



## Совет Безопасности

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**Письмо Председателя Комитета Совета Безопасности,  
учрежденного резолюциями [751 \(1992\)](#) и [1907 \(2009\)](#)  
по Сомали и Эритрее, от 7 октября 2016 года на имя  
Председателя Совета Безопасности**

От имени Комитета Совета Безопасности, учрежденного резолюциями 751 (1992) и [1907 \(2009\)](#) по Сомали и Эритрее, и в соответствии с пунктом 32 резолюции [2244 \(2015\)](#) Совета Безопасности имею честь настоящим препроводить доклад по Сомали, представленный Группой контроля по Сомали и Эритрее.

В этой связи Комитет был бы признателен за доведение настоящего письма и вышеупомянутого доклада до сведения членов Совета Безопасности и их издание в качестве документа Совета.

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по Сомали и Эритрее



**Письмо членов Группы контроля по Сомали и Эритрее  
от 28 сентября 2016 года на имя Председателя Комитета  
Совета Безопасности, учрежденного резолюциями 751 (1992)  
и 1907 (2009) по Сомали и Эритрее**

В соответствии с пунктом 32 резолюции 2244 (2015) имеем честь настоящим препроводить доклад по Сомали, подготовленный Группой контроля по Сомали и Эритрее.

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**Доклад Группы контроля по Сомали и Эритрее,  
представленный во исполнение резолюции 2244 (2015)  
Совета Безопасности: Сомали**

*Резюме*

В рамках программы действий на период до 2016 года («Стратегия-2016») установлены три общепринятых ориентира для успешного политического перехода, предусмотренного для Сомали на сентябрь 2016 года: проведение общенациональных выборов по принципу «один человек — один голос»; завершение процесса формирования федеративного государства; и принятие новой конституции. На момент составления настоящего доклада формат проведения выборов был изменен, а их сроки были перенесены; в процесс формирования федеративного государства еще не включено «региональное государство Хиран и Средняя Шабелле» и не урегулирован статус области Банадир; а обсуждение новой конституции было отложено из-за более неотложных задач по проведению выборов. В то же время международное сообщество и федеральное правительство определили приоритеты продвижения избирательного процесса вперед и приняли меры к обеспечению акцента на постепенном прогрессе, даже несмотря на изменение представления о критериях успеха. Вместе с тем, проведенные Группой контроля расследования свидетельствуют о неполном и фрагментарном характере переходного процесса, чреваты негативными последствиями для мира и безопасности, реформы сектора безопасности, соблюдения эмбарго на поставки оружия, гуманитарных и правозащитных задач, противодействия финансированию конфликта, управления природными ресурсами и положения дел с коррупцией.

Группировка «Харакат аш-Шабааб аль-Муджахидин» («Аш-Шабааб») остается самой непосредственной угрозой миру и безопасности в Сомали. В отличие от преобладающих сообщений об успешной борьбе с мятежниками и усилиях по борьбе с терроризмом, Группа контроля считает, что обстановка в плане безопасности в Сомали в течение срока действия нынешнего мандата не улучшилась. «Аш-Шабааб» сохранила оперативные возможности для нанесения крупномасштабных ударов по контингентам Миссии Африканского союза в Сомали (АМИСОМ), о чем свидетельствует, в частности, предпринятое 15 января 2016 года наступление на роту кенийских военнослужащих, дислоцировавшуюся на передовой оперативной базе в Эль-Адде в области Гедо. «Аш-Шабааб» продолжала также совершать комбинированные нападения в Могадишо; в результате шести нападений на гостиницы, совершенных в период действия настоящего мандата, погибло в общей сложности порядка 120 человек, включая трех парламентариев и министра по окружающей среде. Кроме того, в горном районе Голис в Пунтленде сформировалась новая соперничающая с «Аш-Шабааб» группировка в составе порядка двух десятков членов во главе с Шейхом Абдулкадером Мумином, который присягнул на верность организации «Исламское государство Ирака и Леванта» (ИГИЛ). В явном стремлении ликвидировать группировку Мумина «Аш-Шабааб» предприняла 13 марта 2016 года неудавшееся вторжение в Пунтленд с моря, в результате чего более 300 ее членов было убито в ходе боестолкновений с силами Пунтленда и временной администрации Галмудуга. И наконец, несмотря на неудавшееся крупное терро-

ристическое нападение, совершенное «Аш-Шабааб» за пределами Сомали после устроенной ею 2 апреля 2015 года резни в Университетском колледже в Гариссе, Кения, Группа контроля считает, что у данной группировка по-прежнему имеются и возможности для совершения еще одного такого нападения, и самопровозглашенная мотивация для нанесения ударов по странам, предоставляющим войска для АМИСОМ.

Хотя федеральное правительство поставило перед собой задачу по кардинальному реформированию сектора безопасности, сохраняющиеся проблемы коррупции и бесхозяйственности и финансовые трудности подрывали эффективность Сомалийской национальной армии. Несмотря на усилия по выполнению этой задачи, процесс установления личности и регистрации военнослужащих, включая избавление от «солдат-призраков», фигурирующих в платежных ведомостях, все еще не завершен. Расследования, проведенные Группой контроля, выявили также существенные расхождения в отчетности по выплате денежного довольствия военнослужащим. Сохраняющаяся практика нерегулярной выплаты денежного содержания военнослужащим способствовала все большему отходу войск со стратегических позиций на юге и в центре Сомали с последующим возвращением на них «Аш-Шабааб» — пусть даже и временным в некоторых случаях. Расследования Группы показали также, что вероятное хищение пайкового довольствия и предметов снабжения, предназначенных для военнослужащих, осуществлялось из поставок по договору, заключенному между федеральным правительством и частной компанией. Помощь, предоставлявшаяся военнослужащим государствами-членами, по всей видимости, также расхищалась, особенно в тех случаях, когда товары поставлялись большими партиями через сторонних подрядчиков, а не напрямую в войска.

В период действия нынешнего мандата было отмечено несколько серьезных препятствий осуществлению эмбарго на поставки оружия: неполное исполнение федеральным правительством обязательств по представлению отчетности, несоблюдение установленных требований государствами-членами при оказании поддержки другим учреждениям сомалийского сектора безопасности, помимо сил федерального правительства, и применение самодельных взрывных устройств против гражданской авиации. Хотя федеральное правительство улучшило в некоторых аспектах свое соблюдение обязательств по представлению отчетности в отношении частично отмененного эмбарго на поставки оружия, его отчетность перед Советом Безопасности была недостаточной, и правительству по-прежнему недостает институционального потенциала для эффективного управления запасами оружия и боеприпасов. Призывы федерального правительства полностью отменить эмбарго на поставки оружия, основаны на той ложной посылке, что эмбарго де препятствует ему в осуществлении ввоза оружия и боеприпасов; однако за период после частичной отмены оружейного эмбарго в марте 2013 года государства-члены подали заблаговременные уведомления на поставку федеральному правительству свыше 20 000 единиц оружия и 13 млн. боеприпасов. В то же время государства-члены увеличили свою военную поддержку и региональных сил, не относящихся к федеральному правительству, упорно не выполняя при этом требования об уведомлении, что позволило осуществлять фактически бесконтрольную передачу оружия и боеприпасов таким субъектам. Это подрывало режим оружейного эмбарго в целом и повлекло за собой усиление тенденций к применению все более фрагментарно-



го подхода к сектору безопасности. В течение срока действия настоящего мандата наблюдалась активизация действий по перехвату незаконного оружия на море, причем в трех случаях конфискация была произведена Объединенными военно-морскими силами и в одном — государством-членом. И наконец, совершение 2 февраля 2016 года террористического акта с применением самодельного взрывного устройства на рейсе № 159 авиакомпании «Даалло эйрлайнз», следовавшем по маршруту из Могадишо в Джибути, указывает на существенные новые угрозы гражданской авиации в регионе.

Создание препятствий оказанию гуманитарной помощи и нарушения норм международного гуманитарного права, затрагивающие гражданских лиц, по-прежнему являются основными проблемами в Сомали. Чинимые препятствия включают в себя отказ в доступе к гуманитарной помощи из-за устраиваемых «Аш-Шабааб» экономических блокад и нападений на гуманитарных работников, а также нецелевое использование и хищение гуманитарной помощи. В крайних случаях небольшие сообщества лиц настолько сильно контролируют гуманитарные операции, обладая монополией на политическую власть, финансы и применение силы, что по существу речь идет о наличии преступного картеля. Тенденции в части нарушений международного гуманитарного права, от которых страдало гражданское население в течение срока действия предыдущего мандата, в период нынешнего мандата обострились, в особенности по степени интенсивности и масштабам нападений «Аш-Шабааб», насилия в отношении гражданских лиц со стороны международных сил (в том числе в результате применения оружия воздушного базирования) и воздействия вооруженных конфликтов, возникающих на почве политических и межклановых споров — зачастую с участием федеральных и региональных сил и местных ополчений. Жертвами целенаправленных убийств гражданских лиц, совершавшихся «Аш-Шабааб», являлись государственные должностные лица, гражданские служащие, парламентарии, сотрудники международных учреждений, активисты гражданского общества и журналисты. Кроме того, наблюдалось общее увеличение числа подтвержденных случаев вербовки и использования детей-солдат, в частности группировкой «Аш-Шабааб» до ее неудавшегося наступления в Пунтленде в марте 2016 года. И наконец, в результате вооруженных конфликтов и ухудшения обстановки в плане безопасности в период с 1 января 2015 года по 30 июня 2016 года в стране насчитывалось почти 598 000 внутренне перемещенных сомалийцев, включая многочисленных лиц, подвергшихся выселению из неформальных поселений в городских центрах.

В период действия настоящего мандата наблюдались некоторые позитивные тенденции в плане осуществления запрета на торговлю древесным углем и управления природными ресурсами. Как впервые отметила Группа контроля в конце 2015 года, «Аш-Шабааб» продолжала свой стратегический отход от торговли древесным углем и, напротив, зачастую нападала или заключала под стражу производителей древесного угля и торговцев им на территории, где она обладает влиянием. Кроме того, улучшилось соблюдение запрета на торговлю древесным углем со стороны стран-импортеров, в частности Объединенных Арабских Эмиратов, что позволило достичь в мае 2016 года явного эффекта сдерживания экспортеров древесного угля в Сомали. Эти два фактора способствовали формированию тенденции к снижению объемов экспорта древесного угля из Сомали по сравнению с несколькими предыдущими годами. Вместе с

тем, коммерческие сети, поддерживающие экспорт древесного угля из Сомали и его импорт в Объединенные Арабские Эмираты, по-прежнему функционируют; Группа контроля продолжает получать сообщения об отбытии судов «дау» с грузом древесного угля из Сомали и их прибытии в Объединенные Арабские Эмираты; и в настоящее время не существует эффективных мер, которые не позволяли бы «Аш-Шабааб» возвращаться к практике систематического взимания сборов с производства и перевозки древесного угля. Кроме того, группировка «Аш-Шабааб» умело компенсировала снижение угольных доходов за счет увеличения сборов с операций с другими природными ресурсами и товарами, таких, как незаконная торговля сахаром, сельскохозяйственное производство на юге Сомали и животноводство в центральной части страны. В области управления природными ресурсами Министерство нефти и минеральных ресурсов предприняло позитивные шаги к созданию нормативно-правовой базы для нефтяной отрасли, включая подготовку проекта типового соглашения о разделе продукции для целей заключения контрактов на разведку и разработку, однако при этом сохраняются такие проблемы, как создание жизнеспособных учреждений-исполнителей и достижение конституционного соглашения о распределении доходов между федеральным правительством и региональными субъектами.

Хотя были предприняты некоторые шаги к улучшению регулирования финансового сектора, федеральное правительство не располагает достаточным институциональным потенциалом, необходимым для эффективного осуществления мер. Денежные переводы из-за границы, остаются важным атрибутом экономики Сомали: в 2015 году через компании системы «хавала» в страну было переведено не менее 1,2 млрд. долл. США. Хотя денежные переводы остаются жизненно важным спасательным средством для многих сомалийцев, особенно для сельских жителей, компании системы «хавала» не располагают достаточными инструментами контроля и не применяют процедуры должной осмотрительности для обеспечения того, чтобы за счет таких денежных переводов не финансировался терроризм. Национальные мобильные платежные услуги, оказываемые через телекоммуникационные компании, создают аналогичную проблему, поскольку в Сомали они все еще не регулируются, что позволяет пользоваться ими группировке «Аш-Шабааб». В стремлении решить проблемы такого рода, президент подписал в мае 2016 года Закон «О противодействии легализации незаконно полученных денежных средств и финансированию терроризма»; однако органам, которым поручено его осуществление, недостает ни финансовых ресурсов, ни институционального потенциала. В более общем плане, Группа контроля считает, что федеральное правительство в настоящее время не способно реально осуществлять адресные меры по замораживанию активов, введенные Советом Безопасности в отношении физических и юридических лиц в Сомали. И наконец, в стране сохраняется проблема коррупции, в том числе в сфере государственных закупок и в других областях, где ее результатом является, в частности, незаконное завладение государственными землями для получения личной выгоды.

Санкции никогда еще не были столь актуальным инструментом оказания помощи Сомали в прохождении ею сложного двуединого процесса урегулирования конфликтов и государственного строительства: «Аш-Шабааб» по-прежнему представляет собой непосредственную угрозу миру и безопасности; реформа сектора безопасности Сомали все еще далека от завершения; необходимо исправить положение с несоблюдением федеральным правительством условий частичной отмены эмбарго на поставки оружия и с невыполнением государствами-членами обязательств по предоставлению информации о поддержке региональных сил; воспрепятствование оказанию гуманитарной помощи и нарушения норм международного гуманитарного права в отношении гражданских лиц остаются крупными вызовами для Сомали; финансирование конфликта за счет реализации природных ресурсов по-прежнему является серьезной проблемой, в то время как к созданию эффективной системы управления природными ресурсами сделаны всего лишь первые шаги; и коррупция по-прежнему представляет собой проблему в условиях, когда формирование нормативно-правовых баз происходит в отсутствие функциональных учреждений-исполнителей. В соответствии со своим мандатом Группа контроля вынесла на рассмотрение Совета Безопасности 14 рекомендаций, призванных повысить эффективность проработки и осуществления санкций.

