c.).³¹

51. The data supplied by the Bulgarian government also verified the presence of the following ammunition (see photographs in annex 6.1.c.):

- Propellant charges [type N/A], lot No. 01-10-11, manufactured in 2010, and used for the production of 40mm rounds OG-7V
- Propellant charges CP-1, Lot No. 10-29-09, manufactured in 2009, and used for the production of 40mm rounds RF-7MA.
- Propellant charges CP-71, Lot No. 10-09-09, manufactured in 2009 and used in the production of 40/73mm RHEF-7MA.
- Label of a transportation container for propellant charges CP-1, Lot No. 10-29-09, manufactured in 2009, and used in the production of 40mm rounds RF-7MA.
- Propellant charges PG-7PM, Lot No. 10-11-08, manufactured in 2008, and used in the production of 40/73mm rounds RHEAT-7MA.
- Propellant charges [type N/A], Lot No. 10-05-11, manufactured in 2005, and used in the production of PG-7VM explosive charges.

52. In 2010, all PG-7 rounds assembled with propellant charges from these lot numbers were delivered to the armed forces of Yemen.³² The Monitoring Group has further

³⁰ Meetings with Puntland security official who seized the arms consignment, Bosaso, 7 December

2012.

³¹ Production years range across 1967, 1971, 1982, 1986, 1988, 1998 and as recently as 2007.

³² “Authorised brokers for the transaction were General Headquarters of the [United Arab Emirates] UAE Armed Forces and International Golden group PISG, UAE”, Letter from Permanent Mission of the Republic of Bulgaria to the United Nations, 30 April 2012, in reply to Monitoring Group letter reference number S/AC.29/2013/SEMG/OC.11 of 12 February 2013.

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communicated a series of requests for information to the Government of Yemen. The Monitoring Group is awaiting the response.

Rolls of detonating cord

53. The Government of India provided essential information regarding five rolls of detonating cord, model Detonating Fuse/Cord – 10 gm (SUN CORD-10), manufactured in India by the firm Vetrivel Explosives Pvt Ltd. (see photographs in annex 6.1.c.).³³ The five rolls seized were part of a consignment of 400 rolls that the manufacturer exported from India in October 2009 to apparently a private customer, based or registered in Djibouti.

54. A confidential intelligence source has since confirmed that the five rolls of detonating cord were transferred from Djibouti to Yemen, before their final delivery in Puntland.³⁴ The Monitoring Group has communicated a series of requests for further information to the Governments of Djibouti and Yemen. The Permanent Mission of India to the United Nations has proposed to seek additional clarification from the Indian supplier.³⁵ Monitoring Group is awaiting the response.

Electric detonators

55. The cargo also included electric detonators of model Instantaneous Electric Detonators (CDET Electra), manufactured in India by the firm CDET Explosive Industries Private Ltd. The detonators were packaged in 18 bundles of about 10 detonators each. Each bundle was affixed with a specific label, unmarked with the exception of the figures “17” and “17-8”. There were additional markings as follows: “C DET Crimping - Cubicle No.: [N/A] - Date of Mfg.: [N/A] - Shift: I II III”.³⁶ The Monitoring Group is expecting further information from the Government of India.

Other arms and ammunition

56. The shipment also comprised an assortment of Soviet-made arms and ammunition;³⁷ such as a large quantity of 200gr and 400gr TNT explosive charges, a 73mm low pressure smoothbore semi-automatic gun, probably disassembled from the turret of a Soviet-made BMP-1 infantry fighting vehicle, and hand-grenade detonators.

57. The diversity in years of production of the weapons and ammunition in this consignment, much of it decades old and from several different countries, indicates that this consignment was probably assembled by a commercial weapons dealer, sourcing arms and

³³ Letter from the Permanent Mission of India to the United Nations, in reply to Monitoring Group letter reference number S/AC/2013/SEMG/OC.1 of 8 January 2013.

³⁴ Communication with confidential source who researched the routing of the detonation cord rolls from Djibouti to Puntland, Nairobi, 29 April 2013.

³⁵ Email communications from the Permanent Mission of India to the Secretary of the Committee on Somalia and Eritrea, 23 May 2013.

³⁶ See photographs in annex 6.1.c.

³⁷ Communication with a diplomatic source, Nairobi, 30 June 2013.

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ammunition from a wide variety of origins, intermediaries, makes and years of manufacture.³⁸ The shipment also contained two bags of ammonium nitrate, used in the manufacture of homemade explosives for IEDs.

58. This consignment reflects the capacity of Al-Shabaab to source good quality arms and ordnance supplies, illicitly ship munitions into and through areas also controlled by the Government, and circumvent international regulation of the arms trade. While a notable contrast to the small-scale yet operationally critical supply of detonators via a single Yemeni fisherman, the diversity of platforms and materiel suggest the high degree of organisation and funding Al-Shabaab is capable of accessing and maintaining, as well as the central role that their networks in Yemen and in the region play.

AMISOM arms and ammunition storage

59. In 2012, it was brought to the attention of the Monitoring Group that an arms and ammunition storage facility located within the perimeter of the AMISOM base in Mogadishu contained arms and ammunition of various provenances, including Libya and North Korea, which were mostly destined for the TFG.

60. On 15 February 2013, the Monitoring Group presented a summary of these initial findings to the Committee and recommended the clearer mandating of UNMAS to manage and dispose of unserviceable munitions.³⁹ The Committee suggested that the Monitoring Group consult with the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya (hereafter the Panel of experts on Libya) and liaise with AMISOM to clarify the circumstances under which these arms and ammunition reached Mogadishu.⁴⁰ The Monitoring Group initiated a series of requests to establish the current situation of the stores, including considerations of safety and security.

61. Further to its previous mandates,⁴¹ the Monitoring Group obtained additional detailed evidence, including past and recent photographs, partially documenting the volume and nature of the small arms, light weapons and ammunition present in these depots, which are placed under the authority of the AMISOM Sector 1 Commander, Brigadier Michael Odonga. The Monitoring Group was able to determine that these stocks were originally modest in volume, but steadily grew in the last couple of years.⁴² As the stocks grew, they comprised an ever greater range of arms and ammunition types, Governments of manufacture, and countries of initial delivery.

³⁸ Production years range from 1967, 1971, 1982, 1986, 1988, 1998 and as recently as 2007.

³⁹ Monitoring Group Midterm Briefing to the Committee, New York, 15 February 2013.

⁴⁰ The Monitoring Group was given the mandate to report on the progress made in the areas described in paragraph 39 (b) and (c) of resolution 2093 (2013), and on any misappropriation or sale to other groups including militias. See resolution 2093 (2013), paragraph 41.

⁴¹ S/2011/433, paragraph 133.

⁴² Meeting with former Monitoring Group arms expert who documented the nature and range of munitions present in the same location in January 2011, and who recognised that some of the munitions photographed in 2012 were already present at the time of his visit.

Nature and range of arms and ammunition stored by AMISOM

62. The arms and ammunition stored by AMISOM represent a widely varied range of countries of production and countries of final destination.

63. Arms and ammunition documented at the stores can be de categorized as:

- ☐ Arms and ammunition captured from Al-Shabaab;
- ☐ Arms and ammunition bound for the TFG; and
- ☐ Ammunition allocated to AMISOM that is unserviceable and requiring disposal.

Arms and ammunition captured from Al-Shabaab

64. The most common types of arms captured from Al-Shabaab present in the AMISOM stores are old small arms and light weapons in poor condition. There are large quantities of Kalashnikov-pattern assault rifles and an array of vintage arms.

Assault rifles captured from Al-Shabaab, AMISOM Sector 1 arms and ammunition stores, 2012
Arms and ammunition destined for the TFG

65. In 2011, the Monitoring Group reported that AMISOM “began overseeing the storage and dispensation of the arms and ammunition of the Transitional Federal Government.”⁴³ Over time, AMISOM began conducting assessments for donor deliveries of weapons and ammunition for the Somali National Army (SNA), determining the types of equipment required given the conditions on the ground.⁴⁴ Consequently, AMISOM stored arms and ammunition

⁴³ S/2011/433, paragraph 133.

⁴⁴ Communications with diplomatic and security sector sources who have direct experience of combat conditions in Mogadishu and southern Somalia, Mogadishu, 16 and 18 January 2013, and Nairobi, 17 and 22 March 2013.

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consignments from foreign donors.⁴⁵ In a number of cases, these weapons were initially delivered to other countries and in turn were supplied to Somalia.

66. When TFG stocks were depleted in 2010, AMISOM began distributing arms and ammunition from its own stocks to the TFG and allied militias.⁴⁶ Cases of arms and ammunition diversion by TFG soldiers were particularly problematic and documented at a time when AMISOM was fully engaged in armed combat with Al-Shabaab in and around Mogadishu. It had little option but to continue supplying weapons to the TFG on the ground. Similarly, AMISOM supplied weapons to allied militias who also sold portions of their stocks at the Bakaara market, which were ultimately obtained by Al-Shabaab.⁴⁷

67. Given its concerns about arms and ammunition diversion, AMISOM refrains from distributing larger calibre arms and ammunition, such as multiple rocket launchers, 60mm mortars and B-10 recoilless rifles, to militia and SNA units of the TFG and remained stored. Such weapons were not needed for urban warfare conducted at the time, and the concerns over diversion and loss on the battlefield were valid.⁴⁸

Unserviceable AMISOM ammunition

68. AMISOM currently maintains stores of unserviceable ammunition in need of disposal. The Monitoring Group met with representatives of AMISOM, UNMAS and UNSOA to address the accumulated and growing stocks of ammunition and to undertake a comprehensive assessment of the safety and security implications at the stores.⁴⁹

69. According to AMISOM officers and confirmed by UNMAS officials, the reason for this unusual accumulation of unserviceable ammunition is due to the rapid development of international infrastructure around Mogadishu airport that closed down the ammunition disposal area, until it was recently used by UNMAS.⁵⁰

⁴⁵ Meetings with diplomatic sources, Mogadishu, 25 October 2012 and 14 January 2013; and Nairobi, 26 November 2012, and 9 January 2013, 25 March 2013, 29 April 2013, and 17 May 2013; phone and email communications, Nairobi, 22 January 2013, 16 March 2013, 19 March 2013, 10 April 2013, 9 May 2013 and 22 May 2013. Meetings with regional arms expert who researched arms and ammunition deliveries and stocks in Somalia in 2010-2011, Nairobi, 11 December 2012, 22 March 2013, 1 June 2013; email and telephone communications, Nairobi, 10 December 2012, 9 January 2013, 11 February 2013, 20 March 2013, 11 April 2013, 24 April 2013, 3 May 2013, 7 May 2013, 17 May 2013, 21 May 2013, 5 June 2013.

⁴⁶ S/2011/433, paragraph 133.

⁴⁷ Ibid. paragraph 135.

⁴⁸ Meetings with security sector specialist who has direct experience of combat conditions in Mogadishu and southern Somalia, Nairobi, 11 and 19 March 2013.

⁴⁹ Meetings and communications with AMISOM, Nairobi, 13 January, 19 March, 22 March, 19 April, 3 May, and 5 June 2013; meetings with UNMAS, Nairobi 25 March, 22 April and 13 May

2013; meeting with UNSOA, Nairobi, 27 March 2013.

⁵⁰ Ibid.

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70. Furthermore, according to an UNMAS assessment report, AMISOM is planning to consolidate its arms and ammunition storage requirements at an alternate location.⁵¹ UNMAS is currently identifying an appropriate disposal site for unserviceable ammunition.⁵²

Other arms and ammunition

Libya

71. At the AMISOM stores in Mogadishu, the Monitoring Group has documented several cases of munitions with markings identifying the country of production, including former Yugoslavia and the Democratic People's Republic of Korea (DPRK), and their initial delivery to Libya (see photographs in strictly confidential annex 6.1.d.).

72. It is unclear, however, when these weapons were transferred from Libya to Mogadishu, and whether there were any intermediary transit points and owners between their delivery from Libya to Somalia. Due to this information gap, it is not certain whether the munitions entered Somalia in violation of the arms embargo on Libya.⁵³

73. The Monitoring Group did clarify the status of two ammunition consignments that were once delivered to Libya and which are now present in the AMISOM depot. In consultation with the Panel of Experts on Libya, the Monitoring Group established that the first set of boxes containing 120mm mortar projectiles in an AMISOM depot, originally from the former Yugoslavia, were also identified in an ammunition dump located in Ajdabiya, eastern Libya.⁵⁴ Both boxes of mortar ammunition bore identical contract numbers (see photographs in strictly confidential annex 6.1.d.).

74. In addition, the Monitoring Group and the Panel of Experts on Libya identified a second set of boxes containing 14.5mm heavy machine gun ammunition, originally from the DPRK, which were part of a much larger consignment to Libya.⁵⁵ The box illustrated in strictly confidential annex 6.1.d. is the first of a 600 box order. Notably, the ammunition box is mislabelled, only referring to "Bearing".⁵⁶

75. Contract reference marking on the ammunition boxes, identified in Mogadishu, indicate that this ammunition was produced in the DPRK factory number 93. They also indicate that the supplying contract was established in 1977. In addition, during 2012, the Panel of Experts on Libya was given access in Libya to ammunition boxes of the same contract number and

⁵¹ Ammunition Storage Assessment – AMISOM, UNMAS report, Mogadishu, 8 April 2013.

⁵² Meeting with UNMAS, Nairobi, 18 May 2013.

⁵³ Security Council resolutions 1970 (2011), 1973 (2011), 2009 (2011), 2040 (2011) and 2095 (2013), and more specifically paragraph 10 of resolution 1970 (2011).

⁵⁴ Meetings the Panel of Experts on Libya, Addis Ababa, 30 October 2012, and London, 15 December 2012; followed by email and telephone communications, 11 February, 19 March, 21 April, 2 May, 28 May, 1 June and 7 June 2013.

⁵⁵ Since the date of entry into Libya and chain of custody remain unknown, it cannot be established whether there is a violation of Security Council resolutions on DPRK, mainly 1718 (2006), 1874 (2009), and more specifically with regard to SALW paragraph 9 of resolution 1874 (2009).

⁵⁶ Ibid.

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ammunition content with identical markings.⁵⁷ The Panel of Expert on Libya had access to the heavy machine gun 14.5 mm rounds, manufactured in DPRK and observed markings indicate 1978 production (see photographs in strictly confidential annex 6.1.d.).

76. Both the Monitoring Group and the Panel of Expert on Libya in no way imply that AMISOM is in breach of sanctions on Libya, but seek the assistance of AMISOM and other

concerned parties to better understand the chain of custody of the weapons. As such, experts from the Monitoring Group and the Panel of Experts on Libya are planning to conduct a joint field mission to Mogadishu during the summer 2013.

Iran

77. Among the various weapons viewed in the AMISOM stores are a small series of nearly new RPG-7-type launchers of recent manufacture. Close inspection revealed that specific features, such as the curved hand-grip and yellow painted cross located on the front iron sight, closely resemble Iranian manufactured RPG-7 launchers (see photographs in strictly confidential annex 6.1.d.).⁵⁸ Stripping the RPG launcher exposed the only marking on the entire weapon: three digits etched by dot pin marking (laser).⁵⁹ The Monitoring Group is following-up with Iranian authorities.

Sudan

78. In January 2011, the Monitoring Group identified dozens of medium calibre arms and ammunition that Sudan had supplied to the TFG in 2010, in violation of the arms embargo. Sudan supplied Sudanese manufactured RPG-7 launchers and 82mm mortar bombs (see photographs in strictly confidential annex 6.1.d.). This information has not been documented before.

79. In the AMISOM storage containers inspected in January 2011, the packing documents contained in the crates of the RPG-7 launchers and 82mm mortar bombs, as well as the markings on the bombs, indicating that these items were manufactured at the Yarmouk Industrial Complex in Khartoum, Sudan, in 2009 and 2010, respectively (see photographs in strictly confidential annex 6.1.d.).⁶⁰ Based on these dates and the date of inspection by the Monitoring Group, the arms and ammunition must have been supplied sometime during 2010.

Suspicious ships and shipments along the Somali coast

80. During the course of its current mandate, the Monitoring Group observed several ships navigating irregular sailing patterns in the Gulf of Aden. In particular, two ships warranted

⁵⁷ The Panel of Experts on Libya wishes to keep the exact location and date of observation confidential. Email and phone communications with the Panel of Experts on Libya, Nairobi, 28 May and 7 June 2013.

⁵⁸ Meetings with diplomatic source, Mogadishu, 16 January 2013 and 18 January 2013; Nairobi, 21 February 2013, 17 March 2013, 25 March 2013, 7 April 2013 and 17 May 2013. Meetings with regional expert on small arms and light weapons, Nairobi, 21 March 2013 and 1 June 2013.

⁵⁹ Ibid.

⁶⁰ Meeting with regional expert on small arms and light weapons, Nairobi, 22 March 2013 and 1 June 2013.

further investigation. First, the North Korean MV Dae San docked offshore in close proximity to known weapons trafficking corridors in Somalia.⁶¹ Second, the Jihan 1, an Iranian dhow, was transporting a large weapons cargo, allegedly bound for Northern Yemen, but also connected to Somalia.⁶²

The Case of the MV Dae San

81. The MV Dae San is a DPRK-flagged vessel which the Monitoring Group boarded on two occasions.⁶³ In 2012, it followed a path between the UAE, Oman and Somalia. On 15 July 2012, the vessel departed Port Rashid, UAE, having declared a cargo of 4500 tonnes of cement. On 22 July 2012, it sustained a critical leak to its hull and the captain decided to repair the water ingress in the Omani ports of Duqum and then Salalah. After the repairs, the vessel crossed the Gulf of Aden and dropped anchor within two miles of the Puntland coast near Alula, between Ras Alula and Ras Asayr, an area known for the anchorage of pirated vessels and weapons deliveries.⁶⁴ Initially, during his meeting with the Monitoring Group, the captain omitted to mention that he had docked the vessel near Alula, but when confronted with signals

data, he stated that he had docked at that location due to engine trouble.

82. The Dae San then set sail for Socotra and spent thirteen days off the main island, allegedly to avoid monsoon conditions and wait for better weather conditions. The captain claimed that he took this opportunity to further repair the crack in the vessel's hull.

83. On 20 September 2012, the Dae San sailed on to Mogadishu, where, according to the captain, the consignee refused to accept the cargo of cement because it had been damaged by water and solidified into blocks. On 28 October 2012, the captain decided to sail back along the coast and dropped the bags of cement at about 45 nautical miles north of Mogadishu. He anchored 1.8 nautical miles offshore at an Al-Shabaab-controlled area to dispose of the damaged cargo and partly to rebalance the ship. The captain stated that over seven days, the crew threw overboard about 450 metric tonnes of cement.⁶⁵ When Somali nationals were seen preparing to sail across the short stretch of water to visit the ship, it sailed further north. On 6 November 2012, the vessel stopped twelve nautical miles west of Qandala, Puntland, anchoring two nautical miles offshore, in plain sight of two vessels hijacked by pirates.⁶⁶ According to the captain, the crew dumped another 20 metric tonnes of cement overboard.

84. On 16 November 2012, Puntland authorities impounded the Dae San after the local community in the Bari region reported that the ship's crew was dumping bags of cement into

⁶¹ Communication with diplomatic source, Nairobi, 26 September 2012.

⁶² "Yemen Seizes Sailboat Filled With Weapons, and U.S. Points to Iran", *The New York Times*, 28 January 2013.

⁶³ The inspections were conducted from the port of Bosaso on 7 and 8 December 2012. During the inspection, the Monitoring Group interviewed the ship's Captain, Mr. Ri Yu Chan, and his second in command. Partial video recording captains archived with the UN.

⁶⁴ The MV Dae San anchored at Duqum on 24 July 2012 for 24 days, then in Salalah on 22 August 2012, and Socotra on 7 September 2012. Interviews with Mr. Ri Yu Chan, Captain of the Dae San, Bosaso, 7 and 8 December 2012.

⁶⁵ Ibid.

⁶⁶ The MV Smyrni and MV Royal Grace (freed in March 2013). The Dae San's position at anchor was also about 20 kilometres from one of the main pirate camps onshore.

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the sea, a fact confirmed by a PMPF helicopter dispatched to the scene that saw its five hatches open and the overboard dumping.

MV Dae San, Bosaso, 7 December 2013 (see annex 6.1.e. for additional photographs)

85. When the Monitoring Group reviewed the ship's documentation onboard, it discovered that the Dae San carries an international certificate for the transportation of dangerous goods (class 6.2 and 7), and that it had recently ferried ammonium nitrate. The captain had initially denied holding any dangerous goods certificate.⁶⁷

86. Overall, in a short period, the Dae San captain had charted a suspicious course to locations controlled by Somali pirates and Al-Shabaab. It carried cement sacks, a preferred means of concealing illicit materials, ordinance, small arms and weapons.⁶⁸ The Monitoring Group could not confirm what the Dae San delivered to Somalia. However, the case indicates the opportunities available for individual operators, larger yachts, dhows, and internationally registered vessels to violate the arms embargo. Consequently, the Monitoring Group recommends that, when warranted, the monitoring and possible intercept of such transport ships in the vicinity of pirate strongholds and areas not controlled by Somali authorities as a deterrent measure.

⁶⁷ Interviews with the captain of the Dae San, Bosaso, 7 and 8 December 2012.

⁶⁸ Cement cargo has similar volume weight ratio as small arms and weapons cargo.

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The case of the Jihan 1

87. The Monitoring Group was first alerted to the Jihan 1, an Iranian wooden dhow, when the New York Times published an article detailing its cargo and its destination in Yemen, where the authorities seized the ship, its crew and contents.⁶⁹

88. In May 2013, the Monitoring Group visited Yemen and met with the Yemeni General Counsel of the Ministry of Justice, and the Public Prosecutor in the case of the Jihan 1.⁷⁰ The Prosecutor provided a list of all items supporting the Prosecutor's case, including a detailed account of all arms and ammunition onboard the Jihan 1 from the time Yemeni authorities seized the ship off the coast of Yemen on 23 January 2013 (see annex 6.1.f.). The shipment included a large quantity of explosives and bomb-making equipment, as well as twenty Man-Portable Air-Defence Systems surface to air missiles. According to Yemeni security officials, the arms and ammunition were well packed in small containers, all of which were concealed inside several large compartments filled with diesel fuel.⁷¹

89. Yemeni officials indicated that this arms consignment was to be delivered to the Huthi rebellion in northern Yemen. However, the Monitoring Group investigated if some of the Jihan 1 cargo could have been intended for delivery in Somalia as well. When asked about this, security officials confirmed that the diesel could have been bound for Somalia. Members of the crew have also divulged to a diplomatic source who interviewed them in Aden that the diesel was bound for Somalia.⁷²

90. In an interview given on 12 February 2013, the Minister of Finance in Puntland, Farah Ali Jama, commented on the authorities' decision to pass a law banning all petroleum imports from Yemen. Besides an economic rationale, the Minister also admitted that: "... security is one of the reasons why Puntland banned the petroleum imports from Yemen, due to several reports of arms being brought into Puntland from Yemen".⁷³ The President of Puntland, Abdirahman Mohamud 'Faroole', declared to the Monitoring Group that such arms can be smuggled inside diesel containers.⁷⁴

91. The Monitoring Group is continuing its investigations and plans to write to both the Government of Yemen and the Puntland authorities, requesting clarifications and evidence regarding their respective declarations.

⁶⁹ "Yemen Seizes Sailboat Filled With Weapons, and U.S. Points to Iran", *The New York Times*, 28 January 2013.

⁷⁰ Meeting at the Ministry of Foreign Affairs, Government of Yemen, Sana'a, 23 April 2013.

⁷¹ Ibid.

⁷² Interview with diplomatic source, 4 March 2013.

⁷³ See Garowe Online, cited by AllAfrica website at: <http://allafrica.com/stories/201302120830.html>, 12 February 2013.

⁷⁴ Meeting between the Monitoring Group and President of Puntland, Abdirahman Mohamud 'Faroole', Garowe, 19 March 2013.

Annex 6.1.a: Transfer of technical knowledge from Somalia - Suicide vest captured in Kenya

*Dissected suicide vest exposing sheets of high explosive, steel ball bearings layer, and the detonating cord routed through the vest, Kariobangi, 31 March 2013.*¹

*Disassembled suicide vest showing high explosive sheets and steel ball bearings wrapped in cloth and plastic sheets, with red detonating cord and electric circuit connected to a Nokia cell-phone. Confidential source, Kariobangi, April 2013.*²

¹ Photograph by Dennis Ochieng, "Police launch search for criminals linked to failed bus bombing

bid“, published in DailyNation, 31 March 2013. <http://www.nation.co.ke/News/Police-launchsearch-for-criminals/-/1056/1735826/-/my71e9/-/index.html>

² Meeting with confidential diplomatic source, Nairobi, 3 June 2013.

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Annex 6.1.b: Alula seizure, Puntland, 20 July 2012

Electric detonators, manufactured in Germany in 2003, Garowe, 11 November 2012

Electric detonators, manufactured in Germany in 2004, Garowe, 11 November 2012

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Electric detonators, manufactured in Germany in 2005, Garowe, 11 November 2012

Electric detonators, manufactured in Germany, Garowe, 11 November 2012

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Electric detonators packaging, manufactured in Germany, Garowe, 11 November 2012

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Blank firing pistols, manufactured in Turkey, Garowe, 11 November 2012

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Blank firing pistols, manufactured in Germany, Garowe, 11 November 2012

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Annex 6.1.c : Qandala seizure, Puntland, 17 October 2012

PG-7 anti-tank rounds for RPG-7

PG-7 rounds manufactured in Bulgaria between 1967 and 1988, Bosaso, 7 December 2012

PG-7 rounds manufactured in Bulgaria between 1967 and 1988, Bosaso, 7 December 2012

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PG-7 propellant charges for RPG-7

Propellant charges [type N/A], lot No. 01-10-11, manufactured in Bulgaria in 2010, and used for the production of 40mm rounds OG-7V, Bosaso, 7 December 2012

Propellant charges CP-1, Lot No. 10-29-09, manufactured in 2009, and used for the production of 40mm rounds RF-7MA, Bosaso, 7 December 2012

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Propellant charges CP-71, Lot No. 10-09-09, manufactured in Bulgaria in 2009 and used in the production of 40/73mm RHEF-7MA, Bosaso, 7 December 2012

Label of a transportation container for propellant charges CP-1, Lot No. 10-29-09, manufactured in Bulgaria in 2009, and used in the production of 40mm rounds RF-7MA,

Bosaso, 7 December 2012

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Propellant charges PG-7PM, Lot No. 10-11-08, manufactured in Bulgaria in 2008, and used in the production of 40/73mm rounds RHEAT-7MA, Bosaso, 7 December 2012

Propellant charges [type N/A], Lot No. 10-05-11, manufactured in Bulgaria in 2005, and used in the

production of PG-7VM explosive charges, Bosaso, 7 December 2012

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Rolls of detonating cord

Five rolls of detonating cord, manufactured in India, Bosaso, 7 December 2012

Roll of detonating cord, manufactured in India, Bosaso, 7 December 2012

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Roll of detonating cord, manufactured in India, Bosaso, 7 December 2012

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Electrical detonators

Electric detonators, manufactured in India, Bosaso, 7 December 2012

Label, electrical detonators, manufactured in India, Bosaso, 7 December 2012

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Individual explosive charges

400gr TNT charge, Soviet-made, Bosaso, 7 December 2012

200gr TNT charge, Soviet-made, Bosaso, 7 December 2012,

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73mm gun - 2A28 Grom

73mm gun - 2A28 Grom, Soviet-made, Bosaso, 7 December 2013

73mm gun - 2A28 Grom, Soviet-made, Bosaso, 7 December 2013

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1. The Monitoring Group researched the use of the 73mm gun 2A28 Grom in other contexts of insurgency conflict, and found two cases in Libya where armed opposition groups used the 2A28 Grom on improvised mountings.

73mm tank gun - 2A28 Grom, on an improvised field carriage, Libya, 2011¹

73mm tank gun - 2A28 Grom, on a pick-up truck mounting, Libya, 2011²

¹ Internet source, accessed at <http://www.militaryphotos.net/forums/showthread.php?195079-Libyan-Conflict-Photos-and-Videos/page231> on 6 June 2013.

² Internet source, accessed at <http://www.militaryphotos.net/forums/showthread.php?195079-Libyan-Conflict-Photos-and-Videos/page282> on 6 June 2013.

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Annex 6.1.d: AMISOM arms and ammunition storage (STRICTLY CONFIDENTIAL)□

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

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Annex 6.1.e: The case of the MV Dae San

Boarding the MV Dae San with PMPF, Bosaso, 7 December 2012

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Boarding the MV Dae San with PMPF, Bosaso, 8 December 2012. Source: PMPF

Boarding the MV Dae San with PMPF, Bosaso, 8 December 2012

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Residual cement cargo, MV Dae San, Bosaso, 7 December 2012

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Annex 6.1.f: Arms, ammunition and military equipment seized on the Jihan 1

Translated from Arabic by the United Nations Secretariat on 22 May 2013

Republic of Yemen *In the name of God,*

the Merciful, the

Compassionate

No.:

Office of the Public

Prosecutor

Justice is the Foundation
of Government

Date:

**Office of the Special Court of
Cassation Prosecutor**

[Seal of the Republic of
Yemen]

Attachments:

Aden governorate

Item seized No. of items

per box

Details

- 1 122 mm rockets (Katyusha) 18 cartons 18 rockets
- 2 C4 explosive belts 97 cartons 16,716 blocks
- 3 Strela-2 anti-aircraft rockets 5 cartons 10 rockets
- 4 Strela rockets (OW-01M) 5 cartons 10 rockets
- 5 RPG7 launchers¹ 5 cartons 10 rockets
- 6 7.62 x 9mm automatic[-weapon] ammunition 316 cartons 316,000 cartridges
- 7 7.62 x 54 Czech ammunition 141 cartons 124,080 cartridges
- 8 12.7 x 81 Dushka ammunition 147 boxes 12,495 cartridges
- 9 Explosives: sorbitol powder² 199 boxes 4,975 kg
- 10 Explosives in plastic containers (RDX) 133 containers 133 containers
- 11 Fire control system (BESOL) 5 devices 5 devices with base
- 12 Artillery binoculars 5 cartons 5 binoculars with base
- 13 BAB2 artillery system 5 binoculars 5 binoculars
- 14 Laser binoculars (rangefinder) 10 binoculars 10 binoculars
- 15 N14-K night vision binoculars³ 48 binoculars 48 binoculars
- 16 Captain's 7 x 42 binoculars⁴ 50 binoculars 50 binoculars
- 17 Compasses 2 cartons 90 compasses

¹ The first five items were not included in the original and were located on internet by the translation service of the United Nations Secretariat, accessed at <http://www.yafa-news.net/51915.html> on the date of translation.

² Confirmed through website of official Yemen news agency. See <http://sabanews.net/ar/news297922.htm>.

³ Possibly goggles or scopes.

⁴ The Arabic word is القايـد.

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Item seized No. of items

per box

Details

- 18 Silencers 66 silencers 66 small and large silencers
- 19 Identification systems for explosives 310 devices 310 devices
- 20 Relays for explosive devices 132 relays 132 relays
- 21 Cables 1 carton 1 carton
- 22 Small wiress 1 carton 1 carton

23 Explosive devices 186 devices 186 devices
 24 Grey-coloured remote control devices 50 devices 50 devices
 25 Identification systems for explosives⁶ 415 devices 425 devices
 26 Black-coloured remote control devices 200 devices 200 devices
 27 Grey-coloured explosive devices 60 devices 60 devices
 28 Electrical detonators⁷ 2 cartons 800 detonators
 29 Bags containing an integrated explosive
 device that can be detonated by remote
 control
 66 boxes 396 bags

III. Photographs of the ship and its cargo of weapons and explosives.

IV. A compact disc containing the interviews of the accused conducted by the United Nations panels.

The Office of the Prosecutor reserves the right to present further evidence in the course of the trial.

(Signed) Walid Ahmad **Kazim**

Deputy Special Criminal Prosecutor, Aden governorate

⁵ Literal translation. More likely “short”.

⁶ The variance between the two columns is in the original Arabic text.

⁷ The literal translation would be “capsules”.

Annex 6.2: Non-compliant States and organizations

Security Council Resolution 2093 (2013) framework for the development of the Security

Forces of the Federal Government of Somalia

1. In paragraph 38 of resolution 2093 (2013), the Security Council decides that the measures imposed in paragraph 5 of resolution 733 (1992) and paragraphs 1 and 2 of resolution 1425 (2002) do not apply, if notified at least five days in advance to the Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (hereafter “the Committee”) for its information, to deliveries of weapons or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia, with the exception of specific items set out in the annex of the resolution.

2. Pursuant to paragraph 38 of resolution 2093 (2013), such notifications from the Somali Government must include information about the type and quantity of weapons, ammunitions, military equipment and material to be delivered, and the date of delivery. Member States delivering assistance can also, after informing the Federal Government of Somalia of its intentions, make such notifications.

3. In addition to this notification procedure for exemptions to the arms embargo for the Federal Government of Somalia, resolution 2093 (2013) introduces other unrestricted and standing exemptions, including for United Nations personnel and “AMISOM’s strategic partners” operating under the African Union Strategic Concept of 5 January 2012¹ and in cooperation and coordination with AMISOM. On 16 April 2013, the Monitoring Group sent a letter to the Special Representative of the Chairperson of the African Union Commission for Somalia (SRCC), Ambassador Mahamat Saleh Annadif, requesting a list of strategic partners of the African Union Mission in Somalia. No reply has been forthcoming.

4. Paragraphs 11 (b) and 12 of resolution 1772 (2007) continue to apply to supplies of

weapons and military equipment, and technical training and assistance intended solely to develop those Somali security sector institutions which were excluded from the ambit of resolution 2093 (2013), such as security forces of regional administrations (namely Somaliland, Puntland, Galmudug, and any future regional state recognised by the Federal Government of Somalia), and the factions of Ahlu Sunna wal Jama'a (ASWJ) formally associated with the Somali Government. Since international, regional and subregional organisations are also excluded from the provisions contained in paragraph 38 of resolution 2093 (2013), the exemption procedure stipulated in paragraph 3 of resolution 1916 (2010) continue to apply.

5. According to the Committee Guidelines revised on 30 May 2013, the procedure established by resolution 1772 (2007) could be used by a Member State or an international or regional organisation wishing to supply the Federal Government of Somalia with items enumerated in the annex of resolution 2093 (2013).

¹ PSC/PR/COMM.(CCCVI), 5 January 2012.

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6. Accordingly, the regional representative of the United Nations Office on Drugs and Crime (UNODC) in Kenya, sent an exemption request on 24 April 2013 to the Chairman of the Committee in accordance with paragraph 12 of resolution 1846 (2008) and paragraphs 11 (b) and 12 of resolution 1772 (2007). The Committee had no objection to UNODC support to Somali security sector institutions in Puntland and Somaliland.²

7. Nonetheless, the Monitoring Group recommends that the Security Council should consider for its next resolution on Somalia consolidating and summarising the existing provisions for exemptions from the arms embargo, currently included in multiple resolutions, into a comprehensive, single exemption framework.³

AMISOM

8. In paragraph 2 of resolution 2093 (2013), the Security Council has reiterated again to AMISOM its request for the establishment “without any further delay” of a guard force of an appropriate size to provide security, escort and protection services to personnel from the international community. This request was previously made in paragraph 5 of resolution 2010 (2011) and repeated in paragraph 9 of resolution 2036 (2012).

9. AMISOM, however, has yet to established the guard force. Furthermore, according to diplomatic and military sources, AMISOM is instead directing diplomatic personnel planning missions to Mogadishu to request Somali Federal authorities for the provision of security details, contrary to paragraphs 1 (c) and 2 of resolution 2093.⁴

10. Consequently, as observed by the Monitoring Group in its previous report,⁵ diplomatic personnel on mission in Mogadishu have to rely on private contractors for movements between the international airport and Villa Somalia, generating market opportunities for local and international security providers operating at times with equipment imported into Somalia in violation of the arms embargo, and developing a business model which remains largely unregulated and enmeshed with the private interests of high-ranking officials within the Federal security and intelligence services (see annex 6.3.).

² Official correspondence referenced S/AC.29/2013/OC.18.

³ Currently, exemption procedures are dispersed across the following resolutions: paragraph 3 of resolution 1356 (2001), paragraphs 11 (b) and 12 of resolution 1772 (2007), paragraph 12 of resolution 1846 (2008), paragraph 3 of resolution 1916 (2010), paragraph 9 of resolution 1950 (2010) and paragraph 38 of resolution 2093 (2013).

⁴ Meetings and e-mail communications with Washington and Nairobi-based military contacts, 2012-2013; meeting with UNPOS head of security, Mogadishu, 24 October 2012; and interview with a Nairobi-based diplomatic source, 26 April 2013.

⁵ See S/2012/544, annex 5.5, paragraph 42.

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Djibouti

11. According to media reports quoting official statements,⁶ on 4 April 2013 the Government of Djibouti donated to Somalia, on the occasion of a State visit of Somali Prime Minister Abdi Farah Shirdon, several dozens of Bedford military trucks and 50 Saxon AT105 armoured personnel carriers (APCs) (see annex 6.2.a.).