## Содержание

	<i>Стр.</i>
I. Введение .....	10
A. Мандат .....	10
B. Методика .....	10
II. Угрозы миру, безопасности и стабильности в Сомали .....	11
A. «Харакат аш-Шабааб аль-Муджахидин» .....	11
B. Сектор безопасности .....	21
C. Деструктивная политика .....	23
D. Управление государственными финансами и хищение государственных средств .....	26
E. Природные ресурсы .....	30
III. Воспрепятствование оказанию гуманитарной помощи .....	35
A. Гуманитарный доступ .....	35
B. Нападения на гуманитарных работников .....	36
C. Нецелевое использование и хищение гуманитарной помощи .....	36
IV. Нарушения международного гуманитарного права, направленные против гражданских лиц .....	38
A. «Аш-Шабааб» .....	38
B. Федеральные и региональные силы безопасности и местные ополчения .....	39
C. Международные силы .....	40
D. Вербовка и использование детей .....	41
E. Вынужденное перемещение .....	42
V. Эмбарго на поставки оружия .....	42
A. Выполнение федеральным правительством обязательств в рамках частичной отмены эмбарго .....	42
B. Поддержка учреждений сектора безопасности Сомали .....	45
C. Сети незаконной торговли оружием .....	46
D. Авиакомпания «Даалло эйрлайнз» .....	48
VI. Нарушения запрета на торговлю древесным углем .....	48
A. Производство, перевозка и запасы .....	49
B. Незаконный экспорт древесного угля .....	50
C. Перевозчики древесного угля .....	52
D. Незаконный импорт древесного угля .....	52

Е.	Соблюдение государствами-членами запрета на торговлю древесным углем . . . . .	53
VII.	Сотрудничество государств и других сторон с Группой контроля . . . . .	54
А.	Федеральное правительство . . . . .	54
В.	Другие государства . . . . .	54
С.	Негосударственные субъекты . . . . .	54
VIII.	Рекомендации . . . . .	55
А.	Угрозы миру и безопасности . . . . .	55
В.	Эмбарго на поставки оружия . . . . .	56
С.	Воспрепятствование оказанию гуманитарной помощи . . . . .	56
Д.	Нарушения международного гуманитарного права, направленные против гражданских лиц . . . . .	56
Е.	Нарушения запрета на торговлю древесным углем . . . . .	57

#### Приложения\*

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\* Приложения распространяются только на языке представленного документа без официального редактирования.

## I. Введение

### A. Мандат

1. Мандат Группы контроля по Сомали и Эритрее определен в пункте 31 резолюции [2244 \(2015\)](#) Совета Безопасности и в пункте 13 резолюции [2060 \(2012\)](#). В соответствии с резолюциями [2093 \(2013\)](#) и [2142 \(2014\)](#) на Группу были возложены дополнительные функции.
2. Во исполнение пункта 31 резолюции [2244 \(2015\)](#) и пункта 13(1) резолюции [2060 \(2012\)](#) Группа контроля 22 апреля 2016 года предоставила Совету Безопасности через Комитет, учрежденный резолюциями 751 (1992) и [1907 \(2009\)](#) по Сомали и Эритрее, среднесрочную обновленную информацию. В течение срока действия своего мандата Группа представляла Комитету также и ежемесячные периодические доклады.
3. В ходе своих исследований члены Группы контроля посетили Анголу, Бахрейн, Бельгию, Джибути, Иран (Исламская Республика), Канаду, Нидерланды, Норвегию, Объединенные Арабские Эмираты, Румынию, Сейшельские острова, Соединенное Королевство Великобритании и Северной Ирландии, Соединенные Штаты Америки, Сомали, Коморские Острова, Объединенную Республику Танзания, Уганду, Финляндию, Францию, Швейцарию, Швецию, Эфиопию и Южную Африку. Члены Группы могли также совершать регулярные поездки в Сомали (в Байдабо, Босасо, Галгалу, Гароуэ, Харгейсу, Кисмайо и Могадишо)
4. Группа контроля базировалась в Найроби, и в ее состав входили следующие эксперты: Кристоф Тражбер (координатор), Джей Бахадур (вооруженные группы), Чарльз Кейтер (природные ресурсы), Богдан Кетряну (финансы), Дирдре Кланси (гуманитарные вопросы), Тапани Холопайнен (финансы), Руфус Калидхин (оружие), и Джеймс Смит (региональные вопросы).

### B. Методика

5. В работе Группы контроля в течение срока действия ее нынешнего мандата использовались те же критерии доказательности и процедуры проверки, которые были изложены в ее предыдущих докладах. Группа подтвердила свою методику согласно своим предыдущим докладам. При подготовке настоящего доклада применялась следующая методика:
  - a) сбор данных о событиях и тематической информации по возможности из разных источников;
  - b) сбор информации о событиях по возможности из «первых рук»;
  - c) установление логической последовательности наборов данных и сопоставление имеющихся данных с новой информацией и формирующимися тенденциями;
  - d) постоянный учет специальных знаний и заключений соответствующего эксперта Группы контроля и выяснение коллективного мнения Группы относительно достоверности информации и надежности ее источников;

е) сбор физических, фотографических, аудио-, видео- и/или документальных материалов, подтверждающих полученную информацию.

6. Группа контроля прилагала целенаправленные и систематические усилия для получения доступа к тем, кто был причастен к нарушениям, действуя через лиц, которые располагали информацией о нарушениях из первоисточника или знали людей, непосредственно располагающих подробными сведениями о нарушениях. В некоторых случаях члены Группы контроля являлись непосредственными свидетелями реальных нарушений.

7. Группа контроля опросила широкий круг лиц, располагающих соответствующей информацией, включая правительственных чиновников и представителей дипломатических миссий, организаций гражданского общества и учреждений, занимающихся оказанием помощи. Члены Группы встречались с различными государственными должностными лицами, включая президента и министров, и с сотрудниками органов безопасности. Члены Группы встречались или общались также с должностными лицами администраций Пунтленда и Сомалиленда, а также временных региональных администраций, представителями политических и вооруженных групп, перебежчиками и представителями деловых кругов и сомалийского гражданского общества.

8. Для предоставления Комитету наиболее важной информации и своевременного уведомления его об основных событиях Группа контроля решила увеличить содержание своих ежемесячных докладов.

9. В соответствии с бюллетенем Генерального секретаря о конфиденциальности, классификации и использовании информации (ST/SGB/2007/6) Группа контроля представила Комитету вместе с настоящим докладом несколько строго конфиденциальных приложений, содержащих информацию, раскрытие которой может нанести ущерб нормальному функционированию Организации Объединенных Наций, благополучию и безопасности ее персонала или третьих сторон или же может повлечь нарушение юридических обязательств Организации. Эти приложения не будут изданы в качестве документа Совета Безопасности.

## **II. Угрозы миру, безопасности и стабильности в Сомали**

### **A. «Харакат аш-Шабааб аль-Муджахидин»**

#### **Текущее положение дел**

10. Воинствующая исламистская группировка «Харакат аш-Шабааб аль-Муджахидин» («Аш-Шабааб») представляет собой самую непосредственную угрозу миру и безопасности в Сомали и по-прежнему является дестабилизирующей силой в более широком регионе Восточной Африки и Африканского Рога.

11. Как и в течение срока действия предыдущего мандата Группы, в результате адресных смертоносных ударов государств-членов, федерального правительства и региональных администраций был ликвидирован ряд ключевых лидеров «Аш-Шабааб». Пожалуй, наиболее значимая адресная ликвидация про-

изошла 2 декабря 2015 года, когда ударом с беспилотника Соединенных Штатов был убит старший агент службы безопасности «Аш-Шабааб» Мохамед Султан Сандере (он же — «Укаш»). Он был причастен к совершенному 23 сентября 2013 года нападению на торговый центр «Уэстгейт» и к подрыву террориста-смертника в ресторане «Шомьер» в Джибути 24 мая 2014 года (см. S/2014/726, приложения 2.1 и 2.3). В конце мая 2016 года в ходе рейда близ Булагадуда, область Нижняя Джубба, силами временной администрации Джубба был ликвидирован высокопоставленный полевой командир «Аш-Шабааб» в областях Нижняя и Средняя Джубба Мохамед Мохамуд Куно (он же — «Дулиадейн», или «Гамадере»). Считается, что Куно — уроженец Гарисса, Кения, — сыграл определенную роль в организации нападения на Университетский колледж Гариссы 2 апреля 2015 года, в результате которого погибли 148 человек, большинство из которых составляли студенты (см. S/2015/801, приложение 4.2). В ходе этого рейда был также убит Маалим Дауд (он же — Юсуф Хаджи); по данным правительства Соединенных Штатов, которое установило награду за него в размере 5 млн. долл. США, он отвечал за «планирование, вербовку и обучение личного состава и проведение операций против правительства Сомали и западных стран»<sup>1</sup>. Однако не ясно, какое долгосрочное влияние окажет нынешняя политика ликвидации руководства «Аш-Шабааб» в плане ограничения возможностей группировки. «Аш-Шабааб» располагает эффективными и идеологически выдержанными руководителями среднего звена, способными без каких-либо проблем занять должности, освободившиеся в результате убийства старших руководителей.

12. После начала заключительного этапа операции «Джуббский коридор» в июле 2015 года, в ходе которого Миссия Африканского союза в Сомали (АМИСOM) овладела опорными пунктами «Аш-Шабааб» в Бардере и Динсоре, наступательные операции Миссии захлебнулись. Поэтому «Аш-Шабааб» по-прежнему непосредственно контролирует значительную часть территории в долине реки Джубба, что позволяет группировке сохранять важный источник поступлений в виде взимания сборов («закята») с сельскохозяйственных угодий Джуббы.

13. Как и в течение срока действия предыдущего мандата Группы контроля, общая стратегия «Аш-Шабааб» заключалась в отходе в сельскую местность и блокировании дорог в городские центры, занимаемые АМИСOM и Сомалийской национальной армией (СНА) (см. приложение 6.1). Действуя таким образом, группировка преследует цель ослабления местной поддержки противодействующих ей сил при одновременном низведении боевых позиций до изолированных опорных пунктов, которые во все большей степени становятся непригодными для обороны. Наблюдается также тенденция к возвращению группировкой «Аш-Шабааб» городов под свой контроль после отвода из них национальных сил и сил АМИСOM.

<sup>1</sup> U.S. Department of State, “Rewards for Justice – Reward Offers for Information on al-Shabaab Key Leaders”, press release, 10 November 2015. Еще один важный лидер «Аш-Шабааб» Али Хасан Доре, был ликвидирован ударом с беспилотника Соединенных Штатов 31 мая 2016 года. По информации, предоставленной официальными лицами Соединенных Штатов, Доре планировал атаку на силы АМИСOM в комплексе Международного аэропорта им. Адена Адде 25 декабря 2014 года и нападение на гостиницу «Мекка аль-Мукаррама» в Могадишо 27 марта 2015 года.



### Нападения на контингенты Миссии Африканского союза в Сомали

14. В своем заключительном докладе за 2015 год Группа контроля с обеспокоенностью отметила факт возобновления группировкой «Аш-Шабааб» традиционных нападений на военные объекты, от которых она прежде воздерживалась после ухода из Могадишо в 2011 году (S/2015/801, пункт 88). Так, частности, Группа особо отметила нападения, совершенные 26 июня и 1 сентября 2015 года на бурундийский и угандийский контингенты АМИСОМ, дислоцированные соответственно в Лего и Джанале (там же, пункт 91).

15. На рассвете 15 января 2016 года было совершено нападение даже еще большего масштаба на кенийскую роту, дислоцированную в Эль-Адде — на передовой оперативной базе АМИСОМ близ границы с Кенией в области Гедо. Были взорваны два автомобиля с заложенными в них самодельными взрывными устройствами — первый у главных ворот, а второй — в центре лагеря<sup>2</sup>, после чего сотни боевиков захватили лагерь при относительно слабом сопротивлении со стороны кенийских военнослужащих.

16. Хотя правительство Кении еще не опубликовало официальные данные о потерях, Группа контроля считает, что во время нападения был убито порядка 150 кенийских военнослужащих, в силу чего это можно считать крупнейшим военным поражением в истории Кении<sup>3</sup>. Помимо этого, не менее 11 кенийских военнослужащих были захвачены в плен и удерживались в качестве заложников двумя отдельными группами «Аш-Шабааб» в Средней Джуббе. После их похищения Группа контроля получила информацию об изменении местонахождения и статуса пленников, которой она поделилась через посредника с кенийскими властями.

17. Кроме того, согласно фотографиям, опубликованным «Аш-Шабааб», и пресс-релизу от 17 января 2016 года, группировка захватила в Эль-Адде значительное количество военной техники, включая бронетранспортеры и самоходные орудия (см. приложение 1.1).

18. 9 апреля 2016 года «Аш-Шабааб» выпустила 48-минутный пропагандистский видеоролик под названием «Рейд Шейха Абу Яхьи аль-Либи: штурм базы кенийских крестоносцев», озвученный главным образом на английском языке и суахили<sup>4</sup>. Хотя в этом видеоматериале показана весьма нескоординированная и тактически не продуманная со стороны «Аш-Шабааб» атака, кенийские силы также не приняли элементарных мер защиты, таких как строительство укрепленных барьеров на въезде в лагерь и укомплектование огневых позиций пулеметными и минометными расчетами.

<sup>2</sup> Источник в службе безопасности на месте происшествия сообщил Группе контроля после нападения на базу в Эль-Адде, что сдетонировавшие самодельные взрывные устройства содержали от 30 до 50 кг взрывчатых веществ и были заложены в автомобили с обычным, а не бронированным корпусом, что широко освещалось в средствах массовой информации.

<sup>3</sup> По материалам СМИ и итогам проведенной Группой контроля беседы с экспертом по вопросам безопасности, явившимся свидетелем последствий нападения на Эль-Адде.

<sup>4</sup> С материалом можно ознакомиться по адресу: <http://jihadology.net/2016/04/09/new-video-message-from-%E1%B8%A5arakat-al-shabab-al-mujahidin-the-raid-of-shaykh-abu-ya%E1%B8%A5ya-al-libi-storming-the-base-of-the-crusader-kenyan-army/>.

19. Кроме того, это нападение свидетельствует о недостаточной координации между АМИСОМ, странами, предоставляющими для нее воинские контингенты, и раздробленности функций командования и управления АМИСОМ. Даже несмотря на то, что ближайшие подкрепления АМИСОМ были дислоцированы к юго-западу от Эль-Адде на базе Бусар с эфиопским гарнизоном, отсутствие в АМИСОМ надежной системы связи не позволило кенийским военнослужащим обратиться за помощью к своим эфиопским коллегам. На деле же ближайшие силы, которые откликнулись на просьбу о помощи, были кенийские войска, дислоцированные на территории Кении, но это произошло слишком поздно, и помощь оказывать уже было некому<sup>5</sup>.

20. Повышению результативности нападения на Эль-Адде способствовали отсутствие в АМИСОМ эффективной системы сбора разведанных и недостаток взаимодействия с местным населением<sup>6</sup>. Источники в сомалийском секторе безопасности сообщили Группе контроля, что они были осведомлены о концентрации боевиков «Аш-Шабааб» в районе Эль-Адде, хотя точная цель группировки была неизвестна, и что они передали эту информацию своим кенийским коллегам<sup>7</sup>. Однако после нападения на Эль-Адде кенийские силы отрицали факт получения ими такого предварительного уведомления<sup>8</sup>.

21. Совокупный эффект от нападения на Эль-Адде и двух предыдущих нападений на Лего и Джанале заключался в укреплении сформировавшейся в АМИСОМ тенденции к действию в «казарменном режиме» за счет сосредоточения своих сил в местах концентрированного базирования, что еще больше затруднило взаимодействие с местным населением. Так, например, 26 января кенийские силы ушли со своих позиций в Эль-Адде, равно как и из Бадхадхе и Булогадуда в Нижней Джуббе. В феврале АМИСОМ вывела свои силы и средства с нескольких передовых оперативных баз, в том числе из Фафадума и Хадиджи-Хаджи в области Гедо. Типично то, что «Аш-Шабааб» удалось использовать территорию, оставленную АМИСОМ: так, в начале марта в районе Хадиджи-Хаджи было замечено 200 боевиков «Аш-Шабааб»<sup>9</sup>.

22. 5 марта 2016 года было предотвращено еще одно потенциальное нападение на силы АМИСОМ. Произведенным Соединенными Штатами ударом с воздуха по учебному лагерю «Аш-Шабааб» в Расо в 120 км к северу от Могадишо было ликвидировано не менее 150 боевиков, в связи с чем он считается самым смертоносным ударом, нанесенным с беспилотника, в истории Соеди-

<sup>5</sup> Paul D. Williams, "The Battle at El Adde: The Kenya Defence Forces, al-Shabaab, and Unanswered Questions", *International Peace Institute*, July 2016.

<sup>6</sup> Трудности в части взаимодействия с местным населением усугублялись тем, что, по мнению преобладающего в данной местности клана марехан, кенийские военные активно поддерживают соперничающий с ним клан огаден.

<sup>7</sup> Встреча с представителями федеральных сил безопасности (3 февраля 2016 года). Кроме того, один из сомалийских командиров в области Гедо публично заявил, что кенийские военнослужащие были предупреждены о предстоящем нападении. Harun Maruf, "Somali General: Kenyans Were Warned of Al-Shabaab Attack", VOA News, 18 January 2016.

<sup>8</sup> См. видеоматериал "KDF camp had 240 soldiers, half missing", Star, 20 January 2016. С материалом можно ознакомиться по адресу: [http://www.the-star.co.ke/news/2016/01/20/video-kdf-camp-had-240-soldiers-half-missing\\_c1279464](http://www.the-star.co.ke/news/2016/01/20/video-kdf-camp-had-240-soldiers-half-missing_c1279464).

<sup>9</sup> Конфиденциальное сообщение кенийской полиции (2 марта 2016 года). Более подробно об отходе сил АМИСОМ и СНА см. раздел II.B ниже.

ненных Штатов. По словам официального представителя Пентагона, этот удар был нанесен по собравшимся на церемонию выпуска прошедшим курс подготовки боевикам «Аш-Шабааб», которые должны были по плану отбыть из лагеря и «представляли собой непосредственную угрозу для сил Соединенных Штатов и АМИСОМ в Сомали»<sup>10</sup>.

23. Несмотря на это поражение, на рассвете 9 июня 2016 года, задействовав автомобиль с заложенным в него самодельным взрывным устройством, порядка 500 боевиков ворвались на расположенную на автомагистрали Булобурде-Беледуэйн в области Хиран передовую оперативную базу АМИСОМ в Халгане, укомплектованную эфиопским контингентом. Еще 100–150 боевиков заблокировали шоссе из Булобурде, с тем чтобы предотвратить подход подкреплений из джибутийского контингента, дислоцированного в Булобурде. Несмотря на то, что эфиопским силам удалось отразить нападение, обе стороны понесли тяжелые потери, причем погибло не менее 30 эфиопских военнослужащих<sup>11</sup>. Во время нападения был убит иностранный боевик гражданин Египта Хаттаб аль-Масри, являвшийся близким сподвижником ликвидированного Соединенными Штатами члена «Аш-Шабааб» Омара Хаммами (он же — Абу Мансур аль-Амрики)<sup>12,13</sup>.

#### Нападения на гостиницы в Могадишо

24. В течение срока действия нынешнего мандата «Аш-Шабааб» продолжала совершать комбинированные нападения на гостиницы в Могадишо, пользующиеся популярностью среди должностных лиц федерального правительства, с периодичностью приблизительно один раз в два месяца, причем эта тенденция была отражена в заключительном докладе Группы контроля за 2015 год (S/2015/801, приложение 4.1). Алгоритм действий в ходе нападений оставался неизменным: для прорыва через периметр комплекса применяются автомобили с заложенными в них самодельными взрывными устройствами, за чем, как правило, следует штурм, осуществляемый вооруженной группой смертников в составе от трех до шести человек.

25. В течение срока действия настоящего мандата были совершены нападения на шесть ведущих отелей Могадишо: «Сахафи» (1 ноября 2015 года); «Бичвью хотэл» (22 января 2016 года); “SYL Hotel” (26 февраля и 30 августа 2016 года); «Амбассадор» (1 июня 2004 года); и «Назо-Хаблод» (25 июня 2016). Эти нападения унесли жизни в общей сложности порядка 120 человек,

<sup>10</sup> См. United States Department of Defense, “U.S. Conducts Airstrike Against Terrorist Camp in Somalia”, 7 March 2016. С материалом можно ознакомиться по адресу: <http://www.defense.gov/News/Article/Article/687353/us-conducts-airstrike-against-terrorist-camp-in-somalia>.

<sup>11</sup> Конфиденциальный доклад Организации Объединенных Наций по вопросам безопасности от 13 июня 2016 года.

<sup>12</sup> Информацию об Омаре Хаммами см. в документе S/2013/413, приложение 1.2.

<sup>13</sup> Согласно неподтвержденной, но вполне достоверной информации, аль-Масри был связан с организацией «Аль-Каида» в странах исламского Магриба» и мог выполнять функции посредника координатора ИГИЛ, базирующегося в Йемене. Беседа Группы контроля с сотрудником региональной разведслужбы от 8 июля 2016 года.

включая трех парламентариев и министра по окружающей среде Бури Хамзу<sup>14</sup>. В период же действия предыдущего мандата Группы контроля «Аш-Шабааб» совершила четыре комбинированных нападения на гостиницы, а это указывает на то, что способность группировки проводить асимметричные операции в столице Сомали за прошедший год по существу не снизилась.

### **Появление группы, ориентирующейся на «Исламское государство Ирака и Леванта»**

26. 22 октября 2015 года духовный лидер «Аш-Шабааб», базирующийся в горах Голис в Пунтленде, Шейх Абдулкадер Мумин (Маджиртин/Али Салербан) присягнул на верность «Исламскому государству Ирака и Леванта» (ИГИЛ). До своего возвращения в Сомали в сентябре 2010 года он был имамом в Лондоне, а вернувшись в Сомали, взял на себя роль «идеологического лидера» ««Аш-Шабааб» на северо-востоке» (см. [S/2013/413](#), приложение 1.7).

27. Мумин, вероятно, считал, что его переход на сторону ИГИЛ может вызвать широкий сдвиг в ориентации «Аш-Шабааб» в сторону от «Аль-Каиды». Вместо этого руководство «Аш-Шабааб» быстро отреагировало, приняв жесткие меры против сторонников ИГИЛ в группировке как в Пунтленде, так и на юге Сомали. В ноябре 2015 года элементы ««Аш-Шабааб» на северо-востоке», лояльные «Аль-Каиде», после вооруженных столкновений изгнали Мумина и несколько десятков его последователей из горного района Голис. Впоследствии Мумин бежал в округ Искушубан в области Бари — на родину своего клана — клана Али Салербана.

28. Хотя Мумин и около двух десятков его последователей по-прежнему идеологически связаны с ИГИЛ, Группе контроля не известно о каких-либо оперативных связях между двумя этими группами. Вместе с тем известно, что Мумин получает материальную поддержку от своего двоюродного брата из клана Али Салербана — торговца оружием и бывшего пирата Иссе Мохамуда Юсуфа (он же — «Юлюкс») (см. [S/2013/413](#), приложения 1.7 и 3.1.с). И Мумин, и Абдисамед Галлан — бывший губернатор Бари, поднявший в июне 2016 года открытый мятеж против властей Пунтленда, — получали импортное оружие через порт Кандалу при посредничестве «Юлюкса» (см. приложение 1.2).

29. Подробная информация об ориентирующейся на ИГИЛ группировке Мумина в области Бари приведена в приложении 1.2.

### **«Аш-Шабааб» в Пунтленде**

#### *Группировка «„Аш-Шабааб“ на северо-востоке» в горах Голис*

30. В своем заключительном докладе за 2015 год Группа контроля представила обновленную информацию о продолжающихся повстанческих действиях «„Аш-Шабааб“ на северо-востоке» против властей Пунтленда в горах Голис, отметив свою обеспокоенность по поводу того, что эта группировка служит

<sup>14</sup> В числе погибших были парламентарии Абди Мохамед Абтидон, Абдуллаи Джама Кабауэйне и Мохамуд Мохамед Гуре. О применении «Аш-Шабааб» возросшей степени насилия против гражданских целей см. также приложение 7.1.

потенциальным убежищем для боевиков «Аш-Шабааб», спасающихся бегством от военного давления в южной части Сомали, а также связующим звеном между «Аш-Шабааб» и группировкой «„Аль-Каида“ на Аравийском полуострове» (S/2015/801, пункт 96).

31. 24 февраля 2016 года Группа контроля посетила находящийся в 30 км к юго-западу от Босасо город Галгалу — прежний штаб действующих в горах Голис повстанцев до крупного наступления властей Пунтленда, в результате которого город был освобожден в октябре 2014 года. Опросы дислоцированных там военных и полицейских командиров Пунтленда, показали, что численность повстанцев сократилась до 70–100 боевиков по сравнению примерно со 120–150 боевиками в 2013 году (см. S/2013/413, приложение 1.7)<sup>15</sup>. Гарнизон Галгалы и прилегающих районов укомплектован приблизительно 850 сотрудниками различных служб сектора безопасности Пунтленда — регулярных сил, сил безопасности, морской полиции и полиции Галгалы. Ввиду значительных различий между ними по численности личного состава и вооружению боевики «Аш-Шабааб» не могут вступать в прямые боестолкновения с силами Пунтленда, но продолжают наносить по ним удары, применяя самодельные взрывные устройства, особенно вдоль трассы, ведущей в Галгалу<sup>16</sup>.

32. Полная характеристика текущей численности личного состава и руководства «„Аш-Шабааб“ на северо-востоке» в горах Голис и тактической дислокации сил Пунтленда представлена в приложении 1.3.

#### *Вторжение «Аш-Шабааб» в Пунтленд в марте 2016 года*

33. 13 марта 2016 года подразделение «Аш-Шабааб» — бригада Халида ибн аль-Валида — в составе 350–400 боевиков предприняло десантное вторжение в Пунтленд со стороны моря. Выйдя в море на пяти судах «дау» из района Харардере, боевики высадились в двух местах на побережье Пунтленда — близ городов Гаракад и Гармал.

34. В распоряжении боевиков не было транспортных средств, и силы Пунтленда стремительно спустились на их позиции в ходе операции под кодовым названием «Гром». Боевики были оперативно и решительно разбиты; по официальной информации властей, было убито 208 человек — главным образом в ходе боев в районе Гаракада. После боестолкновений силы временной

<sup>15</sup> По оценкам администрации Пунтленда, численность боевиков в горах Голис традиционно намного выше — в диапазоне от 250 до 500 человек. Как указывается в письме аппарата президента Пунтленда от 17 августа 2016 года в адрес Группы контроля, по состоянию на август 2016 года администрация оценивает численность членов «„Аш-Шабааб“ на северо-востоке» на всей территории Пунтленда в 400–500 человек.

<sup>16</sup> Так, например, 25 мая 2016 года вследствие подрыва самодельного взрывного устройства был поражен автомобиль морской полиции Пунтленда, следовавший в Галгалу, в результате чего погибло два и было ранено еще шесть морских пехотинцев. Конфиденциальная справка международного агентства о ситуации в плане безопасности (29 мая 2016 года).

администрации Галмудуга перехватили бежавших на юг боевиков «Аш-Шабааб», заявив, что они уничтожили 115 и захватили еще 110 человек<sup>17</sup>.

35. 10 и 11 мая 2016 года Группа контроля опросила захваченных в ходе операции членов «Аш-Шабааб», которые содержались в тюрьме Гароуз<sup>18</sup>. По итогам этих опросов, а также вторичного опроса источников среди военнослужащих, неправительственных организаций и военно-морских сил Группа пришла к выводу, что вероятная цель операции заключалась в том, чтобы вступить в бой и ликвидировать ориентирующуюся на ИГИЛ группировку Абдулкадера Мумима, находившуюся в области Бари.