H.E. Prime Minister Abdi Farah Shirdon inspecting a Saxon AT105 armoured personnel carrier, at the hand-over ceremony at Sheikh Osman military camp in Djibouti, on 4 April 2013

12. The Monitoring Group is unaware of any notification to the Committee from the Somali Federal Government or, alternatively, from the Government of Djibouti, regarding this donation. On 19 April 2013, the Monitoring Group sent a correspondence to Abdirahman Sheikh Issa, the Somali President's National Security Advisor and the Somali Government's focal point for the implementation of resolution 2093 (2013), requesting clarification and additional information. No reply has yet been forthcoming. If confirmed, this significant donation, in terms of type of military equipment and number of vehicles, would represent the principal technical violation of the arms embargo observed by the Monitoring Group during the reporting period.

Egypt

13. Pursuant to paragraphs 33 and 38 of resolution 2093 (2013), on 16 April 2013, the Arab Republic of Egypt notified on 16 April 2013 the Committee of its intention to provide training courses for officers of the Security Forces of the Federal Government of Somalia, after informing the Federal Government of Somalia.⁷ As such, Egypt was the first Member State

⁶ Accessed at <http://www.raxanreeb.com/2013/04/somalia-government-accepts-material-donation-toimprove-security-forces-from-djibouti/> on 20 April 2013.

⁷ Letter to the Chairman of the Security Council Committee on Somalia and Eritrea, 16 April 2013.

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delivering assistance to notify, as an alternative to the FGS' obligation to do so, the Committee in accordance with the procedures stipulated in resolution 2093 (2013).

14. However, the Monitoring Group also received credible reports of two shipments of a military nature delivered at the end of April 2013 in assistance to the Somali Federal Security Forces by the Government of Egypt for which the Committee did not receive a notification.⁸ During a telephone conversation of 29 May 2013, a Nairobi-based Egyptian diplomat denied that any shipment of weapons or ammunitions could have been delivered to Somalia without prior notification.⁹

15. In addition, according to local media, the commander of the Somali naval forces, Admiral Farah Qare, welcomed during a press conference on 4 June 2013 in Mogadishu a delegation from the Egyptian Ministry of Defence, and stated that "the Egyptian Government supports Somalia in the rebuilding of the headquarters of the Somali Ministry of Defence".¹⁰

16. The Federal Government of Somalia, or alternatively the Government of Egypt, are required to notify the Committee at least five days in advance of such support and assistance provided to Somali Federal Security Forces. Otherwise, such provisions constitute potential violations of the arms embargo on Somalia.

Ethiopia

17. The Monitoring Group has received from the Government of Ethiopia a detailed list of supplies provided by the Ethiopian Ministry of Defence to Somali security sector institutions during the period of 2011 to 2012, which was circulated for the information of the members of

the Committee on 2 April 2013.¹¹ Although provided outside the exemption from the arms embargo procedures of resolution 1772 (2007) and the Committee Guidelines, this effort of transparency contrasts with the opacity that previously characterised the Ethiopian involvement in Somalia.

⁸ Meeting with Nairobi-based intelligence contacts, 1 May 2013, and with a Nairobi-based military intelligence contact, 5 June 2013.

⁹ Telephone conversation with the Monitoring Group, 29 May 2013.

¹⁰ “Egypt military officials arrive in Mogadishu”, AMISOM daily media monitoring citing Radio Kulmiye/Radio Risaala/al Shahid, 4 June 2013; and “Egypt to help re-build Somali Ministry of Defence”, Sabahi website, 5 June 2013, accessed at http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2013/06/05/newsbrief-06 on 8 June 2013.

¹¹ Letter to the Chairman of the Committee on Somalia and Eritrea regarding material support to Somalia, dated 1 April 2013.

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Ethiopian air force Lockheed L-100 Hercules registered EAF1572, rotating between Mogadishu and Baidoa at Mogadishu International Airport on 19 August 2012

18. However, according to data received by the Monitoring Group, the Ethiopian air force has operated in January and February 2013, three military cargo flights to Baidoa, without prior notification of the Committee. On 22 April 2013, the Monitoring Group sent a letter to the Government of Ethiopia requesting clarification and additional information, for which no reply has yet been forthcoming.

19. Information obtained by the Monitoring Group from several UN sources indicates that these flights may be related to supply of military equipment to Ethiopian National Defence Forces (ENDF) operations on Somali territory, and therefore constitute a potential violation of the arms embargo on Somalia.

France

20. On 12 December 2012, the Government of France submitted to the Committee a notification for provision of technical assistance and support to Somali sector institutions that would be transported by air during the month of December 2012, to which the Committee had no objection.¹²

21. However, according to civil aviation records, the Government of France operated three military cargo flights to Somalia in October 2012, and one in February 2013, plus two military helicopter flights in August and December 2012 from Djibouti to Hargeisa. On 24 October 2012, the Monitoring Group witnessed at Mogadishu airport a large quantity of cargo, including large wooden boxes, being offloaded by unidentified French personnel, with the assistance of AMISOM military personnel, from a French military Transall registered 61-ZA.

¹² Official correspondence referenced S/AC.29/2012/OC.77.

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Cargo from a French Transall C-160 registered 61-ZA offloaded by French personnel assisted by AMISOM, at Mogadishu International Airport on 24 October 2012

22. The Monitoring Group is unaware of any notification by France to the Committee concerning military flights to Somalia, except the one approved by the Committee in December 2012. On 17 April 2013, the Monitoring Group sent a letter to the Government of France requesting clarification and additional information.

23. In a letter dated 30 April 2013, the French Government confirmed to the Committee that such flights were conducted in order to transport support and assistance to Somali security sector institutions.¹³ However, as mentioned in the previous report of the Monitoring Group,¹⁴

paragraph 12 of resolution 1772 (2007) specifically requires that notification take place “in advance and on a case-by-case basis”. Following the adoption of resolution 2093 (2013) on 6 March 2013, the Federal Government of Somalia, or alternatively the Government of France, will be required to notify the Committee at least five days in advance of any support and assistance supplied to Somali Federal Security Forces

Interpol

24. Following a press communiqué of 6 February 2013 announcing that the International Criminal Police Organization (INTERPOL) had provided “equipment and training to Somalia”, the Monitoring Group requested further information from Interpol’s representation in New York. In two separate letters dated 19 and 22 February 2013, the Special Representative of INTERPOL to the United Nations informed the Committee about a capacity building programme on counter-terrorism conducted in November 2012 for representatives of Somali

¹³ Letter to the Chairman of the Committee on Somalia and Eritrea, 30 April 2013.

¹⁴ See S/2012/544, annex 5.5., paragraph 13.

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Federal Security Forces, in addition to the delivery between November 2011 and November 2012 of “necessary equipment to the Somali Police”.¹⁵

25. Paragraph 12 of Security Council resolution 1772 (2007) requires notification of support to Somali security sector institutions “in advance and on a case-by-case basis”. Following the adoption on 6 March 2013 of resolution 2093 (2013), the Federal Government of Somalia will be required to notify the Committee at least five days in advance of any support and assistance supplied by Interpol to Somali Federal Security Forces.

Jordan

26. According to civil aviation data, two Royal Jordanian Air Force Ilyushin Il-76 “Candid”, registered RJAF361 and RJAF360, flew in August 2012 and February 2013, respectively, to Mogadishu International Airport.

27. The Monitoring Group is unaware of any notification to the Committee concerning Jordanian support to Somali security sector institutions, and on 17 April 2013 sent a letter to the Government of Jordan requesting clarification and additional information.

28. On 6 May 2013, the Permanent Mission of the Hashemite Kingdom of Jordan to the United Nations sent a detailed response to the Monitoring Group’s requests in which it confirmed the flights and the delivery of assistance to the Somali security sector.¹⁶

29. However, paragraph 12 of Security Council resolution 1772 (2007) requires notification of support to Somali security sector institutions “in advance and on a case-by-case basis”. Following the adoption on 6 March 2013 of resolution 2093, the Federal Government of Somalia, or alternatively the Government of the Kingdom of Jordan, will be required to notify the Committee at least five days in advance of any support and assistance supplied to Somali Federal Security Forces.

Kuwait

30. Civil aviation records received by the Monitoring Group indicate that the Kuwait Air Force operated one flight to Somaliland, Somalia, in November 2012. The aircraft, a Lockheed C-130 “Hercules” registered as KAF323, reportedly landed at Berbera International Airport on 30 November 2012.

31. The Monitoring Group is unaware of any notification to the Committee concerning Kuwaiti support to security sector institutions in Somaliland. On 17 April 2013, the Monitoring Group sent a letter to the Government of Kuwait requesting clarification and additional information. For the second year in a row, the Monitoring Group has not received any reply.¹⁷

¹⁵ Letters to the Chairman of the Committee on Somalia and Eritrea, dated 19 February 2013 and 22 February 2013.

¹⁶ Letter to the Secretary of the Committee, 6 May 2013.

¹⁷ See S/2012/544, annex 5.5, paragraphs 20 and 21.

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32. Therefore, in the consistent absence of notification to the Committee from the supplying Member State, and in accordance with resolution 2093 (2013), the Monitoring Group expects in the future that the Federal Government of Somalia will notify the Committee, at least five days in advance, of any support and assistance supplied by the Government of Kuwait to its security forces.

Netherlands

33. According to civil aviation data, the Royal Air Force of the Netherlands has operated two military flights to Mogadishu and Berbera, Somalia, involving, respectively, one McDonnell Douglas DC-10-30CF registered T-255 in August 2012 and one Lockheed C130 Hercules registered G-781 in December 2012.

34. The Monitoring Group is unaware of any notification to the Committee concerning Netherlands support to Somali security sector institutions. On 19 April 2013, the Monitoring Group sent a letter to the Government of the Netherlands requesting clarification and additional information. No reply has yet been forthcoming.

Somalia

35. Before the adoption of resolution 2093 (2013), it was the assessment of the Monitoring Group that technical violations of the arms embargo were the responsibility of the supplying Member State or international or regional organisation providing support to Somali security sector institutions.

36. Since resolution 2093 (2013) provides the Somali Government with the capacity to inform the Committee of support and assistance to its security forces, the Monitoring Group considers that as of 6 March 2013 the responsibility for technical violations of the arms embargo primarily rests with the Somali Federal Government.

37. Therefore, in accordance with resolution 2093 (2013), the Monitoring Group expects the Federal Government of Somalia to notify the Committee, at least five days in advance, of any support and assistance supplied by any Member State, or international or regional organisation to its security forces, in the absence of an alternative notification from the supplying party.

Provision of equipment to the Somali Police Force

38. On 22 March 2013, the Monitoring Group was informed by a diplomatic source that the Somali Police Force had recently received uniforms, weapons and vehicles in order to equip the new Public Order Management Force, called in Somali “Birmadka Booliska” and modelled along the lines of the Daraawish units, the elite mobile police units of the Siyad Barre regime.¹⁸

¹⁸ Meeting with a Nairobi-based diplomatic source, Nairobi, 22 March 2013.

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39. On 17 April 2013, the Monitoring Group met with the Somali Police Commissioner, General Ali Hassan Mohamed “Looyaan”, who confirmed the reconstitution of the “Birmadka” units. Recruitment for the units was carried out among the Police (400 recruits), the Somali Armed Forces (300 recruits) and the National Intelligence Security Agency (NISA) (300 recruits). General Hassan “Looyaan” also acknowledged having recently received new equipment for the 1,000-strong elite police force, partly trained by AMISOM in accordance with paragraphs 9 (c) and 11 (a) of resolution 1772 (2007), and informed the Monitoring Group

that the vehicles were at the time of the meeting being painted at the main Somali police garage in Mogadishu.¹⁹

40. The Monitoring Group is unaware of any notification to the Committee concerning material support to the “Birmadka” units of the Somali Police Forces, and General Hassan could not reveal to the Monitoring Group the name of the country that provided his Government with equipment in violation of the arms embargo.

41. The Somali Prime Minister, Abdi Farah Shirdon, officially launched the new unit on 24 April 2013, emphasizing during his speech the counter-terrorism mandate of the new “police special forces”.²⁰

Somali Police Public Order Management officers attending the speech of H.E. Abdi Farah Shirdon in Mogadishu on 24 April 2013

42. On 19 April 2013, the Monitoring Group sent a correspondence to Abdirahman Sheikh Issa, the Somali President’s National Security Advisor and the Somali Government focal point for matters related to the implementation of resolution 2093 (2013), requesting clarification and additional information. No reply has yet been forthcoming.

¹⁹ Meeting in Nairobi, 18 April 2013.

²⁰ “Prime Minister galvanizes security forces as reforms take hold”, Prime Minister’s Media Office, 24 April 2013.

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Importation of armoured vehicles on behalf of private security companies

43. The Monitoring Group has documented one case in which the Federal Government of Somalia has authorized a foreign private security company to import into Somalia items under embargo, in lieu of approval from the Committee.

44. A letter dated 3 December 2012 addressed to the Somali Embassy in “Abdu Dubai” (*sic*) and signed by the Deputy Prime Minister and Minister of Foreign Affairs, H.E. Fawzia Yusuf H. Adam, informed Tacforce International, an Australian private security company based in the United Arab Emirates, that its request for importation of a B6-type armoured vehicle “has been officially approved” (see annex 6.2.b.).

45. On 23 February 2013, Engineer Ahmed Ma’alin Fiqi, then Director of the National Intelligence and Security Agency, requested in a second letter addressed to the Director of Mogadishu seaport to allow “the Tecforce [*sic*] International company to import the described vehicle by using Mogadishu International seaport” (see annex 6.2.b.).

B6-type Armoured vehicle at the Tacforce International compound in Mogadishu, according to a Tacforce commercial brochure

46. Consequently, the Monitoring Group considers that the Federal Government of Somalia has committed on behalf of Tacforce International a technical violation of the arms embargo, and attributes direct responsibility to the Deputy Prime Minister and Minister of Foreign Affairs, Fawzia Yusuf H. Adam, and the former Director of NISA, Engineer Ahmed Ma’alin Fiqi.

47. At the same time, the Monitoring Group had been informed separately that a representative of the Ministry of Interior of the Federal Government of Somalia requested on 17 January 2013 that the United Nations Resident and Humanitarian Coordinator’s office in Mogadishu provide to Somali authorities a copy of the official correspondence from the Chairman of the Committee approving the importation of B6-type armoured vehicles for United Nations operations in Somalia,²¹ in order to release four vehicles delivered at Mogadishu seaport. By doing so, Somali authorities clearly had full knowledge that

²¹ Official correspondence referenced S/AC.29/2013/OC.6.

importation of B6-type armoured vehicles requires prior notification and subsequent approval from the Committee, suggesting a political motivation behind blocking the deployment of UN equipment and individual interests in facilitating the business of a private security company.

48. The Monitoring Group has repeatedly requested clarification and additional information from Abdirahman Sheikh Issa, the Somali President's National Security Advisor and the Somali Government focal point of for matters related to the implementation of resolution 2093 (2013),²² as well as from H.E. Ambassador Dr. Elmi Ahmed Duale, Permanent Representative of the Somali Republic to the United Nations.²³ No reply has yet been forthcoming.

Implementation report from the Federal Government of Somalia in accordance with paragraph 39 of Security Council resolution 2093 (2013)

49. In paragraph 39 of resolution 2093 (2013), the Security Council requested the Federal Government of Somalia to report no later than one month after the adoption of the resolution on 6 March 2013 on the following:

- (a) The structure of the Security Forces of the Federal Government of Somalia;
- (b) The infrastructure in place to ensure the safe storage, registration, maintenance and distribution of military equipment by the Security Forces of the Federal Government of Somalia; and
- (c) The procedures and codes of conduct in place for the registration, distribution, use and storage of weapons by the Security forces of the Federal Government of Somalia, and on training needs in this regard.

50. On 2 April 2013, the Permanent Mission of the Somali Republic to the United Nations sent a correspondence to the President of the Security Council attaching a letter from the Somali Minister of Defence, H.E. Abdihakim Mohamoud Faqi, dated 18 March 2013, with regards to the implementation of paragraph 39 of resolution 2093.

51. The letter does not detail the overall structure of the Federal Government's security forces but only provides a rudimentary outline of the organization of the Somali Armed Forces, thereby excluding the Somali Police Forces and the National Intelligence and Security Agency. Furthermore, the description of the planned structure of the Somali Armed Forces is limited to only one level of responsibility and does not include a description of the chain of command, the structure and composition of the forces in each sector, and aggregate figures (such as numbers of officers versus other ranks, and clan representation).

²² Email communications on 19 April 2013 and 26 April 2013.

²³ Email communications on 17 April 2013 and 26 April 2013.

Structure of the Somali Armed Forces provided by the Federal Government of Somalia to the Security Council

52. As further outlined in annex 6.1., the description by the Somali Federal Government of the infrastructure in place to ensure effective management of stockpiles of weapons and ammunition clearly indicates that such infrastructure does not yet exist. Additionally, the Somali Government has not indicated to the Security Council, as requested by paragraph 39 (c) of resolution 2093, any need for training its personnel with regards to procedures and codes of conduct for the registration, distribution, use and storage of weapons.

Sudan

53. According to civil aviation records, the Government of Sudan operated three military flights to Mogadishu, Somalia, in September 2012 and January 2013, involving an Antonov An-74 registered ST-GFF.

54. The Monitoring Group is unaware of any notification to the Committee concerning Sudan's air operations and support to security institutions in Somalia. On 17 April 2013, the Monitoring Group sent a letter to the Government of Sudan requesting clarification and additional information. No reply has yet been forthcoming.

55. It is also worth noting previous Monitoring Group reports since 2009 on Sudanese support to Somali security sector institutions, including to Somali intelligence services, in violation of the sanctions regime on Somalia.²⁴ The Monitoring Group has requested for three

²⁴ See S/2010/91, paragraphs 210 and 211; S/2011/433, annex 5.5., paragraphs 8 to 10; and S/2012/544, annex 5.5., paragraphs 32 to 34.

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consecutive years additional information from the Sudanese Government and has not received any reply to its letters.

56. Therefore, in the consistent absence of notification from the supplying Member State, and in accordance with resolution 2093 (2013), the Monitoring Group expects in the future that the Federal Government of Somalia will notify the Committee, at least five days in advance, of any support and assistance supplied by the Government of Sudan to its security forces.

Turkey

57. In a letter dated 8 May 2012 addressed to the Coordinator of the Monitoring Group, replying to a request for additional information regarding support to the Somali Police Force, the Government

of Turkey declared that "before the commencement of the implementation of Turkey's assistance to Somali security sector, the SEMG will be duly notified in advance and the Sanctions Committee will

be applied to for necessary approvals".²⁵

58. Despite this undertaking, on 3 July 2012, the Government of Turkey began a training programme for 60 Somali police cadets at the Turkish National Police Academy, without prior notification of the Committee, and therefore in technical violation of the arms embargo on Somalia. *Launching ceremony of the training programme of Somali Police cadets at the Turkish National Police Academy on 2 July 2012, with representatives of the Turkish and Somali Governments*

59. According to media outlets reporting on the launching ceremony at the academy on 2 July 2012, representatives of the Turkish government also committed to Somali officials present to equip the Somali Police with Turkish and foreign equipment.²⁶

60. Furthermore, following an agreement signed in Ankara, Turkey, on 13 April 2012 on training, technical and scientific cooperation, pursuant to an initial agreement signed on 22 May 2010, the

²⁵ Letter to the Coordinator of the Monitoring Group on Somalia and Eritrea, 8 May 2012.

²⁶ "Turkey Begins Training Somali Forces", Somaliland Press, 4 July 2012.

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official gazette of the Republic of Turkey eventually announced on 7 November 2012 the establishment of "cooperation mechanisms in military training field" between the governments of Turkey and Somalia.²⁷

61. This agreement includes but is not limited to training in Turkey of Somali cadets at military colleges, schools and academies, training for Gendarmerie and Coast Guard personnel, specialization

courses (like "underwater attack"), and participation in joint exercises.

62. Therefore, in the absence of notification from the supplying State, and in accordance with resolution 2093 (2013), the Monitoring Group expects in the future that the Federal Government of Somalia will notify the Committee, at least five days in advance, of any support

and assistance supplied by the Government of Turkey to its security forces.

United Arab Emirates

63. The United Arab Emirates (UAE) Government notified the Committee for a first time on 21 January 2013 and a second time on 25 February 2013.²⁸ In addition, on 5 February 2013 and on 24 April 2013, the UAE replied to requests from the Monitoring Group for additional information concerning the provision of military equipment in potential violation of the arms embargo on Somalia.²⁹ Therefore, the Monitoring Group would like to acknowledge the efforts of the UAE Government to notify the Committee regarding its support to Somali security sector institutions.

64. However, one notification was submitted after the fact, a Committee member placed a hold on a second notification, and in one case, on 6 March 2013, the UAE Government withdrew its notification with the intent to resubmit it pursuant to resolution 2093 (2013) adopted that same day. However, the Committee never received such a notification. Therefore, the UAE Government is in technical violations of the arms embargo on Somalia.

65. In the future, in accordance with resolution 2093 (2013), the Monitoring Group expects that the Federal Government of Somalia will notify the Committee, at least five days in advance, of any support and assistance supplied by the UAE Government to its security forces. Operation “Restore Hope 2” in support of Somali security sector institutions

66. Between 1 August 2012 and 28 November 2012, the UAE air force conducted 15 flights to Somalia in order to deliver medicine, foodstuffs and supplies for its field hospital in Mogadishu, in addition to uniforms and armoured vehicles for Somali security forces. More specifically, the UAE Government delivered 2,000 pairs of military boots, 3,250 sets of

²⁷ Article 1 of the agreement between the government of the Republic of Turkey and the Government of the Republic of Somalia on military training cooperation, Ankara, 13 April 2012; accessed at <http://www.resmigazete.gov.tr/eskiler/2012/10/20121010-4-1.pdf> on 25 April 2013.

²⁸ Letter to the Chairman of the Security Council Committee on Somalia and Eritrea, 21 January 2013.

²⁹ Letter to the Coordinator of the Monitoring Group on Somalia and Eritrea, 5 February 2013.

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military uniforms and three armoured vehicles, informing the Committee after the fact of its support to Somali security sector institutions.³⁰

67. The Monitoring Group has obtained a document from the Somali Armed Forces detailing how uniforms provided by the UAE Government would be distributed to different brigades in Mogadishu and the Somali Navy (see annex 6.2.c.).

68. In March 2013, the UAE Government informed the Monitoring Group and the Committee of the delivery by air to Somalia of 4,000 additional military uniforms for Somali land and naval forces.³¹

Support to the Puntland Maritime Police Force (PMPF)

69. On 13 September 2012, Ambassador H.S. Puri, then Chairman of the Committee, wrote a letter to the Permanent Representative of the UAE to the United Nations, urging its Government to take all necessary steps to prevent the use of UAE ports and airports for activities in connection with technical assistance and training, financial and other assistance to military activities in Somalia in violation of Security Council resolutions 733 (1992), 1425 (2002) and 1844 (2008).

70. In spite of the Committee’s position, according to a UAE official,³² individuals and entities in the UAE have continued to supply technical advice and financial assistance directly to the Puntland Maritime Police Force, in violation of paragraph 2 of Security Council resolution 1425 (2002).

71. Approximately 5 million USD was provided directly and indirectly to the PMPF throughout the second half of 2012, in order to maintain its main base at Bandar Siyada, west of Bosaso, and its advanced posts at Iskushuban and Eyl, Puntland. Moreover, a team of 15 expatriates continue to provide technical assistance to the PMPF for air and maritime operations, maintenance of vehicles and equipment, and administration of the camps.

³⁰ Letter to the Chairman of the Security Council Committee on Somalia and Eritrea, 21 January 2013.

³¹ Letter to the Chairman of the Security Council Committee on Somalia and Eritrea, 25 February 2013, deemed incomplete by the Secretary of the Committee and therefore not circulated to Committee members.

³² Meeting with the Deputy Permanent Representative of the United Arab Emirates to the United Nations, New York, 6 February 2013.

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Screenshot of “The Project”, a documentary featuring the PMPF in Puntland, Somalia, presented during the Tribeca film festival in New York, United States, on 21 April 2013

72. The expatriate personnel deployed unofficially by the UAE in Bandar Siyada to assist the PMPF have also directly supervised or supported several operations conducted by the PMPF, in addition to security operations conducted by the Puntland police in Bosaso and Puntland intelligence services. Regarding the latter, the Monitoring Group corroborated several reports of PMPF aircraft providing aerial surveillance and fire support to ground operations engaging Al-Shabaab in the Galgala region of Bari, Puntland, in January, February and March 2013.

73. Nevertheless, the Monitoring Group urges the international community, in accordance with paragraph 12 of Security Council resolution 1846 (2008) and paragraphs 11 (b) and 12 of resolution 1772 (2007), and within the framework of the constitutions of the Federal State and of the Puntland State of Somalia, to support the PMPF in the context of rule of law institutions, as it remains one of the most organized, trained and equipped security force in Somalia.

74. The PMPF has demonstrated on several occasions, despite the departure of the management and mentors from Sterling Corporate Services (see also annex 6.3), its capacity to deal with complex situations involving land, sea and air elements, such as the boarding of maritime vessels,³³ an assault operation against a hijacked ship³⁴ and the arrest of fishermen conducting illegal fishing activities off the coast of Puntland.³⁵ The release of 22 crew members of the MV Iceberg 1 on 23 December 2012, after a two-week campaign led by Rudolph “Roelf” Van Heerden, a former South-African army officer acting as a team leader for the expatriate personnel supporting the PMPF, constitutes the first successful rescue operation

³³ “Puntland Impounds North Korea Vessel for Discharging Cement at Sea”, Puntland State of Somalia Press release, 17 November 2012.

³⁴ “Puntland Forces Safely Rescue 22 Hostages of MV Iceberg 1”, Puntland State of Somalia Press release, 23 December 2012.

³⁵ “PMPF apprehended 5 Iranian illegal fishing boats”, Puntland State of Somalia Press release, 23 April 2013.

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of crew members on board a pirate-controlled vessel by a Somali security force, although with unauthorized foreign assistance and support (see also II.D. of the Somalia report).

75. Consequently, the Monitoring Group maintains that the Committee should consider favourably any notification of intent to support the PMPF that would be submitted by the supplying Member State or international or regional organizations.

United Kingdom

76. During the course of the current mandate of the Monitoring Group, the Government of the United Kingdom has been increasingly involved in supporting security sector institutions in Somalia, particularly in Mogadishu and in Somaliland with the establishment of a Rapid Response Unit in March 2012.

Importation of weapons, ammunition and military equipment on behalf of a private security company

77. The United Kingdom has contracted a private security provider, G4S Security Services, to provide security details for its diplomatic premises and personnel in Somalia. The United Kingdom Government confirmed in a letter to the Monitoring Group that it has imported into Somalia weapons, ammunition and military equipment for use by G4S personnel for the protection of diplomatic premises and personnel.³⁶

78. However, to date no specific exemption procedure has been established under the current sanctions regime to cover security details for diplomatic premises and personnel of Member States. The Monitoring Group has sought guidance from the Committee regarding the issue of diplomatic protection.

79. In the meantime, practice is mixed. The Committee had no objection to the notification sent on 18 October 2012 by the Government of Italy regarding outsourcing of security details for its diplomatic premises and personnel to SKA International Group, a service provider company.³⁷ Similarly, the Committee had no objection to the exemptions requests submitted by the Governments of Sweden (14 May 2013) and Germany (3 June 2013) for the importation of armoured vehicles intended solely for diplomatic protection.³⁸ Within the current terms of the sanctions regime, such notification for outsourcing security details in Somalia ought to constitute “best practices”.

80. The Monitoring Group recommends that the Security Council should explicitly clarify whether the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated by paragraphs 1 and 2 of resolution 1425 (2002) are to be applied to deliveries of weapons or military equipment or the provision of assistance, intended solely to provide security, escort and protection services in Somalia to personnel from the international diplomatic community.

³⁶ Letter to the Coordinator of the Monitoring Group on Somalia and Eritrea, 15 January 2013.

³⁷ Official correspondence referenced S/AC.29/2012/OC.63.

³⁸ Official correspondences referenced S/AC.29/2013/OC.21 and S/AC.29/2013/OC.25, respectively.

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Training, technical advice, financial and other assistance to Somaliland security forces

81. The Monitoring Group understands that the United Kingdom Government has been providing operational training, technical and financial assistance to Somaliland security services, and specifically to the Rapid Response Unit (RRU) of the Somaliland Police. Since March 2012, this assistance has included the presence in Somaliland of British security/military personnel in an operational advising capacity, in addition to the provision of supplies and training on security and stockpile management notified to the Committee and subsequently approved.³⁹

New vehicles displayed during the graduation ceremony of 100 Rapid Response Unit officers at the Mandera Police Training Academy, Somaliland, on 13 March 2013

82. Furthermore, the Monitoring Group understands that the British consultancy firm Adam Smith International, contracted by the Department for International Development of the United Kingdom, conducted in early 2012 a training programme in support of security institutions in Somaliland, which included training sessions for Somaliland security officials in Somalia and abroad. On 19 April 2013, the Monitoring Group sent a letter to the Government of the United Kingdom requesting clarification and additional information.

Technical and financial assistance to the Somali Federal Presidency security details

83. The Monitoring Group also understands that the United Kingdom Government has been supporting since September 2012 a programme aimed at improving the security details of the President of the Federal Government of Somalia and the physical security of Villa Somalia, which included a global assessment of the security access and perimeter of the Presidential palace, the President's security details, and the implementation of a training programme for the President's advisers. On 19 April 2013, the Monitoring Group sent a letter to the Government of the United Kingdom requesting clarification and additional information.

³⁹ Official correspondences referenced S/AC.29/2011/OC.35 and S/AC.29/2011/OC.36.

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84. On 28 June 2013, the United Kingdom mission to the United Nations confirmed the provision by its Government of training, technical and financial assistance to Somali security sector institutions, as described above, and provided additional information to the Monitoring Group. The United Kingdom Government considers the provision of assistance in support of police operations to be consistent with the United Nations Security Council resolutions on Somalia. The Monitoring Group, however, understands that police forces in Somalia form part of the Somali Security Sector institutions as referred to in paragraph 11(b) of resolution 1772 and therefore fall within the scope of the exemption framework.

United Nations Political Office for Somalia

85. According to a report of the UN Secretary-General on Somalia to the Security Council dated 22 August 2012, "on 7 May [2012], UNPOS delivered to the Somali police force equipment provided through funding from the Government of Japan. The equipment included 19 vehicles, 1,800 items of police equipment (helmets and handcuffs) and key communications equipment".⁴⁰

86. Moreover, in a draft report to the Secretary-General dated 6 May 2013, the Monitoring Group learnt that "critical equipment and logistical, support will be provided to the Somali Government in May [2013]. This is particularly important as it provides for institutional capacity-building of the Ministry of Interior and National Security (MINS), the SPF, and strengthening local level security sector coordination arrangements (regional and district security committees), particularly in recovered areas".

87. The Monitoring Group is unaware of any notification from UNPOS to the Committee concerning support to Somali security sector institutions, since November 2011.⁴¹ Furthermore, the Monitoring Group did not receive any reply to requests for additional information addressed to the head of the Security Sector Development office of UNPOS.⁴²

88. Therefore, since January 2012, UNPOS has provided Somali security forces with vehicles, and police and communication equipment, in technical violation of the arms embargo on Somalia.

United States

89. In addition to recent media reporting,⁴³ the Monitoring Group received information from several diplomatic and military sources in Kenya and Somalia that the United States Government continues to provide support to the National Intelligence Security Agency in Mogadishu and to the Puntland Intelligence Service (PIS) in Bosaso and Galkayo.

90. Between 14 September 2010 and 30 March 2013, the Monitoring Group counted 236 flights to Somalia operated by Prescott Support Co. and RAM Air Services, mostly originating

⁴⁰ S/2012/643, paragraph 44.

⁴¹ Letter to the Chairman of the Committee on Somalia and Eritrea, 8 November 2011, requesting authorization to provide the SPF with 5 APCs and provision of support for the year 2010-2011.

⁴² Email communications on 6 May 2013 and 21 May 2013.

⁴³ “Somalia’s NISA and CIA: An Effective Partnership Against AlQaeda”, Mareeg, 3 February 2013.

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from Djibouti and bound for Bosaso and Galkayo, and sometimes Mogadishu. In response to its enquiry sent on 1 June 2011 by the Permanent Mission of the United States to the United Nations,⁴⁴ the Monitoring Group understands that these two U.S.-based private air companies operate flights to Somalia on behalf of the U.S. Government in support of Somali security sector institutions.

91. More specifically, Prescott Support Co. conducted 50 flights between 14 September 2010 and 9 November 2012 with a Lockheed L-100-30 Hercules (382G) bearing United States registration N-3755P (see annex 6.2.d.). Considering the average payload of this aircraft, the delivery capacity of these flights amounts to about 1,000 tons of equipment and supplies.

92. The Monitoring Group observed that, between November 2012 and December 2012, the main base of the Puntland Intelligence Service located north of Galkayo has upgraded its facilities with two additional buildings, as illustrated by the photographs below.

Aerial photographs of Puntland Intelligence Service camp located north of Galkayo, taken on 11 November 2012 (left) and 9 December 2012 (right)

93. The construction of these two buildings during the month of November 2012 coincides with four Prescott Support Co. L-100-30 flights that landed at Galkayo airport between 3 and 9 November 2012, and constituted a load capacity of up to 80 tons of cargo.

94. In addition during the same period, the Monitoring Group counted 186 flights operated by RAM Air Services to Somalia with a Saab 340 bearing U.S. registration number N-702RS, including 139 flights from Djibouti to Bosaso, 27 flights to Galkayo, 4 flights to Mogadishu, and 10 flights from Wilson airport in Nairobi to Mogadishu (see annex 6.2.d.).

⁴⁴ Letter to the Coordinator of the Monitoring Group, 1 June 2011.

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Saab 340 registered N-702RS at Djibouti airport, on 21 September 2011

95. On one occasion, the Monitoring Group received uncorroborated information about the boarding at Galkayo airport of a handcuffed and blindfolded passenger, accompanied by several other individuals. However, the United States Government has not replied to date to the Monitoring Group’s request for additional information, including the passenger list, flight plan and cargo manifest, concerning that flight.⁴⁵

96. The Monitoring Group is unaware of any notification to the Committee from the United States Government concerning support to the Somali National Intelligence and Security Agency and the Puntland Intelligence Service, and on 16 May 2012, 31 December 2012 and 16 April 2013, requested additional information.⁴⁶ No reply has yet been forthcoming.

⁴⁵ Official correspondence referenced S/AC.29/2013/SEMG/OC.42.

⁴⁶ Official correspondences referenced S/AC.29/2012/SEMG/OC.104, S/AC.29/2012/SEMG/OC.124, and S/AC.29/2013/SEMG/OC.42.

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Annex 6.2.a: Vehicles donated by the Government of Djibouti to Somali Federal Government Forces¹

¹ “Somalia receives first military donation », Raxanreeb, 4 April 2013 ; accessed at <http://www.raxanreeb.com/2013/04/in-pictures-somalia-receives-first-military-donation/> on 20 April 2013.

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*H.E. Prime Minister Abdi Farah Shirdon and Defence Minister Abdihakim Mohamoud
Haji Faqi inspecting the interior of a Saxon AT105 armoured personnel carrier*

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**Annex 6.2.b: Letters from the Federal Government of Somalia for
importation of an armoured vehicle on behalf of Tacforce International
Annex 6.2.b.i: Letter dated 3 December 2012 addressed to the Somali
embassy in “Abdu Dubai”**

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**Annex 6.2.b.ii: Letter dated 23 February 2013 addressed to the
Director of Mogadishu seaport**

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**Annex 6.2.c: Letter from the Commander of the Somali National
Armed Forces for distribution of uniforms provided by the United
Arab Emirates**

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**Annex 6.2.d: List of flights operated by Prescott Support Co. and RAM Air
Services in Somalia between August 2012 and March 2013**

**Annex 6.2.d.i: List of flights operated by Prescott Support Co. in
Somalia between August 2012 and March 2013**

2012/02/29 PSK308 C130 N3755P HDAM HCMF Prescott Support Co.

2012/03/01 PSK308 C130 N3755P HDAM HCMF Prescott Support Co.

2012/03/03 PSK308 C130 N3755P HDAM HCMF Prescott Support Co.

2012/03/03 PSK308 C130 N3755P HDAM HCMF Prescott Support Co.

2012/03/04 PSK308 C130 N3755P HDAM HCMR Prescott Support Co.

2012/03/04 PSK308 C130 N3755P HDAM HCMR Prescott Support Co.

2012/03/05 PSK308 C130 N3755P HDAM HCMR Prescott Support Co.

2012/08/10 PSK329 C130 N3755P HDAM HCMR Prescott Support Co.

2012/08/10 PSK329 C130 N3755P HDAM HCMR Prescott Support Co.

2012/08/12 PSK329 C130 N3755P HDAM HCMR Prescott Support Co.