36. Бригада Халида ибн аль-Валида состояла главным образом из рядовых боевиков, многие из которых, судя по всему, были завербованы принудительно или иным образом служили против своей воли, и во время операции не присутствовал ни один из известных высокопоставленных руководителей «Аш-Шабааб». Многие из боевиков являлись детьми; на момент составления настоящего доклада в тюрьме Гароуз оставались еще 54 несовершеннолетних, которые были захвачены в ходе операции (см. приложение 7.2). Кроме того, временная администрации Галмудуга сообщила о передаче детей-заключенных в функционирующий при поддержке Детского фонда Организации Объединенных Наций центр реинтеграции в Могадишо<sup>19</sup>.

37. Вторжение бригады в Пунтленд явилось единственной крупной морской операцией «Аш-Шабааб» за все время существования группировки. Полное уничтожение бригады обернулось для «Аш-Шабааб» значительными потерями в живой силе; насчитывая в своих рядах до 400 человек, она, пожалуй, составляла не менее 5–10 процентов от общей численности боевого состава группы. С учетом того, что не менее нескольких сотен боевиков сдались властям Пунтленда и Галмудуга, эта операция знаменуется самой крупной сдачей в плен личного состава «Аш-Шабааб» за все время ее существования. Ввиду того, что задача операции не была выполнена, Группе контроля представляется весьма маловероятным, что «Аш-Шабааб» вновь попытается предпринять какую-либо еще сложную десантную операцию в будущем.

38. Подробная информация о предпринятом вторжении бригады приведена в приложении 1.4.

#### *Проводимая властями Пунтленда политика «ареста и освобождения»*

39. В своем заключительном докладе за 2014 год Группа контроля описала систематически практикуемую администрацией Пунтленда политику ареста подозреваемых в принадлежности к «Аш-Шабааб» лиц, которые впоследствии освобождались, причем в некоторых случаях это делалось, когда имелись не-

<sup>17</sup> См. “Somalia: Galmudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas”, press release, AllAfrica, 28 March 2016. С материалом можно ознакомиться по адресу: <http://allafrica.com/stories/201603280382.html>.

<sup>18</sup> Во время визита Группы контроля 97 задержанных членов «Аш-Шабааб» из состава бригады Халида ибн аль-Валида находились в тюрьме.

<sup>19</sup> См. “Somalia: Galmudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas”, press release, AllAfrica, 28 March 2016.

опровержимые доказательства наличия их связи с «Аш-Шабааб» (S/2014/726, приложение 1.4, сноска 48).

40. В течение срока действия нынешнего мандата Группа контроля обнаружила подтвержденные информацией из вторичных источников документальные доказательства того, что власти Пунтленда продолжают применять политику «ареста и освобождения», в соответствии с которой задержанных отпускают на свободу, несмотря на достоверные подтверждения их связи с «Аш-Шабааб». Группа получила копии распоряжений об освобождении семи подозреваемых и осужденных членов «Аш-Шабааб» за период с июня 2015 года по 16 апреля 2016 года, которые были подписаны различными высокопоставленными должностными лицами Пунтленда. В распоряжении Группы имеются также сделанные в разведывательном управлении Пунтленда внутренние записи с биографической справкой на каждое лицо и характеристикой его связи с «Аш-Шабааб».

41. По словам должностных лиц Пунтленда, осужденные члены «Аш-Шабааб» освобождаются по завершении законных судебных процессов, а подозреваемые выходят на свободу либо за отсутствием доказательств, либо по амнистии, объявленной президентом Пунтленда Абдивели Мохамедом Али «Гасом» в августе 2015 года<sup>20</sup>.

42. Справки по упомянутым семи лицам и копии распоряжений об освобождении приведены в приложении 1.5 (строго конфиденциальная информация).

#### **«Аш-Шабааб» как региональная угроза**

43. Хотя от «Аш-Шабааб» по-прежнему исходит транснациональная террористическая угроза, в особенности для стран, предоставляющих войска для АМИСОМ, в течение срока действия настоящего мандата произошло снижение успешности региональных операций группировки. Так, в частности, Кении — государству-члену, исторически наиболее уязвимому по отношению к террористическим операциям «Аш-Шабааб», — удалось избежать крупных терактов на своей территории в период после массового убийства студентов в Университетском колледже Гариссы 2 апреля 2015 года.

44. Покушение на убийство пассажиров автобуса в районе Мандеры, аналогичное нападению, успешно совершенному «Аш-Шабааб» 23 ноября 2013 года, было предотвращено главным образом потому, что ехавшие в нем мусульмане защитили немусульман от гибели<sup>21</sup>. 9 июля 2016 года «Аш-Шабааб» совершила наглый ночной рейд в Кению — по имеющимся сведениям, 100 боевиков перешли границу и атаковали полицейский участок в Дифе, графство Ваджир. Местные средства массовой информации сообщали о том, что один полицей-

<sup>20</sup> Встречи с руководителем аппарата президента Пунтленда Деком Юсуфом (Найроби, 2 сентября 2015 года) и с офицером разведки Пунтленда (Гароуэ, 7 сентября 2016 года).

<sup>21</sup> См. “Kenyan Muslims shield Christians in Mandera bus attack”, BBC News, 21 December 2015. С материалом можно ознакомиться по адресу: [www.bbc.co.uk/news/world-africa-35151967](http://www.bbc.co.uk/news/world-africa-35151967).

ский был ранен, а боевикам удалось унести порядка 10 000 штук боеприпасов и с десятков автоматов АК-47<sup>22</sup>.

45. Подразделение «Аш-Шабааб» под названием «Джейш Айман» ответственно за ряд смертоносных нападений с применением самодельных взрывных устройств и других атак на силы безопасности Кении, а также на неместные гражданские объекты в графстве Ламу, Кения<sup>23</sup>. Это подразделение, в состав которого входит нескольких сотен боевиков, использует огромный лесной массив Бони, простирающийся по территории Кении и Сомали, в качестве базы для подготовки к проведению своих агрессивных операций в прибрежном районе<sup>24</sup>. В сентябре 2015 года кенийские власти начали операцию «Линда Бони» по обеспечению безопасности в лесном массиве с участием нескольких ведомств с целью вытеснения этого подразделения. С началом этой операции снизилось количество и периодичность нападений в Ламу и прибрежном районе, хотя единичные нападения все же случаются. Благодаря улучшению сбора разведанных и упредительным контртеррористическим операциям кенийские органы безопасности в 2016 году сорвали запланированные нападения «Аш-Шабааб» в прибрежных городах Момбасе и Кифили, в частности, на паром «Ликони», популярной ночной клуб и полицейский участок<sup>25</sup>. Ряд недавних случаев свидетельствует о том, что боевики «Аш-Шабааб», в частности граждане Танзании, продолжают использовать территорию Кении для проезда в Сомали, в связи с чем кенийские органы безопасности арестовали ряд подозреваемых<sup>26</sup>.

46. Другим странам, предоставляющим воинские контингенты для АМИСОМ, включая Джибути и Эфиопию, которые в последние два года сталкиваются с реальной угрозой со стороны «Аш-Шабааб», в течение срока действия нынешнего мандата также удавалось избежать террористических операций на внутреннем фронте. Однако Группа контроля считает, что угроза со

<sup>22</sup> См. Lucas Barasa and Angira Zadock, "Shabaab militants attack Difi police station in Wajir", *Daily Nation*, 9 July 2016. С материалом можно ознакомиться по адресу: [www.nation.co.ke/counties/Shabaab-militants-attack-Difi-Police-Station-in-Wajir/1107872-3287386-6ufkg7/index.html](http://www.nation.co.ke/counties/Shabaab-militants-attack-Difi-Police-Station-in-Wajir/1107872-3287386-6ufkg7/index.html).

<sup>23</sup> См., например, "Kenyan soldiers hurt as gunmen ambush convoy in Lamu", *Standard Digital*, 3 January 2016. С материалом можно ознакомиться по адресу: [www.standardmedia.co.ke/article/2000186885/kenyan-soldiers-hurt-as-gunmen-ambush-convoy-in-lamu](http://www.standardmedia.co.ke/article/2000186885/kenyan-soldiers-hurt-as-gunmen-ambush-convoy-in-lamu).

<sup>24</sup> Подразделение «Джайш Айман» привлекло в свои ряды и ряд боевиков-иностранцев, в том числе граждан Танзании и европейских стран. Британский подданный Томас Эванс, который был убит 12 июня 2015 года в боестолкновении с кенийскими военнослужащими в графстве Ламу, и гражданин Германии Андреас Мартин Мюллер (он же — Абу Нусайба) относятся к числу известных иностранных боевиков подразделения «Джейш Айман».

<sup>25</sup> См. Alloys Musyoka and Brian Otieno, "Police foil two attacks in Kilifi and Mombasa", *Star*, 2 January 2016. С материалом можно ознакомиться по адресу: [www.the-star.co.ke/news/2016/01/02/police-foil-two-attacks-in-kilifi-and-mombasa\\_c1268590](http://www.the-star.co.ke/news/2016/01/02/police-foil-two-attacks-in-kilifi-and-mombasa_c1268590).

<sup>26</sup> См., например, Abdimalik Hajir, "Police in Garissa arrest 6 Tanzanians heading to Somalia, recover weapons", *Daily Nation*, 25 August 2015. С материалом можно ознакомиться по адресу: [www.nation.co.ke/counties/Tanzanians-arrested-Garissa/1107872-2845738-3oqjmwz/index.html](http://www.nation.co.ke/counties/Tanzanians-arrested-Garissa/1107872-2845738-3oqjmwz/index.html). Группа контроля получила также конфиденциальную справку кенийской полиции с подробной информацией об аресте шести подозреваемых в Мтвапе (находится к северу от Момбасы) 16 сентября 2015 года при попытке присоединиться к «Аш-Шабааб» в Сомали.



стороны «Аш-Шабааб» в регионе отнюдь не снизилась, поскольку одна из главных целей группировки по-прежнему заключается в вытеснении из Сомали сил АМИСОМ, которая, по мнению группировки, незаконно оккупирует мусульманские земли.

#### **Мохамед Абукар Зубейр**

47. В своем заключительном докладе за 2014 года Группа контроля ошибочно сообщила, что 4 августа 2014 года человек по имени Мохамед Абукар Зубейр совершил отнесенный на счет «Аш-Шабааб» самоподрыв в центральном полицейском участке в Босасо (S/2014/726, приложение 1.4, пункт 22). В приложении 1.7 приведена исправленная информация об этом инциденте.

### **В. Сектор безопасности**

48. В своем заключительном докладе за 2015 год (S/2015/801, приложение 3) Группа контроля выразила озабоченность по поводу широко распространенных хищений в Сомалийской национальной армии (СНА). После обсуждений, состоявшихся между Группой и федеральным правительством в начале сентября 2015 года, президент Хасан Шейх Мохамуд заявил о своей приверженности задаче кардинального реформирования сектора безопасности<sup>27</sup>. Несмотря на то, что некоторые деятели, включая министра финансов и вновь назначенного командующего силами обороны генерал-майора Мохамеда Адена Ахмеда, предпринимали в течение срока действия настоящего мандата подлинные усилия к решению этой проблемы, среди старших офицеров, и в частности в департаменте материально-технического обеспечения СНА, продолжает процветать коррупция.

49. Группа контроля обнаружила доказательства хищения средств, выделенных на выплату денежного довольствия военнослужащим и содержание СНА, равно как и средств, начислявшихся по линии внедрения недоработанной системы удостоверений личности (см. приложения 2.2 и 2.3). На момент подготовки настоящего доклада, несмотря на поставленную президентом 9 сентября 2015 года задачу по проведению тендеров на материально-технического обеспечение СНА, компания, имеющая тесные связи с начальником тыла СНА бригадным генералом Абдуллаи Моалимом Нуром, отработывает выгодный контракт на распределение армейского пайкового и денежного довольствия, значительная часть которого была, по всей видимости, была похищена. 10 сентября 2016 года, после дальнейших обсуждений между Группой и федеральным правительством по этому вопросу, на веб-сайте Министерства финансов было, наконец, размещено приглашение к участию в тендере на данный контракт (см. приложение 2.4).

50. В результате сохраняющейся практики невыплаты денежного содержания военнослужащим и отчасти вследствие продолжающегося бюджетного кризиса в течение срока действия нынешнего мандата было отмечено увеличение коли-

<sup>27</sup> См. Office of the President of Somalia, Directorate of Communications, "The President: We are committed to substantive security sector reform", newsletter, 9 September 2015. С материалом можно ознакомиться по адресу: <https://madmimi.com/s/b368a6>.

чества случаев отхода войск со стратегических позиций в южных и центральных районах Сомали с последующим возвращением на них «Аш-Шабааб» — пусть даже и временным во многих случаях<sup>28</sup>. Также возросли масштабы вымогательства, особенно на незаконных блокпостах, со стороны военнослужащих, не получающих денежного довольствия или получающих его в неполном объеме, что усугубляет воздействие на гражданское население и еще больше подрывает доверие к только еще формирующимся государственным институтам (см. приложение 2.6).

51. Клановой состав большинства подразделений СНА по-прежнему подрывает их беспристрастность, особенно в районах со сложными межобщинными взаимоотношениями. В своем заключительном докладе за 2015 год (S/2015/801, приложение 6) Группа контроля документально зафиксировала случаи заключения отдельными подразделениями конъюнктурных союзов с региональными клановыми ополчениями и/или «Аш-Шабааб» в периоды конфликтов. В течение срока действия настоящего мандата Группа контроля неоднократно получала из областей Нижняя Шабелле, Хиран и Мудуг сообщения о подобных инцидентах, когда действия боевых единиц СНА не предотвращали местные конфликты, а напротив способствовали приданию им хронического характера (см. приложение 7.5).

52. Процесс интеграции региональных сил в СНА был медленным и плохо организованным. В течение срока действия предыдущего мандата в Кисмайо, область Нижняя Джубба, в ее состав было официально включено не менее 1350 военнослужащих, которые, однако, на момент составления настоящего доклада по-прежнему имеют на вооружении только 100 единиц оружия, поставленных федеральным правительством, и поэтому вряд ли смогут принять участие в предстоящем наступлении в долине реки Джубба. У федерального правительства отсутствует стимул к осуществлению процесса интеграции на фоне обвинений в том, что поставки оружия доходят только до подразделений, состоящих из представителей конкретных кланов<sup>29</sup>.