2012/08/15 PSK329 C130 N3755P HDAM HCMF Prescott Support Co.

2012/08/17 PSK329 C130 N3755P HDAM HCMF Prescott Support Co.

2012/09/22 PSK339 C130 N3755P HDAM HCMR Prescott Support Co.

2012/09/22 PSK339 C130 N3755P HDAM HCMR Prescott Support Co.

2012/09/23 PSK339 C130 N3755P HDAM HCMF Prescott Support Co.

2012/11/03 PSK302 C130 N3755P HDAM HCMR Prescott Support Co.

2012/11/04 PSK302 C130 N3755P HDAM HCMF Prescott Support Co.

2012/11/04 PSK302 C130 N3755P HDAM HCMF Prescott Support Co.

2012/11/05 PSK302 C130 N3755P HDAM HCMR Prescott Support Co.

2012/11/08 PSK302 C130 N3755P HDAM HCMR Prescott Support Co.

2012/11/09 PSK302 C130 N3755P HDAM HCMR Prescott Support Co.

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Annex 6.2.d.ii: List of flights operated by RAM Air Services in Somalia between August 2012 and March 2013

2012/08/03 N703RS SF34 N703RS HDAM HCMF RAM Air Services

2012/08/09 N703RS SF34 N703RS HDAM HCMF RAM Air Services

2012/09/02 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/09/10 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/09/13 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/09/17 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/09/21 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/09/22 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/09/30 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/10/09 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/10/15 N792RS SF34 N702RS HDAM HCMF RAM Air Services

2012/10/16 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/10/22 N702RS SF34 N792RS HDAM HCMF RAM Air Services

2012/11/09 N702RS SF34 N792RS HDAM HCMF RAM Air Services

2012/11/16 N7902RS SF34 N702RS HDAM HCMF RAM Air Services

2012/11/17 N702RS SF34 N792RS HDAM HCMF RAM Air Services

2012/11/21 N702RS SF34 N792RS HDAM HCMF RAM Air Services

2012/11/30 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/12/09 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/12/15 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/12/16 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/12/19 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/12/21 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2012/12/26 N702RS SF34 N70RS HDAM HCMF RAM Air Services

2012/12/30 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/01/10 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/01/14 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/01/16 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/01/23 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/01/25 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/01/29 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/01/31 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/02/07 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/02/11 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/02/12 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/02/17 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/02/19 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/03/06 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/03/06 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/03/13 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/03/19 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2013/03/20 N702RS SF34 N702RS HDAM HCMF RAM Air Services

2011/06/18 N702RS SF34 N702RS HDAM HCMF/HDAM RAM Air Services

2013/02/06 N702RS SF34 N702RS HDAM HCMM RAM Air Services

2013/02/09 N702RS SF34 N702RS HDAM HCMM RAM Air Services

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2013/03/04 N702RS SF34 N702RS HDAM HCMM RAM Air Services

2013/03/14 N702RS SF34 N702RS HDAM HCMM RAM Air Services

2012/11/20 N702RS SF34 N702RS HKNW HCMM RAM Air Services

2012/12/02 N702RS SF34 N702RS HKNW HCMM RAM Air Services

2012/12/24 N702RS SF34 N702RS HKNW HCMM RAM Air Services
 2013/01/09 N702RS SF34 N702RS HKNW HCMM RAM Air Services
 2013/01/20 N702RS SF34 N702RS HKNW HCMM RAM Air Services
 2013/01/28 N702RS SF34 N702RS HKNW HCMM RAM Air Services
 2013/02/02 N702RS SF34 N702RS HKNW HCMM RAM Air Services
 2013/02/15 N702RS SF34 N702RS HKNW HCMM RAM Air Services
 2013/02/21 N702RS SF34 N702RS HKNW HCMM RAM Air Services
 2013/03/13 N702RS SF34 N702RS HKNW HCMM RAM Air Services
 2011/02/24 N703RS SF34 N703RS HAAB HCMR RAM Air Services
 2010/11/16 N703RS SF34 N703RS HDAM HCMR RAM Air Services
 2010/11/19 N702RS SF34 N702RS HDAM HCMR RAM Air Services
 2011/08/16 N702RS SF34 N702RS HDAM HCMR RAM Air Services
 2011/11/18 N702RS SF34 N702RS HDAM HCMR RAM Air Services
 2011/12/11 N702RS SF34 N702RS HDAM HCMR RAM Air Services
 2012/01/22 N702RS SF34 N702RS HDAM HCMR RAM Air Services
 2012/03/08 N702RS SF34 N702RS HDAM HCMR RAM Air Services
 2012/08/11 N703RS SF34 N703RS HDAM HCMR RAM Air Services
 2012/08/18 N703RS SF34 N703RS HDAM HCMR RAM Air Services
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 2012/11/25 N702RS SF34 N702RS HDAM HCMR RAM Air Services
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 2013/02/05 N702RS SF34 N702RS HDAM HCMR RAM Air Services
 2013/02/08 N702RS SF34 N702RS HDAM HCMR RAM Air Services
 2013/02/26 N702RS SF34 N702RS HDAM HCMR RAM Air Services
 2013/03/02 N702RS SF34 N702RS HDAM HCMR RAM Air Services

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Annex 6.3: Private security companies

Mogadishu

1. For companies providing security details in Mogadishu to official guests of the FGS, it is the understanding of the Monitoring Group that the Permanent Mission of the Somali Republic to the United Nations in New York bears the responsibility for notifying the Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (hereafter “the Committee”), in accordance with paragraphs 33 and 38 of resolution 2093 (2013), as arguably it represents a form of support to the FGS security sector.

2. In fact, temporarily outsourcing escort services to duly licensed private companies would avoid devoting scarce resources of the Somali Police Force, in terms of manpower, equipment and vehicles, to the protection of foreign guests, and instead reserve these resources for the protection of the Somali people, as stated in paragraph 33 of resolution 2093.

Tacforce International

3. The Monitoring Group has received testimonies from Nairobi-based diplomats regarding their experience in planning security details for movements between Mogadishu International Airport and Villa Somalia. AMISOM refuses to provide support, despite an unambiguousness mandate and repeated requests from the Security Council to establish “without further delay” a guard force to provide security, escort and protection services to personnel from the international community.¹ Consequently, diplomatic missions request the assistance of the Somali Ministry of Foreign Affairs, which directs them to Tacforce International (see annex 6.2). In an earlier letter dated 3 April 2012, addressed to “UN Agencies” and “International NGO’s”, then Minister of Interior and National Security, Abdisamad Mohamud Hassan, “strongly support[ed] the use of Tacforce International by all foreign companies wishing to conduct business in Somalia for all security and life support requirements” (see annex 6.3.a).

4. Despite these credentials, the Monitoring Group has established that Tacforce International, a security company based in Dubai and managed by two ex-military Australian nationals, imported into Somalia in February 2013 a B6-type armoured vehicle in violation of the arms embargo, and with the complicity of Somali officials from the National Intelligence and Security Agency (NISA) and the Ministry of Foreign Affairs (see annexes 6.2, 6.2.c and 6.3.a). At an unknown date, it also imported a certain number of flak jackets and military helmets.

5. At its own initiative, the Monitoring Group briefed the Chief Executive Officer of Tacforce International, Arjen Valkenburg, on the sanctions regime on Somalia and its exemption procedures prior to the importation of the vehicle.² Therefore, the Monitoring Group notes that Tacforce International disregarded the arms embargo restrictions imposed by Security Council resolutions, as well as the potential implications of violations.

¹ Paragraph 2 of Security Council 2093 (2013); see also annex 6.2.

² Meeting in Dubai, 25 November 2012.

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6. In addition, the Monitoring Group notes with concerns that members of the international community are contracting security companies operating with protective clothing and non-lethal military equipment imported in violation of the arms embargo on Somalia.

G4S Security Services

7. G4S Security Services is currently providing protection to United Kingdom diplomatic premises and personnel with weapons, ammunition and military equipment imported into Somalia for the purpose.

8. As stated in annex 6.2, the Monitoring Group recommends that the Security Council should explicitly clarify whether the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated by paragraphs 1 and 2 of resolution 1425 (2002) are to be applied to deliveries of weapons or military equipment or the provision of assistance, intended solely to provide security, escort and protection services in Somalia to personnel from the international diplomatic community.

Supreme Fuels

9. Supreme Fuels, a branch of the US Supreme Group with headquarters in the Netherlands, is contracted by UNSOA to provide fuel to AMISOM. On 8 April 2011, the Monitoring Group conducted a field inspection mission to Supreme Fuel’s compound in Mogadishu and assessed, in terms of compliance with the sanctions regime, the security details employed by Supreme’s security contractor, Compass integrated security solutions.³

10. The Monitoring Group was informed by a source with extensive knowledge of the security business in Mogadishu that in early 2012, Supreme Fuel contracted a new company, reportedly called “Sandar”, to provide Supreme Fuels staff and premises with security.

According to the same source, “Sandar” would be locally registered but staffed with international security officers, and owned by one Dany Richard. Richard is associated with Supreme’s Fuels local partner and landlord, the businessman Mohamed Duale, who owns a local company called Nation Wide Enterprise.⁴

11. The Monitoring Group has received first-hand reports of “Sandar” personnel carrying assault rifles in Mogadishu in early 2012, as well as information regarding the importation into Somalia of protective equipment in violation of the arms embargo.⁵ Notably, “Sandar” is not a known registered company, it does not have any website, contact details or legal footprint, and it has not signed the International Code of Conduct for Private Security Service Providers (ICoC).

³ S/2011/433, annex 6.1, paragraphs 36 to 38.

⁴ Meeting with a confidential source with extensive knowledge of private security companies operating in Mogadishu, 21 November 2012. See also S/2011/433, annex 6.1, paragraph 36.

⁵ Meeting with a confidential source with extensive knowledge of private security companies operating in Mogadishu, 21 November 2012.

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12. In a letter dated 20 May 2013, Supreme Fuels acknowledged the fact that “the subcontracted security team [was] carrying weapons to protect staff working or visiting outside of the wire”.⁶ However, Supreme Fuels failed to provide the Monitoring Group with the name and contacts details of its security contractor in Mogadishu, a copy of its commercial registration and operating license or permit issued by the competent authorities in Somalia for security companies, a description of the current security details in place and a list of any weapons, ammunition and military equipment imported into Somalia.⁷

13. Since UN and AMISOM efforts in Somalia could be associated with foreign armed personnel operating outside any legal framework, the Monitoring Group recommends that the UN Department of Field Support takes the necessary steps to mitigate the potential for a reputational risk.

Observations

14. The Monitoring Group urges diplomatic missions, international and regional organisations, international NGOs and private entities and individuals, to ensure prior to contracting a security provider in Somalia that the company is operating in compliance with Security Council resolutions on Somalia.

15. The Monitoring Group also recommends that the Federal Department of Foreign Affairs of the Swiss Confederation should not permit as signatories of the ICoC those companies that are acting or have acted in violation of Security Council resolutions, according to reports of the Monitoring Group and other Panels of Experts mandated by the Security Council to monitor sanctions regimes. For those companies already signatories of the ICoC that violate Security Council resolutions, the Monitoring Group recommends that the members of the ICoC Temporary Steering Committee implement independent governance and oversight mechanisms and take the necessary action as soon as possible thereafter.

Somaliland

16. With the assistance of the Special Police Unit (SPU) of Somaliland, the Olive Group is responsible for the protection of the operations of Genel Energy, an Anglo-Turkish oil company registered in Jersey (see annex 5.5). During a meeting with the Monitoring Group, representatives of Genel Energy detailed the security measures and procedures implemented by the Olive Group to protect expatriate staff and operations in Burao, capital of the Togdheer region of Somalia.⁸ In addition, Genel Energy has invited the Monitoring Group to assess its compounds and operations in Somaliland.

17. The Monitoring Group expressed its reservations to Genel Energy representatives with regards to the following:

⁶ Letter to the Secretary of the Committee on Somalia and Eritrea, 20 May 2013.

⁷ Letter to Supreme Fuels, referenced S/AC.29/2013/SEMG/OC.39.

⁸ Meeting with Genel Energy representatives, Nairobi, 8 May 2013.

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☐ The payment of funds directly to SPU soldiers constitutes a form of financial support to the Somali security sector in violation of Security Council resolution 1425 (2005); and

☐ The importation of radio equipment and vehicles temporarily allocated to the SPU assigned to Genel Energy security details is in violation of resolution 733 (1992).

18. In its previous report, the Monitoring Group noted similar violations regarding the activities in Puntland of Africa Oil/Horn Petroleum/Canmex and their security provider, Pathfinder Corporation.⁹ However, as in the case of Pathfinder's operations in Puntland, the transparency of Genel Energy and its efforts to comply with the sanctions regime represent "best practices" for private companies in Somalia.

Puntland

Sterling Corporate Services

19. In July 2012, Sterling Corporate Services (SCS), that was providing training, technical assistance and support to the Puntland Maritime Police Force (PMPF) in violation of the sanctions regime on Somalia, departed from Puntland. Donors in the United Arab Emirates had interrupted funding of the programme, which had been initiated in March 2010 by Erik Dean Prince and Lafras Luitingh.¹⁰

20. However, Rudolph "Roelf" van Heerden, the former PMPF operations manager, remained behind as a project consultant with a team of 14 expatriates to oversee the maintenance of the PMPF base, vehicles, boats and aircraft, in anticipation of a new sponsor adopting the programme.

Pathfinder Corporation

21. Following the end of drilling at Shabeel 1 and Shabeel north sites, in the Dharoor block located south of Bosaso, most of the officers of the Exploration Security Units protecting Africa Oil were demobilised under the supervision of Pathfinder Corporation expatriates in Bosaso.

22. On 30 April 2013, Pathfinder Corporation staff departed from Puntland after the suspension of its contract with Africa Oil. The Monitoring Group understands that the equipment temporarily issued to the Puntland Police Exploration Security Unit, including vehicles and radio equipment, has since been subsumed under the responsibility of Canmex, Horn Petroleum and ultimately Africa Oil.

⁹ S/2012/544, paragraphs 65 to 67.

¹⁰ See S/2010/91, annex 6.3 and S/2012/544, annex 5.3.

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Galmudug

Specialist Marine Services (SMS)

23. On 21 May 2013, the Monitoring Group received an email communication from Steven Platt, company director of Specialist Marine Services Limited, describing the current activities of his company in the Galmudug state of Somalia.¹¹

24. A presentation entitled "Military Training Program" was attached to the email communication, which details a training programme for the Galmudug Armed Forces (GAF), the Galmudug Maritime Forces (GMF), the Galmudug Marine Commando (GMC) and the

Special Forces Operation Group (SFOG) (see annex 6.3.b). According to this document, the mission of the Armed Forces of Galmudug is “to protect Somali interests both at home and abroad, executing the Foreign and Defence Policies of the Galmudug State Government through the exercise of military actions, along with diplomatic activities in support of GAF objectives”.

Steven Platt at Galkayo airport, unknown date

25. In his email, Steven Platt also stated the following:

As it stands the region has little or no support with SMS Ltd making a huge contribution with regards to training, supplying of kit, equipment and uniforms to the armed forces and bringing medical aid to the area.

26. On 21 May 2013, the Monitoring Group requested additional information to the company with regards to the provision of training and equipment.¹² According to the response received,¹³ SMS confirmed the deployment of a five-man expatriate team in Galkayo, which “started to carry out military training of the Galmudug Armed Forces”, and provided copies of letters signed by President ‘Qeybdiid’, including an authorization letter to carry weapons (see

¹¹ Email communication with the Monitoring Group, 21 May 2013.

¹² Email communication with Steven Platt, 21 May 2013.

¹³ Email communication with the Monitoring Group, 27 May 2013.

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annex 6.3.b). SMS also informed the Monitoring Group of the provision of the following military equipment:

Military Kit & Equipment

27. We have currently arranged for 600 complete military uniforms, this includes:

- a. Combat Shirt (x2 per member)
- b. Combat Jacket (x2 per member)
- c. Combat Vest (x2 per member)
- d. Combat Trousers (x2 per member)
- e. Socks
- f. Tactical Boots

28. In addition we have also made the following available:

- g. Body Armour/Assault System
- h. Armour Plates (x2 per member)

29. We now realise that given the interest we will require more uniforms and ECT. We have also arranged for the following communication systems:

1. Personal Radio Systems (Handheld) – 210
2. Vehicle Radio Systems – 100
3. Ops Room Radio Systems – 10
4. Personal Radio Systems (Handheld) Marine – 100
5. Marine Assets Radio System – 50
6. Satellite Mobile Phone & Antenna

30. According to Steven Platt, SMS spent to date from its own budget 320,000 USD. SMS also plans to construct a military camp in southern Galkayo, and to train up to 1500 soldiers.

31. The provision of such training, assistance and equipment to “military forces” of the Galmudug State of Somalia by Specialist Marine Services and Steven Platt constitute a largescale violation of the general and complete arms embargo on Somalia, established pursuant to Security Council resolutions 733 (1992) and 1425 (2002).

Kismayo

Atlantean Worldwide

32. On 27 September 2012, Atlantean Worldwide was incorporated in Arlington, Virginia, U.S.A. Atlantean has established a partnership with the Kismayo Development Authority (KDA), which is reportedly a political extension of the Ras Kamboni militia that operates alongside the Kenya Defence Forces (KDF) contingent of AMISOM.¹⁴ Atlantean has no relationship with the FGS in Mogadishu and is not registered as a legal business with Somali authorities.

¹⁴ Meeting with UN official, 6 April 2013.

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33. According to its website, Atlantean provides the following services:

- Government services: include “intelligence support services”, and “an extensive library of exportable training curriculums” with “on-the-job” mentoring and train-the-trainer programs;
- Capacity building: includes training, advising, and consulting on topics such as “human security, counter-terrorism, maritime and border control, anti-poaching, [and] counternarcotics”;
- Risk management: includes “risk management consulting to help businesses minimize their security and reputational exposure”, while Atlantean’s “presence in Kenya and Somalia allows us to rapidly create operational security, intelligence, and response packages for oil and gas companies in emerging markets in East Africa”;¹⁵ and
- Camp operations: include accommodation for 60 persons at Camp Kismayo, and extra services such as flight charters to and from Wilson Airport in Nairobi, and help to “arrange security escorts for camp guests wishing to explore Kismayo ‘outside of the wire,’ visiting sites in and around the city”.¹⁶

Screenshot of Atlantean’s website, featuring KDF/AMISOM convoy in Kismayo, accessed at <http://atlanteanworldwide.com/riskmanagement/> on 7 May 2013.

34. The President of Atlantean, Laura Engelbrecht, was previously president of the US-branch of a UK-based and Guernsey-registered intelligence-led security services company, New Century Corporation, headed by Colonel (retired) Tim Collins and co-owned by Michael Grunberg. Grunberg is also a shareholder, with Anthony “Tony” Buckingham and Lafras Luitingh, of Saracen Uganda, the company primarily involved with Erik Dean Prince in establishing the training programme for the Puntland Marine Force in Bosaso.¹⁷ Furthermore,

¹⁵ Accessed at <http://atlanteanworldwide.com/company-overview/> on 7 May 2013.

¹⁶ Accessed at <http://campkismayo.atlanteanworldwide.com/> on 7 May 2013.

¹⁷ See S/2010/91, annex 6.3, and S/2012/544, annex 5.3.

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the offices of both Atlantean and New Century (US) are located in the same building, at 1000 Wilson Boulevard, Arlington, Virginia. However, according to New Century, there is no formal or financial relationship between the two companies.¹⁸

35. According to its website, Atlantean’s leadership team is mainly composed of ex-military personnel, including David “Thor” McNevin, the former US Defence Attaché in Nairobi, and Kevin Stockton, who served with US Army Special Operations, the 75th Ranger Regiment and “a Special Mission Unit”.¹⁹ The company also includes as a member of the Board of Directors, US Army Major General (retired) William “Bill” Garrison, a Vietnam veteran and commander of “Task Force Ranger” in Mogadishu in 1993.²⁰

36. Notwithstanding indications that Atlantean was designed to operate in Kismayo as a security company, and testimonies from UN officials that Atlantean “is offering a number of services including accommodation support and security escort services to United Nations

entities”,²¹ Laura Engelbrecht stated in a letter to the Monitoring Group that Atlantean is “not operating a security company”.²² (See also annex 6.3.c.)

37. Engelbrecht also stated that “we are intending to use HESCO-type barriers to place around the perimeter of our Camp”, while the Monitoring Group has photographic evidence from January 2013 showing that HESCO-type walls were erected months before the letter was sent.

Atlantean’s “Camp Kismayo” on 12 April 2013, with HESCO-type barriers visible in the background.

38. In addition, Atlantean failed to provide the Monitoring Group, despite several requests, with the packing lists and cargo manifests of a shipment delivered at Kismayo port by Alpha

¹⁸ Email communication with New Century Corporation, 8 May 2013.

¹⁹ Accessed at <http://atlanteanworldwide.com/leadership-team/> on 7 May 2013.

²⁰ Accessed at <http://atlanteanworldwide.com/board-of-directors/> on 7 May 2013.

²¹ Report referenced 13-RR-910-03, United Nations, 29 January 2013.

²² Letter to the Secretary of the Committee on Somalia and Eritrea, 27 March 2013.

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Logistics in December 2012, and with the characteristics of vehicles pending exportation to Somalia at the time of writing.²³

39. Currently, the Monitoring Group has not found evidence of a clear violation of the sanction regime by Atlantean. However, it considers that Atlantean is obscuring the motives behind its presence in Somalia and the scope of its business interests in order to appear to be in compliance with the sanctions regime. Consequently, the activities of Atlantean should be closely monitored in the future.

²³ Letter to Atlantean Worldwide, referenced S/AC.29/2013/SEMG/OC.28; and meeting with Atlantean’s Director of Africa Programs, David McNevin, Nairobi, 1 May 2013.

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Annex 6.3.a: Letter from the Interior Minister of Somalia to UN agencies and international NGO’s concerning Tacforce International

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Annex 6.3.b: Slides of a presentation on the Galmudug programme of Specialist Marine Services and official letters from Galmudug authorities

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Annex 6.3.c: Commercial brochures of Atlantean Worldwide

Commercial brochure with opening date on 15 January 2013

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Commercial brochure with opening date on 1 May 2013

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Annex 7

Obstruction of humanitarian assistance

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Annex 7.1: Denial of access and attacks on aid workers (STRICTLY CONFIDENTIAL)□

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

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Annex 7.2: Diversion and misappropriation of humanitarian assistance

Diversion by Al-Shabaab

1. Few international agencies still work in Al-Shabaab controlled areas for two reasons. First, Al-Shabaab has lost significant ground in the past twelve months and redeployed from major towns to mostly rural areas. Second, Al-Shabaab has banned the vast majority of international organisations from operating in areas under its control. Nevertheless, a few international and national non-governmental organisations (NGOs) are still able to work in some Al-Shabaab strongholds. They face challenges of coordinating with local authorities while trying to ensure that resources do not get diverted from intended beneficiaries.

2. Agencies who have worked or still work in Al-Shabaab areas report similar experiences. To implement a programme they must coordinate with local authorities and ensure their support. Some NGOs described that they had to halt their projects before even beginning since the authorities attempted to influence the targeting of beneficiaries, at times up to half of them, and replace them with their supporters.¹ Others have struggled to refuse to pay direct taxes to Al-Shabaab who demanded either a lump sum ‘registration fee’ or a percentage of the value of the project, or both. In addition, Al-Shabaab has occupied the compounds and warehouses of many NGOs they have banned.

3. The payment of taxes to Al-Shabaab is a sensitive issue for humanitarian agencies because of the legal and ethical implications. While most agencies are adamant that they have not paid direct taxes to Al-Shabaab authorities, many admit off-the-record to having reimbursed their national staff when they did, or to having actually increased national salaries to make up for the taxes imposed on them by Al-Shabaab authorities.² In some cases, beneficiaries were taxed by Al-Shabaab with the full knowledge of local and international agencies responsible for the programmes. Donors, including the European Union and the United States, are fully aware of the price to pay for operating in Al-Shabaab-controlled areas. Yet, they continue to employ the rhetoric of zero tolerance for Al-Shabaab receipt of their funds.³ Doing so results in a tacit “don’t ask, don’t tell” policy between donors and the agencies they fund whereby the agencies ultimately bear the reputational and legal risks of resources leaking to Al-Shabaab.

“A protection emergency”

4. Diversion of aid in Somalia goes well beyond the theft of goods or resources destined to vulnerable populations. Indeed, one of the most pernicious forms of diversion continues to involve the phenomenon documented in the previous report of the Monitoring Group.⁴ Individuals and groups, operating in networks organized to steal from and exploit vulnerable

¹ Interviews with NGO representatives, Nairobi, September 2012-March 2013.

² Ibid.

³ Interviews with donor representatives, Nairobi, September-December 2012.

⁴ See S/2012/544, annex 6.2, p. 310.

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populations, including internally displaced persons (IDPs), continue to act as ‘gatekeepers’ and ensure that local ‘pie-cutting’ remains an essential component of aid delivery. Consequently, a

large proportion of resources do not reach the intended beneficiaries. In addition, some gatekeepers are responsible for grave violations of human rights, including sexual violence and the mistreatment of vulnerable civilians. International assistance often fuels a cycle of abuse as aid organisations engage with gatekeepers for lack of an alternative. According to a senior UN humanitarian official, “Somalia is a protection emergency of endemic proportions, where civilians are held hostages by all of us”.⁵

5. Although gatekeepers are not new to Somalia, the system of control has become more sophisticated and pervasive in the past few years. This has been the direct result of the inability of international staff to access many parts of the country, as well as deteriorating humanitarian conditions that led to massive influxes of aid since 2006. In and around Mogadishu in particular, business networks have flourished around locations where IDPs have fled. The Somali Government and the international humanitarian community allowed IDPs to settle where they could and for hundreds of IDP camps to emerge in the capital, instead of establishing organised camps. As a result, landowners, district leaders or influential individuals have been able to offer IDPs services in exchange for money.⁶

6. The perpetual inability of Somali authorities to provide assistance and security to IDPs strengthened the hold of gatekeepers and their affiliated militias. Some gatekeepers charge IDPs reasonable sums of money for rent and the provision of security, while others exploit them and divert the assistance provided by international and local aid groups. Indeed, human rights organisations have documented a plethora of examples of economic exploitation, ranging from the misappropriation of food aid, to looting by militias and diversion by gatekeepers, and district and other officials.⁷ Moreover, gatekeepers are responsible for human rights violations, such as preventing IDPs from leaving their camps, allowing for sexual abuse, and punishing those who complain.⁸

7. The subject of gatekeepers is a sensitive one amongst the international humanitarian community as agencies are often reluctant to confront protection and accountability issues for fear of

losing access or funding. While some agencies respond by conducting thorough assessments involving local authorities and establishing stringent monitoring of their programmes, others continue

to deal with gatekeepers without realizing or questioning their *modus operandi*. Security concerns associated with gatekeepers have all too often justified the degree of diversion and exploitation in Somalia. In the words of a senior humanitarian official: “The narrative of many agencies has nothing

⁵ Interview with UN senior official, Mogadishu, 22 January 2013.

⁶ See: Erik Bryld, Christine Kamau and Dina Sinigallia, “Gatekeepers in Mogadishu,” The Somalia Cash Consortium, 31 January 2013, p. 31.

⁷ Human Rights Watch, “Hostages of the Gatekeepers: Abuses against Internally Displaced in Mogadishu Somalia”, 29 March 2013, pp. 40-48.

⁸ Ibid.

to do with the reality, where non-delivery and sub-standard programmes are the rule, not the exception”.⁹

8. Diversion of funds by gatekeepers is endemic. For example, the Monitoring Group has obtained evidence showing the existence of ‘ghost camps’ that are operated by gatekeepers and supported by international assistance. One such camp in the Karaan District of Mogadishu was supposedly home to 3200 families and supported since 2011 by UN agencies. In April 2012, UN officials visited the camp and found in addition to the gatekeepers only a few women

present with 20 to 30 shelters occupied by watchmen. There were some fires in the camp, but no signs of cooking. All the latrines were dry, indicating the absence of habitation. During a following visit a few weeks later, still no people were found in the camp, though the latrines were wet.¹⁰ In another IDP camp in Wadajir, the district commissioner sought to obtain funding from a UN agency for a project already funded by another.¹¹

9. Although such cases are often documented and known to humanitarian agencies, they sometimes ignore them due to preoccupations with spending existing funds and securing future grants rather than ensuring accountability either to donors or beneficiaries. In the absence of common operating standards or even informal agreements amongst the aid community on addressing gatekeepers, agencies willing to adopt a principled approach feel they are taking the major risks without any benefits. Indeed, while donors have stressed the need for increased transparency and accountability, they have not supported or promoted principled actors or provided many incentives for agencies to systematically tackle the problems of diversion.¹²

10. One initiative by the Somali Government to reduce the influence of gatekeepers entails a plan to establish up to three large, organized IDP camps in Mogadishu, where the IDPs can relocate under the protection of the Ministry of Interior and with the assistance of the international community. Despite the logistical difficulties of relocation, including an unrealistic timetable, the plan aims to stem the proliferation of IDP camps in the city and develop reliable profile data about IDPs, which have been root causes of the gatekeeper phenomenon. This initiative would provide the international community and aid groups with a single interlocutor, the Ministry of Interior, responsible for IDPs, thereby increasing accountability towards both beneficiaries and donors. There are doubts about the Government's ability to provide security. Nonetheless UN agencies now largely support the initiative in the hope of establishing higher standards of protection and assistance as well as encouraging IDPs to relocate. According to a senior UN official: "There is no camp management in Somalia because everybody benefitted from the chaos, including us [humanitarian agencies]. The chaos meant not having to account".¹³

⁹ Interview with senior humanitarian official, Mogadishu, 22 February 2013.

¹⁰ Interviews with UN agencies, Mogadishu, January-February 2013.

¹¹ Ibid.

¹² Interviews with UN and NGO heads of agencies, Nairobi, September 2012-March 2013.

¹³ Interview with senior UN official, Mogadishu, 22 January 2013.

Diversion and fraud by staff and partners

11. Despite the significant challenges posed by gatekeepers to the international humanitarian community, they are only one component of a larger predicament. As different parts of Somalia have become more accessible in recent months, aid agencies have managed to visit the locations of programmes they have been funding through local Somali implementing partners, in some cases for years. Ground observations and greater third party monitoring have often revealed shocking truths about the lack of implementation and low quality of programmes. According to a senior UN official, "the disconnect between the rhetoric of some UN agencies and NGOs and what has actually been happening at local level is enormous".¹⁴

12. The detachment of reporting from reality was certainly affected by inaccessibility, but there are other explanations. Some agencies violated basic standards of risk management in the interest of continued operations in certain areas. While the 2011-2012 famine created conditions of duress under which agencies felt compelled and pressured by donors to act regardless of the risks, safeguards continued to be absent well past the end of the emergency. One example is the Common Humanitarian Fund (CHF), managed by the UN Office for the

Coordination of Humanitarian Affairs (OCHA), which has disbursed since 2010 over 250 million USD of funding in Somalia without ensuring accountability. With 112 local partners selected through the cluster system, the CHF was designed to respond to emergencies by operating where others do not, but with limited knowledge of the risks. To its credit, since the beginning of 2013, OCHA has been requiring each partner to undergo a capacity assessment in order to become eligible for funding. In addition, it is developing a monitoring strategy and a mentoring system for local partners that carry risks but could become more reliable with training and capacity building.¹⁵

13. Despite evidence of fraud and diversion across organisations, a culture of denial persists, wherein aid agencies are reluctant to admit the misconduct by their staff and partners. Nevertheless, in the last year, individual UN agencies and NGOs have adopted mechanisms to mitigate risks posed by implementation through multiple layers of sub-contracting. By means of direct monitoring, third party monitoring, remote sensing through satellite imagery, call centres and other methods, some agencies have been able to set a higher standard of accountability. Once oversight and monitoring mechanisms are in place, most agencies find issues of concern with some of their programmes and partners. Indeed, uncovering evidence of diversion is generally a sign that humanitarian agencies are striving for accountability and not the opposite, especially after years of remote management and lax systems.

14. The UN Food and Agriculture Organization (FAO), for instance, is constantly monitoring its activities in Somalia through a set of risk mitigation measures and no new activity is started without review of the risks and its mitigation. FAO has started systematically using satellite imagery for its infrastructure and rehabilitation monitoring activities in high-risk and inaccessible areas, which has enabled it to identify irregularities and establish further

¹⁴ Ibid.

¹⁵ Interviews with OCHA officials, Nairobi, February 2013.

mechanisms to address them. Following investigation, FAO was able to establish that one of its partners failed to implement the project for which it was contracted, and misreported to FAO about the work performed, the duration of the project, as well as the number of beneficiaries involved. Investigations by FAO further revealed that some of its partners had colluded in drafting of their proposals for different locations, using the same language and figures in their attempt to secure grants.¹⁶

15. Similarly, the UN High Commissioner for Refugees (UNHCR) has identified problematic partners in its efforts to increase transparency. In 2011, for example, UNHCR contracted the Somali Minority Rights and Aids Forum (SOMRAF) to undertake a research project on minority clans in Somalia. The organisation failed to deliver the agreed product and stopped responding to communications from UNHCR, which subsequently sought restitution. The UN blacklisted SOMRAF through its Risk Management Unit (RMU) database, thereby strongly encouraging all UN agencies to refrain from engaging with them. In addition, UNHCR took action against two of its implementing partners engaged in the distribution of non-food items (NFIs), the International Islamic Relief Organization (IIRO) and JUMBO, for a significant percentage of diversion of NFIs from intended beneficiaries (ranging from 35 to 70% in the case of JUMBO).¹⁷

16. Obstacles still block the achievement of optimal levels of risk management, accountability and transparency. Agencies report that when they share their concerns regarding diversion with their donors, the responses and reactions do not encourage further openness. Each member of the donor community in Somalia abides by the legal regulations of their home

capitals, preventing a consistent approach to the diversion of aid. Some donors require full restitution from their grantees in cases of diversion while others are more flexible when an agency acted in good faith. Some donors are legally bound to obtain all details in cases of diversion while levels of investigation conducted by individual agencies satisfy others. Aid organisations complain of unfairness when they are asked to assume risks that are well known and tacitly accepted by donors. This, combined with a lack of consistency, does not foster a culture of openness and leads to opaque reporting about programme implementation. Donors are aware of this fact. Indeed, a major donor told to the Monitoring Group about a UN agency admitting a case of diversion: “it would have been easier had they not said anything. Now, we are stuck with this”.¹⁸

17. Separate from donors, the humanitarian community lacks a consistent approach to accountability. Conditions are better than two years ago, in part due to the establishment of the RMU and more creative monitoring by some UN agencies and NGOs. Nevertheless, existing mechanisms need to be strengthened. There are still cases of UN agencies hiring employees dismissed for fraud by other agencies. Moreover, the risk advice and assessments of the RMU

¹⁶ Interviews with FAO representative, Nairobi, September-December 2012. See also email correspondence between the Monitoring Group and FAO’s Office of the Inspector General, 23 May 2013. Archived with the United Nations?

¹⁷ Interviews with UNHCR officials, Nairobi, 1 March 2013.

¹⁸ Interview with international donor representative, Nairobi, 2 October 2012.

are not adopted systematically since they are not compulsory for individual UN agencies. For example, the United Nations Children’s Fund (UNICEF) has continued to use a local partner, DIAL, that has been blacklisted by the RMU.¹⁹ Furthermore, each UN agency and NGO has developed different contracting procedures and language for hiring implementing partners. Consequently, not all implementing partners are legally bound to disclose their use of subcontractors, which are not obliged to cooperate with investigations. Particularly problematic is the absence of or inadequate termination clauses in many contracts. The Monitoring Group has been consistently informed by various UN agencies that should a contractor deliver on programme implementation, they will not dismiss it unless they have been designated by the Security Council for targeted sanctions, regardless of evidence of misconduct presented by the Monitoring Group or possible reputational risk for the UN deriving from lack of action on the matter.²⁰

Best practices

18. At present, the UN Risk Management Unit for Somalia is the most substantial effort made by any UN country team to mitigate risks of aid delivery. Established in 2011, the RMU is separately funded and operates under the umbrella of the UN Resident and Humanitarian Coordinator’s Office, thereby ensuring its independence and credibility. The RMU supports UN development and humanitarian agencies, their partners, donors and other stakeholders by performing several key functions with tools designed to enhance risk management.

19. The RMU undertakes risk monitoring in Somalia upon the request of individual UN agencies. The aim of field visits is to assess the implementation of programmes and identify potential or existing problems. Moreover, either on its own initiative or upon request, the RMU conducts risk analysis of UN partners and contractors to help inform contracting decisions by the agencies. It also provides risk management training to UN staff, partners and donors. Most notably, the RMU established the Contractor Information Management System (CIMS), a database to facilitate information sharing, enhance due diligence and improve the management of contractors in Somalia. The database currently holds information on over 1200 contractors

and over 485 million USD worth of contracts. Also, a search facility has been introduced to check against UN consolidated lists of designated entities and individuals.

20. However, participation in the RMU CIMS is not mandatory and some of the smaller UN agencies have yet to share information about their contractors. The effectiveness of the CIMS also depends on the quality of the information provided by agencies and on their diligence in updating the

database, which some do better than others. Furthermore, since the terms of contracts vary greatly across agencies, many contractors are not required to provide information on their partners or subcontractors,

creating a major loophole in the risk management system and undermining its ability to monitor the supply chain of implementation, a sensitive issue that had been a main rationale for

¹⁹ Interviews with UN officials, Nairobi, January-April 2013.

²⁰ See, for instance, correspondence from the World Food Programme to the Monitoring Group, dated 12 March 2013, regarding the reinstatement of Abdulkadir “Enow” Nur and Deeqa Construction & Water Well Drilling Co. Ltd. as an eligible vendor, as well as the response of the Monitoring Group dated 12 April 2013. Archived with the United Nations?

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establishing the RMU in the first place.²¹ The RMU has recently engaged with the United Nations Development Group (UNDG) and the High Level Committee on Management (HLCM) to help address this issue at a UN global level.

21. Since the RMU is exclusively a mechanism for the UN Country Team, NGOs are not part of its remit, except when they are contracted by a UN agency. As a result, NGOs lack a comparable mechanism to independently assess risk, share information and introduce mitigating measures. Better information sharing between the RMU and the NGO community can help with access to risk assessments and RMU advice, but to date this has been ad hoc due to resources and mandate. Nevertheless, many NGOs have themselves improved risk management frameworks with better monitoring systems that triangulate information through different mechanisms for greater accuracy.²² In addition, positive initiatives include uniform measures for NGOs implementing similar programmes. One such example is the adoption by the Somalia Cash Consortium of a common approach to risk mitigation. ²³

Risk management in practice

The AFREC case

22. Founded in 1992, the African Rescue Committee (AFREC) is a Somali NGO and a registered company in Kenya, Somalia and the U.S.A. In recent years, AFREC has been a partner of several UN agencies and international NGOs, mostly implementing projects in Lower Juba, which was largely inaccessible to international staff and monitors until recently. In September 2012, the UN had registered in the CMIS over 11 million USD worth of contracts with AFREC.²⁴ UN-funded projects included cash assistance for vulnerable families, education support for vulnerable communities, and safe water projects, entailing rehabilitation of wells and construction of latrines. Contracts between international NGOs and AFREC that had not been funded by a UN agency were not included in the CIMS.

23. On 14 September 2012, upon the request of UN partners and following worrying reports from third party monitors, the RMU undertook a preliminary risk assessment that included a field visit to Lower Juba to determine whether AFREC has indeed implemented the projects for which it had been contracted and filed reports. The RMU mission visited the locations of the GPS coordinates provided by AFREC to assess the status of implementation. In one community, where AFREC was supposed to have built latrines and established a mobile health clinic, the elders informed the mission that no such work had been done. Furthermore, the GPS

coordinates provided by AFREC for both UNICEF and CHF projects were exactly the same and located in a vacant area at the base of a hill. The RMU did identify a problem with the CHF process that may have explained why the GPS coordinates were the same and inaccurate.

²¹ UN Country Team, Somalia, “Operations Environment Analysis”, February 2009; and Interagency Mission Report, “UNCT Somalia Risk Management”, 19 June 2009.

²² See, for example, confidential annex 7.2.a, Case study on cash assistance.

²³ The Cash Consortium is comprised of four international NGOs: ADESO, Save the Children, the Danish Refugee Council, and Action contre la Faim.

²⁴ Interview with UN Risk Management Unit, Nairobi, 26 September 2012.

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However, in another community, where AFREC was supposed to have built latrines and wells, the mission found no signs of construction. Overall, while some project components were verified, the mission found major issues of concern both in terms of quality and degree of actual implementation.²⁵

24. On 20 September 2012, the RMU conducted a second monitoring mission to another area of Lower Juba to assess AFREC’s implementation of CHF projects. While a medical clinic run by AFREC was found to be operational, the RMU identified erroneous GPS coordinates that did not correspond to UN documentation, and found no evidence of the provision of mobile health services. In addition, an AFREC food distribution centre had apparently not distributed any food for several months, though it did dispense food vouchers funded by Care International during the mission’s visit. Furthermore, the mission found in a warehouse a volume of UN-purchased or funded medical supplies, NFIs, education materials and water sanitation items that had been stored for a considerable period and/or removed from their packaging and strewn across the floor.²⁶ Further monitoring in Kismayo in November 2012 revealed similar problems with AFREC’s implementation of CHF-funded projects.

25. On 27 September 2012, at the request of UN partners and the UN Resident and Humanitarian Coordinator’s office, the RMU issued a risk report on AFREC. In assessing AFREC’s performance in all its UN-funded programmes, the RMU established that although “AFREC appear to have delivered some aspects of the projects it is clear that AFREC’s claimed achievements in all the projects listed here, do not reconcile with monitoring reporting from third-party monitors and the RMU monitoring team. It is apparent that there has been significant fraudulent reporting of performance by AFREC. It is possible that Force Majeure may impact programme activity in certain areas, but it does not explain the erroneous reporting submitted by AFREC and the failure to implement programme activities for all other areas”.²⁷ The RMU further concluded that the fraud and diversion risks posed by AFREC were “extreme”, and that there was a “very high” risk for the UN to continue working with AFREC.²⁸

26. As a result of the RMU’s findings, all UN agencies suspended their contracts with AFREC. Furthermore, due to suspected criminal actions by AFREC and its principal officers, the RMU entered into a memorandum of understanding with the UN Office of Internal Oversight Services (OIOS) that is normally mandated to investigate wrongdoing by UN Secretariat staff and represents an expansion of the investigative community scrutinizing international aid. At present, OIOS is investigating AFREC projects funded by the CHF, which may lead to criminal prosecution of the organisation and/or its key individuals, including its former executive director Abdi Ali Raghe. Preliminary investigations reveal over 2 million USD of funding was diverted by AFREC.²⁹

²⁵ Risk Management Unit report, 14 September 2012.

²⁶ Risk Management Unit report, 25 September 2012.

²⁷ RMU Risk Assessment, 27 September 2012.

²⁸ The RMU classified the contractors it assessed as presenting a “negligible” to “extreme” risk. The overall categories are: Negligible, Very Low, Low, Medium, High, Very High and Extreme.

²⁹ Interview with RMU official, Nairobi, 10 May 2013.

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The DIAL case

27. Between November 2012 and February 2013, the RMU conducted several monitoring missions to Kismayo to assess the status of implementation of UN-funded programmes by the Somali NGO, Development Initiative Access Link (DIAL). By the end of 2012, according to the CIMS, DIAL had received 6.1 million USD worth of contracts from the UN.³⁰ Third party monitors and other sources had levelled allegations against DIAL, including incomplete and ‘fake’ projects in Middle and Lower Juba, as well as diversion of UN funds by a senior staff member to fund a political campaign. In October 2012, these allegations prompted the CHF to suspend DIAL’s contracts, but continued to use DIAL as a partner. UNICEF has felt that the mitigation measures it put in place and the lack of other partners in its area of operations justify the continuous use of DIAL, even though UNICEF acknowledges the high risk posed.³¹

28. The RMU’s findings were inconclusive regarding some of the allegations, including diversion for political ends. However, it was able to establish the high likelihood of false reporting, diversion and fraud. Some of the achievements claimed by DIAL were untrue and expenditures claimed were false. Consequently, the RMU concluded that DIAL represented a “very high” risk for the UN, and it is currently pursuing the case to obtain further evidence.³²

³⁰ Interview with RMU official, 26 November 2012.

³¹ Email correspondence between UNICEF and the Monitoring Group, 10 May 2013. Archived with the United Nations?

³² RMU Risk Assessment, 25 April 2013.

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Annex 8

Violations of international humanitarian law

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Annex 8.1: Attacks on civilians

Civilian harm caused by pro-Government forces

1. The capacity of the UN to monitor human rights violations, violations of international humanitarian law and the protection of civilians remains low. Lack of access to most of the country, combined with the opacity of military actors and the weakness of civil-military structures, have made

it difficult to gather quantitative and qualitative data related to the conduct of hostilities. As such, the

number of civilian deaths attributable to pro-Government forces is hard to ascertain. In the last few years, efforts were made to mitigate harm caused to civilians, notably through the African Union Mission in Somalia (AMISOM) Indirect Fire Policy adopted in 2011, and a close tracking firing mechanism. Nevertheless, civilians continue to be harmed during combat as a result of military movements and occupation, and simply as a consequence of the availability of weapons in Somalia.

2. Human rights organisations have managed to collect some information about civilian deaths caused by pro-Government forces, either through the legitimate conduct of hostilities, the use of disproportionate force or indiscriminate targeting in violation of international humanitarian law.

Such

incidents include the following:

□ On 11 August 2012 in Kismayo, three civilians were killed apparently as a result of injuries inflicted by four shells fired by a Kenya Defence Forces (KDF) ship. Reports indicate that the shells hit civilian housing located by the sea.

□ In Janay, close to Kismayo, another seven civilians were killed when they approached KDF positions while purchasing food in nearby shops.

□ On 25 October 2012 in Lego, six civilians were killed when their bus was hit by crossfire between Al-Shabaab and AMISOM.

□ Again on 15 January 2013 in Lego, six children were killed when AMISOM mistakenly fired at a *madrassa* (school).¹

3. The situation is further complicated by the lack of structure of the Somali National Security Forces (SNSF), which consists of loosely assembled forces and militias without any real centralised command and control. Clan loyalties and side employment with private companies further undermine

the principle of command responsibility within the Somali security forces. As a result, internal fighting amongst pro-Government forces is frequent and often results in civilian harm with impunity.

Indeed, Government forces and affiliated militias have committed a range of abuses against civilians,

including looting civilian areas, arbitrary arrests and detention, and sexual violence. Human rights groups, for instance, have documented violations committed by Ahlu Sunna wal Jama'a (ASWJ) upon

their takeover of Bula Hawo in March 2012, when at least three civilians were executed and several hundred, including women and children, were arrested after a bomb attack.²

4. Moreover, civilians are often targeted for extortion. Reports collected by humanitarian and human rights agencies indicate that Somali Government soldiers and/or militia groups, after capturing

¹ Reports collected by UNPOS and Human Rights NGOs.

² Ibid.

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a town in the course of military operations, routinely rounded-up young men, including children, on grounds of being affiliated with Al-Shabaab. Organisations working in these areas have consistently reported that such arrests are arbitrary and based on physical appearance or biased accusations. The actual motivation for such arrests seems not to be security but rather extortion. Apparently a fee, usually between 20 USD and 100 USD, buys the release of an arrested individual.³ Also, reports are common about pro-Government forces proverbially establishing checkpoints to collect 'taxes' from the local population.⁴

5. AMISOM is a key provider of equipment, funds, training and leadership to the SNAF as well as some of its proxy forces. AMISOM works closely with Government-affiliated militias, instructing them when and where to report for the conduct of military operations, but does so outside any formal organisational structure. As a result, AMISOM has a duty to ensure that all forces fighting either directly with or on behalf of the Somali Government adheres to international humanitarian law. This obligation was acknowledged by the AMISOM Force Commander, Lieutenant General Andrew Gutti, who informed the Monitoring Group that "AMISOM considers itself responsible for the actions of all pro-Government soldiers".⁵

6. However, AMISOM itself is to some extent complicit in the violations committed by proxy forces. AMISOM continues to coordinate military operations with militias it knows are responsible for abuses against civilians. More directly, AMISOM transfers to such forces

prisoners it has captured since its position is that it does not have the authority to detain individuals and therefore will not do so. Nevertheless, AMISOM has a residual duty of care to ensure that detainees it has transferred are not subjected to human rights abuses. In addition, further to the organisation-wide adoption of a Human Rights and Due Diligence Policy in July 2011, the UN has a duty to ensure that the entities it is supporting, including AMISOM, respect human rights and international humanitarian law.

7. AMISOM representatives told the Monitoring Group that the mission has mechanisms in place to address allegations of wrongdoing, including investigation procedures such as Boards of Inquiry, and sanctions in accordance with African Union and troop contributing countries' administrative and

operational procedures. They further told the Monitoring Group that appropriate disciplinary measures are taken whenever soldiers are found guilty.⁶ However, AMISOM and Somali security forces conduct such investigations without any presence of independent observers or experts. AMISOM does not release publicly or share the reports of its investigations.⁷ The Monitoring Group

is aware of only two Boards of Inquiry in the past 12 months. AMISOM did not share the reports of these inquiries with the Monitoring Group despite repeated requests.

8. Security Council resolution 2036 (2012) commended AMISOM's commitment to establish a Civilian Casualty Tracking, Analysis and Response Cell (CCTARC) that would track and investigate

³ Reports collected by the UN Protection Cluster, 2012-2013.

⁴ Ibid.

⁵ Meeting with AMISOM Force Commander, Mogadishu, 24 January 2013.

⁶ Meeting with AMISOM Humanitarian liaison officer and civic officer, Mogadishu, 15 October 2012.

⁷ Ibid.

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incidents of civilian harm, and provide compensation when required. The cell has yet to be established.

Civilian harm caused by Al-Shabaab

9. The indiscriminate use of force by Al-Shabaab continues to cause significant civilian harm. In 2012, Al Shabaab increased the use of victim-activated pressure plate improvised explosive devices (IEDs). According to UN Mine Action Service (UNMAS) data⁸, 28 IEDs detonated in Mogadishu during the course of 2011, resulting in 116 deaths out of 378 casualties. Between 1 January and 24 September 2012, the number of IEDs detonated in Mogadishu increased to 32, resulting in 62 deaths out of 235 casualties.

10. Civilian casualties resulting from suicide attacks have also increased significantly in 2012. In 2011, four attacks conducted by person-borne improvised explosive devices (PBIEDs) resulted in 11 civilian casualties. In 2012, four similar attacks resulted in 34 deaths out of 125 casualties.

Although in principle the use of suicide vest attacks can be more targeted, they have been used indiscriminately against civilians. For example, on 21 September 2012, a double suicide attack against

the Village Restaurant in Mogadishu resulted in 19 deaths. These figures are unlikely to go down in 2013 since an attack on the main court complex in Mogadishu on 14 April 2013 caused more than 35 deaths.⁹

11. Targeted assassinations of civilians continue to form part of Al-Shabaab's *modus operandi*. Al-Shabaab has executed individuals perceived to be supportive of the Somali Government or AMISOM, often on suspicion of 'spying'.¹⁰ Such killings are sometimes in the form of public

executions, including beheadings. Al-Shabaab's assassination targets include politicians or local public figures supportive of the Somali Government.

12. In addition to killings of civilians, Al-Shabaab uses other methods of intimidation of civilian communities and private individuals. In areas under its control, Al-Shabaab establishes roadblocks, denying movement in and out of specific areas and imposes curfews. During the fighting for control of Kismayo and Marka in 2012, non-governmental organisations (NGOs) and UN agencies reported several incidents in which Al-Shabaab refused to allow civilians to flee the area. Instead, it used them as human shields. On 17 September 2012, for example, the UN documented an incident in which Al-Shabaab forced a minibus travelling from Kismayo to Jilib to turn back.¹¹ In another incident of 22 October 2012, Al-Shabaab was screening all trucks passing through Bulo Burte and denied passage to five trucks transporting Internally Displaced Persons (IDPs) returning from Garowe to southern Somalia.¹²

⁸ Provided to the Monitoring Group on 26 September 2012. [was this a report? Email? Internal document?]

⁹ UN and NGO security reports, January 2012-April 2013.

¹⁰ Information received by the UN Protection Cluster, September 2012- April 2013.

¹¹ See UNHCR, Kismayo Population Movements and Protection Monitoring, 1-26 September 2012, available at <http://data.unhcr.org/horn-of-africa/country.php?id=197>

¹² NGO security reports, 23 October 2012. [which NGO]

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13. Al-Shabaab also imposes taxes on those individuals living in areas under its control, and the penalty for non-payment can range from public flogging to execution. In addition, Al-Shabaab uses threats and letters to intimidate those it suspects of supporting or working for pro-Government forces.¹³

Attacks on schools and hospitals

14. All parties to the conflict continue to target education and healthcare facilities. Lack of physical access in much of Somalia due to security concerns has made it difficult to determine the number of schools and hospitals attacked. Nevertheless, the UN has identified 84 incidents in 2012, including 72 attacks on schools and 12 attacks on hospitals. Most cases were allegedly perpetrated by

Al-Shabaab (51 attacks), followed by the SNSF (14 attacks) and Ethiopian National Defence Forces (ENDF) (6 attacks). According to UN reports, Al-Shabaab was responsible for 11 of the 12 attacks on

hospitals that were verified in 2012.¹⁴

15. In September and October 2012, the UN verified 6 attacks on schools. The SNSF perpetrated 3 of these attacks in Banadir region and one in Hiran region, while Al-Shabaab was responsible for the other two in Bakol region. For example, on 15 September 2012, the SNSF converted Bunda Weyn primary school into a military base. This coincided with the commencement of the school semester and affected at least 130 pupils. On 6 October 2012, Al-Shabaab attacked a school in Rabdhure district for the purposes of indoctrinating the children. 6 boys and one girl were recruited during the incident.¹⁵

16. In November and December 2012, the UN verified 6 attacks on schools and their staff. The SNSF perpetrated three of these attacks, two in Lower Shabelle and one in Banadir, while Al-Shabaab, AMISOM and the ENDF were responsible for one each. In addition, unidentified armed elements attacked a hospital in Lower Shabelle and executed its director, leading to the closure of the facility for a week.¹⁶

17. Between January and March 2013, the UN verified 7 attacks on schools. Al-Shabaab perpetrated 5 of the attacks and the SNSF the other two. For example, on 24 January 2013 in

Baidoa district in Bay region, Al-Shabaab went to a Quranic School to mobilize children, and recruited six of them aged 12-16 years old. The SNSF reportedly attacked a hospital in Banadir region. On 27 January 2012, fighting between two allied SNSF groups led to the closure of a maternal and child health facility in Daynile district. The fighting resulted from a disagreement over control of taxes levied on businesses and a bus stop in the area around the health facility.¹⁷

¹³ Ibid.

¹⁴ See Global Horizontal Note, Monitoring and Reporting Mechanism (MRM) of Grave Violations against Children in situations of Armed Conflict, Reporting Period January-December 2012. (Hereafter “GHN”).

¹⁵ See GHN, Reporting Period September-October 2012.

¹⁶ See GHN, Reporting Period November–December 2012.

¹⁷ See GHN, Reporting Period January-March 2013.

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Summary of incidents

18. The following incidents were compiled from UN and NGO security reports between August 2012 and April 2013.¹⁸ The excerpts below reflect attacks conducted directly against civilians by parties to the conflict or the indiscriminate use of weapons in civilian areas.¹⁹

August 2012

Violations by pro-Government forces

□ 4 August, Heliwa District, Mogadishu: Armed men in Transitional Federal Government (TFG) military uniforms reportedly robbed 17 private shops. This was the second robbery in two nights. Business owners confirmed that the robbers looted all their property and raped several women. Later that night, hundreds of civilians gathered in the streets of Heliwa District to protest against abuse by TFG forces.

□ 6 August, Hawl Wadaag District, Mogadishu: Unidentified attackers threw a hand grenade at Somali National Government (SNG) soldiers in Bakara Market. The SNG soldiers opened fire randomly after the blast. The area was busy at the time of the attack. A total of four civilians were reportedly killed and eight others injured from the initial explosion and the shooting that followed.

□ 7 August, Luuq District, Gedo: Three civilians were reported killed and two others wounded when unknown gunmen opened fire at a civilian vehicle travelling from Baidoa to Luuq. The shooting occurred after the conductor of the vehicle ignored instructions from the armed men. Independent sources indicated that pro-SNG soldiers based in Luuq were most likely responsible for the incident, and identified a particular officer who had been recently replaced by the local authorities in the area after he set up a road-block and collected illegal taxation.

□ 8 August, Belet Weyne District, Hiran: ENDF troops shot and killed a man who attempted to escape his arrest in the western part of Belet Weyne. ENDF soldiers had captured the man on the road during the day while they were on patrol.

□ 9 August, Belet Weyne District, Hiran: A bomb targeted an ENDF convoy escorting a water tanker in Belet Weyne. The explosion reportedly hit a pick-up that was part of the convoy and seriously damaged it. The ENDF troops opened indiscriminate fire after the explosion and chased several individuals suspected of involvement in the attack into a nearby mosque. The ENDF forces reportedly shot and killed an elderly civilian man while chasing the perpetrators.

□ 12 August, Waaberi District, Mogadishu: TFG soldiers in the back of a pick-up truck driving along Afisyone Road opened fire at a crowd that was blocking their way. Two civilians were injured.

□ 18 August, Belet Weyne District, Hiran: The body of a civilian who had been captured and

arrested by pro-TFG forces on 15 August 2012 and then handed over to ENDF troops was

¹⁸ The UN Department of Safety and Security (UNDSS) and the NGO Safety Program (NSP) both produce regular security updates intended to inform the activities of UN agencies and NGOs.

¹⁹ To protect sources and victims, incident narratives do not include identifying details. Moreover, because of the sensitivity of the matter, as well as lack of access to many parts of Somalia, UN and NGO security officials could not confirm or follow-up some details.

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found along the riverbed in Belet Weyne. The circumstances of his death remained unclear. The victim was reportedly a businessman and an Islamic teacher.

□ 22 August, Yaaqshiid District, Mogadishu: A TFG soldier opened fire at a minibus killing the driver and two passengers at Sana' Junction. The soldier opened fire after the driver failed to comply with his instructions to stop. The perpetrator fled the scene before TFG forces arrived.

□ 25 August, Baidoa District, Bay: ENDF soldiers shot and killed a civilian man in Isha area close to the main bridge in Baidoa. The victim was reportedly shot at after he ignored instructions to stop.

Violations by Al-Shabaab

□ 7 August, Afgooye District, Lower Shabelle: Al-Shabaab militants attacked the residence of the chairman of K-50 village and killed him. The chairman had been appointed by the TFG a few days earlier. The assassination was followed by armed clashes between Al-Shabaab and TFG/AMISOM forces.

□ 7 August, Buur Hakaba District, Bay: Al-Shabaab militants reportedly vacated Buur Hakaba after AMISOM and SNG forces took control of Wanla Weyne. Before vacating the town, an Al-Shabaab official named Sheikh Muqtar Abu Muslim reportedly announced in a public gathering that Al-Shabaab would behead any person collaborating with AMISOM and the SNG if the district centre fell under their control.

□ 4 August, Afmadow District, Lower Juba: Al-Shabaab militants reportedly decapitated two individuals and left their bodies on the road in Jana Cabdalle. The reason behind the killings was unknown. Unconfirmed reports indicated that the two victims may have been close to or relatives of the leader of the Raskamboni movement, Sheikh Ahmed Madoobe.

□ 15 August, Buaale District, Middle Juba: Al-Shabaab authorities in Bua'le reportedly arrested and detained a local civilian who they accused of being in contact with AMISOM during a recent visit to Mogadishu.

□ 17 August, Tayeeglow District, Bakol: Al-Shabaab militants beheaded a civilian man they accused of spying for pro-TFG forces in Dudumale village. Reports indicated that the man was visiting his mother in the village when Al-Shabaab killed him.

□ 17 August, Balcad District, Middle Shabelle: Al-Shabaab killed two civilians in Degaanley village. Reports indicated that the victims had links with TFG forces. The perpetrators reportedly left the scene.

□ 19 August, Baidoa District, Bay: Al-Shabaab operatives reportedly abducted a man from his home in Horseed neighbourhood in Baidoa and killed him. The body of the victim was discovered the next morning in the livestock market. Unconfirmed reports indicated that the man had links with pro-TFG forces in Baidoa.

□ 21 August, Kismayo District, Lower Juba: Al-Shabaab militants arrested 10 individuals, including religious figures, after they criticized the eating of hyena meat.

□ 21 August, Baidoa District, Bay: A suspected Al-Shabaab member beheaded a female businesswoman in Awdiinle. The woman was reportedly selling tea to TFG forces.

□ 27 August, Marka District, Lower Shabelle: Al-Shabaab militants killed four civilians,

including a national staff member of a UN organisation, in Marka and Shalaambood towns. Another civilian was also injured. The reasons behind the killings were unknown. The killings

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occurred while AMISOM/TFG forces were moving towards Marka, a few hours before Al-Shabbab lost that town.

□ 28 August, Marka District, Lower Shabelle: A bomb exploded in a teashop near the former cinema area in Marka. Reports indicated that Al-Shabaab militants fixed the device on the roof of the premises before they abandoned the town. The owner of the teashop was killed and several civilians were injured in the blast.

□ 28 August, Baidoa District, Bay: Al-Shabaab forces in War-Diile village reportedly beheaded two men. The two men had been taken from their houses and killed in the village. Both men were killed for links with pro-TFG forces that had recently launched an attack against Al-Shabaab forces in War-Diile.

□ 29 August, Dhusamareeb District, Galgaduud: Suspected Al-Shabaab militants opened fire at a delegation from the Ayr/Cabsiye sub-clan in Gadoon village. The delegation composed of eight individuals had arrived from Mogadishu to mediate a dispute and a series of revenge killings opposing local sub-sub-clans of the Ayr/Cabsiye in the area. The shooting occurred in the centre of the village, after the delegation had concluded a meeting with local elders. The delegation escaped safely after being pursued for a few minutes by the attackers. Some of the shooters were recognized as bodyguards of the former Al-Shabaab local commander who had been assassinated by ASWJ in the village a few months earlier.

□ 31 August, Hudur District, Bakol: Al-Shabaab forces in Moro Gabey village arrested a local resident at his house and took him to an unknown location. Unconfirmed reports indicated that the man had links with pro-TFG officials from Bay and Bakol regions.

□ 31 August, Hudur District, Bakol: Al-Shabaab forces reportedly attempted to arrest two local businessmen transporting *khat* from Ceel Barde to Hudur in Abore village. One of the men was arrested and reportedly beheaded. The other managed to escape and reached Hudur.

Violations by other or unknown actors

□ 26 August, Hodan District, Mogadishu: An unidentified attacker threw a hand grenade at a restaurant in Taleex neighborhood. An unspecified number of civilians were reportedly injured in the blast. The perpetrator fled the scene.

September 2012

Violations by pro-Government forces

□ 1 September, Yaaqshiid District, Mogadishu: Armed men dressed in military uniforms killed a young man in Towfiiq Junction. The killing reportedly occurred as the armed men were trying to steal the victim's mobile phone. The perpetrators fled the scene after the incident.

□ 5 September, Wanla Weyn District, Lower Shabelle: Gunmen wearing military uniforms opened fire at a civilian bus near Wanla-Weyne town. The attackers reportedly shot at the vehicle after the driver failed to stop. Reports indicated that the gunmen intended to rob the bus.

□ 9 September, Bossaso District, Bari: Three men dressed in Puntland police uniforms stabbed a man and cut off his wife's ear in Bosasso. The men apparently cut off the woman's ear to steal her golden earring.

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□ 11 September, Dharkenley District, Mogadishu: A man dressed in an SNAF uniform shot and killed a *khat* seller in the Xoosh neighbourhood. Reports indicated that the victim was shot after he tried to prevent the perpetrator from taking the *khat* without paying.

- 17 September, Heliwa District, Mogadishu: An SNAF soldier shot and killed a civilian man. The motive for the shooting was unknown. The perpetrator fled the scene.
- 19 September, Daynile District, Mogadishu: A targeted bomb attack against an SNAF military truck in Cise Cabdi neighbourhood killed two soldiers. Other SNAF soldiers opened indiscriminate fire after the blast and killed four civilians, including a child.
- 21 September, Afmadow District, Lower Juba: Fierce fighting broke out after Al-Shabaab militias attacked KDF-AMISOM and anti-Al-Shabaab positions in Jana Cabdalle village. Reports indicated that after the fighting, KDF soldiers killed six pastoralists due to their alleged support of Al-Shabaab. Two days later, the KDF announced the arrest of the soldiers involved as well as a formal investigation.
- 23 September, Afgooye District, Lower Shabelle: Gunmen dressed in SNAF uniforms set up at least 10 illegal checkpoints on the road between Mogadishu and Afgooye. The gunmen reportedly harassed individuals passing along the road and extorted money from them.
- 28 September, Dharkenley District, Mogadishu: A pro-Government militia manning a roadblock in the Kaawa Gudey neighbourhood opened fire at a passenger vehicle. One passenger was killed. The militiamen shot at the vehicle as it attempted to force its way through the checkpoint to avoid paying illegal taxes. SNG soldiers and police officers arrived at the scene but made no arrest.
- 29 September, Baardheere District, Gedo: Two Kenyan warplanes reportedly bombed Baardheere town. The planes bombed the ADC Compound, Markabley School and Kaskey neighbourhood. Unconfirmed reports indicate that one civilian was killed and nine others, mostly children, were injured in the attack.

Violations by Al-Shabaab

- 1 September, Balcad District, Middle Shabelle: Al-Shabaab militants kidnapped a man from his home and later killed him. Reports indicated that the man was suspected of being an informer for the TFG.
- 1 September, Hudur District, Bakol: Al-Shabaab militants stopped two donkey carts transporting firewood to Hudur in Abaq Beeday village. The firewood was unloaded and the owners of the carts were released after receiving a warning against delivering firewood to areas controlled by TFG/ENDF forces.
- 1 September, Hudur District, Bakol: Al-Shabaab militants burnt 250 bags of commercial foodstuffs consisting of sugar and rice in Moro Gabey village. The food was supposed to be delivered in Hudur. Reports indicated that the businessman transporting the food had been warned several times against sending supplies to Hudur but ignored Al-Shabaab's instructions.
- 2 September, Qansah Dere District, Bay: Al-Shabaab militants beheaded a pastoralist they accused of spying for pro-TFG/ENDF forces in Qansah Dere District. The body of the victim was left on the roadside.

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- 3 September, Barawe District, Lower Shabelle: Al-Shabaab militants executed two men at a public ground in Barawe. An Al-Shabaab court sentenced the men to death after they were accused of spying for TFG/AMISOM forces.
- 10 September, Afmadow District, Lower Juba: Al-Shabaab militants arrested two pastoralists they accused of spying for KDF and anti-Al-Shabaab forces in an area between Afmadow and Dhoobley. Reports indicated they executed one of them and freed the other.
- 17 September, Baidoa District, Bay: Al-Shabab militants beheaded a businessman in Galoolow village. Unconfirmed reports indicated that the man was executed after he refused to pay the 400,000 Somali Shillings Al-Shabaab had been demanding from each family.

□ 17 September, Baidoa District, Bay: Al-Shabaab militants shot and injured a civilian man they had arrested a day earlier. The man was accused of communicating with clan members in the Somali Government and providing advice to the clan's politicians in Mogadishu.

□ 20 September, Xamar Weyne District, Mogadishu: Two suicide bombers attacked the Village Restaurant in the former Women's Association Building adjacent to the National Theatre. The two suicide bombers detonated their vests in the hotel, which was busy with clients. Fifteen individuals were killed and many others injured. Two Somali journalists, two Somali watchmen working for an NGO, an NGO staff member and two policemen were among those killed in the attack.

□ 22 September, Jowhar District, Middle Shabelle: Al-Shabaab militants arrested a prominent businessman. They detained the man after suspecting him of spying for SNAF/AMISOM forces that had been advancing towards the town.

Violations by other or unknown actors

□ 11 September, Yaaqshiid District, Mogadishu: An IED targeted a minibus in Jiir Garoob area. The motive of the attack remained unclear. SNSF arrived at the scene after the blast but made no arrest. Reports indicated that four passengers were killed and 10 others were injured in the blast.

□ 12 September, Balcad District, Middle Shabelle: An unidentified explosive device targeted a passenger vehicle in Caliyale Village. Eight passengers were reportedly killed and six others were injured.

□ 15 September, Heliwa District, Mogadishu: An unidentified attacker threw a hand grenade at an SNAF pick-up truck but missed its target and hit a civilian minibus. Three civilians were injured in the attack. The perpetrator fled the scene.

□ 19 September, Boondheere District, Shibis District, Mogadishu: Five mortar rounds fired from an unidentified location in Mogadishu hit Shibis and Bondheere districts. Four individuals, three in one household and a shopkeeper, were killed. No group claimed responsibility for the attack.

□ 29 September, Kismayo District, Lower Juba: Six civilians were shot and killed by unidentified armed men at different locations in Kismayo town. The victims included two prominent clan elders.

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October 2012

Violations by pro-Government forces

□ 3 October, Kismayo District, Lower Juba: Pro-Government forces banned women in Kismayo from wearing veils covering their faces on security grounds.

□ 7 October, Kismayo District, Lower Juba: Armed men dressed in military uniforms and suspected of belonging to anti-Al-Shabaab forces looted the shopping area in Arwo Arladi in Calanley neighbourhood. The men took money and other property.

□ 10 October, Hodan District, Mogadishu: A civilian IDP woman was shot and killed and three other IDPs were injured after an SNAF soldier opened fire at a distribution site in Zona K. The IDPs were reportedly receiving sanitary material being distributed by an NGO at the time of the shooting. The shooter was arrested. The reason for the shooting was unknown.

□ 10 October, Afgooye District, Lower Shabelle: SNAF soldiers opened fire at a civilian vehicle on the Mogadishu-Afgooye road. Three people were reported killed and two others injured. The reason for the shooting was unknown.

□ 10 October, Belet Xaawo District, Gedo: An anti-Al-Shabaab militiaman shot and killed a local businessman and injured another one. The shooting broke out during a dispute between

the men when the militiaman attempted to extort illegal taxes.

□ 11 October, Hodan District, Mogadishu: Three civilians were killed and two others wounded at Banadir Junction after SNG forces shot at a minibus heading towards Afgooye. The reason for the shooting was unclear.

□ 19 October, Hawl Wadaag District, Mogadishu: An SNG soldier escorting a revenue collector shot and injured a businessman in Bakara Market. The soldier shot the trader after he reportedly refused to pay the daily tax. SNG soldiers later arrived at the scene but took no action.

□ 21 October, Dharkenley District, Mogadishu: Armed robbers wearing SNG military uniforms stole valuables, including cellular telephones and money, from civilians sitting outside a shop in Nur Aduunyo neighbourhood. The robbers fled the scene.

□ 30 October, Hodan District, Mogadishu: An SNG policeman shot and killed a conductor of a minibus in the K-4 area. The shooting reportedly followed a dispute after the conductor refused to pay taxes. Two passengers were also injured in the attack. The perpetrator fled the scene.

Violations by Al-Shabaab

□ 2 October, Baardheere District, Gedo: An Al-Shabaab militant shot and killed a civilian man in the main market of Baardheere town. The incident occurred following a dispute between the victim and the perpetrator. The perpetrator fled the scene.

□ 9 October, Buur Hakaba District, Bay: Al-Shabaab militants executed a civilian man in Buur Hakaba. The man was reportedly arrested a month earlier and was accused of espionage after Ethiopian identification documents were found in his luggage.

□ 10 October, Buaale District, Middle Juba: Al-Shabaab militants in Bu'ale town arrested several local individuals who they accused of sympathizing with anti-Al-Shabaab forces. Of those arrested, some were formerly local district council members who had resigned before Al-Shabaab took the town and others were businessmen.

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□ 10 October, Hudur District, Bakol: Al-Shabaab militants arrested two businessmen in Kulujareer. The two were accused of supporting SNG forces in Hudur.

□ 13 October, Buaale District, Middle Juba: Al-Shabaab officials in Bu'ale organized a public gathering to convince the local residents to join their cause. The Al-Shabaab officials threatened the attendees with death if they refused to join the holy war.

□ 13 October, Diinsoor District, Bay: An Al-Shabaab intelligence unit arrested four individuals at a teashop in the town. Two of the individuals were shot and killed on the outskirts of the town and the other two managed to escape. The victims were livestock and charcoal traders. The reason for the arrests and killings were unknown.

□ 14 October, Baardheere District, Gedo: The Al-Shabaab District Commissioner for Baardheere District informed local residents that all youth in the town were to register with Al-Shabaab in order to join the cause. Vehicles mounted with loudspeakers were also used to spread the news about the recruitment.

□ 21 October, Baidoa District: An IED placed in or close to a teashop frequented by pro-SNG forces exploded in the afternoon. Four individuals were killed and 12 others, including three pro-SNG soldiers, were injured. Pro-SNG forces arrested several individuals they suspected of organizing the attack.

□ 27 October, Kismayo District, Lower Juba: A bomb exploded at a café frequented by anti-Al-Shabaab forces on the outskirts of Kismayo. One civilian was reportedly killed and four other individuals were injured in the blast, including two anti-Al-Shabaab soldiers.

□ 27 October, Kismayo District, Lower Juba: A bomb exploded at an open-air restaurant in

Kismayo. Two civilian women and an anti-Al-Shabaab soldier were killed in the blast.

□ 31 October, Baardheere District, Gedo: Al-Shabaab militants shot and killed a camel herder after he reportedly refused to pay taxes. Sources said the militants counted the herder's camel and demanded that he should pay two camels, which he declined.

□ 31 October, Qansah Dere District, Bay: About 10 Al-Shabaab militants opened fire at local individuals who were clearing some land for the establishment of an ENDF/AMISOM base in Qansah Dere. Two workers were critically injured.