53. Без нынешнего объема международной поддержки сектора безопасности, вероятно, произошел бы развал СНА. Тем не менее, несмотря на определенные усилия по решению этой проблемы, в течение срока действия настоящего мандата Группа контроля установила, что международной поддержке СНА недостает координации. Фактологические материалы, собранные Группой контроля, указывают на крупные хищения продовольственных пайков, которые отдельные доноры поставляют в СНА большими партиями. И наконец, Группа озабочена тем, что составленные без должного учета кланового состава и организуемые в сочетании с усилиями по обеспечению достаточного надзора за войсками программы учебной подготовки, возможно, невольно способствуют усилению потенциальных угроз миру и безопасности (см. приложение 2.5).

<sup>28</sup> Министерство финансов с готовностью признает, что многие военнослужащие не получают денежного довольствия на протяжении нескольких месяцев, что обусловлено нереалистичными бюджетными прогнозами в предыдущие годы. Не меньшую озабоченность вызывает отход АМИСОМ со стратегических позиций в южных и центральных районах Сомали.

<sup>29</sup> Беседы Группы контроля с административно-техническими работниками сектора безопасности в Кисмайо и Найроби (апрель и сентябрь 2016 года).

54. Группа обеспокоена тем, что в отсутствие кардинальной реформы и должного учета ее общей структуры и состава СНА может сама представлять угрозу миру, безопасности и стабильности в Сомали. Более подробная информация о выводах, сделанных Группой по СНА в течение срока действия настоящего мандата, приведена в приложении 2.

#### **Сектор безопасности Пунтленда**

55. Группа контроля с озабоченностью отмечает сохраняющиеся трудности, с которыми сталкивается администрации Пунтленда в части выплаты денежного довольствия своим силам безопасности. В течение срока действия нынешнего мандата происходили протесты военнослужащих Пунтленда против невыплаты денежного содержания, а командующий силами обороны Пунтленда пригрозил уйти в отставку, если военные и полиция будут и далее оставаться без оплаты<sup>30</sup>. Еще большую озабоченность вызывает реакция на бюджетный кризис со стороны администрации, которая приняла решение оплатить труд сотрудников своих сил безопасности и гражданских служащих только что отпечатанными фальшивыми деньгами, следствием чего стала дестабилизирующая инфляция как внутри, так и за пределами региона (см. приложение 4.1).

56. Отчасти для того, чтобы облегчить финансовое бремя администрации Пунтленда, в апреле 2015 года с федеральным правительством было достигнуто соглашение о включении 3000 военнослужащих Пунтленда в состав СНА. Однако осуществление этого соглашения идет медленными темпами<sup>31</sup>. Дополнительные вызовы в сфере безопасности, с которыми Пунтленд столкнулся в течение срока действия настоящего мандата, включая вторжение десанта «Аш-Шабааб» в марте 2016 года (см. приложение 1.5) и мятеж, поднятый бывшим губернатором (см. приложение 8.10), обуславливают еще большую необходимость ускорения этого интеграционного проекта.

### **С. Деструктивная политика**

57. В своем докладе за 2015 год (S/2015/801) Группа контроля показала, насколько растущая угроза со стороны «Аш-Шабааб» и межобщинных конфликтов оказывается все чаще связана с неспособностью политических деятелей содействовать примирению в рамках инклюзивного и транспарентного политического процесса, не оставляющего места коррупции. В течение срока действия настоящего мандата попытки овладеть и заручиться соответствующую

<sup>30</sup> См. “Somalia: Puntland soldiers stage protest over unpaid salaries”, Garowe Online, 11 June 2016; с материалом можно ознакомиться по адресу: [www.garoweonline.com/en/news/puntland/somalia-puntland-soldiers-stage-protest-over-unpaid-salaries](http://www.garoweonline.com/en/news/puntland/somalia-puntland-soldiers-stage-protest-over-unpaid-salaries); и “Puntland army chief threatens to resign if the forces are not paid”, Goobjoog News, 28 September 2015; с материалом можно ознакомиться по адресу: <http://goobjoog.com/english/?p=20011>.

<sup>31</sup> Группа контроля понимает, что 600 из этих 3000 мест зарезервированы для служб безопасности Пунтленда — элитного, подготовленного инструкторами Соединенных Штатов подразделения, дислоцированного в Босасо. Остальные 2400 мест должны быть заполнены регулярными силами Пунтленда, которые в настоящее время проходят процедуру проверки; из беседы Группы контроля с руководителем аппарата президента Пунтленда Диком Юсуфом (Найроби, 2 сентября 2016 года).

щими политическими ресурсами во многом продолжали преобладать над работой по установлению эффективных форм правления, а также над межрегиональными и внутрирегиональными усилиями по примирению.

58. Отношения между Пунтлендом и временной администрацией Галмудуга остаются напряженными из-за отсутствия прогресса в определении общей границы между их территориями. 22 ноября 2015 года строительство дороги в районе «зеленой линии» в Галькайо, разделяющей город, повлекло за собой оперативную мобилизацию сил по обе ее стороны и непродолжительный, но исключительно жестокий конфликт, в результате которого погибло порядка 20 и было ранено 120 человек и примерно 90 000 человек были вынуждены временно переместиться из этого района (см. приложение 7.4, пункты 39–43).

59. Временная администрация Галмудуга продолжает сталкиваться с порой насильственным противодействием со стороны действующей на севере Гальгудуга группировки «Ахль ас-Сунна валь-Джамаа», которая осуществляет контроль над столицей Дусамареб и ее окрестностями. Попытки провести переговоры по политическому урегулированию между двумя сторонами после вспышки конфликта в сентябре 2015 года, а затем снова в марте 2016 года в конечном счете не увенчались успехом. Группировка «Ахль ас-Сунна валь-Джамаа», принимавшая активное участие в достижении договоренностей по «Гароуэским принципам» в 2011 и 2012 годах, на основе которых было сформировано первое непереходное правительство в Сомали за период после развала государства в 1991 году, решительно отмежеввалась от федерального переходного процесса в 2016 году, будучи исключена из переговоров между региональными лидерами.

60. Временная юго-западная администрация укрепила власть в Байдабо, но город по-прежнему в значительной степени изолирован от остальной части области, и администрация практически не контролирует эндемический конфликт в Нижней Шабелле (см. приложение 7.6, пункт 58). Неспособность надлежащим образом ассимилировать общины подклана аулихан (огаден/дарод) в рамках недавно созданной областной ассамблеи повлекла за собой объявление независимости «государства» Верхняя Баколь. Попытки делегации Межправительственной организации по развитию под руководством Мохамеда Абди Афффея восстановить отношения в августе 2016 года не увенчались успехом, и отделившаяся область продолжает отстаивать свою независимость, хотя, вероятно, лишь для того, чтобы в конечном счете обеспечить себе большую представленность во временной юго-западной администрации.

61. Временная администрация Джуббы, в которой преобладают представители клана огаден (дарод) добились ошутимого прогресса, включив представителей подклана марехан (дарод) в свои недавно созданные ассамблею и кабинет министров области после достаточно успешного процесса примирения в марте 2015 года. Однако при этом в федеральной системе остается единственный потенциальный член — администрация области Средняя Джубба, вся территория которой все еще находилась на момент составления настоящего доклада под прочным контролем «Аш-Шабааб». Чрезмерно полагающаяся на уже сокращающийся объем средств от незаконной торговли углем для поддержания политической стабильности и оплаты своих региональных сил безопасности в Рас-Камбони администрация может вскоре столкнуться с растущими пробле-

мами в Кисмайо, одном из самых оспариваемых городов Сомали, если ей не удастся диверсифицировать доходную часть своего бюджета или заручиться большей внешней поддержкой<sup>32</sup>.

62. На момент подготовки настоящего доклада продолжался процесс создания последней остающейся региональной администрации, объединяющей под своим контролем области Хиран и Средняя Шабелле, несмотря на то, что начался он еще в течение срока действия предыдущего мандата Группы контроля. Противоборство между доминирующими кланами области за место проведения конференции по государственному строительству, а также за то, какой клан будет председательствовать в новой администрации, привело к выходу из этого процесса целого ряда заинтересованных сторон и неоднократным задержкам. Как и в случае формирования временной администрации Галмудуга, Группа контроля получала многочисленные сообщения о попытках федерального правительства манипулировать данным процессом. На момент подготовки настоящего доклада, несмотря на попытки возобновить конференцию в Джохаре, поступающие сообщения указывали на то, что старейшины области Хиран будут по-прежнему настаивать на отсрочке дальнейшего развития событий до завершения переходного процесса на федеральном уровне (см. приложение 3.1).

63. Во многом проигнорировав задачи переходного периода, который должен был завершиться в 2016 году, на протяжении первых трех лет своего срока полномочий, федеральное правительство, наконец, открыто признало, что провести демократические выборы по принципу «один человек — один голос» в октябре 2016 года не удастся. На переговорах по переходному процессу, проходивших в течение следующего года, впоследствии стали доминировать лидеры федерального правительства и существующих региональных администраций (кроме Сомалиленда), которые объединились в рамках недавно созданного Национального форума руководителей в условиях все большего сужения политического пространства.

64. Гражданское общество было во многом исключено из этого процесса, и оппозиционные группы часто сообщали о попытках завести политическую дискуссию в тупик. Группа контроля получала информацию о том, что медиасети либо не освещали данный процесс в негативном ключе из-за угроз, поступающих в их адрес, либо за плату поддерживали действующих руководителей в их кампании<sup>33</sup>. После спорного повторного принятия модели «4,5» для выборов в нижнюю палату Парламента Группа получала также многочисленные сообщения о попытках манипулировать перечнем из 135 «старейшин кланов», на которые была возложена задача инициировать этот процесс. Группа обеспокоена тем, что угроза межобщинных конфликтов будет расти по мере того, как все большее число общин будет выходить из более широкого проекта государственного строительства, если переходный процесс будет восприниматься широкой общественностью как нелегитимный и, в особенности, также если какой-либо член Национального форума руководителей победит на выборах (см. приложение 3.2).

<sup>32</sup> Более подробно о местной экономике древесного угля см. раздел VI ниже.

<sup>33</sup> Беседы с кандидатами в президенты и членами имплементационной группы по непрямым федеральным выборам (Найроби и Могадишо, июль и август 2016 года).

## D. Управление государственными финансами и хищение государственных средств

### Управление государственными финансами

65. Неравное распределение ресурсов, коррупция и неспособность федерального правительства увеличить доходы в целях обеспечения элементарной безопасности лежат в основе сохраняющейся нестабильности в Сомали. Инициативы Центрального банка Сомали, призванные вывести из тени и регулировать экономику принесли скромные результаты, но не воспрепятствовали еще большему отрыву сомалийской экономики от мирового финансового рынка. При том, что национальный долг превышает по своему размеру величину валового внутреннего продукта, а федеральное правительство Сомали борется с неэффективностью своих бюджетных учреждений, Сомали остается одной из беднейших и наиболее коррумпированных стран в мире<sup>34</sup>. Шесть коммерческих банков, получивших лицензии Центрального банка, работают только в городах, хотя условием предоставления таких лицензий является готовность банков работать в сельских районах<sup>35</sup>. Управляющий Центрального банка считает, что неспособность банков предоставлять кредиты предприятиям является наиболее серьезным препятствием экономическому росту в Сомали<sup>36</sup>.

66. Экономика Сомали по-прежнему основывается на расчетах наличными, и все основные операции производятся в долларах США. Последние банкноты сомалийского шиллинга печатались в 1990 году, и подавляющее большинство банкнот, находящихся в настоящее время в обращении, являются поддельными. Тем не менее, обменный курс оставался на удивление стабильными, составляя примерно 23 400–23 600 сомалийских шиллингов за доллар США. Вместе с тем в начале мая 2016 года в Гароуэ и Босасо прошли сопровождавшиеся насилием демонстрации против резкого повышения цен на сырьевые товары. Причиной инфляции на местах явилось печатание денег на печатном станке Государственного банка Пунтленда в Босасо для покрытия задолженности по заработной плате государственным служащим и сотрудникам сил безопасности. Впоследствии, в мае, обменный курс вырос до 30 000 сомалийских шиллингов за доллар США. Протесты прекратились после того, как местные власти ввели фиксированные курсы валют<sup>37</sup> (см. приложение 4.1).

67. Находящиеся в обращении поддельные доллары США продолжают подрывать финансовую стабильность в Сомали. Несмотря на то, что качество

<sup>34</sup> Валовой внутренний продукт — 5,4 млрд. долл. США; национальный долг — 5,6 млрд. долл. США. Статистический отдел (2014 год): беднейшая из 191 страны. Группа Всемирного банка (2015 год): 172/183. Не учтенные в статистике денежные переводы позволяют скорректировать доход на душу населения на 20–40 процентов. Сомали и Корейской Народно-Демократической Республике присвоен показатель 8/100 согласно индексу восприятия коррупции по версии организации «Транспэрэнси интернэшнл» за 2015 год.

<sup>35</sup> К их числу относятся: «Амал бэнк груп», «Дахабишл бэнк интернэшнл», «Интернэшнл бэнк оф Сомалиа», «Салам Сомали бэнк», «Премьер бэнк» и «ТрастАфрика».

<sup>36</sup> Беседа с управляющим Центрального банка Баширом Иссой Али (Найроби, май 2016 года).

<sup>37</sup> Курс покупки — 23 600 сомалийских шиллингов за доллар США и курс продажи — 23 400 сомалийских шиллингов за доллар США.

фальшивых денег остается низким, они с успехом используются в различных видах преступной деятельности. В августе 2016 года руководителю отделения и кассиру Центрального банка удалось похитить 530 000 долл. США из хранилища банка, подменив хранившиеся там купюры достоинством в 100 долл. США поддельными (см. приложение 4.2).

68. В мае 2016 года в Кампале представители Центрального банка Сомали и Международного валютного фонда начали переговоры о валютной реформе сомалийского шиллинга. Хотя Группа контроля признает усилия, прилагаемые Центральным банком, и потенциальные преимущества валютной реформы для вывода из тени экономики Сомали, опубликованный график, согласно которому к печатанию новых денег приступят в начале 2017 года, представляется чрезмерно амбициозным<sup>38</sup>. Фонд заявил, что не будет поддерживать этот процесс в финансовом отношении, в результате чего финансирование реформы ляжет на плечи федерального правительства, составив, по оценкам, 45 млн. долл. США<sup>39</sup>.