Violations by other or unknown actors

□ 2 October, Kismayo District, Lower Juba: Unidentified attackers threw a hand grenade at a teashop in Kismayo, injuring six men. The motive of the attack was unknown and the perpetrators fled the scene.

November 2012

Violations by pro-Government forces

□ 5 November, Marka District, Lower Shabelle: SNG soldiers reportedly robbed a shop in Sheikh Abroone neighbourhood of Marka.

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□ 7 November, Hodan District, Mogadishu: An SNG soldier shot and killed a bus conductor in Banaadir Junction following a dispute that escalated over the payment of extortion money. The perpetrator fled the scene.

□ 8 November, Wanla Weyn District, Lower Shabelle: Armed men dressed in military uniforms killed a lorry driver in Balli Doogle area. The incident occurred after the driver refused to pay illegal taxation to the armed men

□ 8 November, Afgooye District, Lower Shabelle: SNG forces reportedly killed a schoolteacher in Ceelasha Biyaha. Unconfirmed reports indicated that the victim was deliberately killed for refusing to pay taxation. The perpetrators were arrested.

□ 11 November, Heliwa District, Mogadishu: Three civilians were killed and two others wounded in the livestock market area when SNG forces opened fire on a minibus. The shooting occurred after SNG soldiers attempted to stop the vehicle to demand illegal taxation and the driver ignored their order to stop.

□ 11 November, Dhuusamarreeb District, Galgadud: ENDF troops based in Guri-Ceel opened fire at a private vehicle and wounded the driver. The incident occurred as the troops were collecting firewood. The motive for the shooting was unconfirmed.

□ 13 November, Waaberi District, Mogadishu: AMISOM soldiers shot and killed a woman and injured a man after they approached an AMISOM gate in a "suspicious" manner that evening. The group of four individuals, including the two victims, allegedly advanced towards Al Jazeera Gate of Mogadishu Airport under the cover of shrubs/shade without heeding the instructions of the soldiers to stop.

□ 16 November, Hawl Wadaag District, Mogadishu: An armed man dressed in an SNG military uniform killed a 20-year-old woman in Bakaara Market. The man shot the woman after she refused to surrender her mobile phone and jewellery. The perpetrator fled the scene.

□ 17 November, Baidoa District, Bay: The new, recently trained pro-SNG police shot and injured three civilians. The motive for the shooting was unknown. Pro-SNG forces arrested the perpetrators.

□ 20 November, Marka District, Lower Shabelle: Armed men in SNG military uniforms reportedly robbed passengers in a convoy of seven vehicles near Buufow Bacaad village on the Afgooye-Marka road. The robbers stole all valuables from the passengers at gunpoint. They also reportedly raped four female passengers.

- 25 November, Afgooye District, Lower Shabelle: SNG soldiers shot and wounded a civilian man in the main market. The motive for the attack was unclear. The perpetrators fled the scene.
- 26 November, Afgooye District, Lower Shabelle: Armed men dressed in SNG military uniforms robbed at gunpoint passengers travelling in a minibus on the Mogadishu-Afgooye road in Lafoole area. The robbers reportedly assaulted some of the passengers.
- 27 November, Heliwa District, Mogadishu: An SNG soldier shot and killed a secondary school student near SOS Hospital. The incident reportedly occurred after the boy ignored instructions to raise his hands at a checkpoint. The perpetrator fled the scene.
- 29 November, Hodan District, Mogadishu: An armed man dressed in an SNG military uniform opened fire at a minibus near Trebuunka Junction in Hodan District. The incident occurred after the driver of the bus reportedly refused to pay illegal taxes to the soldier. A female passenger was reportedly killed and two other passengers injured. The perpetrator fled the scene.

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Violations by Al-Shabaab

- 3 November, Jowhar District, Middle Shabelle: An Al-Shabaab militant reportedly shot dead a civilian on the outskirts of Jowhar town after being released from Al-Shabaab custody the same day. The motive of the killing was unknown.
- 4 November, Hodan District, Mogadishu: Two suicide bombers attacked the Village Restaurant near Amira Hotel. The two bombers were denied access to the restaurant by security guards and opened fire at the guards before detonating their explosive devices. This restaurant is popular with politicians, diaspora and other important stakeholders in Mogadishu. At the time of the attack, the restaurant was hosting senior Government officials including the Director of the Criminal Investigation Division, military and police officers and an immigration department officer. Four individuals, including the suicide bombers, one security guard and a female bystander were reportedly killed, while about 9 others sustained injuries. Eight NGO staff members were injured in the attack.
- 5 November, Baardheere District, Gedo: Al-Shabaab militants reportedly arrested a local waiter at his house in Baardheere. The subsequent whereabouts of the man remained unknown. He was reportedly accused of collaboration with anti-Al-Shabaab forces in Gedo Region.
- 5 November, Marka District, Lower: Al-Shabaab militants ambushed two vehicles travelling from Marka towards Afgooye near Buufow Bacaad village. A local NGO staff member privately owned one of the vehicles and had rented it out for the day. The vehicle was badly damaged and one passenger was injured. The militants temporarily detained the other three passengers and took the vehicle. The other vehicle, reportedly transporting *khat*, was badly damaged and one of its passengers was killed.
- 5 November, Yeed District, Bakol: Al-Shabaab militants arrested three individuals in Rabdure village. The arrests were reportedly linked to the individuals celebrating the appointment of one of their clan members in the new SNG cabinet.
- 5 November, Hudur District, Bakol: Al-Shabaab militants reportedly ordered the local herders to move away from Hudur town. The order was a response to herders' movement towards Hudur to avoid paying Zakat contributions to Al-Shabaab.
- 5 November, Luuq District, Gedo: Six Al-Shabaab militants reportedly visited Haanoy village to warn residents against participating in a workshop to be organized by an NGO in Luuq District. The militiamen summoned the elders from their houses and threatened that the families of any participants in the workshop would be slaughtered before their return home.
- 7 November, Hudur District, Bakol: Al-Shabaab militants arrested a female shepherd from

Cusbo Eelo. The militants took her to an area about 4 km from the village and beat her. The woman was released the following morning. The motive for the beating remained unknown. In a separate incident on the same day, Al-Shabaab militants beat another woman with sticks after accusing her of working in her farm without proper dress.

□ 10 November, Qansah Dere District, Bay: Al-Shabaab militants beheaded a livestock trader around 15 km northwest of Qansah Dere. The victim was a well-known religious leader and animal trader in the district. The severed parts of his body were placed on the main road. The motive behind his killing was not clear but the assumption was that he was killed because of transactions with Ethiopians.

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□ 10 November, Baidoa District, Bay: Suspected Al-Shabaab militants opened fire at a civilian vehicle driving between Manas and Goof Gaduud on the Baidoa-Diinsoor road. One civilian was seriously wounded in the incident. The circumstances surrounding the incident were not clear. ENDF/pro-SNG forces based in Goof Gaduud village reached the scene but did not locate the perpetrators.

□ 12 November, Baidoa District, Bay: Al-Shabaab militants confiscated a private vehicle transporting civilians in Awdiinle village. The militants stopped the vehicle and ordered the passengers out. They loaded their wounded men into the vehicle and drove away to an unidentified location.

□ 13 November, Baidoa District, Bay: Al-Shabaab militants executed a well-known local trader in Awdiinle village in Baidoa District. The motive for the killing remained unknown.

□ 17 November, Yeed District, Bakol: Al-Shabaab militants imposed new tax rates on all traders, in some cases raising the taxes three-fold in Buur Dhuxunle. The new rates became effective particularly in livestock trading areas, including Mooro Gabey and Garas Weyne. Livestock traders in these villages reportedly suspended their livestock business in protest against the new rates. Sources indicated that Al-Shabaab imposed the new rates in all areas under its control in Bay and Bakol regions.

□ 23 November, Afgooye District, Lower Shabelle: Unknown gunmen armed with pistols shot and killed a well-known businessman in Afgooye town. The victim owned a shop in the market and was regularly selling goods to SNG and AMISOM forces. Available reports indicated that the victim had received several threats by phone from Al-Shabaab affiliates before his killing. The threats were reportedly linked to his business involvement with SNG/AMISOM forces.

□ 25 November, Buur Hakaba District, Bay: Al-Shabaab militants increased Zakat contributions collected from areas under their control in Bay and Bakol regions. In Buur Hakaba and Awdiinle, the militants doubled taxes at roadblocks for trucks transporting goods to pro-Government controlled areas. Each truck had to pay about 300 dollars to pass.

□ 28 November, Baardheere District, Gedo: Al-Shabaab forces arrested two young men they suspected of spying for KDF in Baardheere.

Violations by other or unknown actors

□ 2 November, Dharkenley District, Mogadishu: Unidentified attackers threw a hand grenade at a teashop frequented by SNG forces in Macmacaanka neighbourhood. At least two civilians were killed and seven others injured, including a six-year old child and a woman. The perpetrators fled the scene but several young men were arrested in a subsequent security operation.

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□ 7 November, Marka District, Lower Shabelle: A bomb attack targeted SNAF soldiers at a

vegetable market in Shalaambood village in Marka District. Some sources indicated that two bombs exploded in the market. Six individuals, including two soldiers, were killed and four civilians were injured in the attack. The perpetrators managed to escape. SNG forces later arrested several individuals they suspected of organizing the attack.

□ 8 November, Marka District, Lower Shabelle: Men armed with pistols shot and killed a young man in a teashop. The motive for the killing remained unclear but sources believed the victim was a member of the SNAF who had defected from Al-Shabaab. The perpetrators fled the scene.

□ 27 November, Baidoa District, Bay: Unidentified assailants shot and killed a businessman in the livestock market in Isha neighbourhood. Sources indicated that the victim, a member of the Rahanweyn/Hadame sub-clan, had been a vocal critic against Al-Shabaab ideology.

December 2012

Violations by pro-Government forces

□ 3 December, Afgooye District, Lower Shabelle: An SNG soldier reportedly fired at a crowd in the *khat* market in Afgooye town. Unconfirmed reports indicated that the soldier was angered by a dispute in which his wife was involved.

□ 6 December 2012, Dharkenley District, Mogadishu: Unidentified armed men in SNG military uniforms stormed and robbed business centres, shops and personal assets in Kaxda area. One woman was injured and later died in hospital.

□ 9 December, Afgooye District, Lower Shabelle: SNG soldiers reportedly shot and killed a wellknown

lorry driver in Mareerey area. The driver had apparently ignored the soldiers' instructions to stop. The lorry was transporting bananas from Mareerey to Afgooye.

□ 9 December, Belet Weyne District, Hiran: ENDF troops based in Kalabeyr executed a man they had arrested after one of their soldiers died of injuries sustained from a bomb attack. The victim was from the Hawadle clan and his clan members suspected that a man from the Udeejeen clan had denounced him. Reports indicated that most of the Udeejeen vacated Kalabeyr in fear of Hawadle clan revenge.

□ 15 December, Daynile District, Mogadishu: Local residents and elders living in Dayniile District reportedly lodged strong complaints with SNG officials about recurrent robbery, rape and intimidation that they face from gunmen dressed in SNG military uniforms.

□ 18 December, Hodan District, Mogadishu: An SNG soldier shot and killed a civilian man in the K-4 area during a private dispute. The perpetrator fled the scene.

□ 25 December, Afgooye District, Lower Shabelle: Armed gunmen dressed in SNG army uniforms reportedly stopped by force a minibus carrying passengers. The minibus was driving between Marka town and Afgooye town when it came under attack. The gunmen raped three female passengers after they had stripped all passengers off their valuables. The perpetrators fled the scene after the incident.

□ 25 December, Afgooye District, Lower Shabelle: At least two new illegal checkpoints, manned by uniformed gunmen, were clandestinely set up on the Mogadishu-Afgooye road, specifically in the areas between Sinka Dher and Lafole. Minibus drivers confirmed that larger

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fees were extorted at the checkpoints. The drivers shuttling between Mogadishu and Afgooye complained to the Government about the illegal checkpoints and cruel misconduct of the SNAF soldiers.

□ 26 December, Afgooye District, Lower Shabelle: An SNG soldier opened fire on a public transport vehicle, killing a civilian man. The reason for the shooting was unclear but

unconfirmed reports indicated that the soldier demanded a bribe at the illegal checkpoint he was manning. The soldier fled the scene after the incident.

Violations by Al-Shabaab

□ 3 December, Baardheere District, Gedo: Al-Shabaab militants armed with pistols shot and killed an elderly man in Baardheere town. The victim, a Sufi cleric, was shot in front of his house on his way back from a mosque. The perpetrators were later seen returning to an Al-Shabaab base.

□ 3 December, Baardheere District, Gedo: Al-Shabaab militants stormed a private house in Baardheere and arrested a man. He was taken to an unknown location and his status remained unknown. Local residents believed that the man was arrested due to his personal religious beliefs.

□ 5 December, Ceel Buur District, Galgadud: The body of an unidentified young man was found in the vegetable market. Local sources indicated that the body had been offloaded from an Al-Shabaab battlegroup earlier in the morning. The motive for the killing was unknown. Al-Shabaab militias were reported to have been conducting security operations in Ceel Buur in the three days prior to the incident.

□ 10 December, Baidoa District, Bay: Suspected Al-Shabaab operatives attacked the residence of a local clan elder in Baidoa. The targeted individual was away from his house when the attack occurred. The attackers opened fire at the house but were confronted by a neighbour who fired back and forced them away. No casualties were reported.

□ 11 December, Ceel Buur District, Galgadud: The mutilated body of a local civilian man was found in Ceel-Dheer neighbourhood. The motive behind the killing remained unknown. Al-Shabaab militiamen were suspected of killing the man. No arrests were made.

□ 12 December, Baardheere District, Gedo: A local civilian was killed in Mataano village. The motive for the killing was unknown. Local residents suspected Al-Shabaab militants of responsibility for the killing.

□ 14 December, El Der District, Galgadud: Tensions rose between Al-Shabaab militias and local pastoralists over the payment of Zakat contributions. Al-Shabaab were said to have forcefully seized dozens of camels and detained a prominent elder from the area to put pressure on the local communities.

□ 14 December, Baidoa District, Bay: Al-Shabaab militants reportedly abducted three men from their houses and took them to an unknown location. One of the three was apparently beheaded. The reason for the abduction and execution remained unconfirmed.

□ 16 December, Luuq District, Gedo: Al-Shabaab militants reportedly beheaded a well-known resident of Luuq District on the outskirts of Luuq town. The victim was a herdsman who was usually caring for livestock of Luuq residents. Reports indicated that he was arrested by

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Al-Shabaab fighters in Kureedka area and accused of spying for pro-SNG forces. He was beheaded on the spot.

□ 16 December, Baardheere District, Gedo: Elements of an Al-Shabaab security section (*Amniyat*) reportedly arrested three businessmen recently arrived from Mogadishu in the business centre of Baardheere. They were forced into a pick-up truck and taken to an unknown location. The reason for the arrest/abduction was unconfirmed.

□ 16 December, Luuq District, Gedo: Al-Shabaab militants beheaded a milk trader in Yurkud, supposedly for selling milk to ENDF troops. The body of the man was displayed near the main road between Luuq and Baidoa.

□ 17 December, Yaaqshiid District, Mogadishu: Five civilians were robbed at gunpoint by

gunmen in SNG uniforms close to Jungal Junction in Yaaqshiid District. Their mobile phones and other possessions were taken.

□ 21 December, Baardheere District: Al-Shabaab forces arrested and abducted two well-known businessmen in Baardheere. One of the men tried to escape and was shot and injured. The reason behind the arrest/abduction was unknown.

□ 21 December, Jowhar District, Middle Shabelle: Al-Shabaab reportedly ambushed a vehicle transporting *khat* from Jowhar to Jalalaqsi. Several of the passengers were injured

□ 22 December, Baardheere District, Gedo: Al-Shabaab's administration in Baardheere District banned residents from watching Horn Cable and Universal TV channels. The District Commissioner of Baardheere announced that anyone found watching the channels would have his television confiscated and would be brought to court.

□ 26 December, Baardheere District, Gedo: One of the top Al-Shabaab officials in Baardheere District, Moalim Daud, warned residents of the town against spying for anti-Al-Shabaab forces. He further added that the Al-Shabaab administration was aware of the high level of infiltration by spies, was monitoring them and would act on intelligence acquired. The statement was delivered from a vehicle mounted with a loudspeaker.

□ 26 December, Yeed District, Bakol: Al-Shabaab forces beheaded a man on the outskirts of Rabdhure after accusing him of spying for anti-Al-Shabaab forces.

□ 27 December, Kismayo District, Lower Juba: Suspected Al-Shabaab fighters fired several artillery shells at a civilian aircraft after it landed at Kismayo Airport. Three people were injured in the attack.

□ 28 December, Hudur District, Bakol: Al-Shabaab forces beheaded a man in Boodan village after accusing him of spying.

□ 29 December, Afgooye District, Lower Shabelle: Unidentified gunmen suspected to be Al-Shabaab fighters kidnapped a local resident in Lafoole. An unconfirmed report indicated that the man was working with AMISOM.

□ 29 December, Waajid District, Bakol: Al-Shabaab forces briefly arrested seven pastoralists for refusing to pay Zakat contributions.

□ 31 December, Jilib District, Middle Juba: The Al-Shabaab administration in Jilib beheaded a man after accusing him of collaboration with anti-Al-Shabaab forces.

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Violations by other or unknown actors

□ 3 December, Heliwa District, Mogadishu: Unidentified gunmen armed with pistols shot and killed a local businessman in the livestock market area. The victim was an Al-Shabaab defector. The perpetrators managed to escape.

□ 3 December, Kismayo District, Lower Juba: Ras Kamboni forces reportedly discovered and dismantled a vehicle-borne IED (VBIED) at the Kismayo seaport facilities. The explosives were reportedly concealed in a truck carrying charcoal. Six individuals were arrested in relation to the incident.

□ 4 December, Gaalkacyo District, Mudug: A truck driver was seriously injured when a militiaman from the Sa'ad clan opened fire when the driver refused to pay an illegal tax. No arrests were reported.

□ 7 December, Wadajir District, Mogadishu: Unidentified attackers threw a hand grenade at a group of individuals watching a football game in a video shop, killing two and wounding four. One young man who was not from the area was captured and beaten before being taken to a police station for interrogation.

□ 9 December, Hodan District, Mogadishu: A hand grenade was reportedly thrown at a

residential house in Jaamacadaha area. Reports indicated that the house was the residence of a woman working as a translator for AMISOM. The woman survived but two female relatives were injured. The perpetrator escaped unidentified.

□ 11 December, Cadaado District, Galgadud: A truck driver from the Sa'ad/Farle sub-clan was shot and severely injured by a militiaman from the Sa'ad/Jalafle sub-clan manning an illegal roadblock at the north entrance of Galinsoor. No arrests were made.

□ 21 December, Dayniile District, Mogadishu: Unknown gunmen armed with pistols shot and killed two young men in Halgan Neighbourhood of Dayniile district. Unconfirmed reports indicated that the two were Al-Shabaab defectors. One of the men was reportedly collaborating with the National Security Agency (NSA).

□ 22 December, Wardhiigleey District, Mogadishu: At least four 82mm M10 mortar rounds were fired from Gubta neighbourhood towards Villa Somalia. None of the mortar rounds hit the target. Confirmed impact sites were a residential house close to the office of the Wardhiigleey District Commissioner, an IDP camp near Sayidka and Ex-fiyore (all in Wardhiigleey District). One woman was killed and four children were injured by one of the mortar rounds.

□ 22 December, Cabudwaaq District, Galgadud: A man armed with an AK-47 assault rifle fired at civilians at a teashop in Cabud Waaq. The assailant was reportedly targeting one of the men at the teashop in clan revenge. The intended target escaped uninjured. One person was killed and four others were injured in the shooting.

□ 23 December, Dharkenley District, Mogadishu: A minibus driver was shot and injured by a militiaman manning an illegal roadblock in the Macmacanka area. The shooting was reported to have taken place after the driver refused to stop at the roadblock to pay an illegal tax.

□ 23 December, Wadajir District, Mogadishu: An unknown attacker threw a hand grenade at a house reportedly occupied by an Al-Shabaab defector in Jiro-Miskiin area. Casualties were unknown. The perpetrator fled the scene.

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January 2013

Violations by pro-Government forces

□ 5 January, Wanla Weyn District, Lower Shabelle: Unconfirmed media reports indicated that a passenger vehicle carrying civilians in the Lower Shabelle region and on its way to Buur Hakaba (Bay Region) was fired upon by SNG forces. At least two passengers were apparently killed and two others injured.

□ 7 January, Dharkenley District, Mogadishu: Armed men dressed in SNG military uniforms robbed civilians of their mobile phones, money and other valuables.

□ 12 January, Qansah Dere District, Bay: A pro-SNG soldier opened fire on three women, killing one and injuring the other two. The motive for the shooting was unclear, but reports indicated that the women came from Buurdhuubo village and were allegedly carrying suspicious-looking plastic bags.

□ 12 January, Kismayo District, Lower Juba: Anti-Al-Shabaab forces opened indiscriminate fire in the centre of Kismayo. A 10-year-old boy was killed in the shooting. The motive remained unknown.

□ 15 January, Wanla Weyn District, Lower Shabelle: AMISOM forces reportedly killed seven civilians in Jiro Yasin Village. The motive for the killing was unclear. Local media accounts differed. Apparently seven individuals, including, three children and four elderly persons, were killed in crossfire as AMISOM forces battled suspected Al-Shabaab fighters.

□ 13 January, Wanla Weyn District, Lower Shabelle: Masked men dressed in SNG military

uniforms robbed passengers of a minibus.

□ 20 January, Jowhar District, Middle Shabelle: An SNG soldier shot and killed a taxi driver in Jowhar. The motive for the killing was unknown, but reports indicated that the driver refused to pay extortion money demanded by the soldier

□ 21 January, Hudur District, Bakol: ENDF troops reportedly shot and killed a 20-year-old man after he failed to obey instructions to stop near an ENDF base.

□ 26 January, Afgooye District, Lower Shabelle: Masked gunmen in SNG military uniforms forcefully stopped two public minibuses along the Marerey-Afgooye road and robbed the passengers.

□ 30 January, Daynile District, Mogadishu: Armed men in SNG military uniforms shot and killed a civilian man in Gubta neighbourhood. Reports indicated that the perpetrators removed the victim from a teashop and shot him on the street. The motive for the killing was unknown. The perpetrators fled the scene.

Violations by Al-Shabaab

□ 3 January, Bulo Burto District, Hiran: Local media reported that unidentified gunmen suspected of being Al-Shabaab militiamen attacked a wedding party in Booco village. One woman was shot dead and three other women were seriously injured. The reason for the attack was unknown.

□ 11 January, Baardheere District, Gedo: Al-Shabaab intelligence unit operatives shot and killed a young man. The motive for the killing remained unknown.

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□ 11 January, Baardheere District, Gedo: Unidentified men armed with pistols shot a civilian. The perpetrators were believed to be Al-Shabaab elements.

□ 15 January, Jilib District, Middle Juba: Al-Shabaab forces in Jamaame and Jilib towns reportedly arrested eleven individuals, including three women they suspected of spying for SNG forces. All eleven were accused of communicating with SNG forces. The husbands of two of the women belonged SNG forces.

□ 17 January, Baidoa District, Bay: Suspected Al-Shabaab elements shot dead a farmer in Dambal. The man, a former soldier, was killed on his farm in the village. The motive for the killing was unclear.

□ 18 January, Ceel Buur District, Galgadud: Al-Shabaab arrested more than ten elders of the Dir clan in Derri village. The elders were reportedly detained after they opposed Al-Shabaab's demand for 220 camels from the clan as a contribution to its war against ASWJ.

□ 18 January, Afmadow District, Lower Juba: Unidentified gunmen believed to be Al-Shabaab militants abducted a local Koranic school teacher. The victim was abducted while he was on his way to Kismayo for medical treatment. Local elders appealed for his release.

□ 19 January, Baardheere District, Gedo: Al-Shabaab militants shot and killed a truck driver in Baardheere. The perpetrators stopped the vehicle, pulled out the driver and shot him dead. The vehicle was carrying passengers from Bulo Xawo. The motive for the killing was unknown, but reports indicated that Al-Shabaab had accused the victim of spying for the KDF in Gedo Region.

□ 23 January, Ceel Buur District, Galgadud: Local media reported that Al-Shabaab ordered local traditional elders from Jacar, Bargan, Cagga-Cadde and Garbala villages in Ceel Buur District to provide 200 youth with their food to be part of the 'jihad' against the SNG and ASWJ. The elders reportedly refused to comply with the demands.

□ 26 January, Baardheere District, Gedo: Al-Shabaab reportedly shot dead two individuals in the Ali Janale area. The motive for the killing was unclear. One of the victims was a local Koranic

schoolteacher.

□ 26 January, Waajid District, Bakol: Al-Shabaab arrested two men allegedly for speaking about armed clashes among Al-Shabaab fighters in Walaq village and for passing on information to pro-SNG forces between Marereey and Afgooye.

□ 30 January, Baidoa District, Bay: Al-Shabaab reportedly beheaded a young man in Awdiinle village. The militants removed the man from a vehicle between Berdaale and Baidoa while he was travelling with his father. The father was permitted to continue the journey. The reason for the killing was unknown. An unconfirmed report indicated that the victim was often chewing *khat* with anti-Al-Shabaab forces in Berdaale.

Violations by other or unknown groups

□ 4 January, Garowe District, Nugaal: Two gunmen manning an illegal checkpoint in Darayla opened fire on a private vehicle following a dispute, probably over payment of an illegal tax. Two individuals in the car were injured in the attack.

□ 12 January, Wadajir District, Mogadishu: A bomb attack targeted a convoy of a member of parliament. The MP and two of his bodyguards were slightly injured. Several civilians in the vicinity were also injured in the blast.

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February 2013

Violations by pro-Government forces

□ 3 February, Wanla Weyn District, Lower Shabelle: An armed group in SNG military uniforms stopped a minibus by force in an area between Leego and Yaq Biri Weyne and robbed its passengers of their money and cellular phones. SNG forces based in Leego conducted a security operation after the incident but made no arrests.

□ 8 February, Wardhiigleey District, Mogadishu: An SNG soldier shot and killed a truck driver in Bakaara Market after the driver reportedly refused to pay money being extorted.

□ 21 February, Garowe District, Nugaal: Puntland intelligence soldiers severely beat a civilian man in the Hodan neighbourhood in Garowe. Reports indicated that the incident occurred after the man in his private vehicle and the soldiers in another vehicle attempted to use a narrow road at the same time. The man was arrested and later released.

□ 22 February, Daynile District, Mogadishu: SNG forces manning a checkpoint in the Dhay Maroodi neighbourhood opened fire at a minibus after the driver reportedly ignored instructions to stop. Three passengers were injured in the attack.

Violations by Al-Shabaab

□ 1 February, Jilib District, Middle Juba: Al-Shabaab beheaded a civilian man after accusing him of spying for the SNG. The victim's body was displayed on the northern side of the town. The victim had been a municipal officer in the Government of Siyad Barre and was not involved in any administration since 1991.

□ 3 February, Jilib District, Middle Juba Region: Al-Shabaab fighters arrested at least ten individuals they suspected of being affiliated with anti-Al-Shabaab forces.

□ 5 February, Buur Hakaba District, Bay: Al-Shabaab fighters shot and killed a civilian man in Dolandole village after the man reportedly tried to prevent them from burning a truckload of charcoal he was planning to transport to Mogadishu. After the killing, the Al-Shabaab fighters drove the charcoal truck in the direction of Buur Hakaba.

□ 7 February, Waahid District, Bakol: Al-Shabaab fighters arrested two male passengers who were travelling to Burdhuhunle, and accused them of delivering livestock to some pro-SNG soldiers in Baidoa.

□ 9 February, Barawe District, Lower Shabelle: Al-Shabaab fighters shot and killed a civilian

man and injured another. Reports indicated that the shooting occurred after the two local businessmen refused to pay Zakat contributions.

□ 9 February, Jilib District, Middle Juba: Al-Shabaab fighters beheaded a man they suspected of being an SNG soldier.

□ 10 February, Barawe District, Lower Shabelle: The dead bodies of two beheaded men were found. Reports indicated that Al-Shabaab executed the men after suspecting them of links with the SNG.

□ 13 February, Jamaame District, Lower Juba: Al-Shabaab fighters shot and killed a pastoralist and arrested nine others in a remote location about 18 kilometres north of Jamaame. The

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incident occurred after the pastoralists reportedly refused to pay Zakat contributions to the Al-Shabaab fighters.

□ 17 February, Cabdalcasiis District, Mogadishu: A VBIED exploded in the parking lot of the Lido Beach Seafood Restaurant. Two individuals were reportedly killed and four others injured. Nine cars were damaged.

□ 17 February, Bulo Burto District, Hiran: Local media reported that Al-Shabaab fighters arrested two medical doctors and a nurse in Halgan. Reports indicated that the medical team had left Belet Weyne to operate a mobile clinic in the village. The Al-Shabaab fighters claimed that the team had not informed them about their mission.²⁰

□ 18 February, Belet Xaawo District, Gedo: Al-Shabaab fighters shot and killed two pastoralists in Gadoon village. The motive behind the killing was not ascertained.

□ 18 February, Baardheere District, Gedo: Al-Shabaab fighters raided the house of a local civilian in Baardheere town. The man was taken to an unknown location. The reason for his arrest or abduction and his whereabouts were not ascertained.

□ 23 February, Baardheere District, Gedo: A local website reported that Al-Shabaab fighters in Baardheere town had arrested two men who had recently returned from Mogadishu after an absence of about 30 days. The report indicated that Al-Shabaab suspected the men of spying for the Government, and added that Al-Shabaab were seen in the town using cars mounted with loudspeakers to warn the local population against collaboration with the SNG.²¹

□ 24 February, Bulo Burto District: Al-Shabaab banned the residents of Bulo Burte from watching television. Al-Shabaab officials made the announcement through loud speakers mounted on pick-up trucks and warned that anyone defying the decree would face a five-month jail term and their television sets would be confiscated.

□ 25 February, Badhaamdhe District, Lower Juba: Al-Shabaab fighters shot and killed two men transporting *khat*.

□ 28 February, Baidoa District, Bay Region: Al-Shabaab beheaded a man in Aawdiinle village. The motive behind the execution was unclear.

Violations by other or unknown actors

□ 1 February, Belet Xaawo District, Gedo: Gunmen probably affiliated with anti-Al-Shabaab forces shot and killed a young man. The man was playing cards with friends when a group of anti-Al-Shabaab forces ordered them to stop the game and go home. The youths ignored the soldiers' order and continued playing cards. Armed men later came, opened fire at them and killed the young man. The identity of the shooters could not be confirmed.

□ 2 February, Yaaqshiid District, Mogadishu: An unidentified attacker threw a hand grenade at Towfiiq Police Station. Reports indicated that the device exploded at a house adjacent to the station and killed a civilian woman and her daughter. Another civilian in the house was also injured in the blast. The perpetrators fled the scene.

□ 3 February, Gaalkacyo District, Mudug: Sa'ad militiamen opened fire at a minibus when the driver ignored instructions to stop in an area between Dagaari Yar and Sadex Higlo. Reports

²⁰ See: <http://www.hiiraannet.com/?p=33770>.

²¹ See: <http://dhacdo.com/main/news.php?readmore=15229>.

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indicated that the gunmen wanted to rob the passengers of the vehicle. Two passengers were killed and three others were injured.

□ 3 February, Xamar JaabJab District, Mogadishu: Unknown attackers threw a hand grenade at Madina Hotel. The security guards of the hotel responded by firing in the direction of the attackers. Several hotel security guards were injured in the blast. The perpetrators managed to escape. SNG MPs and other politicians frequent the hotel.

□ 5 February, Baidoa District, Bay: An unidentified attacker threw a hand grenade at ENDF soldiers in Berdale neighbourhood of Baidoa. One ENDF soldier and 14 civilians were reportedly wounded in the explosion. Two of the civilians were seriously injured. Pro-SNG forces pursued the attacker and arrested him.

□ 5 February, Kismayo District, Lower Juba: Ras Kaamboni forces shot and killed a civilian man in the Shaqaalaha neighbourhood, after he reportedly refused to obey instructions to stop and tried to run away.

□ 7 February, Wadajir District, Mogadishu: A bomb attack aimed at an AMISOM military convoy missed its target in an area between Medina and Banaadir hospitals in Medina District. Three civilians were reportedly wounded in the blast.

□ 8 February, Wardhiigleey District, Mogadishu: Unidentified men armed with pistols shot and killed a man said to be an informant for the SNAF in the Beerta Darawishta area. The assailants fled the scene immediately after the attack.

□ 9 February, Gaalkacyo District, Mudug: Sa'ad militias paraded before the media several men they had abducted from Galkacyo North. The abduction followed the November 2012 arrest by Puntland forces of a high level Al-Shabaab operative and member of the Sa'ad clan. The captives reportedly called on the Puntland authorities and traditional leaders to step up efforts to secure their release.

□ 10 February, Bossaso District, Bari: Unidentified gunmen in paramilitary uniforms attacked Golis Telecom in Bosasso. The gunmen intercepted a vehicle belonging to the company before attacking the premises. They fired two rocket-propelled grenades (RPGs) and small arms at the company's power generators. The police arrived and engaged in a brief exchange of fire before the attackers withdrew. The motive of the attack was unconfirmed. The governor of Bari Region declared to the media that opposition politicians were behind the attack, a charge refuted by those incriminated. A child was killed in the crossfire.

□ 11 February, Gaalkacyo District, Mudug: Sa'ad militiamen kidnapped two men from the Darood/Majerteen/Isse Mohamud and Darod/Leylkase sub-clans close to the 'Green Line' separating Puntland and Galmudug. The abduction was linked to the previous arrest by Puntland security forces of an Al-Shabaab operative of the Sa'ad clan in November 2012.

□ 12 February, Belet Weyne District, Hiran: An unidentified attacker threw a hand grenade at a teashop frequented by pro-SNG soldiers near the livestock market in the Hawl-Wadaag neighborhood. A civilian man was reportedly killed while two others were injured. The assailant fled the scene.

□ 13 February, Wardhiigleey District, Mogadishu: A security guard of the District Commissioner of Wardhiigleey District shot and killed a young football player. The incident occurred following an argument that escalated between the militiaman and the victim. The

perpetrator tried to escape but was arrested. The victim and other youth were playing soccer when the incident took place.

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□ 23 February, Karaan District, Mogadishu: A hand grenade was thrown at a public video shop where local residents were watching a football game. The grenade hit a perimeter wall. One person was injured.

March 2013

Violations by pro-Government forces

□ 6 March, Wardhiigleey District, Mogadishu: Two men in SNG military uniform shot and killed a man in Ali Kamiin area. The perpetrators fled the scene after the shooting.

Unconfirmed reports indicated that the killing was possibly motivated by clan revenge.

□ 6 March, Kismayo District, Lower Juba: Anti-Al-Shabaab soldiers killed two civilians and wounded another one in an attempt to rob a *khat* dealer in the centre of Kismayo town. Local security forces arrested the perpetrators.

□ 6 March, Kismayo District, Lower Juba: An anti-Al-Shabaab soldier opened fire at a crowded public teashop in Kismayo. Two individuals were wounded. The motive behind the incident was not ascertained. The soldier managed to flee the scene but was later arrested by local security forces.

□ 7 March, Ceerigaabo District, Sanag: A Somaliland soldier armed with a pistol shot and injured three civilians in the centre of Ceerigaabo. The three victims (two men and one woman) were taken to Ceerigaabo hospital for treatment. The assailant was arrested by the local police and reported to be drunk at the time of the incident.

□ 9 March, Afgooye District, Lower Shabelle: Three civilians and an SNG soldier were killed and six other civilians were wounded in a shootout between SNG military forces in the main market area in Afgooye. The shootout followed a dispute over *khat* by some members of the military forces. The wounded civilians were reported hospitalized at Afgooye District Hospital.

□ 13 March, Hawl Wadaag District, Mogadishu: An NSA soldier armed with an AK-47 shot and killed a young man near Xareed Mosque. The soldier reportedly shot the young man for accusing him of being an informer for the *Amniyat* security section of Al-Shabaab. Other NSA soldiers arrested the perpetrator.

□ 15 March, Heliwa District, Mogadishu: The dead body of a young man with gunshot wounds to his head and chest was discovered in Dubai village, Livestock Market. The residents indicated that SNG soldiers had captured the man during a security operation in the district three days earlier after they suspected him of belonging to Al-Shabaab.

Violations by Al-Shabaab

□ 1 March, Cabdalcasiis District, Mogadishu: A suicide attack targeted Indian Ocean Star Seafood Restaurant along the beachfront in Lido. The initial attacker was a suicide bomber on foot who triggered his explosive vest inside the restaurant. Another suicide bomber conducted a secondary attack by driving a vehicle into the vicinity of the restaurant while the public was rushing to the scene to help survivors. Four individuals, including the suicide bombers, were reported killed and seven others injured.

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□ 4 March, Baardheere District, Gedo: Al-Shabaab fighters shot and killed a civilian man in Baardheere. The man had been arrested hours before his death. The motive behind the killing was not clear but reports indicated that Al-Shabaab accused the man of transporting weapons secretly from Baardheere to Garbarhaarey for ASWJ.

- 4 March, Jamaame District, Lower Juba: Al-Shabaab fighters shot and killed two pastoralists who were refusing to pay Zakat contributions to Al-Shabaab in Balacad.
 - 5 March, Baardheere District, Gedo: A group of Al-Shabaab fighters with 12 ‘technicals’ reportedly arrived in Baardheere. The fighters were new to the town and may have arrived from Bay Region. After their arrival, Al-Shabaab authorities imposed restrictions on movements of all civilians in Baardheere town.
 - 8 March, Buur Hakaba District, Bay: Al-Shabaab fighters detained a passenger travelling to Mogadishu at Ugaarey, approximately ten kilometres northeast of Buur Hakaba. Reports indicated that Al-Shabaab found the man to be carrying Ethiopian identification.
 - 10 March, Garbahaarey District, Gedo: Al-Shabaab fighters shot and killed a civilian in Ceel Macow village. The motive behind the killing was not clear.
 - 10 March, Luuq District, Gedo: Al-Shabaab fighters shot and killed a man outside Luuq district. The man was an SNG defector travelling to Waajid District.
 - 11 March, Jamaame District, Lower Juba: Al-Shabaab fighters executed three men who had been in prison for over a month on charges of associating, cooperating and spying for the SNG in Jamaame District. The bodies of the dead men were left at the northern side of Jamaame and discovered by local individuals.
 - 16 March, Qoryooley District, Lower Shabelle: An Al-Shabaab court in Qoryooley District sentenced a young man to death for allegedly spying for the Burundian contingent of AMISOM. The execution of the man was carried out in public.
 - 18 March, Wardhiigleey District, Mogadishu: A suicide car bomber targeting the NSA commander for Banadir Region, Ahmed Khalif "Ereg", detonated close to the commander's convoy on a stretch of road near the Womens' Association Building and the upmarket Village Restaurant, frequented by the Mogadishu elite. A civilian minibus, reportedly with pupils on board, absorbed the main impact of the blast. Eight individuals were confirmed killed and dozens injured. Ereg was reportedly wounded. An Al-Shabaab spokesman claimed through the pro-Al-Shabaab website Somali Memo that his group carried out the attack to avenge the alleged summary execution of dozens of Al-Shabaab sympathizers/members in Mogadishu.
 - 19 March 2013, Baardheere District, Gedo: Al-Shabaab fighters arrested six *madrassa* teachers for not including Al-Shabaab teachings in their curriculum.
 - 19 March 2013, Baidoa District, Bay: Al-Shabaab fighters shot and killed a civilian man near Iskadarka Junction about 8 kilometres outside Baidoa. The motive for the killing was unknown.
 - 23 March 2013, Buur Hakaba District, Bay: Al-Shabaab fighters opened fire on a civilian vehicle in Doog Yarey village after the driver reportedly ignored instructions to stop. Two female passengers were injured in the attack. The vehicle managed to escape.
 - 26 March 2013, Qansah Dere District, Bay: Al-Shabaab fighters beheaded a well-known religious leader in Tiirka village. The sheikh was killed after an argument escalated when he protested against the levy imposed by Al-Shabaab on farmers in the village. Al-Shabaab had
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- earlier issued a decree ordering all farmers intent on growing crops in the village to pay 400,000 Somali shillings, failing which they risked being prevented from growing crops.
- Violations by other or unknown actors*
- 2 March 2013, Gaalkacyo District, Mudug: A gunman from the Madhiban clan armed with an AK-47 shot and killed a civilian shopkeeper from the Rahanweyn clan near Miir police station in Horumar neighborhood. The motive for the attack was unknown. The perpetrator fled the scene.

- 3 March 2012, Wardhiigleey District, Mogadishu: Unidentified men armed with pistols shot and killed a female medical student in Hararayale neighbourhood. The perpetrators fled the scene.
- 5 March 2013, Wardhiigleey District, Mogadishu: Two mortar shells or B10 rockets landed close to Sinai Junction. Two civilians were injured. The target of the mortar attack was not ascertained.
- 5 March 2013, Laas Caanood District, Sool: An unidentified gunman opened fire at a crowd in a teashop in Madareemin village. One man from the Rahanweyn clan was killed and two other men were injured. The assailant fled the scene after the shooting.
- 6 March 2013, Baidoa District, Bay: Unidentified gunmen shot dead a civilian man on the southern outskirts of Baidoa town. The body was discovered the next morning. The motive for the killing was unclear. Reports indicated that the victim worked as a tailor and had defected from Al-Shabaab several months before.
- 6 March 2013, Bossaso District, Bari: Unidentified attackers threw a hand grenade at a microwave signal transmission complex belonging to Golis Telecom near Fatima Mosque. The security guards at the Golis facility fled the scene after the attack. No casualties were reported. The perpetrators managed to escape.
- 9 March 2013, Jowhar District, Middle Shabelle: Unidentified attackers threw a hand grenade at a private residential house in Jowhar's Hanti Wadaag neighbourhood belonging to the Middle Shabelle regional administrator. Reliable sources indicated that senior officials were inside the house when the attack occurred, but no casualties were reported.
- 10 March 2013, Buur Hakaba District, Bay: Unidentified armed men shot and killed a man affiliated with Somali Government forces. The perpetrators fled the scene.
- 13 March 2013, Waaberi District, Mogadishu: Unidentified attackers threw a hand grenade at the residence of the Waberi District Commissioner located near Waberi police station. Two of the District Commissioner's bodyguards and a female bystander were injured in the blast. One alleged perpetrator was reportedly arrested.
- 16 March 2013, Afgooye District, Lower Shabelle: Unidentified attackers threw a hand grenade at the private residence of the district administrative secretary in Dhagax Tuur neighborhood. The security guards protecting the residence responded with gunfire. No casualties were reported.
- 17 March 2013, Hawl Wadaag District, Mogadishu: Unknown men armed with pistols killed a local taxi driver in Shanta Geed neighbourhood. Unconfirmed reports indicated that he was killed because his sons are members of SNG security forces. The perpetrators fled the scene unidentified.

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- 23 March 2013, Kismayo District, Lower Juba: A bomb targeted a teashop frequented by anti-Al-Shabab forces in the Calanley neighbourhood. Ten civilians were reportedly wounded in the blast.
- 24 March 2013, Buur Hakaba District, Bay: A bomb was detonated in a restaurant frequented by SNG forces. The soldiers responded by opening fire. A child was killed in the shooting.
- 28 March 2013, Marka District, Lower Shabelle: Biyomaal militias reportedly attacked officials from the Janaale administration in Buufow Bacaad on the Afgooye-Marka road. Two individuals were reportedly killed and four wounded. The District Commissioner of Janaale was reported seriously injured. The administration vehicle was destroyed and abandoned. Al-Shabaab was suspected of fuelling clan tensions opposing the Biyomaal and Habr Gedir clans in the area.

April 2013

Violations by pro-Government forces

□ 1 April 2013, Hodan District, Mogadishu: Gunmen dressed in SNG military uniforms opened fire at a minibus carrying *khat* in the vicinity of the former Tolmada factory in Shirkole Officiale neighbourhood. Two female *khat* traders were killed and another injured. The perpetrators stole some *khat* and escaped.

□ 1 April 2013, Mogadishu: The Somali Federal Parliament formed a committee tasked with the investigation of the murders of five young men in Mogadishu in late March 2013. The bodies of the young men were found in different parts of Mogadishu and rumours indicated that the five were arrested and executed by SNG forces.

□ 8 April 2013, Wanla Weyn District, Lower Shabelle: Unidentified gunmen dressed in SNG army uniforms reportedly fired on a public minibus carrying passengers heading to Baidoa from Mogadishu in an area close to Leego village. Five passengers were injured in the shooting and later rushed to Madina Hospital for emergency medical care. The attackers fled the scene after the shooting.

□ 9 April 2013, Xamar JaabJab District, Mogadishu: Unidentified gunmen armed with AK-47 rifles and dressed in SNG army uniforms reportedly shot and killed a civilian man in Israac neighbourhood. The motive for the killing was not established. The assailants reportedly stole the victim's mobile phone when they fled the scene.

□ 10 April 2013, Wardhiigleey District, Mogadishu: An SNG soldier reportedly shot and killed a teenage boy on his way to a local mosque in Hama-Jadid. There were speculations that the victim may have been an Al-Shabaab member/sympathizer. The killer fled the scene after the attack

□ 11 April 2013, Kismayo District, Lower Juba: Reports indicated that an SNG soldier opened fire at a public transport minibus after the driver of the vehicle failed to stop in Calanley neighbourhood in Kismayo town. A female passenger was killed and her sister wounded. The soldier managed to flee the scene.

□ 12 April 2013, Belet Weyne District, Hiran: ENDF soldiers in Belet Weyne shot and killed a member of the local administration, Abdi Gubte, and injured three other civilians. The shooting took place outside Jamka mosque in Koshing neighborhood before the Friday prayer.

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The reason behind the killing remained unclear. Unconfirmed reports indicated that the killing might have been linked to criticism of the ENDF expressed by the official through the local media. Other rumours indicated that ENDF forces removed a pistol from the victim. Tensions between local residents and ENDF forces apparently increased significantly after the killing.

□ 13 April 2013, Bossaso District, Bari: A soldier shot and injured a local boy following an private dispute that escalated. The soldier was arrested and the victim was taken to Bosasso General Hospital for treatment.

Violations by Al-Shabaab

□ 5 April 2013, Afgooye District, Lower Shabelle: Al-Shabaab militants launched a hit-and-run attack against SNG forces based in Lafole area along the Mogadishu-Afgooye road. Five civilians were injured after a minibus they were travelling in was caught in the crossfire. Casualties from either side could not be established.

□ 8 April 2013, Garbahaarey District, Gedo: Suspected Al-Shabaab operatives shot dead a civilian in Tuulo Barwaaqo village. The reason behind the killing of the man was not clear. The perpetrators fled the scene. The victim was a close relative of Iman Adow, the District Commissioner of Garbahaarey, and visited the town frequently for family and other reasons.

□ 9 April 2013, Jilib District, Middle Juba: Al-Shabaab fighters raided a house in Jilib town and killed its owner, a former Siyad Barre era military officer who retired to farming. The bullettriddled body of the man was found at a spot behind his house. The farmer had no known affiliation with the Somali Government or any anti-Al-Shabaab groups.

□ 9 April 2013, Hudur District, Bakol: Al-Shabaab officials in Hudur held a meeting with the residents and urged them to speed up payment of Al-Shabaab levies imposed on farmers. The officials told the residents no further delays in the payment of these levies would be accepted. The residents were also told to donate livestock to Al-Shabaab.

□ 14 April 2013, Xamar Weyne District, Mogadishu: A group of nine Al-Shabaab fighters, some of whom were dressed in SNG uniforms, launched a complex attack against the Somali High Court. The attackers, six of whom reportedly wore suicide vests, apparently used an SNG police/military vehicle to conduct the attack and may also have placed IEDs in vehicles in the area to intensify the attack. After entering the compound of the High Court, three of the attackers exploded their vests and the remaining six entered the court building killing at least two lawyers and the court spokesman. A number of people in the building reportedly barricaded themselves on the upper floors. Security forces surrounded the area and at around 13:00 the crowd in the area was attacked by a suicide VBIED. Following the VBIED attack, SNG special forces (Alpha Group) deployed, assaulted the building and killed the attackers. Some of those barricaded on the upper floors of the building were rescued with ladders. A total of 35 individuals, including two NGO staff members working at the court to support women in gender based violence cases and nine attackers, were reportedly killed during the attack. An unexploded VBIED was discovered in front of the court the following morning.

□ 14 April 2013, Wadajir District, Mogadishu: A VBIED attack occurred along the Airport-K4 road in the proximity of the Peace Hotel 2. A small vehicle (Toyota Carib) was used in the attack. It was not clear if this vehicle was parked along the side of the road or was mobile. The explosion of the vehicle impacted a convoy of a Turkish humanitarian agency, killing one

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driver, two security guards (unconfirmed) and a female bystander. Two Turkish humanitarian workers were also reportedly injured and referred for treatment to the Al-Shifa Hospital before being evacuated to Turkey. The actual target of the attack was unconfirmed. Available information suggested that the VBIED was probably targeting either the airport, but was prevented from proceeding after the road had been blocked following the first attacks on the High Court, or any AMISOM convoy that could have been sent as a reinforcement from the airport to the High Court. The attack on the Turkish convoy seems to have been opportunistic and conducted only after it appeared clear to the suicide bomber that his primary target could not be reached. An NGO-rented vehicle parked close to Peace Hotel 2 was also destroyed by the blast. No casualties were however reported from that NGO. The same day, the pro-Al-Shabaab website Somali Memo broadcast an interview with the Al-Shabaab Spokesman, Sheikh Ali Mohamud Raghe "Ali Dheere", who commented on the two attacks conducted in Mogadishu. During the interview, the Spokesman claimed Al-Shabaab responsibility for the attacks and celebrated the actions of the Mujahedeen. Regarding the second VBIED attack along Airport Road, the Spokesman stated that "reinforcements of foreign mercenaries" had been targeted.

□ 15 April 2013, Hudur District, Bakol: Al-Shabaab fighters opened fire and wounded a civilian in Dudumaaley village. The victim presumed the Al-Shabaab fighters to be SNG soldiers and began to run before he was shot.

□ 15 April 2013, Wanla Weyn District, Lower Shabelle Region: Suspected Al-Shabaab

operatives beheaded a man in Leego village and dumped his body on the roadside. The motive was unknown. Reports indicated that the perpetrators seized the victim from Wanla Weyn town a few days earlier.

Violations by other or unknown actors

□ 2 April 2013, Gaalkacyo District, Mudug: A local militia group manning an illegal checkpoint in Karin village, 40 kilometres south of Galkacyo, reportedly divided into two groups and established another road block in Balaqey village on 13 March 2013. The move led the local population to take up arms and engage in an armed clash with the militias before chasing them away. One militiaman was reportedly injured. The vehicle of the militias was also destroyed during the clash.

□ 2 April 2013, Yaaqshiid District, Mogadishu: Unidentified armed men with pistols shot and killed a teashop owner near Jungal Market. The motive of the killing was unknown.

□ 2 April 2013, Zeylac District, Awdal Region: The body of a local youth organisation leader was discovered in Zeylac town. The body had knife wounds. The motive as well as the identity of the murderers was unknown.

□ 2 April 2013, Hawl Wadaag District, Mogadishu: A bomb targeted the Dahabshiil main office located in Bakaara market. Two individuals, a security guard and a civilian, were injured in the blast. The explosion damaged the front doors of the office. The explosion followed days after Al-Shabaab ordered Dahabshiil branches in areas under its control to close. The group accused the company of working for aid agencies it had banned.

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□ 3 April 2013, Gaalkacyo District, Mudug: A militiaman shot and injured a young man in Israac neighbourhood in Galkacyo North. The motive was unknown. The perpetrator came from the Majeerten/Omar Mohamud subclan while the victim was from southern Somali.

□ 6 April 2013, Afgooye District, Lower Shabelle: Unidentified attackers threw a hand grenade at NSA forces in a pick-up truck in the livestock market area in Afgooye. The soldiers responded by firing in the direction of the attackers. Four civilians were reportedly injured in the explosion, and one later succumbed to her injuries in Afgooye Hospital. The perpetrators managed to escape. The soldiers launched a security operation after the incident and arrested several individuals they suspected of responsibility for the attack.

□ 9 April 2013, Yaaqshiid District, Mogadishu: Unknown attackers threw a hand grenade at the office of the District Commissioner of Yaaqshiid, Mogadishu. The hand grenade bounced off the perimeter wall of the building, injuring a female bystander. The attackers fled the scene after the blast.

□ 9 April 2013, Heliwa District, Mogadishu: Unidentified gunmen armed with pistols shot dead a civilian man in Gantalaha Livestock Market. The victim was a businessman and operated a shop in the area. The motive for the killing was unclear and the assailants fled the scene immediately after the attack.

□ 12 April 2013, Buur Hakaba District, Bay: Unidentified men armed with pistols shot and injured a businessman in the centre of Buur Hakaba town. The victim was rushed to the hospital where he succumbed to his injuries. The motive was unclear but reports indicated that the victim was involved in business transactions with SNG forces in the district. Further reports indicated that Al-Shabaab fighters had in the past ordered him to stop conducting business with SNG forces.

□ 13 April 2013, Cabudwaaq District, Galgadud: Unknown gunmen kidnapped a local medical doctor in Cabud Waaq, took him 30 kilometres outside the town and killed him. The motive for the killing was not ascertained.

□ 15 April 2013, Gaalkacyo District, Mudug: A teenage boy from the Sa'ad clan who was taken hostage by Majeerten/Isse Mohamud militiamen was returned to his family in Galkacyo South. Efforts followed to release a Majeerten/Isse Mohamud man who was abducted by Sa'ad militiamen in revenge.

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Annex 8.1.a: Attacks on journalists and the media

1. The year 2012 was the deadliest on record for Somalia's media. Eighteen journalists were killed either in bomb attacks or as direct targets of murder. According to Reporters Without Borders (RWB), Somalia was the second most dangerous country in the world, after Syria, for those working in news and information. As a result of killings, systematic censorship and intimidation, Somalia ranked 175 out of 179 countries in RWB's World Press Freedom Index.¹ An additional three journalists were killed through April 2013.

2. Al-Shabaab publicly claimed responsibility for several killings of journalists,² but not others. Some reports attribute responsibility to Government forces. For example, in September 2012, Ahmed

Abdulahi Farah, a photographer working for the Yemeni news agency *Saba*, was shot dead on a minibus at a checkpoint in the southern district of Madina, Mogadishu. According to initial information, when he tried to photograph the checkpoint, the armed men in military uniform manning

it opened fire.³ In addition, journalists covering stories about corruption in the Government have been

particularly targeted.

3. Furthermore, the media in Somalia are routinely subjected to intimidation and censorship. While the January 2013 arrest by Somali authorities of Abdiaziz Abdinur Ibrahim, tried and sentenced for speaking to a rape victim, was well publicized (see annex 8.2. below), there are many other cases throughout the country of journalists and media outlets censored or otherwise penalized for upholding freedom of the press. In an attempt to tackle the problem, on 19 February 2013, the Federal Government of Somalia offered a 50,000 USD reward for information leading to the conviction of anyone responsible for the killing of journalists. Media reports quoted Prime Minister Abdi Farah Shirdon as saying the reward would help bring the killers to justice.⁴

Summary of incidents

4. The following incidents were compiled from NGO and UN security reports and illustrate the working conditions of the media in Somalia.⁵

August 2012

□ 4 August, Borama District, Awdal: Somaliland police beat a female journalist working for Somaliland National TV. Reports indicated that police assaulted the reporter as she tried to cover a dispute over the guardianship of a child at Borama police station.

¹ Reporters Without Borders, World Press Freedom Index 2013, available at: http://fr.rsf.org/IMG/pdf/classement_2013_gb-bd.pdf

² For example Al Shabaab, claimed responsibility for the killing of journalist Ali Ahmed Abdi in Galkayo in March 2012.

³ See: "Two more journalists killed in Somalia," 1 October 2012, at <http://www.anhri.net/en/?p=9698>.

⁴ See: <http://sonna.net/content/mudaneyaasha-baarlamanka-oo-diiday-meel-marinta-miisaanidasanadka-soo-socda-ee-2013>.

⁵ To protect sources and victims against retaliation, incidents reports by NGO and UN security officials do not include identifying information. Furthermore, because of lack of access, certain details regarding these verified incidents could not be confirmed or followed-up on.

□ 7 August, Bossaso District, Bari: Puntland security forces occupied and closed independent Horseed FM radio in Bosasso. No explanations were given to the radio station management.

□ 8 August, Borama District, Awdal: Somaliland authorities arrested a reporter, Yusuf Ali Indho-Quruh, working for Royal TV in Borama. The reasons for the arrest were unknown.
September 2012

□ 13 September, Borama District, Awdal: Somaliland police arrested two journalists working for Somalisat and Bulsho TV in Borama. The journalists were reportedly arrested for canvassing local opinions regarding the election of the new Somali president.

□ 20 September, Xamar Weyne District, Mogadishu: Two suicide bombers targeted Village Restaurant in the former Women's Association Building adjacent to the National Theatre. Two Somali journalists were among the 15 individuals killed and many injured.

□ 21 September, Yaaqshiid District, Mogadishu: Unidentified men armed with pistols shot and killed a journalist working for Radio GBC at Bar Ayaan Junction. The assailants shot the victim on his way to work and immediately fled the scene. The SNAF later arrived but made no arrests.

□ 22 September, Zeylac District, Awdal: Somaliland police in Zeylac arrested a National TV reporter at his house early in the morning. The motive for his arrest was unknown.

□ 26 September, Heliwa District, Mogadishu: Unidentified assailants beheaded a local journalist in the livestock market area. The victim, an online sports journalist, was visiting his mother in the neighbourhood at the time.

□ 28 September, Dharkenley District, Mogadishu: A pro-Government militia manning a roadblock in Kaawa Gudey neighbourhood opened fire at a passenger vehicle. One passenger, a journalist, was killed. The militiamen shot at the vehicle as the driver attempted to force his way through the checkpoint to avoid paying illegal taxes. The victim used to work for a Yemen-based radio station. SNG soldiers and police officers arrived at the scene but made no arrest.

□ 30 September, Hargeysa District, Waqooyi Galbeed: Somaliland police briefly detained the editor of Saxafi, a local Somali language daily newspaper. The motive for the arrest was reportedly linked to the recent publication by the newspaper of an article on the visit of foreign intelligence officers to Somaliland.

October 2012

□ 10 October, Gaalkacyo District, Mudug: Three local journalists were physically assaulted and their equipment confiscated by bodyguards of the Galmudug Minister of Information, allegedly for covering the return of the former Galmudug President to Gaalkacyo. One of the journalists was reported to have been working for Radio Bar Kulan.

□ 10 October: The American journalist Michael Scott, who was abducted by a pirate group in Gaalkacyo in January 2012, issued a statement in which he feared being traded to Al-Shabaab if a ransom was not paid within three days.

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□ 12 October, Laas Caanood District, Sool: Somaliland police arrested more than 10 organizers of a demonstration supporting the appointment of the new Somali Prime Minister. The individuals arrested reportedly included women, youth and three reporters of Universal TV.

□ 19 October, Wadajir District, Mogadishu: Two men armed with pistols shot and seriously injured a journalist working for Radio Shabelle in the Hawo Tako neighbourhood. The victim suffered from several chest wounds.

□ 23 October, Laas Caanood District, Sool: Unidentified gunmen shot and killed a reporter of the London-based Universal TV. The motive for the killing was unknown.

□ 28 October 2012, Wadajir District, Mogadishu: A Radio Shabelle journalist died in Medina Hospital following injuries inflicted on 21 October, when he was shot several times by unidentified assailants in Medina District.

November 2012

□ 17 November, Laas Caanood District, Sool: Somaliland police arrested the locally based Bar-Kulan Radio correspondent. Reports indicated that the journalist was arrested on the order of the Sool Regional Governor.

□ 21 November, Xamar JaabJab District, Mogadishu: SNG police arrested the BBC stringer, Ibrahim Mohamed Adan. The journalist was summoned to the SNG military court, after which he was detained at the central police station. The motive for his arrest was unknown.

December 2012

□ 14 December 2012, Hargeysa District, Waqooyi Galbeed: The editor-in-chief of Waaheen newspaper, Mohamud Abdi Jama, was summoned to the Criminal Investigation Division (CID) office and detained pursuant to a warrant issued by the Hargeisa Regional Court. The arrest was reportedly linked to the newspaper's coverage of events organized by independent human rights activists commemorating the 2012 Human Rights Day. At the event, the chairman of the independent human rights forum spoke about rampant corruption within the Somaliland Government and diversion of funds allocated for the National Television by the son-in-law of the Somaliland President.

January 2013

□ 10 January 2013, Hodan District, Mogadishu: SNG police arrested a local journalist and detained him at the CID headquarters. The journalist was reportedly arrested for interviewing a woman allegedly raped by armed men dressed in SNG military uniforms.

□ 12 January 2013, Qardho District, Bari: Puntland police briefly detained a local journalist after accusing him of working for Puntland opposition politicians and allegedly airing reports of press releases issued by anti-Farole politicians.

□ 18 January 2013, Wadajir District, Mogadishu: Unidentified men armed with pistols shot and seriously injured a journalist working for the Mogadishu-based Radio Shabelle. The victim was shot in the head and chest several times, and later died in hospital. The perpetrators fled the scene.

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□ 23 January 2013, Kismayo District, Lower Juba: The spokesman for the Ras Kamboni Brigades, Abdinasir Serar, warned journalists based in Kismayo against publishing reports without first obtaining clearance from the armed group.

□ 23 January 2013, Gaalkaayo District, Mudug: The two deputy governors of Mudug Region and the Puntland Minister of Posts and Information invited all journalists of Mudug Region for a meeting in Gaalkaayo. The meeting was intended to introduce the new regional media coordinator. One of the deputy governors instructed local journalists not to disseminate reports about anti-President Farole demonstrations and to avoid interviewing political opponents.

□ 29 January 2013, Mogadishu: Human Rights Watch called on the SNG to "drop politically motivated

charges" against five persons including a journalist and a woman who alleged she had been raped by SNG soldiers. In an official communiqué Human Rights Watch stated that the police "investigation in this case was a politically motivated attempt to blame and silence those who report on the pervasive problem of sexual violence by Somali security forces". The journalist was charged with insulting the Government and inducing the woman to give false statement, while the woman was charged with insulting the Government and making false

accusation. HRW considered that the charges violated the right to seek, receive, and impart information.

February 2013

□ 5 February 2013, Mogadishu: Banadir regional court sentenced a local journalist and a woman who claimed to have been raped by SNG forces each to one year in prison, after they were found guilty of "insulting a Government body, inducing false evidence, simulating a criminal offense and making a false accusation".

□ 10 February 2013, Gebiley District, Waqooyi Galbeed: The Somaliland police arrested a reporter working for Waheen newspaper in Wajale town after he reportedly covered a story about Ethiopian forces shooting and injuring two Somaliland policemen.

□ 21 February 2013, Borama District, Awdal: The Somaliland police reportedly closed Rayo TV in response to the broadcasting of information about a demonstration against Somaliland authorities that had taken place the previous day.

□ 24 February 2013, Berbera District, Waqooyi Galbeed: Police arrested a reporter working for Waheen newspaper on the instructions of the manager of Berbera port. The reason for his arrest was unknown.

March 2013

□ 1 March 2013, Caynabo District, Sool: Police arrested a local journalist, Mohamed Aden Dirir, over claims he smuggled a camera into a prison cell to interview a prisoner in remand awaiting rape charges, contrary to an earlier agreement with the police. The local journalists association condemned the arrest and the man was released from custody on 10 March.

□ 2 March 2013, Cadaado District, Galgadud: The President of Himan and Heeb, Abdulahi Adan Tiicey, officially ordered the suspension of Al-Ihsan local FM radio. The radio operates from Cadaado, and was accused by the President of propagating Al-Shabaab ideology.

Unconfirmed reports indicated that the radio broadcasted programs produced by the Al-Shabaab FM radio Al-Furqan in Mogadishu.

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□ 2 March 2013, Baidoa District, Bay: An unidentified individual threw a hand grenade into the premises of Radio Baidoa, located in the Bardale neighbourhood. No one was injured and the radio continued broadcasting its program. The motive remained unclear but local sources indicated that the owner of the radio had received death threats from Al-Shabaab because of his anti-Al-Shabaab broadcasts. The threats had been reported to the authorities in Baidoa.

□ 3 March 2013, Mogadishu: The Somali court of appeals upheld by a three out of three vote a lower court's conviction of journalist Abdiaziz Abdinur Ibrahim, but reduced his sentence from one year to six months. The same court acquitted a woman who had reported being raped by five Government soldiers in August 2012 and sentenced to one year in prison.

□ 17 March 2013, Mogadishu: The SNG Supreme Court overturned the conviction of Abdiaziz Abdinur Ibrahim. Chief Justice Aydid Abdullahi Ilkohanaf said there was not enough evidence to support an appeals court ruling that reporter Abdiaziz Abdinur Ibrahim showed disrespect to national institutions.

□ 18 March 2013, Ceerigaabo District, Sanag: The Puntland Governor for Badhan, Mohamed Salah Ciyoona, ordered the arrest of a reporter of Somali Channel TV, Abdinasir Khalid Saeed. Unconfirmed reports indicated that the reporter was accused of supporting Somaliland against the Puntland administration. The journalist was quickly released and returned to Ceerigaabo.

□ 22 March 2013, Owdweyne District, Togdheer: Somaliland police in Odweyne arrested the local reporter for Somali Channel TV. The motive for the arrest remained unknown. Police later released the journalist.

□ 24 March 2013, Yaaqshiid District, Mogadishu: Unidentified men armed with pistols shot and killed in the Towfiiq neighbourhood a female journalist working as a correspondent for Radio Cabuud Waaq. The motive was unknown. The perpetrators managed to escape.

□ 28 March 2013, Borama District, Awdal: Somaliland police arrested a reporter working for SomaliSat Channel in his house. The arrest followed a report the journalist aired about tensions among the Borama city council and a motion submitted by a group of councillors to dismiss the Mayor.

April 2013

□ 3 April 2013, Bossaso District, Bari: The Puntland Ministry of Information issued a circular suspending the transmission of three radio stations. The circular ordered Radio Daljir, Voice of Peace and Radio 1Nation to immediately stop transmitting broadcasts. The station managers reportedly said that the Ministry claimed the three stations had violated Puntland's media law. On 5 April, the radios were permitted to resume broadcasting.

□ 8 April 2013, Berbera District, Waqooyi Galbeed: Somaliland police arrested Yasin Jam'a, a reporter for the London-based Somali satellite TV channel, Universal, who also writes for a Somali online news outlet hadhwanaagnews. The police gave no reason for the arrest, but there was speculation that it may have been linked to the reporter's coverage of recent protests against energy companies prospecting for oil and gas in the region.

□ 13 April 2013, Hargeysa District, Waqooyi Galbeed: The Maroodi Jeeh Regional Court sentenced a local journalist, Jamac Jiir, for defamation of the Somaliland Government. The journalist was sentenced to six months imprisonment and a fine of 600,000

Somaliland shillings.

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Annex 8.2: Gender-based violence

1. Given the lack of current, comprehensive and reliable data, human rights and aid organisations continue to struggle to understand the full extent of gender-based violence (GBV) in Somalia and to respond appropriately to the needs of those affected. The organisations that attempt systematic collection and analysis of GBV data face a variety of challenges, including lack of access caused by insecurity, as well as cultural stigma related to sexual violence, and, in some cases, intimidation by local communities and authorities. Rashida Manjoo, the current Special Rapporteur on Violence Against Women, encountered this challenge during her mission to Somalia, and stated that there is a “lack of systematic data collection relating to violence against women”, and that “she was unable to obtain any statistical data from the authorities.”¹

2. Nevertheless, the United Nations and its partners recorded within their limited means, between January 2012 and November 2012, 1700 reported incidents of rape, confirming that GBV remains a major problem in Somalia. This number is widely believed to be an underestimate, yet still constitutes an increase in reported cases of rape and sexual violence against women and children as compared to previous years. A third of the reported cases involved children. Consistent with previously identified patterns, the majority of victims continue to be IDPs, rendered particularly vulnerable by their displacement and the consequent weakening of social and clan structures and protection.

3. Due to significant military activities in the past year, there was a spike in sexual violence cases recorded between April and July 2012. Indeed, according to the UN, there were 125 cases of rape recorded in April, 118 in May, 79 in June and 144 in July, which correspond to SNSF, AMISOM and allied militias' operations against Al-Shabaab in the Afgooye and Bala'd corridor near Mogadishu.² Indeed, UN agencies and NGOs monitoring protection of civilians-related issues report a significant number of anecdotal accounts of rape by

Government forces and affiliated militias during that period.³ While the Somali Government often took swift action following the report of such incidents, deploying mobile martial courts to the field to try alleged perpetrators (and even executing four of them), human rights organisations maintain that violations continued throughout the course of military operations.⁴ Similar accounts of rape by Government-affiliated forces – namely the Ras Kamboni brigades – emerged when Kismayo fell in October 2012, a result of poor discipline and lack of centralized command and control structures over belligerent forces.⁵

¹ UN Human Rights Council, Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences: Addendum (Mission to Somalia), Rashida Manjoo, 14 May 2012, A/HRC/20/16/Add.3, paragraph 58 (Hereafter: Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences).

² UN Security Council, Report of the Secretary-General on Sexual Violence in Armed Conflict, 14 March 2013, S/2013/149, paragraph 61 (Hereafter: Report of the Secretary-General on Sexual Violence in Armed Conflict).

³ Interviews with UN officials, Nairobi, September-October 2012.

⁴ Interviews with human rights activists, Nairobi, October 2012.

⁵ Interview with human rights activists, Nairobi, November 2012.

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The particular vulnerability of internally displaced women

5. Human rights and aid organisations continue to stress the particular vulnerability of IDP women, by far the largest group of GBV victims in Somalia. While the number of IDP women and girls raped was consistently high throughout the past twelve months, there was a notable spike in the month of August 2012, with 141 cases of rape reported. Analysts believe this spike was linked to the Somali Presidential elections. Indeed, in the run-up to the elections, political leaders used IDPs to mobilise political support and to gain votes, and TFG-affiliated militias operated in IDP camps to control demonstrations.⁶

6. In and around Mogadishu alone, there are currently 530 IDP camps, populated 75% by women and children, and where police and different armed groups, including local militias, often live amongst the population.⁷ Women rights organisations and IDP women informed the Monitoring Group that this situation was untenable, and emphasized that the consequence of such proximity was violence perpetrated against women and girls by militias and armed groups.⁸ Indeed, according to surveys and focus group discussions conducted by several UN agencies and partners, Mogadishu is the district associated with the greatest perceived threat from non-Governmental armed forces, and most victims of sexual assault describe the perpetrators as “men in uniform”, often armed with AK-47s or automatic rifles.⁹

7. There are multiple root causes of such violence. The wide availability of various weaponry is one factor, while armed conflict, a Somali reality for more than two decades, is another one. The lack of command and control exerted by central authorities over armed groups and militias, ultimately, remains the most important cause of violence against IDP women. The scenarios previously documented by the Monitoring Group continue to be the norm in Mogadishu, where victims of sexual assault cannot identify the uniforms worn by their attackers, and do not know whether they belong to the Somali police, the army, or a militia.¹⁰ Furthermore, due to inadequate or irregularly paid salaries, members of the Somali security forces often work as private security providers at night, adding to the number of armed men in the streets.

8. IDP women are also particularly at risk of violence as a consequence of the unconventional nature of IDP settlements in Mogadishu and elsewhere in Somalia. The consequences of fragmented security forces are compounded by the disorganisation of IDP camps in Mogadishu, the control exerted by gatekeepers over displaced populations,¹¹(see also

annex 7.2) and the lack of enforcement of internationally recognised standards in IDP camps.¹² As surveys of IDP women confirm, the insecure environments of IDP camps and insufficient

⁶ See Report of the Secretary-General on Sexual Violence in Armed Conflict, paragraph 61.

⁷ Interview with UN senior official, Nairobi, March 2013.

⁸ Interview with women's groups and IDP women, Mogadishu, 14-15 October 2012.

⁹ Interviews with UN and NGOs, Nairobi, January- March 2013.

¹⁰ See S/2012/544, annex 7.2.

¹¹ See Human Rights Watch, "Hostages of the Gatekeepers: Abuses against Internally Displaced in Mogadishu", Somalia, March 2013.

¹² Interview with UN senior official, Mogadishu, January 2013.

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social protection put women at risk. IDP settlements are insecure due to their physical location on the outskirts of towns; the structurally flimsy housing constructed from wood, cardboard and cloth, and often lacking doors; insufficient lighting; intolerable heat in the warm months causing people to sleep outside; the necessity for girls and women to walk significant distances to collect fuel, access latrines, attend school, go to work or utilize medical services; and in some instances, the simple absence of separate toilet facilities for females and males.¹³

9. Somali refugee women and girls fleeing to neighbouring countries are also targets of sexual violence when they pass through areas controlled by insurgent militias in their efforts to reach the border or a safer area in Somalia.¹⁴ Furthermore, reports from IDP and refugee populations originating from Al-Shabaab areas indicate a significant prevalence of forced marriage amongst women and young girls, as well as marital rape and unwanted pregnancies. Reports also indicate that sexual violence takes place in refugee camps outside Somalia, where overcrowding and inadequate shelters have contributed to difficult living conditions and a higher overall risk of sexual violence.¹⁵

The Somali Government's response to gender-based violence

10. The Somalia Penal Code criminalizes rape but considers it a crime against morals, not against the person and, therefore, cannot adequately address this form of violence against women.¹⁶ According to the Special Rapporteur on Violence Against Women, "acts and practices of violence against women remain unregulated under national legislation and policies" in the Somali Republic.¹⁷ Tackling shortcomings in national laws and policies to guide action will be essential if the Government is going to deliver effective protection to women.