69. В 2015 году сомалийская диаспора направила в Сомали через компании «хавала» по переводу денежных средств не менее 1,2 млрд. долл. США<sup>40</sup>. В течение срока действия нынешнего мандата Группа контроля провела многочисленные беседы с агентами системы «хавала» для оценки используемого инструмента соблюдения и контроля<sup>41</sup>. Денежные переводы остаются жизненно важным спасительным средством для многих сомалийцев, особенно для сельских жителей. Вместе с тем ввиду отсутствия стимулов у компаний и агентов системы «хавала» к реализации инструментов контроля и элементарных мер должной осмотрительности — на фоне дополнительных мер, принятых международными регуляторами, — многие международные банки закрыли счета системы «хавала». В результате постоянного проведения кампаний за сохранение практики поступления переводов некоторые банки согласились продолжать работу с различными компаниями «хавала».

70. В ходе опросов и расследований, проведенных Группой контроля, выявились пробелы в способности сомалийских властей осуществлять замораживание активов физических и юридических лиц, подпадающих под действие санкций. Агенты «хавала» либо не имеют надлежащих инструментов контроля, либо просто предпочитают не пользоваться ими. Еще один серьезный недостаток заключается в том, что агенты системы «хавала» выплачивающие денежные переводы в Сомали, не знают своих клиентов. Они могут потребовать удостоверение личности, но тем не менее выплачивают денежные переводы, независимо от имени и фамилии, владельцу номера мобильного телефона указанного отправителем. С учетом вариации написания имен и фамилий и отсутствия

<sup>38</sup> См. Felix Njini, “Somalia intends to print its own currency by early next year”, Bloomberg, 27 May 2016. С материалом можно ознакомиться по адресу: [www.bloomberg.com/news/articles/2016-05-27/somalia-intends-to-print-its-own-currency-by-early-next-year](http://www.bloomberg.com/news/articles/2016-05-27/somalia-intends-to-print-its-own-currency-by-early-next-year).

<sup>39</sup> Беседы с представителями федерального правительства (Найроби, 13 августа 2016 года).

<sup>40</sup> См. World Bank Group, “Somalia economic update: October 2015”. С материалом можно ознакомиться по адресу: [www.worldbank.org/content/dam/Worldbank/document/Africa/Somalia/somalia-economic-update-october-2015.pdf](http://www.worldbank.org/content/dam/Worldbank/document/Africa/Somalia/somalia-economic-update-october-2015.pdf).

<sup>41</sup> Беседы, состоявшиеся в период с февраля по июнь 2016 года в Дубае, Могадишо, Хельсинки, Лондоне, Миннесоте (Соединенные Штаты) и Стокгольме.

поддающихся проверке документов, удостоверяющих личность, большинство операций осуществляется только по номеру телефона получателя платежа. Группа контроля считает, что это оказывает серьезное негативное воздействие на осуществление мер по замораживанию активов, введенных Советом Безопасности<sup>42</sup>.

71. В начале 2016 года было создано подразделение финансовой разведки Сомали — Центр финансовой отчетности. Новое подразделение в составе двух сотрудников является независимым органом, работающим в помещениях Центрального банка. Его задачи определены в Законе «О противодействии легализации незаконно полученных денежных средств и финансированию терроризма», подписанном президентом в мае 2016 года. Новый законодательный акт призван обеспечить выполнение большинства требований Группы разработки финансовых мер<sup>43</sup>. Кроме того, в нем содержатся статьи о валютной отчетности на национальных границах, замораживании активов и создании национального комитета по борьбе с отмыванием денег и финансированием терроризма. Несмотря на то, что принятие нового законодательного акта и создание Центра являются позитивными событиями, Группа контроля обеспокоена тем, что при осуществлении нового законодательства могут возникнуть многочисленные проблемы. К ним относятся недостаток ресурсов и институционального потенциала, отсутствие международных сетей сотрудничества и возможное несоблюдение со стороны потенциальных отчитывающихся субъектов, таких как «хавала» и другие субъекты, предоставляющие неофициальные услуги по переводу денег или ценностей. Кроме того, Группа озабочена внесенным в окончательный вариант законодательного акта изменением о назначении председателем Комитета по борьбе с отмыванием денег и финансированием терроризма министра финансов, а не управляющего Центрального банка, ввиду явного конфликта интересов, поскольку Министерство финансов является одним из отчитывающихся субъектов.

### **Государственные контракты и концессии**

72. В августе 2016 года президент подписал новый законопроект о государственных закупках, концессиях и выбытии средств, предусматривающий создание новых государственных учреждений в целях повышения транспарентности. В соответствии с уже существующими требованиями любой контракт на сумму свыше 5 млн. долл. США должен быть публично раскрыт, утвержден Временным национальным советом по закупкам и представлен на рассмотрение в Комитет по финансовому управлению. Группа контроля обнаружила новые государственные контракты, к которым эти принципы не применялись.

<sup>42</sup> Хотя идентификаторы санкционного перечня Комитета включают фамилию и псевдоним, в позициях перечня недостает идентифицирующих данных, необходимых для эффективного осуществления мер по замораживанию активов в отношении того или иного лица. Кроме того, компании по переводу денег и мобильные платежные системы не принимают достаточных шагов к соблюдению мер по замораживанию активов.

<sup>43</sup> Межправительственный орган, отвечающий за установление стандартов и содействие эффективному осуществлению правовых, нормативных и оперативных мер по борьбе с отмыванием денег и финансированием терроризма. Сомали не является членом ФАТФ и его вспомогательной структуры — Группы по борьбе с отмыванием денег в восточной и южной частях Африки.



73. Группе контроля известно, что министр финансов Мохамед Адан Ибрахим подписал 15 сентября 2015 года с компанией «Смарт компани фор паблик сервисиз» (СМАРТ) договор концессии на сбор дорожного налога в Сомали. В апреле 2016 года он открыл в банке «Салам бэнк» счет, предназначенный для зачисления налогов, собираемых СМАРТ, хотя согласно сомалийскому законодательству все такие поступления должны направляться в Центральный банк Сомали. После вмешательства Генерального ревизора Нура Фараха Джималья Ибрахим уполномочил СМАРТ собирать налоги непосредственно через своих агентов (см. приложение 4.3, иллюстрации 1, 2, 4 и 6).

74. 22 июля 2016 года Ибрахим направил письмо, разрешившее компании «Модерн технолоджиз инк.» собирать налоги напрямую. Договор был подписан от имени компании Мохамедом Херси Фарахом, или «Сулданом» (см. там же, иллюстрации 7 и 8).

75. Группа контроля испытывает также озабоченность по поводу непрозрачности государственных контрактов между федеральным правительством и двумя турецкими компаниями, отвечающими за управление портом Могадишо и международным аэропортом им. Адена Адде. В связи с контрактом на управление портом Могадишо, который был перезаключен в марте 2016 года министром финансов и компанией «Албайрак инсаат туризм тикарет АС», возникают вопросы в отношении эффективности механизмов формирования поступлений в пользу федерального правительства (см. там же, иллюстрация 14)<sup>44</sup>. Контракт на управление международным аэропортом им. Адена Адде между федеральным правительством и компанией «Фавори ЛЛС», как представляется, служит еще одним примером недостаточно проработанного в техническом отношении подряда, выполняемого частной фирмой<sup>45</sup>.

76. См. информацию о несостоявшемся контракте между федеральным правительством и компанией «Чинук урбан майнинг интернэшнл» в приложении 4.4.

### **Сектор телекоммуникаций**

77. На конкурентном рынке телекоммуникаций доминирует компания «Хормуд телеком», которая осуществляет свою деятельность в южной и центральной частях Сомали<sup>46</sup>. Компания контролирует 45 процентов рынка в Сомали, ее персонал насчитывает свыше 6000 человек, и у нее имеется более 5000 акцио-

<sup>44</sup> Контракт позволяет компании «Албайрак» вычитать 60 000 долл. США в месяц на услуги по обеспечению безопасности, даже несмотря на то, что безопасность в порту обеспечивается силами сомалийских правоохранительных органов.

<sup>45</sup> Комитет по финансовому управлению неоднократно рекомендовал пересмотреть соглашения; 27 мая 2014 года Федеральный парламент официально выразил возражение против процедуры выбора подрядчика, однако федеральное правительство не последовало этим рекомендациям.

<sup>46</sup> В 2012 году Управление по контролю за иностранными активами Соединенных Штатов применило в отношении компании «Хормуд» санкционный режим. Ее основной акционер Нур Джималь подпал под действие санкций Организации Объединенных Наций из-за предполагаемых связей с «Аш-Шабааб». В 2014 году действие обоих санкционных режимов было отменено.

неров. Она участвует также в консорциуме, работающем в Сомалиленде и Пунтленде.

78. Ненадлежащее регулирование телекоммуникационных компаний, в том числе занимающихся денежными переводами, может представлять угрозу миру и безопасности в Сомали. Боевики «Аш-Шабааб» оплачиваются главным образом через службу электронного перевода денежных средств EVC-PLUS компании «Хормуд»<sup>47</sup>. По данным из источников в федеральном правительстве, компания отказывается сотрудничать в части предоставления данных о денежных переводах (см. приложение 4.5).

#### **Изъятие государственных земель**

79. Группа контроля документально зафиксировала многочисленные случаи изъятия государственных земель для продажи в частном секторе Могадишо в период 2014–2016 годов. Государственные земли, изначально занимаемые различными министерствами, выделялись администрацией области Банадир для реализации в частную собственность — по крайней мере в период после вступления в должность губернатора Хасана Мохамеда Хусейна «Мунгаба», в феврале 2014 года. По многочисленным сведениям, он получал непосредственную прибыль от реклассификации государственных земель в частные в течение срока своих полномочий в администрации<sup>48</sup>.

80. 28 июля 2016 года премьер-министр Омар Абдирашид Шермарке издал указ о создании комитета по охране государственного имущества, перед которым поставлена задача по сбору данных об имуществе, находящемся в настоящее время в собственности входящих в кабинет министерств и подведомственных учреждений, и о незаконно изъятых государственных землях. Согласно указу, который был направлен всем входящим в кабинет министров, Генеральному прокурору, спикеру и в аппарат президента, всем входящим в кабинет министерств и подведомственным учреждениям было предписано прекратить давать санкции на продажу или сдачу в аренду государственных земель, за исключением тех случаев, когда условия таких операций были проверены аппаратом премьер-министра и утверждены кабинетом<sup>49</sup>.

81. См. дополнительную информацию и факты, касающиеся изъятия государственных земель в Могадишо в приложении 4.6.

### **Е. Природные ресурсы**

82. Эксплуатация природных ресурсов продолжает создавать угрозу миру и безопасности в Сомали. В своем предыдущем докладе Группа контроля выра-

<sup>47</sup> Опросы задержанных членов «Аш-Шабааб» (Могадишо, февраль 2016 года).

<sup>48</sup> Беседы Группы контроля с бывшими сотрудниками администрации области Банадир, нынешними и бывшими должностными лицами федерального правительства Сомали и сотрудниками международных учреждений, состоявшиеся в Могадишо и Найроби в период с декабря 2015 года по август 2016 года. 11 августа 2016 года «Мунгаб» был официально назначен министром юстиции.

<sup>49</sup> Федеральное правительство направило в Группу контроля копию этого указа, которая помещена в архив секретариата.

зила обеспокоенность по поводу увеличения числа случаев межобщинных конфликтов из-за доступа к земле и воде в различных областях страны (S/2015/801, пункты 30–32). Эта угроза сохраняется, особенно на юге Сомали, поскольку репатриация беженцев после принятия кенийскими властями решения о закрытии лагеря беженцев в Дадабе может усилить давление на скудные ресурсы. Что касается финансирования конфликта, то «Аш-Шабааб» во все большей степени полагается на доходы от налогообложения незаконной торговли сахаром, сельского хозяйства и животноводства, особенно с учетом сокращения поступлений от реализации древесного угля. С точки зрения управления природными ресурсами, несмотря на достижение прогресса в нефтегазовом секторе, соответствующая нормативно-правовая база и учреждения-исполнители в этой сфере еще отсутствуют. И наконец, продолжается спор между Кенией и Сомали по поводу их морской границы, поскольку речь идет о правах на значительные запасы нефти и газа. То, каким образом будет урегулирован этот спор, может иметь важные последствия для отношений между Кенией и Сомали, что скажется также на мире и безопасности в регионе.

### **Финансирование «Аш-Шабааб»**

83. В течение срока действия настоящего мандата усилилась зависимость группировки «Аш-Шабааб» от поступлений от налогообложения незаконной торговли сахаром, сельскохозяйственного производства и животноводства, особенно на фоне сокращения доходов от продаж древесного угля. Ранее, по оценкам Группы контроля, группировка «Аш-Шабааб» получала на контрольно-пропускных пунктах в южной части Сомали доходы от налогообложения незаконной торговли сахаром, поставляемым из порта Кисмайо в Кению, по ставке 1000 долл. США за грузовик, а, согласно новой информации, можно предположить, что с тех пор «Аш-Шабааб» увеличила свой сбор с крупных гражданских грузовиков в Нижней Джуббе до 1500 долл. США с грузовика (см. S/2015/801, пункты 93–94)<sup>50</sup>. По одной из оценок, объем незаконной торговли сахаром может составлять не менее 230 грузовиков в неделю<sup>51</sup>. Это означает, что доходы «Аш-Шабааб» могут достигать не менее 12–18 млн. долл. США в год. В своем предыдущем докладе Группа контроля процитировала оценку Национального агентства разведки и безопасности, согласно которой «Аш-Шабааб» получила 9,5 млн. долл. США от налогообложения сельскохозяйственного производства в долине реки Джубба (см. S/2015/801, сноска 56). В то же время в 2015 году на долю продукции животноводства приходилось 40 процентов валового внутреннего продукта Сомали и объем экспорта в размере 384 млн. долл. США, что указывает на вероятный источник значительных доходов «Аш-Шабааб»<sup>52</sup>. Вместе с тем имели место многочисленные случаи, когда оказываемое на местах сопротивление все более агрессивным методам

<sup>50</sup> Электронное сообщение сотрудника Организации Объединенных Наций (1 июня 2016 года).