11. Somalia, however, is nevertheless bound by international obligations which protect women from rape and sexual abuse through various instruments. Indeed, while the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) has yet to be ratified by the Somalia,¹⁸ it recognized that Somali girls and women have the right to live their lives free of violence when it formally accepted the International Covenant on Civil and Political Rights,¹⁹ the International Covenant on Economic, Social and Cultural Rights,²⁰ and

¹³ UN and partners reports derived from focus group discussions.

¹⁴ See Report of the Secretary-General on Sexual Violence in Armed Conflict, paragraph 63.

¹⁵ Interviews with NGOs, Nairobi, September 2012-March 2013.

¹⁶ Somalia Penal Code, adopted 16 December 1962, article 398.1: "Whoever with violence or threats has carnal intercourse with a person of the other sex, shall be punished with imprisonment for five to fifteen years".

¹⁷ Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, paragraph 55.

¹⁸ As part of the United Nations Universal Periodic Review, the Somalia Republic accepted recommendations made by other States pertaining to violence against women, including ratifying CEDAW and the Convention on the Rights of the Child (<http://www.upr-info.org/database/>).

¹⁹ The ICCPR prohibits torture and other cruel, inhuman, or degrading treatment (article 7) and protects women's right to be free from discrimination based on sex (articles 2(1) and 26). Ratified by Somalia in 1990.

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the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.²¹ In addition, Somalia acknowledged the right to life without violence when it signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.²² Thereby, Somalia committed to combating all forms of discrimination against women, including violence against women (article 4), and to adopting the appropriate legislative and institutional measures (article 2).

12. Furthermore, the equality of rights of Somali citizens, of girls and boys and of women and men, are recognized in the 2004 Transitional Federal Charter of the Somali Republic,²³ the 2001 Constitution of the Republic of Somaliland,²⁴ and the 2008 Constitution of the Puntland State of Somalia.²⁵ The new Provisional Constitution of Somalia, adopted in August 2012, clearly enshrines into law the right of all individuals to personal security, and prohibits all forms of violence against women.²⁶ Finally, specific protections, embedded in the UN Guiding Principles on Internal Displacement²⁷ and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, apply to IDP women.²⁸

13. In March 2012, the TFG committed to the creation of a task force on GBV to address the endemic problem of rape in the capital. The task force never met. President Hassan Sheikh Mohamud pledged to address the issue of sexual violence when he was elected.²⁹ On 5 February 2013, Prime Minister Abdi Farah Shirdon launched an Independent Task Force on Human Rights to tackle what he termed "culture of impunity" with regards to human rights abuses in Somalia. The Prime Minister announced the new Task Force would specifically investigate allegations of widespread rape and sexual abuse, especially of women in IDP camps. Consisting of 13 members, including 4 women, the task force was due to issue its first report in May 2013.³⁰

²⁰ Ratified by Somalia in 1990. Available at <http://www2.ohchr.org/english/law/cescr.htm>.

²¹ Ratified by Somalia in 1990. Available at <http://www2.ohchr.org/english/law/cat.htm>.

²² Ratified by Somalia in 1985. Available at <http://www.unhcr.org/refworld/docid/3f4b139d4.html>.

²³ Article 15 of the Transitional Federal Charter of the Somali Republic addresses gender equality wherein there is "full and equal enjoyment of all rights and freedoms".

²⁴ Particular reference to the "rights of women" is made in articles 8, 24 and 36 of the Constitution of the Republic of Somaliland.

²⁵ Article 35 of the Constitution of the Puntland State of Somalia concerns the "rights of women", noting the equality of women and men.

²⁶ Provisional Constitution of the Federal Republic of Somalia, adopted 1 August 2012, article 15.

²⁷ UN Economic and Social Council (ECOSOC), Guiding Principles on Internal Displacement (UN Guiding Principles", E/CN.4/1998/53/Add.2 (1998), 22 July 1998.

²⁸ African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 22 October 2009.

²⁹ See Strategic Initiative for Women in the Horn of Africa (SIHA network), Briefing on Sexual Violence in Somalia, 5 February 2013, available at: <http://www.sihanet.org/index.php/news-andevents/91-briefing-justice-a-sexual-violence-in-somalia..>

³⁰ See: Prime Minister Media Office, "Somali Prime Minister launched human rights task force and attacks culture of impunity", 5 February 2013, available at: <http://horseedmedia.net/2013/02/05/somalia-somali-pm-launches-human-rights-task-force-andattacks-culture-of-impunity/>.

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Problems with the police

14. Women's groups and human rights organisations believe that the vast majority of GBV

incidents against women are not reported,³¹ a fact that has been confirmed by the Monitoring Group in its interviews with survivors of rape in Mogadishu.³² Mistrust of the police and reluctance to report cases of rape or other forms of sexual assault was also confirmed by a large percentage of women who participated in focus group discussions held by the UN and its partners.³³

15. Lack of trust in the police is caused by several factors. Many women report fearing the police in general, but they are also concerned about being ignored, intimidated, and sometimes even harassed when approaching a local station.³⁴ Cultural taboos concerning rape, as well as the impact on the victim's family further weakens reliance on the police, which is compounded by the fact that women do not want to report incidents of sexual violence to men. As a result, women turn to traditional forms of justice, seeking the assistance of their clan and elders, and tend to call on the police only when all other options have been exhausted. Moreover, most women interviewed by the Monitoring Group believe the police to be inefficient, corrupt, and unable and unwilling to respond adequately to allegations of sexual violence.³⁵

16. The fears of GBV victims are rooted in the basic reality that the police are sometimes part of the problem, unwilling to investigate cases of assault or committing violations themselves. In practical terms, the Somali police face serious challenges in collecting evidence, lack the resources to seriously investigate, and are unable to protect victims and witnesses. The scarcity of female officers, or even men trained in handling incidents of sexual violence, undermines the ability of the Somali police to foster a sense of confidence in its commitment to treat GBV as a priority.³⁶

17. The need for police reform and in particular for increasing the responsiveness of the police in sexual violence cases is widely recognized by Somali Government officials and activists, and by the international community. In 2011, in an effort to make the police more "women friendly", the UN Development Programme (UNDP) established Women and Children desks at two police stations in Hargeisa, Somaliland. This initiative was not as successful as hoped since the former chief of police failed to support it. Still, the experience can help shape a model for the rest of Somalia, creating a sympathetic space for women to approach police stations with less fear and more confidence.³⁷

18. UNDP's Governance and Rule of Law Programme has attempted to support a larger, better trained and more organized police force. In South-Central Somalia, UNDP pays stipends to 5300

³¹ Interviews with local and international NGOs, Nairobi and Mogadishu, September 2012-March 2013.

³² Interviews with survivors of GBV, Mogadishu, January 2013.

³³ Interviews with UN agencies, Nairobi, September-December 2012.

³⁴ Interviews with survivors of GBV, Mogadishu, January 2013.

³⁵ Ibid.

³⁶ Interviews with local and international NGOs, September 2012-March 2013.

³⁷ Interviews with UN officials, Nairobi, September-October 2012.

police officers that are not paid salaries from Government sources. Trained and certified, and vetted to

the extent possible, these police officers remain unable to provide security to IDP camps, and frequently they continue to be part of the problem, abusing power, seeking bribes and using violence

against civilians, including women and children.³⁸ The command and control structures of the police in South Central Somalia are extraordinarily weak as a result of years of neglect, and the lack of strong, systematic oversight makes it difficult to appreciate the extent of the problem and the range of

shortcomings to be addressed. As part of the UN-wide Human Rights and Due Diligence Policy adopted in July 2011, the UN has an obligation to monitor its partners for potential human rights violations. This could be facilitated through the establishment of a Somali-owned, UN-mentored directorate-general for policing. In addition, a dedicated effort is needed to actively recruit, train and

equip more women for the police force, as was endorsed by Somaliland in its five-year police strategic plan.³⁹

Access to justice

19. Comparable to their mistrust in the police, women are reluctant to redress their grievances through the formal justice system. For its part, the Somali justice system is reluctant to prosecute cases of GBV. Between January and November 2012, the Military Court opened only 13 cases against

members of the Somali security forces, including two against members of the National Security Authority, one against a member of the Somali National Police, three against militia members and the

remaining against members of the Somali National Army. Nine of the cases are pending, three have resulted in the acquittal of the defendants, and one ended in the imposition of the death penalty.

Prosecution through the regular criminal justice system is also limited. Official police and court data

are not available. However, data informally shared with the Monitoring Group indicates that about 100 cases of rape were opened in Mogadishu between January and November 2012.⁴⁰

20. Surveys and focus group discussions with women explain their general mistrust of the justice system. They fear further abuse and corruption, and the direct and indirect financial costs of pursuing

a case in the formal courts can be prohibitive for many girls and women. In addition, prosecutions encounter difficulties in proving cases of sexual violence due to evidence tampering and withdrawal of witnesses, judicial and prosecuting officials lack capacity, convictions are often not enforced, victims are not adequately protected, and the shame and stigma associated with incidents of sexual violence becoming public damage personal and family reputations.⁴¹

21. While there are limitations throughout the country, the capacities of justice ministries vary greatly across Somali regions. In Somaliland, for instance, there are multiple initiatives to strengthen

the justice system, including the 2012-2016 Somaliland National Development Plan, the Somaliland Ministry of Justice Judicial Reform Work Plan, the Somaliland Law Reform Commission, the Somaliland National Human Rights Commission and the Good Governance and Anti-Corruption

³⁸ Ibid.

³⁹ Somaliland National Development Plan 2012-2016, available at

<http://www.longlivesomaliland.com/Draft%20Somaliland%20National%20Development%20Plan.pdf>.

⁴⁰ Reports on GBV by UN agencies, Nairobi, January 2013.

⁴¹ Ibid.

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Commission. In addition to general reform efforts, such as revising laws and procedures, providing more infrastructure, concluding cases more quickly, and strengthening the capacity of the judiciary, “the justice sector reform program aims at promoting women’s legal education, entry into the legal profession, and women’s equal access to justice”.⁴² Steps have also been taken towards the creation of a legal aid unit for the provision of legal counsel to those in need.⁴³

22. Furthermore, UNDP established in Somaliland the Sexual Assault Referral Centre, Baahi-Koob, on the premises of the Hargeisa Hospital Group. As a place of safety, Baahi-Koob

operates as a holistic service provider for survivors of sexual assault, who can receive medical treatment, psychosocial counselling, legal aid and helpful information. Meanwhile, Baahi-Koob staff members are able to assist in criminal investigations and prosecutions. With limited resources, the centre is a groundbreaking and welcome initiative in Somalia. However, it faces many difficulties with authorities that refuse to fully recognize incidents of GBV, and local clan and community elders who invariably intervene in cases before the courts.⁴⁴

23. Conditions in Puntland are considerably worse. Authorities show little willingness to invest in the justice sector. Lawyers continue to have limited or no access to clients in police custody. The judiciary lacks independence as members are selected based on clan affiliations and can be dismissed arbitrarily by the President. Resources are severely limited. There are only a dozen prosecutors for the entire region and none of the judges have a legal background, though they receive six-months training by UNDP. None of the prosecutors or judges are women. The only practicing female lawyer was forced to resign under Islamist activists pressure. Finally, there have been a significant number of attacks against judges and prosecutors in the past couple of years, resulting in eight deaths.⁴⁵

24. In South Central Somalia, in places like Baidoa, courts have begun operating again. Mogadishu continues to have the only semi-functioning judicial system. Regardless of support from the Government and the international community, courts remain weak and the majority of the members of the judiciary are not paid regularly, if at all. Aside from the main Benadir Court, which was bombed in April 2013, district courts are not functioning well, and access and costs remain a problem for the vast majority of women.⁴⁶ UNDP has started implementing a mobile courts programme in IDP camps to facilitate access to justice for IDP women, and it is working with legal aid partners to secure legal representation for those who cannot afford it.⁴⁷ Despite these efforts, women continue reporting a lack of trust in the formal justice system.

⁴² Somaliland National Development Plan 2012-2016, p. 171.

⁴³ Interview with UN official, Nairobi, September 2012.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Interviews with women's groups, Mogadishu, October 2012.

⁴⁷ Interview with UN official, Nairobi, October 2012.

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The authorities' mishandling of a case of alleged rape

25. Women's mistrust in the police and the justice system is reinforced by the authorities' mishandling of the widely publicised case of alleged rape of an IDP woman. On 6 January 2013, Universal TV, a Somali television station, reported that armed men in police uniforms had raped a young woman. The same day, Al Jazeera published an article describing rape by security forces in Mogadishu IDP camps.⁴⁸ As a direct consequence of the reporting, on 10 January 2013, the Criminal Investigation Division (CID) of the Somali Police Force in Mogadishu arrested a woman who alleged having been raped by Government forces on 14 August 2012 in the Hodan district of Mogadishu. They also detained two acquaintances of the woman who had connected her with journalists.⁴⁹

26. During interrogations, CID Director, General Abdullahi Hassan Barisse, reportedly compelled the woman to provide the telephone numbers of journalists who had interviewed her. On 10 January 2013, Abdiaziz Abdinur Ibrahim, a freelance journalist who had worked with Dalsan Radio and Badri Media Productions, was called to the police station for questioning and then detained.⁵⁰

27. Following two days of interrogation, the police released the woman claiming she had retracted the allegation of rape. However, on 12 January 2013, they arbitrarily detained her

husband who persisted that his wife had been raped. Two other individuals, a woman and a man who had helped introduce the journalists, were also detained for more than two weeks. On 29 January 2013, after 19 days detention without charge, and denial of access to a lawyer, a doctor and medicine, the Attorney General charged the journalist Abdiaziz Abdinur Ibrahim with insulting a Government body and inducing the woman to give false evidence. Under the Somali Penal Code he faced up to four years in prison for the first charge and two years for the second. The alleged rape victim was also charged with insulting a Government body, in addition to simulating a criminal offense and making a false accusation, which carry punishments of up to three and six years in prison, respectively.⁵¹

28. The alleged rape victim's husband and the two individuals who helped introduce the woman to the journalist were charged with assisting her to evade investigation, which carries up to a four-year prison term, and assisting her to secure profit for the rape allegation, carrying up to a five-year prison term. The charge sheet indicates that the Government believed there was a conspiracy to discredit it for financial gain.⁵²

29. On 5 February 2013, Abdiaziz Abdinur Ibrahim, was sentenced to one year in prison for fabricating a false claim — though he did not publish the allegation, entering the home of

⁴⁸ Laila Ali, "Displaced Women Still Vulnerable in Somalia", 6 January 2013, available at:

<http://www.aljazeera.com/indepth/features/2013/01/201315142216448735.html>.

⁴⁹ Interview with Somali Human Rights NGOs, Mogadishu, 24 January 2013.

⁵⁰ Ibid.

⁵¹ Interview with Somali Human Rights NGOs, Mogadishu, 7 February 2013.

⁵² See: Human Rights Watch, Somalia: Alleged Rape Victim Convicted, 29 January 2013, available at <http://www.hrw.org/news/2013/01/29/somalia-alleged-rape-victim-charged>.

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another man without permission, and falsely accusing a Government body of committing a crime that damages state security. The woman was also sentenced to one year in prison for fabricating a rape case that damages state security. The court deferred her sentence for one year because she was breastfeeding. The court ordered the release of the woman's husband and the two others for lack of evidence.⁵³

30. Human rights organisations denouncing a botched trial argued that "the prosecutor failed to provide any evidence to justify a conviction on the criminal charges. The prosecutors called three witnesses, two of whom asserted they had assisted the woman after she was raped, and a nurse who had not examined the woman. A midwife testified on the first day of the trial, February 2nd, that she concluded that the woman was not raped after conducting a 'finger test,' an unscientific and degrading practice that has long been discredited because it is not a credible test of whether a woman has been raped".⁵⁴

31. On 3 March 2013, the court of appeals upheld a lower court's conviction of journalist Abdiaziz Abdinur Ibrahim, but reduced his sentence from one year to six months. The alleged rape victim was found not guilty of her charges, including insulting the Government. Finally, on 17 March 2013, the Supreme Court of Somalia overturned the conviction of journalist Abdiaziz Abdinur Ibrahim and ordered his immediate release.

32. During the course of these events, on 11 February 2013, the Monitoring Group sent an official correspondence to the Somali Prime Minister, Abdi Farah Shirdon, in an attempt to obtain additional information about the case. No reply was forthcoming.

33. This case overtly illustrates the grave shortcomings of Somali rule of law institutions in responding to cases of sexual violence, both in terms of the failure of the police to investigate the rape allegation itself and then the treatment of the alleged victim, her husband and the other individuals targeted by the authorities, including the apparent violation of their presumption of

innocence. Indeed, on 26 January 2013, the Attorney General told the BBC Somali Service that the journalist and the other individuals were complicit in an effort to tarnish the reputation of the security forces.⁵⁵ On 16 January 2013, the Commissioner of the Somali Police Force, Major General Sharif Shekhuna Maye, held a news conference in Mogadishu, at which he ‘showcased’ the alleged victim, and claimed that Abdiaziz Abdinur Ibrahim was part of a plot to tarnish the image of the national forces.⁵⁶

34. Consequently, the case has had a significant impact on the willingness of women to report cases of sexual abuse by Government forces and negatively affected the limited provision of services to victims in Mogadishu.⁵⁷ Overall, the case has served to undermine the

⁵³ See Human Rights Watch, *Somalia: Women alleging Rape, Journalist Convicted*, 5 February 2013, available at <http://www.hrw.org/news/2013/02/05/somalia-woman-alleging-rape-journalistconvicted>.

⁵⁴ Ibid.

⁵⁵ See <http://www.bbc.co.uk/news/world-africa-21259395>.

⁵⁶ Interviews with human rights organisations, Mogadishu, February 2013.

⁵⁷ Interviews with women’s groups, Mogadishu, March 2013.

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President’s commitment to tackling sexual violence and risks discouraging media reporting on this important issue.

Sexual exploitation and abuse by AMISOM forces

35. Allegations of sexual exploitation and abuse (SEA) by AMISOM troops first surfaced in 2011, when the UN country team was informed by Somali human rights groups of prostitution on AMISOM bases and marriage of minors to AMISOM troops. The UN raised the issue with the AMISOM command, which took some measures to address the problem, including additional training of troops.⁵⁸ Nevertheless, at present three trends of allegations continue to emerge. First, women’s groups denounce the presence of female translators waiting for employment on the AMISOM base, where they are vulnerable to exploitation. Second, there are reports of sexual exploitation around the AMISOM-run hospital on its Mogadishu base, where women are asked for sex in exchange for access. Third, women’s groups recount testimonies of women brought onto the AMISOM base in Mogadishu by the shopkeepers located there for the purpose of prostitution, as well as of food being provided for sex at AMISOM outposts elsewhere in the country.⁵⁹

36. The Monitoring Group was able to speak to women who described specific incidents of prostitution and other forms of sexual exploitation by members of AMISOM, as well as intimidation by AMISOM troops to keep them silent. Women’s groups reported being scared of “taking on” the issue, having previously suffered consequences for raising it with the AMISOM command in Mogadishu, including being banned from the AMISOM base.⁶⁰ Meanwhile, AMISOM still lacks appropriate mechanisms to address allegations of SEA by systematically collecting and investigating them in a methodical and transparent way.

37. The Monitoring Group raised the issue of SEA with the AMISOM command in Mogadishu. Although it has taken some positive steps, such as the appointment of a gender officer in October 2012 and the provision of workshops on SEA to its troops, AMISOM’s response to the allegations remains ad hoc at best, while the posture of its command is defensive rather than proactive. According to AMISOM civil-military officers, there is no need of a dedicated means for women to lodge complaints since “victims of SEA would come to us because we are very friendly”.⁶¹ According to the Force Commander, Lieutenant General Andrew Gutti, AMISOM “never had a verified incident of sexual exploitation”.⁶²

38. AMISOM claims that measures are in place to investigate allegations of wrongdoing by its troops. Political officers gather intelligence on the ground regarding interactions between

the population and AMISOM troops. When allegations are made and substantiated with some evidence, a board of inquiry is assembled to investigate. However, boards of inquiry are

⁵⁸ Interviews with UN and AMISOM officials, Nairobi and Mogadishu, October 2012-January 2013.

⁵⁹ Interviews with UN officials and Somali women's groups, Nairobi and Mogadishu, October 2012-January 2013.

⁶⁰ Interviews with women's rights groups, Mogadishu, 15 October 2012.

⁶¹ Interview with AMISOM civil-military officer, Mogadishu, 15 October 2012.

⁶² Interview with AMISOM Force Commander, Mogadishu, 16 October 2012.

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assembled on an ad hoc basis and composed of AMISOM officers who lack investigative experience and independence. Moreover, in the past twelve months, only two boards of inquiry have been convened, and their reports are not public or shared systematically with UN human rights monitors.⁶³ Despite repeated requests, the Monitoring Group did not receive copies of the reports. Furthermore, the Force Commander and his legal adviser were unable to answer questions related to the composition of the boards of inquiry and the cases they addressed, or the measures that were taken following the findings of the boards.

39. AMISOM has yet to implement the UN Policy on Prevention of Sexual Exploitation and Abuse, aside from inclusion of a section on SEA in pre-deployment training. The Policy requirements

include prevention, public information, establishment of a reporting system, establishment of accountability mechanisms and support to victims. The UN itself and in particular the UN Support Office for AMISOM (UNSOA) has an obligation to ensure that all measures are taken by AMISOM to prevent SEA and respond to allegations, in accordance with the UN-wide Human Rights and Due Diligence Policy.

40. Security Council resolution 2093 (2013), which extended the mandate of AMISOM through 2014, requested AMISOM in paragraph 14 to apply policies consistent with the UN zero-tolerance policy on sexual exploitation and abuse in the context of peacekeeping. To date, AMISOM has not taken the necessary steps to comply with this provision.

⁶³ Interview with AMISOM Force Commander, Mogadishu, 24 January 2013.

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Annex 9

Violations of the ban on charcoal

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Annex 9.1: Overview

1. Following the advance of the Kenya Defence Forces (KDF) contingent of the African Union Mission in Somalia (AMISOM) through southern Somalia and its final entry into Kismayo on 28 September 2012 with the Ras Kamboni forces of Sheikh Ahmed Mohamed Islam 'Madobe', a number of charcoal stockpiles of considerable scale were discovered and gained much attention. The stockpile in Kismayo was estimated to consist of some four million sacks of charcoal with a market value of at least 60-64 million USD. Comparable stockpiles were found to exist in Burgabo, Kuday, Anole and Al-Shabaab-controlled Barawe. The size of these stockpiles was, however, fluid, since there was continuous ground transportation of charcoal, for instance, into and between Kismayo and Barawe.

2. Throughout October 2012, there was rising tension and debate in diplomatic circles about the status of the stockpiles given the ban on the export of charcoal pursuant to Security Council resolution 2036 (2012), which prohibited the export and direct or indirect import of charcoal

from Somalia, and considered the engagement in such commerce as a threat to the peace, security, or stability of Somalia. In addition, successive Somali Governments had outlawed the trade in charcoal domestically.¹ Nevertheless, KDF commanders almost immediately began to push for the export of the stockpiled charcoal on security grounds, arguing that their mission was threatened by the demands of charcoal traders. The argument that a group of charcoal traders constituted a greater threat to the KDF than Al-Shabaab that had just been routed in Kismayo, was difficult to appreciate. Instead, it was far more likely that exporting charcoal would exacerbate clan tensions and resource interests, leading to much broader conditions of conflict. And this is precisely what subsequently occurred (see annex 3.3).

3. Members of the Juba Business Committee in Kismayo that had been trading charcoal throughout the period of Al-Shabaab's presence in the city, called for a temporary lifting of the ban. On 22 October 2012, this committee issued a petition requesting seven months to clear the stockpile (see annex 9.1.a). In support, the KDF, through AMISOM and the Commission of the African Union, appealed to the Security Council to temporarily lift the ban.² On 1 November 2012, in a letter addressed to the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (hereafter "the Committee"), the Permanent Representative of Kenya to the United Nations, His Excellency, Mr. Macharia Kamau, requested a special waiver for the "export of charcoal for a determinable period".³ However, in its resolutions 2072 (2012) and 2073 (2012), the Security Council did not lift the complete ban on the exportation and importation of charcoal.

¹ See for instance: <http://allafrica.com/stories/201304180118.html>.

² See <http://www.peaceau.org/en/article/the-african-union-calls-on-the-un-security-council-to-strengthen-its-support-to-the-au-mission-in-somalia>, and <http://www.the-star.co.ke/news/article-93305/somalia-au-differ-over-al-shabaab-charcoal>.

³ Correspondence reference S/AC.29/2012/COMM.107.

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4. One effect of calling for a temporary lifting of the ban was to shift focus onto the stockpiles as if it was the key issue. In diplomatic circles, options were considered, including a one-time export of the stockpiles, an internal sale and wholesale destruction. However, the pressure and focus on the export of the charcoal prevented an alternative solution from being seriously considered. For its part, the assessment of the Monitoring Group at the time was that a temporary lifting of the ban was neither proposed in good faith nor viable. It was a device to maintain the charcoal business indefinitely. Since there was perpetual movement to and from the stockpiles, it would not have been feasible to fix the amount of charcoal to be exported on a one-time basis without a ground assessment and controlled monitoring, which were not available. Consequently, the Monitoring Group believed the stockpiles would have been maintained to ensure a perpetual lift of the ban, while exports continued. The actual issue at stake was not the export of the stockpiles but the production of new charcoal that both sustained the stockpiles and constituted the charcoal exported.

5. Throughout October 2012 and following the entry of KDF/AMISOM into Kismayo, the President of Somalia, Hassan Sheikh Mohamud, had instructed AMISOM to keep the port of Kismayo closed to commercial traffic and not to export any charcoal from the area. He was unaware

that the former Prime Minister, Abdiweli Mohamed Ali Gaas, had written to the Committee on 17 October 2012, on the eve of his leaving office, requesting a review of the charcoal ban (see annex 9.1.b). Still AMISOM officials assured diplomats and the Monitoring Group that the President's instructions were being faithfully implemented. However, the port of Kismayo was never closed. By

22 October 2012, one ship (Fadhil Rabi) and two dhows had docked at the port and offloaded cement

and sugar. By 25 October 2012, two ships (Fadhil Rabi and Diamond Moon) and five dhows were in

Kismayo. As late as 26 October 2012, the AMISOM Deputy Force Commander for Operations and Plans, Major General Simon Karanja, assured the President that the port was closed and there was no

shipping traffic, while he knew otherwise.⁴ The President reiterated his instructions to AMISOM regarding both the port closure and charcoal exports, and the following day issued his first public statement to this effect (see annex 9.1.c).

6. By the end of October 2012, Madobe and the charcoal traders threatened that if the ban was not lifted by 3 November 2012, they would export charcoal anyway from Al-Shabaab-controlled Barawe and Kismayo if possible. On 2 November 2012, a delegation from Mogadishu, including General Karanja, the acting Somali Defence Minister, Husayn Arab Isa, and Chief of Defence Forces, Major General Abdiqadir Shaykh Ali Dini, arrived in Kismayo and assured the charcoal traders that the ban would be lifted soon.

7. However, as it became clear between the passage of Security Council resolutions 2072 (2012) and 2073 (2012) that the ban would not be lifted, the KDF, Madobe and his Ras Kamboni forces took the unilateral decision to begin the export of charcoal from Kismayo port. Already by 30 October 2012, the Fadhil Rabi and one dhow had been loading charcoal. On 4 November 2012, the Monitoring Group received urgent information that at least three dhows were loading charcoal and expected to depart immanently.⁵ In addition, three dhows were loading charcoal off

⁴ Telephone conversation with President Hassan Sheikh Mohamud, 26 October 2012.

⁵ Information from source in Somalia monitoring developments in Kismayo, 4 November 2012.

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Burgabo and at least four ships (Topaz II, Star Island H, Lady Jana, and Loai IV) were anchored offshore at Barawe loading charcoal.⁶ Some vessels in Kismayo were preparing to sail to Barawe to load charcoal there, and in Mogadishu there was a backlog of ships waiting to sail to Kismayo.

Charcoal trucks loading vessels at the port of Kismayo on 13 November 2012

8. Meanwhile, on 2 November 2012, the Somali Presidency announced the establishment of a Task Force to address the charcoal stockpile at Kismayo. The objectives of the Task Force were stated to be:

- ☐ To determine the source of the charcoal, its ownership, quantity and estimated value, and reasons for such accumulation;
- ☐ To propose ways of using the charcoal in the internal market, and ways and means of transporting and distributing the charcoal to different local markets;
- ☐ To propose ways of preventing repetition of the current situation; and
- ☐ To propose ways of galvanizing the support of the international community in the utilization of the current stockpile, particularly the UN, the African Union, the Intergovernmental Authority on Development (IGAD) and AMISOM.

9. The nine members of the Task Force were drawn from a variety of backgrounds with responsibility to compile a report within seven days. On the same day, the Somali Presidency urgently requested AMISOM security and logistical support for the work of the team (see annex 9.1.d).

⁶ Information from source in Somalia monitoring developments in Kismayo, 4 November 2012 and confirmed by Information from source in Barawe, 12 November 2012, as well as shipping signals

data.

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10. The visit of the Task Force to Kismayo was delayed, but on 7 November 2012 a delegation consisting of the 9-member Task Force, four AMISOM officials including the Chief of Staff, General Ousman, as well as a group of journalists, arrived at Kismayo airport at 12:30 p.m. The area commander of the KDF, Col. Hassan, met the members of the delegation and informed them that the Somali National Army (SNA) and Ras Kamboni forces were not prepared to meet with them. He added that Madobe said he would not meet with the delegation unless it was under the auspices of IGAD and that the safety and security of the delegation could not be guaranteed if it travelled outside the airport. Both the AMISOM Force Commander, Lieutenant-General Andrew Gutti, and The Somali President were informed of the situation and, after some deliberation, the Task Force returned to Mogadishu, leaving the journalists to remain overnight at the airport.⁷ At the time the delegation was in Kismayo, approximately 15 vessels (13 dhows and 2 ships) were docked at the port in the process of loading charcoal and had been loading charcoal at least since the day before, 6 November.⁸

11. Following its failed mission to Kismayo, the President's Task Force remained inactive. This event, however, set a pattern for subsequent Government delegations, which have largely not been permitted to leave Kismayo airport. Indeed, on days when charcoal is loading, visitors to Kismayo are usually not allowed to exit the airport compound. On 11 March 2013, the Monitoring Group, accompanied by a team of UN investigators, was prohibited from leaving Kismayo airport by the Ras Kamboni chief of security in the city, Mahmoud Abdullahi 'Hawil', on grounds of insecurity despite UN security assessments to the contrary. At the time, the Monitoring Group was separately informed that it was actually not permitted to visit the city and the port because 14 vessels were in the process of loading charcoal.⁹

Aerial view of charcoal loading at the port of Kismayo on 11 March 2013

⁷ See <http://blogs.aljazeera.com/blog/africa/so-close-yet-so-far-kismayo>.

⁸ Photographic evidence of vessels loading obtained by the Monitoring Group.

⁹ Information obtained by the Monitoring Group on the ground in Kismayo. The Monitoring Group was able to observe the port from the air upon departure and confirm this information.

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12. On 6 November 2012, in response to initial press reports about the export of charcoal from Kismayo under AMISOM control, AMISOM issued a statement reaffirming its commitment to support the Somali Government's efforts to end the illegal trade in charcoal (see annex 9.1.e).

13. On 12 November 2012, the Monitoring Group visited Kismayo, the charcoal stockpiles in the town and the port. At the port, the Monitoring Group attended a meeting chaired by Madobe that included representatives of the KDF, the Ras Kamboni militia, the local interim administration, the SNA, and a group of charcoal traders from the Juba Business Committee, amongst others. During the meeting, Madobe and the traders vowed to discontinue charcoal trading if they could only export the existing stockpile. Madobe said, "once charcoal is burnt, it can never be a tree again". The Monitoring Group had three critical observations during its visit.

Juba Business Committee charcoal traders, 22 October 2012

14. First, the Monitoring Group was able to observe a considerable amount of new charcoal being packaged into 25 to 30 kg sacks at the location of the stockpiles. It was already clear that the charcoal being exported was new charcoal, and that the stockpile was being maintained (see annex 9.1.f).

15. Second, the Monitoring Group verified that the port is under the joint security control of the KDF and the RKB, and both undertake joint operations at the port. In addition, according to charcoal traders and shippers, the Kenyan Navy has oversight at the port and a KDF officer, Major Maingi, was the focal point for authorizing the offloading and loading of vessels.¹⁰ (See annex 9.1.g.)

¹⁰ Interview with Captain Abdulah of the MV Diamond Moon, 18 November 2012; and principal Dubai charcoal trader, 20 November 2012.

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16. Third, the Monitoring Group observed 10 vessels docked at the port in the final stages of off-loading mostly sugar and cement. The port jetty had been cleared of charcoal and sanitized, and vessels partially loaded with charcoal were ordered out of the port in preparation for the Monitoring Group visit. Following the departure of the Monitoring Group, additional vessels docked at the port, and the following day, 13 November 2012, there was large-scale loading of charcoal on the docked vessels.¹¹

Ships loading at Port of Kismayo on 13 November 2012

17. During the month of November 2012, the Monitoring Group was able to confirm that at least 20 vessels had exported well over 700,000 sacks, and in December at least 22 vessels had exported at least 800,000 sacks of charcoal from Kismayo port.¹² The Monitoring Group estimated that these figures constituted about 70-80% of the actual exports and did not account for charcoal transported overland to Barawe. Nevertheless, their export value was considerable. A 25 to 30 kilogram sack of charcoal has a local value of 5 to 6 USD, but an export value of a minimum of 15 to 16 USD, representing at least 10 to 13 million USD per month. In addition, the port manager at Kismayo, a Kenyan Somali charcoal trader of the Ras Kamboni forces, Abdullahi Dubad (a.k.a. 'Hadun'), was taxing the charcoal exports on behalf of KDF-supported Madobe at a rate of 1.20 USD, while Al-Shabaab in Barawe was charging 1.50 USD. In due course, both rates increased to 1.50 USD and 2.00 USD, respectively.¹³

¹¹ Photographic information provided by sources on the ground in Kismayo (see above photograph).

¹² Confidential shipping cargo data, November and December 2012, as well as photographic evidence throughout both months, and eyewitness testimonies at Kismayo port.

¹³ Confidential Kismayo port sources, Dubai charcoal traders, and confidential source in Barawe, October 2012 to May 2013.

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18. Despite the export of at least 1.5 million sacks over two months, the stockpile in Kismayo was not declining. Rather, the rate of charcoal being trucked into Kismayo was rising significantly. Indeed, the charcoal being exported was in fact newly produced. This meant that the issue of concern ought never to have been the stockpiles themselves, but the ongoing and increasing scale of new production. This fact was reinforced in January and February 2013, when large scale-production began in Al-Shabaab controlled Badade district, north of the Kenyan border where a forested area was being levelled. The amount of charcoal being trucked to Kismayo was outstripping the export capacity at the port and a new stockpile was established at Fifmodow in Kismayo (see annex 9.1.h.). Corresponding to the increased production of charcoal, the import of sugar gradually increased in late 2012 and considerably increased thereafter for transportation to and across the Kenyan border.¹⁴

19. Between Badade and Kismayo, charcoal trucks passed through several checkpoints. A first checkpoint at Buulo Xaaji, about midway, is controlled by Al-Shabaab. Ras Kamboni and SNA forces control a second and third checkpoint, and the KDF controls a final checkpoint before the final destination of the port. Apart from small interpersonal disputes, since January

2012 there have not been any significant security incidents on the charcoal transportation route, indicating an accommodation on the ground between interested parties.¹⁵ In addition, members of Al-Shabaab have routinely entered Kismayo by riding on charcoal trucks.

20. Overall, despite the fact that the KDF/AMISOM and Ras Kamboni forces replaced Al-Shabaab's control of Kismayo, the charcoal business architecture remained intact. While the production and trade in charcoal has always existed in Somalia on a smaller scale, during Al-Shabaab's control of Kismayo it became a large-scale international enterprise combining local clan and Al-Shabaab financial interests, as previously documented by the Monitoring Group (S/2011/433 and S/2012/544). The nature of the business enterprise forged by Al-Shabaab continues with Al-Shabaab, its commercial partners and networks still central to the trade. Essentially, with the changeover of power in Kismayo, the shareholding of the charcoal trade at the port was divided into three between Al-Shabaab, Ras Kamboni and Somali Kenyan businessmen cooperating with the KDF.¹⁶ In addition to Al-Shabaab's shareholding at Kismayo represented by individual charcoal traders in the local business community, there is seamless movement of charcoal trucks between Kismayo and Barawe and regular coordination between the two ports, not least because of the personal and commercial relations between charcoal traders, individuals in Ras Kamboni and members of Al-Shabaab.¹⁷

21. This dramatic increase in scale of the charcoal trade since the time when Al-Shabaab exclusively controlled it, actually benefits Al-Shabaab as it draws considerable revenue from its partial shareholding in the expanded business. In fact, its shareholding in Kismayo charcoal, in combination with its export revenues at Barawe and its taxation of trucks transporting charcoal

¹⁴ Confidential shipping cargo data, November 2012 to April 2013.