<sup>51</sup> См. Journalists for Justice, “Black and white: Kenya’s criminal racket in Somalia” (Nairobi, 2015). С материалом можно ознакомиться по адресу: [www.jfjustice.net/downloads/1457660562.pdf](http://www.jfjustice.net/downloads/1457660562.pdf).

<sup>52</sup> См. Food and Agriculture Organization of the United Nations, “Somalia exports 5.3 million animals, 6 per cent growth in 2015”, 14 April 2016. С материалом можно ознакомиться по адресу: [www.fao.org/somalia/news/detail-events/en/c/410266/](http://www.fao.org/somalia/news/detail-events/en/c/410266/).

сбора налогов на животноводство группировкой «Аш-Шабааб» в Средней Шабелле, Гальгудуде и Мудуге приводило к вооруженным конфликтам с гражданскими лицами и клановыми ополчениями, а это указывает также на то, что способность группировки выбивать деньги из местного населения имеет свои пределы<sup>53</sup>.

#### **Управление природными ресурсами: нефть**

84. На встрече с Группой контроля 2 февраля 2016 года министр нефти и минеральных ресурсов определил три основных приоритета на 2016 год: достижение соглашения о распределении доходов от освоении природных ресурсов между федеральным правительством и регионами, разработка типового соглашения о разделе продукции и составление централизованного реестра концессий в Сомали, по которым в период до 1991 года были предъявлены претензии в силу действия обстоятельств непреодолимой силы. При содействии Всемирного банка и Механизма оказания правовой помощи африканским странам Африканского банка развития завершена работа над новым типовым соглашением о разделе продукции, которое направлено в Комитет по финансовому управлению для конфиденциального рассмотрения, продолжавшегося на момент подготовки настоящего доклада. Хотя всеобъемлющее соглашение о распределении доходов еще не подготовлено, федеральное правительство заключило двусторонние соглашения о распределении доходов от нефти с временной администрацией Галмудуга и временной юго-западной администрацией, но не с временными администрациями Джуббы и Пунтленда<sup>54</sup>. В части создания централизованного реестра концессий на добычу нефти прогресса практически не достигнуто.

#### *Взаимоотношения между федеральным правительством и регионами*

85. Одним из потенциальных источников разногласий в нефтяной промышленности Сомали является отсутствие ясности во взаимоотношениях между федеральным правительством и регионами в части распределения доходов и прав в области развития. 5 сентября 2015 года между федеральным правительством и компанией «Спектрум АСА» был подписан контракт на морское сейсмическое профилирование (см. приложение 5.1)<sup>55</sup>. Против этого контракта решительно возражали обе временные администрации Джуббы и Пунтленда,

<sup>53</sup> См. Cedric Barnes, "Somalia's Al-Shabaab down but far from out", 27 June 2016; с материалом можно ознакомиться по адресу: <http://blog.crisisgroup.org/africa/somalia/2016/06/27/somalias-al-shabaab-down-but-far-from-out/>; "Minister: 22 killed as residents, Al-Shabaab clash over Zakah", Shabelle News, 22 February 2016; с материалом можно ознакомиться по адресу: [www.shabellenews.com](http://www.shabellenews.com); и "Locals clash with Al-Shabaab over alms collection, 4 people killed", Goobjoog News, 11 May 2016; с материалом можно ознакомиться по адресу: <http://goobjoog.com>.

<sup>54</sup> В ответ на письмо Группы контроля от 22 августа 2016 года (S/AC.29/2016/SEMG/OC.82) Министерство нефти и минеральных ресурсов передало Группе тексты соглашений о распределении доходов от нефти с временной администрацией Галмудуга и временной юго-западной администрацией.

<sup>55</sup> См. также Spectrum, "Spectrum signs seismic data agreement to kick-start oil exploration offshore Somalia", 7 September 2015. С материалом можно ознакомиться по адресу: [www.spectrumgeo.com/press-release/ground-breaking-seismic-data-agreement-to-kick-start-oil-exploration-offshore-somalia](http://www.spectrumgeo.com/press-release/ground-breaking-seismic-data-agreement-to-kick-start-oil-exploration-offshore-somalia).

которые не достигли соглашения о распределении доходов от нефти с федеральным правительством. В письме от 24 декабря 2015 года на имя Исполнительного вице-президента компании «Спектрум» Грэма Мейхью врио Генерального директора Нефтегазового агентства Джуббаленда Абди А. Раге заявил, что сейсмические операции, проводимые в отсутствие разрешения временной администрации Джуббы, «повлекут за собой серьезные последствия, включая арест сейсморазведочных судов и задержание персонала»<sup>56</sup>. Аналогичным образом, Генеральный директор Агентства нефти и минеральных ресурсов Пунтленда Иссе Мохамуд Фарах предупредил в заявлении для печати от 18 февраля 2016 года, что силы безопасности Пунтленда «произведут высадку на борт любого судна тех компаний, которые незаконно войдут в воды Пунтленда, и впоследствии арестуют их экипажи». Отчасти эти споры возникают в результате неопределенности относительно распределения прав и обязанностей в сфере освоения природных ресурсов, в том числе из-за неурегулированных разночтений между Законом «О нефти» 2008 года и временной конституцией 2012 года.

*«Сомы ойл энд гэс холдингс лимитед»*

86. В период действия своего предыдущего мандата Группа контроля провела обширное расследование деятельности компании «Сомы ойл энд гэс холдингс лимитед» («Сомы») в связи с коррупцией и подрывом государственных институтов посредством выплат, осуществлявшихся через программу наращивания потенциала Министерства нефти и минеральных ресурсов (см. S/2015/801, пункты 48–51 приложение 2.5). Первоначально исходя из фактологических материалов, предоставленных Группой, Отдел по борьбе с крупным мошенничеством Соединенного Королевства возбудил 31 июля 2015 года дело против компании «Сомы» в связи с утверждениями о коррупции в Сомали. 17 августа 2016 года компания утратила право на запрошенное ею ускоренное судебное рассмотрение результатов следствия. «Сомы» попыталась добиться прекращения расследования на основании наличия «реальной угрозы ее существованию» ввиду возникновения риска ее банкротства до завершения следствия. В ходе судебного рассмотрения Отдел объявил, что с декабря 2015 года он проводит расследование деятельности компании «Сомы» на предмет совершения «тяжких преступлений», помимо программы наращивания потенциала<sup>57</sup>.

87. В то же время в период с 25 по 28 июля 2016 года «Сомы» и Министерство нефти и минеральных ресурсов провели в Найроби предварительные переговоры по соглашениям о разделе продукции, предусматривающим разведку и разработку не менее восьми блоков. 22 августа 2016 года Группа контроля направила в Министерство письмо, в котором выразила озабоченность по поводу отсутствия необходимой нормативно-правовой базы и учреждений-исполнителей для разведки и разработки нефтяных месторождений. На по-

<sup>56</sup> С письмом можно ознакомиться по адресу: <http://jubalandtv.com/wp-content/uploads/2015/12/Protest-Letter-to-Spectrum-.pdf> (по состоянию на 16 сентября 2016 года).

<sup>57</sup> См. Suzi Ring, “Soma loses U.K. court bid to force SFO to end bribery probe”, Bloomberg, 17 August 2016. С материалом можно ознакомиться по адресу: [www.bloomberg.com/news/articles/2016-08-17/soma-loses-u-k-court-bid-to-force-sfo-to-end-corruption-probe](http://www.bloomberg.com/news/articles/2016-08-17/soma-loses-u-k-court-bid-to-force-sfo-to-end-corruption-probe).

вестке дня сохранялись задачи по завершению подготовки типового соглашения о разделе продукции, приведению в соответствие друг с другом текстов Закона «О нефти» и временной конституции, достижению всеобъемлющего соглашения о распределении доходов и созданию функциональных институтов, в частности нефтегазового органа, который будет отвечать за осуществление соглашений о разделе продукции. Группа выразила также обеспокоенность по поводу того, что «Сома» остается под следствием по уголовному делу (см. [S/AC.29/2016/SEMG/OC.82](#)). В полученном 26 августа ответе Министерство признало, что в настоящее время оно не располагает кадровыми ресурсами в лице, например, экономиста по нефти и газу и специалиста по заключению контрактов для проведения переговоров по контрактам на разведку и разработку нефтяных месторождений, и объявило о том, что им запрошена дополнительная помощь у Всемирного банка. 5 сентября 2016 года президент издал президентский указ, предписывающий федеральному правительству не согласовывать никакие новые контракты до завершения предстоящих выборов, что по сути отсрочило дальнейшие переговоры с «Сома».

### **Морской спор между Кенией и Сомали**

88. Как уже ранее отмечала Группа контроля в своем докладе за 2013 год, спор по поводу морской границы между Кенией и Сомали может иметь существенные последствия для регионального мира и безопасности. Предметом спора является территория в форме треугольника в Индийском океане площадью примерно в 100 000 км<sup>2</sup> с во многом вероятным наличием в ее пределах промышленных запасов нефти и газа. Кения считает, что морская граница должна проходить параллельно линии широты (находящейся от 1 до 2 градусов южнее), в то время как Сомали утверждает, что граница должна проходить от побережья в юго-восточном направлении как продолжение сухопутной границы. В обоснование своей позиции Кения ссылается на меморандум о взаимопонимании между двумя странами, который был подписан в апреле 2009 года переходным федеральным правительством. Однако парламент Сомали не ратифицировал меморандум, и в марте 2010 года он был признан Организацией Объединенных Наций «не имеющим исковой силы». В 2012 году Кения выдала лицензии на проведение разведочных работ на шельфе в спорном районе таким международным нефтяным компаниям, как «Анадарко петролеум корпорейшн», «Тоталь» и «Эни» (см. [S/2013/413](#), приложение 5.5, пункты 27–30, и приложение 5.5.k).

89. После явного провала дипломатических переговоров по урегулированию морского спора, в том числе по возражениям со стороны федерального правительства против выдачи Кенией лицензий на разведку в пределах спорной территории, Сомали подала 28 августа 2014 года иск в Международный Суд. 7 октября 2015 года Кенией были заявлены предварительные возражения. В своем заявлении Генеральный прокурор прямо увязал дело о морском споре с другими двусторонними вопросами. Он заявил: «Кенийские солдаты воевали против «Аш-Шабааб». Кенийские граждане пали жертвами террористических актов. Кроме того, Кения принимала более полумиллиона беженцев из Сомали на протяжении почти 25 лет. Самое меньшее, что может ожидать Кения от Со-

мали, — это то, что она будет выполнять свои двусторонние соглашения»<sup>58</sup>. На 19–23 сентября 2016 года Судом было запланировано публичное слушание.

### III. Воспрепятствование оказанию гуманитарной помощи

#### A. Гуманитарный доступ<sup>59</sup>

90. В пункте 22 своей резолюции 2244 (2015) Совет Безопасности подтвердил свое требование о том, чтобы все стороны предоставляли и обеспечивали полный, безопасный и беспрепятственный доступ для своевременной доставки помощи нуждающимся лицам на всей территории Сомали. Тем не менее, к началу 2016 года гуманитарные партнеры по-прежнему сталкивались с серьезными проблемами в части физического доступа в 28 округов в южных и центральных районах Сомали<sup>60</sup>. Основные препятствия создавала группировка «Аш-Шабааб», прибегая к экономической блокаде, особенно в областях Баколь, Бай, Гедо и Хиран, и осаде городов и районов, контролируемых противодействующими ей силами, и блокируя движение товаров и людей, в том числе гуманитарных работников и грузов<sup>61</sup>. Другие государственные и негосударственные вооруженные субъекты также усугубляли существующие трудности, поскольку основные маршруты снабжения становились все более непроходимыми из-за распространения практики создания на них незаконных контрольно-пропускных пунктов, чему способствовали фрагментация сектора безопасности, параллельные притязания на власть и слабость системы командования и управления (см. приложение 6.1).

91. Как уже сообщала в 2015 году Группа контроля, на всей территории страны и на всех уровнях власти сохранялись бюрократические препятствия, равносильные воспрепятствованию доставке гуманитарной помощи и усугубляемые неспособностью федерального правительства осуществлять централизованный контроль над управлением гуманитарными операциями на областном и окружном уровнях (см. S/2015/801, приложение 5.2, приложение 6.1 к настоящему докладу). Число инцидентов, связанных с созданием таких препятствий в течение срока действия настоящего мандата увеличилось в результате расширения круга участников, включая органы безопасности, которые стремились контролировать все аспекты гуманитарной деятельности. Это становилось

<sup>58</sup> См. Koome Kimonye, “Kenya challenges Somalia’s case on Indian Ocean boundary”, 7 October 2015, с материалом можно ознакомиться по адресу: <https://citizentv.co.ke/news/kenya-challenges-somalias-case-on-indian-ocean-boundaries-102623/>; и Olive Burrows, “Somalia thankless, AG says over maritime boundary row”, 8 October 2015, с материалом можно ознакомиться по адресу: [www.capitalfm.co.ke/news/2015/10/somalia-thankless-ag-says-over-maritime-boundary-row/](http://www.capitalfm.co.ke/news/2015/10/somalia-thankless-ag-says-over-maritime-boundary-row/).

<sup>59</sup> Отказ в гуманитарном доступе препятствует свободному проходу и своевременной доставке гуманитарной помощи нуждающимся лицам и включает намеренные нападения на гуманитарных работников.

<sup>60</sup> См. бюллетень о гуманитарной ситуации в Сомали, выпущенный Управлением по координации гуманитарных вопросов. В Сомали насчитывается 90 административных округов.

<sup>61</sup> Беседа с губернатором области Бай (Байдоа, 3 марта 2016 года); беседы с гуманитарными работниками (Могадишо, март-август 2016 года). См. приложение 6.1.

причиной задержек и перебоев в оказании помощи, а в некоторых районах полностью перекрывало доступ.