¹⁵ Confidential international security sources and Kismayo port authorities, 11 March 2013.

¹⁶ For initial press coverage of KDF involvement in the charcoal business, see: <http://www.voanews.com/content/somalia-kismayo-port-control-politics/1669896.html>.

¹⁷ Interview with port authorities, Kismayo, 11 March 2013.

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from production areas under its control are likely exceeding the revenue it generated when it controlled Kismayo, previously estimated by the Monitoring Group to be 25 million USD per year (see annex 9.2). As such, Al-Shabaab has managed to exploit and profit from the diversification of interests in the charcoal trade (see annex 9.2).

22. Despite these revenues in southern Somalia, there may not be an equitable trickle-down to Al-Shabaab in other areas of Somalia or East Africa. Al-Shabaab cells in other areas have at times relied on diaspora funding, which has decreased in response to recent terrorism cases targeting Al-Shabaab throughout the world. Regional and clan interests can outweigh distribution of revenue to other Al-Shabaab-controlled areas.

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Annex 9.1.a: Juba Business Committee petition

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Annex 9.1.b: Letter to the Committee from former Somali Prime Minister Abdiweli Ali Gaas, 17 October 2012

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Annex 9.1.c: President Hassan Sheikh press release upholding UN Charcoal Ban

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Annex 9.1.d: Letter creating President's Task Force on charcoal

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Annex 9.1.e: AMISOM statement regarding charcoal export

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Annex 9.1.f: Stockpiles with new charcoal on 12 November 2012

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Annex 9.1.g: KDF presence at Kismayo port during charcoal loading

Kismayo port on 22 April 2013

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Annex 9.1.h: Photos of charcoal stockpile in Kismayo

Stockpile in Kismayo on 12 November 2012

Stockpiles in Kismayo on 12 April 2013

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Annex 9.2: Somali charcoal exportation and trade

Scale of exportation

1. Since November 2012, the principal ports systematically exporting charcoal from Somalia have been KDF/AMISOM/Ras Kamboni-controlled Kismayo and Al-Shabaab-controlled Barawe. In addition, though, there are on-going, more idiosyncratic exports of charcoal from smaller ports at Buur Gaabo, Anole, Koday and Koyaama, all south of Kismayo, where stockpiles also exist.

2. The Monitoring Group previously estimated that, in 2011, some 9 to 11 million sacks of charcoal were exported from Somalia, generating for Al-Shabaab annual revenues in excess of 25 million USD.¹ At the rate of export since November 2012, the Monitoring Group estimates that this number is rising to 24 million sacks per year and represents an overall international market value of 360 to 384 million USD, with profits divided along the charcoal trade supply chain, including for Al-Shabaab. In other words, the scale of charcoal export from Somalia has increased by 140 per cent.

3. This increased production has devastating environmental effects. Based on UNEP calculations, the production of 24 million sacks of charcoal in 2012-2013 would require 10.5 million trees, and given the average density of 60 Acacia trees per hectare, the area of deforestation would cover 676 square miles, which is larger than the city of Houston, Texas in the United States.² The level of increased production makes this trade ultimately unsustainable, but destructive to Somalia's few fertile areas in the meantime.

Port of Kismayo

4. While the Monitoring Group has generally been able to track some 70-80 per cent of charcoal exports from Kismayo through shipping cargo records, imports at destinations, and other photographic and documentary sources, it was aware that its data was incomplete. Through the course of its mandate, further photographic and documentary evidence, as well as testimonies of charcoal traders, revealed additional shipping. On the preponderance of the evidence compiled, including average shipping rates, the Monitoring Group conservatively estimates that, since November 2012, approximately one million sacks of charcoal valued at

15 to 16 million USD have been exported on a monthly basis.. Charcoal traders in Dubai claim the amount to be far more, but the Monitoring Group could not verify how much more.³ Although, the Monitoring Group bases its estimates on 25-kilogram sacks, while charcoal sacks exported from Kismayo range from 25 to 35 kilograms and in some cases they may be as large as 50 kilograms.

¹ S/2012/544, Annex 2.1, paragraph 4.

² Calculations based on data from http://postconflict.unep.ch/publications/dmb_somalia.pdf, p. 42.

³ Interview with Dubai charcoal traders, 13 April 2013.

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5. The port of Kismayo has the capacity to dock more than 22 dhows and one to two ships at a time. The Monitoring Group confirmed that since November 2012, on average 17 vessels docked at Kismayo port at any given time.⁴ It can take up to a week for a vessel to offload its cargo and reload manually.⁵ In principle, therefore, the port has the capacity to service 88 vessels in a month, but more realistically given the port operations and infrastructure it could service about 50 vessels. Analysis of data collected during port visits (between November 2012 and May 2013) indicates that Kismayo port serviced an average of 29 vessels per month, including about two of these being larger ships.⁶ In December 2012, for instance, the Monitoring Group confirmed that 31 dhows and two ships loaded charcoal for export from Kismayo (see annex 9.2.a).⁷

6. Smaller wooden boats or dhows on average load 33,000 sacks of charcoal weighing 25 kilograms, but have the capacity to load up to 50,000 sacks. Larger ships can load 100,000 to 150,000 sacks, or more depending upon the size of the vessel.⁸ Given the average shipping traffic of 29 vessels, including two larger ships, confirms the conservative estimate that at least one million sacks or 25 million kilograms of charcoal have been exported per month from the port of Kismayo (see annex 9.2.a to view monthly aerial photos of the port).

Natural port of Barawe

7. Barawe, located north of Kismayo, remains under Al-Shabaab control and therefore is inaccessible and more difficult to monitor. Barawe is a natural beach port requiring ships to anchor offshore. Consequently, charcoal is first loaded onto smaller boats that then transfer the cargo to the ships offshore, a more time-consuming process. Dhow traffic is less frequent than Kismayo, with some 21 dhows anchoring off Barawe between February and May 2013. In addition, the Monitoring Group has been able to confirm that since October 2012 approximately six large ships per month loaded charcoal for export.⁹ Based on the rate and capacity of the shipping traffic, the Monitoring Group estimates that between 600,000 and one million sacks of charcoal were likely loaded each month at Barawe. Since Al-Shabaab taxes charcoal at the rate of 2 USD per sack, the likely revenue for Al-Shabaab potentially amounts to 1.2 to 2 million USD per month. The main company in Barawe exporting charcoal is called “Taqfir.”¹⁰

⁴ Information based on monthly photographic evidence of vessels docked at Kismayo port obtained by the Monitoring Group.

⁵ Information based on Monitoring Group visits to the port of Kismayo on 12 November 2012, 11 March 2013 and 12 April 2013, as well as interviews with charcoal traders and boat captains on 20 November 2012 and 13 April 2013.

⁶ Data is based on a combination of documentary shipping data, photographic evidence, visual inspections by the Monitoring Group and eyewitness testimony between November 2012 and May 2013.

⁷ Data obtained from eyewitness sources on the ground in Kismayo, documentary shipping data and corresponding photographic evidence.

⁸ Estimates based on Kismayo charcoal loading data obtained between November 2012 and

May 2013.

⁹ Information obtained from eyewitness testimonies on the ground in Barawe in combination with shipping tracking information.

¹⁰ Interview with Somali shipper, Nairobi, 3 November 2012.

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Barawe stockpile on 23 January 2013

Charcoal Trade Supply Chain

Charcoal production and Al-Shabaab

8. Charcoal is produced by cutting down and burning the *Acacia bussei* tree, which is a slow-burning hardwood this is prized by charcoal brokers for its longer burn-time and aromatic scent used as a luxury commodity for flavouring grilled meat in the Middle East.¹¹ The Kismayo area in particular is known for the highest quality charcoal in Somalia since the density of the wood produces larger pieces of charcoal. The majority of charcoal production occurs in southern Somalia in Al-Shabaab-controlled areas where the local market value of each sack of charcoal is 5 to 6 USD.

9. As production of charcoal dramatically increased in Badade, by February 2013, between 90 and 100 trucks daily were transporting charcoal to Kismayo.¹² At the Buulo Xaaji checkpoint, Al-Shabaab was taxing smaller 5-ton trucks 250 USD each and larger 12-ton trucks 500 USD each. As such, the daily revenue potential for Al-Shabaab at this one checkpoint amounted to between 22,500 USD and 50,000 USD, which equates to a monthly revenue income of between 675,000 USD and 1.5 million USD. However, this checkpoint is exceptional, given production in Badade, and is unlikely to remain generating this revenue for

¹¹ Interview with numerous charcoal traders in the UAE between December 2012 and April, 2013.

¹² Interview with confidential security and port sources in Kismayo, 21 February and 11 March 2013.

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an extended period. Indeed, the location of checkpoints is fluid and depends on the potential advantage to be gained.

Kismayo charcoal traders

10. In addition to the 30 traders who identified themselves in the 22 October 2012 petition requesting a temporary lifting of the charcoal ban (see annex 9.1.a), the Monitoring Group has identified a broader list of 39 charcoal traders, of which about half are from the Majeerteen clan.¹³ Many of the traders are Kenyan Somali and operate between Kismayo, Garissa in northeastern Kenya and Nairobi. These traders act as brokers for larger traders mostly in the UAE and representatives for individual consignments of charcoal being exported. They all operated in Kismayo throughout the period of Al-Shabaab's control. While some dealt with Al-Shabaab as a matter of practicality or for personal and clan reasons, others operated and continue to operate on behalf of Al-Shabaab. In addition, since most charcoal production is in Al-Shabaab-controlled areas, the traders necessarily need to maintain at the minimum commercial and logistical links with Al-Shabaab.¹⁴ Indeed, months after KDF/AMISOM took control of Kismayo, Al-Shabaab flags painted on buildings have still not been removed due to local opposition.¹⁵

Kismayo Airport on 11 March 2013

¹³ Information obtained from an analysis of a list of Juba Business Committee traders.

¹⁴ Information corroborated by several Somali sources with knowledge of the charcoal business in Kismayo in February and May 2013.

¹⁵ Interview with a civil society member from Kismayo, Nairobi, 21 May 2013.

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City of Kismayo on 12 April 2013

11. Of the Kismayo traders identified to have strong links with Al-Shabaab, there are two key businessmen responsible for a significant portion of the charcoal exports. First, Hassan Mohamud Yusuf (a.k.a. 'Awlibaax') from the Mareehan clan is the Chairman of the Juba Business Committee, which is a coalition of charcoal traders, and organized the 22 October petition (see annex 9.1.a). He has commercial and political links to Al-Shabaab, and represents their shareholding interests in Kismayo.¹⁶ In addition, he is linked to the key charcoal businessman in Dubai, Saleh Da'ud Abdulla, whose ideological affiliation with Al-Shabaab has been previously identified by the Monitoring Group.¹⁷ Second, Ali Ahmed Naaji, from the minority Cawro-maleh clan, arranges or provides loans to Al-Shabaab, and makes investments for them in South Sudan.¹⁸ Of the 39 charcoal traders identified, the Monitoring Group calculates, based on port records indicating representatives of consignments, that Yusuf and Naaji control approximately 32 per cent of charcoal exports from Kismayo, mostly destined for Dubai, UAE.¹⁹

Charcoal businessmen in the GCC

12. Amongst charcoal traders in the Gulf Cooperation Council (GCC) countries, the Monitoring Group has identified six largest businessmen in Dubai, UAE, to be: Saleh Da'ud Abdulla (Al Baoon Trading Company); Baba Mansoor Ghayedi, (a.k.a. 'Haji Baba') (Al Qaed

¹⁶ Interview with confidential source with knowledge of the charcoal trading business in Kenya and Somalia, 25 October 2012

¹⁷ S/2011/433, pp. 181-182.

¹⁸ Interview with confidential source with knowledge of the charcoal trading business in Kenya and Somalia, 25 October 2012.

¹⁹ Information on representatives of individual consignments based on analysis of port records for the Port of Kismayo, November 2012 to April 2013.

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International General Trading L.L.C.); Abdulshakkuur Ismail Farah (Hamil al-Misk); Hassan Diriye Farah (a.k.a. 'Dhurxul') (Wadi al Hejaz General Trading); Dahir Sheikh Omar Mohammed (Al Aqeed General Trading); and Basheer Khalif Moosa (Kismayo General Trading L.L.C.).²⁰

13. Of these charcoal enterprises, Da'ud's Al Baoon Trading Company, previously described by the Monitoring Group,²¹ and Haji Baba's Al Qaed International General Trading L.L.C. (see annex 9.2.b) control the majority of the market share in charcoal.

Al Baoon Trading Company

14. In 2011, the Monitoring Group identified Saleh Da'ud Abdulla, the owner of Al Baoon, as the most important trader exporting charcoal from then Al-Shabaab-controlled Kismayo and Barawe. He was described as an ideological affiliate of Al-Shabaab and a close business associate of Hassan Dheere, a high-ranking Al-Shabaab officer in Barawe.²²

15. On 9 July 2012, Da'ud chartered the MV Robastar (IMO #8211590) to load 180,000 to 200,000 sacks of charcoal in Barawe for delivery to the Kingdom of Saudi Arabia (see annex 9.2.c). On 1 December 2012, the Robastar loaded 124,000 sacks of charcoal at the port of Kismayo. Da'ud²³ had chartered the vessel and Hassan Mohamud Yusuf (a.k.a. 'Awlibaax'), the charcoal trader in Kismayo, was the port representative for this consignment.²⁴

16. Al Baoon is the listed owner of the MV Alba Star (IMO #8507561), which was observed loading charcoal at Barawe on 20 January 2013. On 29 January 2013, an eyewitness observed the MV Alba Star returning to the port of Barawe because of suspicious smoke on board the vessel. The charcoal on board had caught fire and had to be off-loaded in order to survey

damage to the ship.²⁵ The MV Alba Star was also observed in Barawe on 21 February 2012 loading charcoal.

17. Hamil al-Misk, a Saudi Arabian company linked to Da'ud and another large charcoal trader in Dubai, Abdulshakkuur Ismail Farah, chartered the MV Loai IV (IMO #8221911)²⁶ to transport Somali charcoal to the Port of Jizan, Saudi Arabia. Loai Petroleum DMCC, located in Jumeirah Lake Towers, Dubai, UAE, is the owner of the Loai IV, which loaded between 100,000 and 150,000 sacks of charcoal in Barawe on 12 November 2012.²⁷ On 14 November 2012, in spite of the Security Council ban, Hamil al-Misk received a waiver from the Kingdom of Saudi Arabia to import 1,714,000 bags of charcoal purchased from Somalia (see

²⁰ Analysis of traders based on interviews with charcoal traders and shippers, as well as shipping documents and port information obtained between October 2012 and May 2013.

²¹ S/2011/433, Annex 3.1.a.

²² S/2011/433, Annex 3.1.

²³ Information confirmed by owner of MV Robastar on 4 March 2013.

²⁴ Information from shipping source in Kismayo.

²⁵ Interview with source in Barawe who witnessed the event, 29 January 2013.

²⁶ Interview with charcoal trader, Dubai, UAE, 14 April 2013.

²⁷ Information from local eyewitness source in Barawe on 12 November 2012.

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annex 9.2.d). Instead of proceeding to Saudi Arabia, the Loai IV delivered the charcoal to Egypt. Hamil al-Misk initiated a legal suit in Egypt against Loai Petroleum DMCC, and the court ruled that the cargo belonged to Hamil al-Misk. However the decision was appealed and the cargo and ship are still at anchorage in Egypt pending the outcome of the case.²⁸

Al Qaed International General Trading L.L.C.

18. The largest purchaser of charcoal in Dubai is Al Qaed International General Trading, which is owned by Baba Mansoor Ghayed (a.k.a. Haji Baba).²⁹ Haji Baba is an Iranian national who has resided in Dubai for the past 17 years and has been involved in the importation of Somali charcoal for over 12 years. He described himself to the Monitoring Group as the “King of Charcoal” and said that he controls the charcoal market in Dubai.³⁰ One of his suppliers is Hassan Diriye Farah (a.k.a. ‘Dhurxul’) of Wadi al Hejaz General Trading,³¹ who was previously identified by the Monitoring Group as a major UAE-based charcoal trader³² and who continues to be an active charcoal trader.

Al Qaed International General Trading Warehouse in Dubai, UAE

²⁸ The Loai IV is confirmed to still be in anchorage in Egypt as of 3 June 2013.

²⁹ Identified by numerous Somali charcoal traders in Dubai, including Hassan Diriye Farah of Wadi al Hejaz General Trading, 16 December 2012.

³⁰ Interview with Haji Baba and his son, Ahmed Qaed, who is also part owner of the company, Dubai, UAE, 6 March 2013.

³¹ Information received from Hassan Diriye Farah of Wadi al Hejaz General Trading on 16 December 2012. His nickname ‘Dhurxul’ means charcoal in Somali.

³² S/2012/544, Annex 2.1, paragraph 8.

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19. Contradicting his initial sentiments, Haji Baba subsequently claimed to the Monitoring Group that he has not imported Somali charcoal to the UAE since June 2012, and he only purchases charcoal at the Creek of Sharjah, after it has been processed by customs officials. He stated the paperwork indicates that the charcoal originates from Djibouti and Kenya, where charcoal exportation is also prohibited domestically.³³ In order to avoid the Security Council charcoal ban, many traders are obtaining false bills of lading from third countries to cover their trade in Somali charcoal (see annex 9.2.e).³⁴

20. Despite his claim that he has not traded in Somali charcoal, in December 2012, Haji Baba chartered the Seagull D (IMO #8014382) to load 160,000 sacks of charcoal destined for Lebanon.³⁵ He arranged the charter through Abdihakim Musse Gelle, an agent for the Seagull D who works for a Syrian individual named “Abu Noor”. On 1 December 2012, the Seagull D loaded 140,000 sacks of charcoal in Kismayo.³⁶ This vessel had originally been chartered by Da’ud under the company name Hamil al-Misk to export charcoal to Saudi Arabia. Between 8 and 14 December 2012, the Seagull D arrived in Barawe and loaded an unknown quantity of charcoal.³⁷ The charcoal was delivered to Lebanon and a court case over the ownership of the charcoal ensued.

21. Notably, on 18 September 2012, the UAE Permanent Representative to the United Nations in New York, sent an official correspondence to the Monitoring Group regarding an impounded shipment of 100,000 bags of Somali charcoal in the UAE (see annex 9.2.f). The Monitoring Group requested the UAE for additional details of the shipment but was unable to obtain any further information. Several charcoal traders in Dubai confirmed that the ship was the MV Nabil H (IMO#7911698),³⁸ and that the consignee for the shipment of the charcoal was Haji Baba. After 10,000 sacks were offloaded in Dubai, and at a certain point the charcoal was reloaded and the vessel left the port. The vessel was re-routed to Saudi Arabia, where it finally offloaded the charcoal.³⁹

Al Aqeed General Trading

22. Notably, Haji Baba had a contract with Abdulshakkur Ismail Farah, the owner of Hamil al-Misk in partnership with Da’ud, to purchase 74,000 sacks of Somali charcoal to be imported

³³ Interview with Haji Baba and his son, Ahmed Qaed, who is also part owner of the company, Dubai, UAE, 6 March 2013.

³⁴ Information obtained from several Dubai-based charcoal traders in December 2012, and March-April 2013.

³⁵ Interview with Dubai charcoal trader, 14 April 2013.

³⁶ Documentary port information obtained from Kismayo. Said Isse ‘Doon’, who is an Al-Shabaab associate and a charcoal trader in Kismayo, was the port representative for this consignment.

³⁷ Information from confidential eyewitness source in Barawe, 19 December 2012.

³⁸ The owner is Hamadah Ar, Care of Tek Management Corp, Local M-6, El Dorado, Plaza Aventura Building, Via Ricardo J Alfaro Panama City, Panama.

³⁹ Interviews with Dubai charcoal traders, 20 November 2012.

into Kuwait in violation of the ban (see annex 9.2.g). The contract specified that the cargo would be transported on the MV Fadhil Rabi (IMO #7223039).⁴⁰

23. On 30 October 2012, the Fadhil Rabi was photographed docked at the port of Kismayo and had already unloaded sugar and cement. The Monitoring Group learnt that Dahir Sheikh Omar Mohammed of Al Aqeed General Trading was managing this vessel, and contacted him on 4 November 2012. He stated that the ships and dhows docked in Kismayo were waiting for the Somali Government to authorize the loading of charcoal. By 5 November 2012, dhows had been loading with charcoal to be exported to the UAE. Dahir stated that the Fadhil Rabi left Kismayo that day empty.

24. On 20 November 2012, the Monitoring Group spoke again with Dahir, who stated that the Fadhil Rabi, after leaving Kismayo empty, was currently in Mogadishu loading cement and lemons to be transported to Dubai. However, the Monitoring Group obtained shipping data indicating that on 17 November 2012, the Fadhil Rabi completed loading 74,798 sacks of charcoal (1,869,950 kilograms) in Kismayo.⁴¹ On 29 November 2012, the Fadhil Rabi was at the port of Mogadishu off-loading general cargo.

25. Al Aqeed General Trading is also linked to several ships and dhows that have

transported charcoal from Kismayo and Barawe to Dubai.

Ships and dhows linked to Al Aqeed General Trading

⁴⁰ The owner of the vessel is Splash Maritime, care of Seaboard Shipping Services Ltd , 3rd Floor, Laxmi House, Moi Avenue, Mombasa, Kenya.

⁴¹ Shipping data obtained from sources on the ground in Kismayo regarding port activity in May 2013.

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Kismayo General Trading L.L.C.

26. Dahir Sheikh Omar Mohammed is also in partnership and shares an office with Basheer Khalif Moosa of Kismayo General Trading L.L.C. Dubai-based charcoal traders have described him as the “Father of all Dhows”. On 7 January 2013, the MSV Al-Yusuf imported 47,663 sacks of charcoal (1,191,575 kilograms). The bill of lading indicated that this consignment was from Djibouti, the consignee was Kismayo General Trading and the shipper was Red Sea Transit and Transport in Djibouti (see annex 9.2.h). However, the MSV Al-Yusuf was docked in Kismayo on 24 December 2012, and the charcoal trader responsible for the consignment was Ali Naaji.⁴² There is further evidence that the MSV Al-Yusuf loaded charcoal in Kismayo on 4 November 2012.⁴³ Basheer is connected to Red Sea Transit, and has been using them to obtain false bills of lading to import Somali charcoal.⁴⁴

Other charcoal shipments

27. Gulf of Aden Shipping L.L.C. is the manager of the MV Topaz II (IMO #7924839), which loaded charcoal at Barawe in October 2012. Dubai-based shippers have stated that this company is using large ships to regularly import multiple loads of charcoal into Dubai.⁴⁵

28. On 4 May 2013, the MV Soleil (IMO #8300482) (formerly named the MV Lady Jana) was photographed filled with charcoal at Port Rashid, Dubai, UAE (see annex 9.2.i).⁴⁶ In October 2012, this vessel was observed loading charcoal at Barawe.

29. On 27 September 2012, the MV Star Island H (IMO #8114364) loaded 140,000 bags of charcoal in Barawe to be shipped to the Port of Jizan, Saudi Arabia. The consignee for this cargo was Al Mudara Trading Est., located in Saudi Arabia, and the shipper was Horyal Trading Company in Barawe (see annex 9.2.j). The contact person for Al Mudara Trading is Saud Nasser Al-Mdra’a, who was identified as an importer of Somali charcoal in the previous Monitoring Group report.⁴⁷

30. The Monitoring Group also identified in its previous report Talal Al-Saa’di, who is based in Riyadh and regularly imports charcoal from Barawe and Kismayo. Al-Saa’di imported Somali charcoal into Saudi Arabia on the MV Victoria (IMO#7906203), which is managed by Ajman Shipping & Trading. In May 2012, Al-Saa’di shipped approximately 100,000 bags of charcoal from Barawe to the Port of Jizan on the MV Victoria.⁴⁸ According to Mogadishu port records, the agent listed for the MV Victoria is Al Aqeed General Trading, which is owned/managed by Dahir Sheikh Omar Mohammed. On 12 November 2012 and 14 February

⁴² Documentary shipping source pertaining to vessels at the port of Kismayo.

⁴³ Information obtained from sources at the port of Kismayo in April, 2013.

⁴⁴ Interview with charcoal traders in Dubai, UAE, 17 December 2012.

⁴⁵ Interview with Dubai shipping company, 5 March 2013.

⁴⁶ The ship owner is Dergham Marine SA, Panama City, Panama.

⁴⁷ S/2012/544, Annex 2.1, paragraph 20.

⁴⁸ S/2012/544, Annex 2.1, paragraph 27.

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2013, the MV Victoria was observed loading charcoal at Barawe.⁴⁹ In February 2013, it had arrived at Barawe empty, after offloading in Mogadishu on 6 February 2013.

The Charcoal – Sugar Trade Cycle

31. The Monitoring Group has previously established the cyclical trade involving the importation of sugar to Somalia and the export of charcoal on the same vessels (S/2011/433). This is a continuing trend that Da'ud has incorporated into his business model. Da'ud's ship, the MV Alba Star, delivered 4.2 million kilograms of sugar and 150,000 kilograms of rice to the port of Mogadishu on 22 November 2012. According to port records, the vessel did not load cargo at the port of Mogadishu. Given the loss incurred against the original delivery if a vessel sails empty, many traders will send their vessels to Barawe or Kismayo to load charcoal for their return trip to the GCC. Analysis of vessels offloading at the port of Mogadishu indicates that 26 per cent identify their next port of call as Kismayo. The majority of these vessels originated in the Dubai, UAE. Some vessels offload only a portion of their cargo in Mogadishu before heading to Kismayo, and possibly Barawe. There are no destinations recorded for all other vessels.⁵⁰

32. The MV Victoria also transported sugar to the port of Mogadishu on 1 November 2012 before it was observed loading charcoal in Barawe on 12 November 2012. Its previous port of call was the Port of Salalah, Oman.⁵¹

33. Another ship that is part of this business model is the MV Diamond Sun (IMO #8701923), owned by Aland Shipping LTD in the Marshall Islands. According to charcoal traders, this vessel is being chartered by Mogadishu Stars,⁵² which was previously identified by the Monitoring Group Report as a sugar trading company closely linked to Ali Ahmed Nur Jim'aale,⁵³ designated for targeted measures by the Committee on 17 February 2012. On 16 November 2012, the Diamond Sun loaded 82,321 bags of charcoal at the port of Kismayo. The Kismayo charcoal trader representing this consignment was the Al-Shabaab affiliated Chairman of the Juba Business Committee, Hassan Mohamud Yusuf (a.k.a. 'Awlibaax') and the shipment was destined for Dubai, UAE.⁵⁴ On 16 January 2013, the Diamond Sun offloaded sugar at the port of Mogadishu and identified its next port of call as Kismayo.⁵⁵ Mogadishu Stars also had a contract with UNSOA for weekly charcoal deliveries of 52,175 kilograms of charcoal for the Ugandan and Burundian contingents of AMISOM in Mogadishu. Additionally, Mogadishu Stars also had a contract with UNSOA for weekly charcoal deliveries of 52,175 kilograms of charcoal for the Ugandan and Burundi AMISOM contingents in Mogadishu (see annex 9.2.k).

⁴⁹ Information from confidential source in Barawe, 12 November 2012 and 22 February 2013.

⁵⁰ Information obtained from Port of Mogadishu employees between November 2012 and May 2013.

⁵¹ Information obtained from port employees in Mogadishu.

⁵² Interview with Dubai-based charcoal trader, 14 April 2013

⁵³ S/2011/433, Annex 3.1, paragraph 16.

⁵⁴ Documentary information on shipping in Kismayo.

⁵⁵ Information from port records in Mogadishu.

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34. On 14 December 2012, the MV Ashraf B (IMO #7126360) was observed loading charcoal at Barawe.⁵⁶ On 6 March 2013, it offloaded sugar at the Port of Mogadishu. On 6 April 2013, a fire erupted on board the vessel while it was en route from Djibouti to Dubai and three crewmembers perished.⁵⁷ Sources stated that the charcoal on the vessel caught fire,⁵⁸ which is not uncommon when transporting large quantities of charcoal, and the Ashraf B did not load any cargo before leaving Mogadishu.

Importing States

35. GCC countries continue to be the principal importers of Somali charcoal in violation of the Security Council ban. During the reporting period, , the main destinations have included

the UAE and Saudi Arabia, as well as Egypt, Lebanon, Oman, Kuwait and Yemen.⁵⁹

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⁵⁶ Owned by Ashraf B Investment Corps, and managed by Alfamarine Shipping Co. Ltd., 1st Floor, Hamka Building, BP 9720, Labban Street, Beirut, Lebanon.

⁵⁷ See <http://www.news.odin.tc/index.php?page=view/article/290/Three-Syrian-crew-of-mv-Ashrafasphyxiated-Oman>.

⁵⁸ Interview with charcoal trader on 14 April 2013.

⁵⁹ Based on source data regarding vessel movement from the Port of Kismayo.

⁶⁰ Graph based on shipping data obtained from sources monitoring the port of Kismayo. Not all shipping data was captured through this means.

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36. There are strong links between the Kismayo charcoal traders and the large charcoal businessmen in Dubai (see annex 9.2.l). The main offloading point for most dhows arriving into the UAE is the Creek of Sharjah, which is not secured and appears to be only minimally inspected by UAE officials. At any given time there are large numbers of dhows offloading charcoal, and crewmembers freely admit they have sailed from Somalia. On multiple occasions, the Monitoring Group has observed the offloading of Somali charcoal at the Creek of Sharjah (see annexes 9.2.m.i-vi).

37. On 6 December 2012, the UAE submitted to the Committee its report on implementation of Security Council resolution 2036 (2012), but domestic measures are yet to reduce the imports of charcoal from Somalia.

38. In the previous report of the Monitoring Group (S/2012/544), Saudi Arabia was noted as the top importer of charcoal in 2012. Currently, the Monitoring Group can confirm that charcoal is still being imported into Saudi Arabia, and the Government has on at least one occasion provided a waiver to import Somali charcoal in violation of the ban (see above and annex 9.2.d).

39. On 28 March 2013, the Kingdom of Saudi Arabia submitted to the Committee its report on implementation of Security Council resolution 2036 (2012), but domestic measures are yet to reduce the imports of charcoal from Somalia.

Annex 9.2.a: Aerial Photos of Kismayo Port Activity

Kismayo Port on 6 November 2012

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Kismayo Port 7 December 2012

Kismayo Port 11 March 2013

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Kismayo Port 12 April 2013

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Kismayo Port 5 May 2013

Kismayo Port 14 May 2013

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Annex 9.2.b: Dubai Chamber of Commerce company profile for Al Qaed International General Trading L.L.C.

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Annex 9.2.c: Charter Party for MV Robastar

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Annex 9.2.d: Charcoal Import Waiver from Kingdom of Saudi Arabia

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Annex 9.2.e: False Kenyan Bills of Lading

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Annex 9.2.f: Letter from the Permanent Mission of the U.A.E. to the United Nations in New York

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Annex 9.2.g: Contract for Purchase of Somali Charcoal with English Translation

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Annex 9.2.h: False Djibouti Bill of Lading for MSV Al-Yusuf

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Annex 9.2.i: MV Soleil with Charcoal at Port Rashid on 4 May 2013

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Annex 9.2.j: Bill of Lading and Manifest for the Star Island H

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Annex 9.2.k: UNSOA Charcoal Contract with Mogadishu Stars

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Annex 9.2.l: Charcoal Trader Link Chart

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Annex 9.2.m.i: MSV Bhumika in Dubai, UAE and Kismayo

MSV Bhumika in Kismayo, Somalia on 13 November 2012

MSV Bhumika in Creek of Sharjah, Dubai, UAE on 14 December 2012

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MSV Bhumika in Creek of Sharjah, Dubai, UAE on 6 March 2013

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Annex 9.2.m.ii: MSV Sikka Star in Dubai, UAE and Kismayo

MSV Sikka Star in Kismayo, Somalia on 16 January 2013

MSV Sikka Star in Creek of Sharjah, Dubai, UAE on 6 March 2013

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Annex 9.2.m.iii: MSV Al Aqeeq in Dubai, UAE and Kismayo

MSV Al Aqeeq in Kismayo, Somalia on 12 November 2012

MSV Al Aqeeq in Creek of Sharjah, Dubai, UAE on 15 April 2013

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Annex 9.2.m.iv: MSV Al Aqsa in Dubai, UAE and Kismayo

MSV Al Aqsa in Kismayo, Somalia on 16 January 2013

MSV Al Aqsa in Creek of Sharjah, Dubai, UAE on 6 March 2013

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Annex 9.2.m.v: MSV Amir Ali in Dubai, UAE and Kismayo

MSV Amir Ali in Kismayo, Somalia on 12 November 2012

MSV Amir Ali in Creek of Sharjah, Dubai, UAE on 14 December 2012

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Annex 9.2.m.vi: MSV Jayshree in Dubai, UAE and Kismayo

MSV Jayshree in Kismayo, Somalia on 28 February 2013

MSV Jayshree in Creek of Sharjah, Dubai, UAE on 15 April 2013

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Annex 9.3: Vessels that have exported charcoal from Somalia*

Vessel Barawe Dubai Kismayo Mogadishu

AL ALAM 2 1

AL AMIR 1

AL AQEEQ 1 2

AL ASHIF 3

AL ASHIQ MEDINA 1 1 1

AL ASMAR 1

AL AZIZ 1

AL AZZUDHIN 1

AL BOGARI 1

AL FAHAD 1 1

AL HAMZA 1

AL HIJRAT 1 1

AL IRFAN 1 1

AL ISLAMI 1 1

AL ISMAILI 2 1

AL JAVED 1

AL KABIR 1 2

AL KADRI 2 1

AL MAJID 1

AL MUKHTAR 1 2 2

AL RAFIQUE 1 1

AL SAFA 1

AL SHAF A 1 1
AL SHAH MURAD BUKHARI 1
AL TALAL 1
AL ZUBER 1
AL-AMIN 2 1
AL-AMNAT 1
ALAQSA 1 1 1
ALBA STAR 1 1
AL-DARIYA 1
AL-EMARATES 1
AL-GAZAL 1 1
AL-HASSAN 1 1
AL-ISLAM 1 1
AL-KOUSAR 1 1
AL-MISHAL 1
AL-MOHAMED NAEEM 1
AL-MUKALA 1
AL-NASIR 1
AL-NASRI 1
AL-NAZIR 3 2
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Vessel Barawe Dubai Kismayo Mogadishu
AL-NOMAN 1 1
AL-OMAR 1 2
AL-REHAN 1 1
AL-SAYIN 2
AL-SHENA HIND 1 1
AL-YASIN 1 1
AL-YUSUF 2 1
AMIR ALI 1 1
ANIMOL SAGAR 2 1
ANJALIPUJA 1
ARZOO 3 1
ASHMA 1 1
ASHRAF B 1 1
BARABI (BARARI) 1 1
BHUMIKA 2 2 1
BOGARI 1 1
DAAWOOD 1 1
DANA-DINA 1
DIAMOND MOON 2 1
DIAMOND SUN 1 5
FADHIL RABI 1 1
FAIZANI MOHAMED 2 1
FATHER 1 1
FAZUL BARAKAT 1 1
FILAAZI 1
HAJI ISMAIL 1
HAMAR 1 1
HARI PRASAD 1
HARIDARSHAN 1
HARSHA SAGAR 1 1

JAYSHREE 1 2 1
 JEEL 2 1
 JEYA JAMNAT 1 2
 KASHRI 1 1
 KRISHNA JYOT 1 1
 LADY JANA-SOLEIL 1 1
 LOAI IV 3
 MADHAV 1
 MAHA LAHMI SAGAR 1 1
 MAYALUNA 1
 MISHAL 1 1 1
 MOHAMED SAALIM 1
 MOINUDDIN CHSTY 2 1
 NAFEYA 1
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 Vessel Barawe Dubai Kismayo Mogadishu
 NARSIG 1
 NASRI KARAM 1
 NECMATU LAH 1 1
 NIAH ALFA 1
 NIGHT MAKHDUMI 1 2
 NUUR MUSTAFA 1
 RAJ MILAN 1 1
 ROBA STAR 1 1
 SAFINA AL HAJIALI 1
 Vessel Barawe Dubai Kismayo Mogadishu
 SAGAR SAMRAT 1
 SAZYA NARAYAN 1 1
 SEA GULL 1 1
 SEA STAR 1 1
 SHANE HIND 1 1 1
 SHARDA SAGAR 1 2 2
 SHREE NOUSAD 2 2
 SIKKA STAR 1 1 1
 STAR ISLAND H 1
 SVC10 1
 SVCT 201 1
 SVCT210 1
 TARANHAR 1
 TOPAZ II 1
 USRA SAGAR 1
 VICTORIA 1 1
 VIRAT 1 1
 VISH VAKALYAN 1 1

* This list of vessels exporting charcoal is not comprehensive, but represents those vessels which the Monitoring Group has to date confirmed carried charcoal from Somalia.