## **В. Нападения на гуманитарных работников**

92. Количество нападений на гуманитарных работников в Сомали за период 2014–2015 годов удвоилось, и 17 человек из их числа было убито<sup>62</sup>. Вместе с тем, в течение срока действия нынешнего мандата, наблюдалось сокращение общего числа гуманитарных сотрудников, погибших непосредственно в результате своего участия в гуманитарных операциях, по причине отсутствия какого-либо одиночного нападения с большим количеством потерь<sup>63</sup>. Однако при этом за период после завершения срока действия предыдущего мандата произошло абсолютное увеличение количества инцидентов в сфере безопасности, затрагивающих сотрудников гуманитарных организаций, что создало повышенную опасность для гуманитарных операций в целом<sup>64</sup>. На гуманитарных работниках также сказалось общее повышение интенсивности вооруженного насилия в отношении гражданских лиц (см. приложение 6.2). Хотя гуманитарные работники повседневно сталкивались с опасностью нападений, угрозами и притеснениями со стороны всех участников конфликта, а также политических и правительственных сил, большинство намеренных нападений на гуманитарных работников со смертельным исходом было совершено боевиками «Аш-Шабааб».

## **С. Нецелевое использование и хищение гуманитарной помощи**

93. Все более широкий круг субъектов, в особенности на региональном уровне, стремился манипулировать гуманитарными операциями и их участниками в целях получения политических или экономических выгод, в результате чего приходилось постоянно вести переговоры. Следует еще раз подчеркнуть, что в течение срока действия нынешнего мандата Группа контроля получала информацию о нецелевом использовании гуманитарной помощи субъектами во всех звеньях распределительной цепочки — от сотрудников служб безопасности доноров и посредников подрядчиков до официальных властей и местных лидеров. В некоторых районах гуманитарные операции настолько жестко контролировались небольшой сетью лиц или даже одним человеком за счет наличия у них монополии на политическую власть, финансы и применение силы, что во многих отношениях это можно квалифицировать как преступный кар-

<sup>62</sup> Электронное сообщение сотрудника Организации Объединенных Наций от 29 января 2016 года.

<sup>63</sup> 20 апреля 2015 года шесть человек погибли при подрыве террористом-смертником пояса смерти, в результате чего был поражен принадлежавший Детскому фонду Организации Объединенных Наций микроавтобус в Гароуэ.

<sup>64</sup> По данным Организации Объединенных Наций, за первую половину 2016 года зафиксировано свыше 80 инцидентов в сфере безопасности, затронувших гуманитарных работников, в результате которых 5 человек погибли, 8 получили ранения, 10 человек было арестовано, 3 человека похищено и 5 человек подверглись физическому насилию. См. бюллетень о гуманитарной ситуации в Сомали, выпущенный 28 июля 2016 года Управлением по координации гуманитарных вопросов.



тель<sup>65</sup>. Имелись определенные признаки того, что избирательный процесс, предполагающий переговоры с большей степенью заинтересованности в получении власти и ресурсов, стимулировал попытки незаконного присвоения гуманитарной помощи — особенно с точки зрения того, как региональные органы власти взаимодействовали с гуманитарным сообществом. Особенно подвержено манипуляциям по-прежнему было, например, распределение двусторонней помощи (см. приложение 6.3).

94. В то же время наблюдалось дальнейшее укрепление структурами Организации Объединенных Наций и неправительственных организаций методов контроля за распределением помощи — от организации телефонных информационных центров до получения изображений при помощи спутников, оценки электронных файлов, биометрической регистрации получателей помощи и добавления новых уровней к требованиям о соответствии<sup>66</sup>. В рамках этих усилий проводилась работа по анализу всей системы оказания гуманитарной помощи в Сомали в целом с точки зрения ее социальных, культурных и политэкономических аспектов, которые сделали нецелевое использование помощи столь неотъемлемым элементом модели хозяйствования<sup>67</sup>. Некоторые учреждения Организации Объединенных Наций предпринимали попытки решить весьма сложную задачу, что делать при установлении факта мошенничества (см. там же)<sup>68</sup>. Тем не менее, лица, настойчиво стремящиеся к нецелевому использованию помощи, отличались высокой степенью адаптации, подчиняя себе элементы новых механизмов мониторинга рисков и используя их для хищения помощи (см. там же). Поэтому несмотря на практически полное отсутствие изменений в общей картине рисков, вызывает разочарование тот факт, что структуры системы Организации Объединенных Наций показали ослабление сформировавшейся за период с 2013 года приверженности мерам по управлению коллективными рисками и обеспечению подотчетности<sup>69</sup>.

<sup>65</sup> См. информацию о картеле, действующем в Долоу, в приложении 7.8. Аналогичные сети имеются в Джоухаре и Беледуэйне, однако картель в Долоу является одним из наиболее сплоченных и мощных с точки зрения как тщательности контроля, так и способности осуществлять его за счет применения насилия.

<sup>66</sup> Так, например, в феврале 2015 года Всемирная продовольственная программа выступали с инициативой “SCOPE” по цифровой регистрации получателей помощи посредством ввода биометрической информации для контроля передачи помощи с биометрической подписью. По состоянию на июль 2016 года в рамках данной инициативы было зарегистрировано 1,3 млн. человек.

<sup>67</sup> См. например, исследование, проведенное в контексте тематического обследования по южной части Сомали в рамках инициативы «Коллективные решения в целях повышения подотчетности и прозрачности в чрезвычайных ситуациях», предпринятой организацией «Транспэрэнси интернэшнл». Цель исследования заключалась в формировании фактологической базы по коррупционным рискам и превентивным мерам и/или мерам по снижению рисков в связи с осуществлением гуманитарной деятельности на юге Сомали. Результаты этого исследования будут опубликованы в октябре 2016 года.

<sup>68</sup> Неспособность учреждений системы Организации Объединенных Наций принимать решительные меры при установлении факта нецелевого использования помощи является одним из основных факторов, способствующих формированию атмосферы безнаказанности в системе оказания гуманитарной помощи в Сомали. См. [S/2014/726](#), приложения 7.6 и 7.7.

<sup>69</sup> Следует, однако, отметить, что некоторые учреждения активизировали индивидуальные усилия на фоне сокращения коллективной работы. См. приложение 6.3.

## IV. Нарушения международного гуманитарного права, направленные против гражданских лиц

### A. «Аш-Шабааб»

95. В течение срока действия нынешнего мандата «Аш-Шабааб» либо брала на себя ответственность за многочисленные адресные убийства, либо такие убийства приписывались ей. Их жертвами являлись государственные должностные лица и гражданские служащие (от окружного до федерального уровня), персонал международных учреждений, в том числе Организации Объединенных Наций, активисты гражданского общества и журналисты. В заявлении от 30 декабря 2015 года «Аш-Шабааб» объявила о том, что объектом будущих нападений станут конкретно сотрудники органов безопасности и гражданские служащие<sup>70</sup>. В последующих заявлениях она угрожала непосредственно парламентариям и лицам, участвующим в выборах 2016 года, а также представителям Организации Объединенных Наций и западных стран, обеспечивающим этот процесс.

96. В период действия мандата увеличилось число комбинированных ударов по таким уязвимым гражданским целям, как гостиницы и рестораны, особенно в Могадишо, Байдабо и северной части Галькайо, которые повлекли за собой значительное количество потерь (см. приложение 7.1)<sup>71</sup>.

97. Группировка «Аш-Шабааб» часто пользуется похищением людей в качестве средства контроля за населением, будь то в связи с сотрудничеством с государственными органами, в порядке наказания той или иной общины или в целях дальнейшего взимания налогов<sup>72</sup>. Как уже указывала в своем докладе за 2015 год (S/2015/801) Группа контроля, за похищениями, совершаемыми «Аш-Шабааб», иногда следуют похищения членов семей боевиков «Аш-Шабааб», совершаемые правительственными силами. Кроме того, «Аш-Шабааб» казнила гражданских лиц, подозревавшихся в «сотрудничестве» с ее врагами, особенно после цикла отвода сил АМИСОМ и СНА<sup>73</sup>.

<sup>70</sup> См. “Al Shabaab Oo Dilal iyo Qaraxyo Ugu Hanjabtay Saraakiisha iyo Jawaasiista DF-ka Ee Ku Sugaan Magaalada Muqdisho”, SomaliMemo, 30 December 2015. С материалом можно ознакомиться по адресу: <http://somalimemo.net/articles/4131/Al-Shabaab-Oo-Dilal-iyo-Qaraxyo-Ugu-Hanjabtay-Saraakiisha-iyo-Jawaasiista-DF-ka-Ee-Ku-Sugaan-Magaalada-Muqdisho>.

<sup>71</sup> В одном из своих заявлений, «Аш-Шабааб» объявила, что гостиницы являются правомерными целями, поскольку ими пользуются государственные должностные лица и их союзники по заговору против народа Сомали.

<sup>72</sup> Так, например, 12 июня 2016 года 13 местных старейшин были похищены группировкой «Аш-Шабааб» в Гамболе, область Средняя Джубба, и доставлены в Шау, область Хиран. Они были освобождены после уплаты «налога» до окончания крайнего срока, установленного на 25 июля, и после того, как дали согласие регулярно уплачивать закят. Беседа Группы контроля с государственным должностным лицом в Средней Джуббе, препровожденная электронным сообщением от 8 августа 2016 года.

<sup>73</sup> См. таблицу с указанием случаев отвода сил Сомалийской национальной армии в течение срока действия нынешнего мандата в приложении 2.1. Так, например, в период с декабря 2015 года по июль 2016 года, город Берани, расположенный к юго-западу от Кисмайо,

98. В условиях растущего финансового давления «Аш-Шабааб» во все большей степени применяла насилие в отношении гражданских лиц для обеспечения уплаты налогов или «закята» и набора новобранцев в свои ряды из числа сопротивляющихся этому местных жителей (см. приложение 6.3). В то же время группировка стремилась позиционировать себя в качестве легитимного защитника законности и порядка, проводя собственные расследования нарушений, совершенных другими силами, разоружая клановые ополчения и созывая мирные переговоры.

99. По мере расширения «Аш-Шабааб» территории своих операций общины порой вымещают свой гнев за совершенные акты насилия главным образом на внутренне перемещенных лицах, беженцах и других лицах, которые ассоциируются у них будь то по клановым или иным соображениям с «Аш-Шабааб». Так, например, в северной части Галькайо традиционно хорошие отношения между внутренне перемещенными лицами и принимающими общинами и настоятельные призывы некоторых должностных лиц правительства к проявлению сдержанности, не воспрепятствовали убийству внутренне перемещенных лиц, беженцев и других неместных людей после серии убийств, приписываемых «Аш-Шабааб»<sup>74</sup>.

## **В. Федеральные и региональные силы безопасности и местные ополчения**

100. Группа контроля получала многочисленные сообщения о причастности федеральных и региональных сил безопасности и местных ополчений к нарушениям, совершенным в отношении гражданских лиц на блокпостах, в контексте незаконного содержания под стражей или внесудебных казней с целью вымогательства, в порядке клановой мести или для достижения политических целей (см. приложение 7.3).

101. В ряде случаев СНА и региональные силы присоединялись к сторонам межобщинных конфликтов, создавая повышенную опасность для гражданского населения. Однако при этом не наблюдалось повторения крупномасштабных нападений на гражданских лиц со стороны сил федерального правительства, зафиксированных Группой контроля в двух предыдущих ее докладах (S/2015/801, приложение 6.3, и S/2014/726, приложения 8.1 и 8.2). Вместе с тем, глубинные конфликты из-за ресурсов и отсутствие эффективного централизованного командования и управления силами безопасности, являющиеся

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трижды переходил из рук в руки, что сопровождалось причинением ущерба гражданскому населению в виде разрушения жилых домов и арестов жителей.

<sup>74</sup> Так, например, Группа контроля документально зафиксировала убийство четырех лиц, ищущих убежища, и внутренне перемещенных лиц в Галькайо в результате подрыва террористом-смертником пояса смерти 31 марта 2016 года, в результате которого погибли видный государственный чиновник, а также еще семь человек, включая двух детей. Беседа с сотрудником Организации Объединенных Наций (Галькайо, 5 апреля 2016 года); телефонный разговор с сотрудником одной из неправительственных организаций (Галькайо, 24 июня 2016 года).

главной причиной таких нападений, остаются во многом неурегулированными<sup>75</sup>.

102. Федеральные и региональные силы безопасности, а также местные ополчения, прибегали к насилию или угрозе насилием в отношении гражданских лиц, преследуя свои политические цели как в контексте регионального государственного строительства, так и в рамках подготовки к предстоящему завершению в 2016 году политического переходного процесса. Так, например, в ноябре и декабре 2015 года, напряженность в отношениях между временной администрацией Галмудуга и Пунтлендом переросла в вооруженный конфликт, приведший к многочисленным потерям среди гражданского населения и массовому перемещению населения. Кроме того, сохраняющийся конфликт в спорных областях Сол и Санаг сопровождался нарушениями, совершавшимися в отношении гражданского населения силами Сомалиленда, Пунтленда, местными силами «Хатумо» и местными ополчениями (см. приложения 7.4 и 7.5).

103. И федеральные, и региональные органы власти все чаще применяли казни, несмотря на официальную приверженность федерального правительства соблюдению моратория на них<sup>76</sup>. Только за период с января по август 2016 года было произведено в общей сложности 20 казней, причем 7 из них в Сомалиленде. Во многих случаях приговоры выносились в отношении гражданских лиц, включая детей, по завершении судебных процессов, проходивших без соблюдения основополагающих принципов надлежащей правовой процедуры, что является нарушением общей статьи 3 Женевских конвенций от 12 августа 1949 года<sup>77</sup>.

## С. Международные силы

104. В течение срока действия нынешнего мандата возросло число ударов, наносимых как по гражданским, так и военным целям, особенно в областях Гедо, Хиран, Нижняя Шабелле, Средняя и Нижняя Джубба, и повлекших потери среди гражданского населения, утрату средств к существованию и перемещение населения (см. приложение 7.7). После нанесения некоторых из таких ударов появлялись сообщения о сборе неразорвавшихся боеприпасов группировкой «Аш-Шабааб» для изготовления самодельных взрывных устройств (см. там же, пункт 83).

<sup>75</sup> См. информацию о сохраняющемся конфликте в Нижней Шабелле, в который вовлечена СНА, в приложении 7.5.

<sup>76</sup> Ряд бесед с персоналом Организации Объединенных Наций и неправительственных организаций в Могадишо и административных центрах областей, состоявшихся в период с марта по август 2016 года.

<sup>77</sup> Несмотря на то, что применение смертной казни само по себе не является нарушением, в зависимости от обстоятельств, в которых она применяется, могут совершаться нарушения общей статьи 3 Женевских конвенций от 12 августа 1949 года — императивной нормы международного права. Общая статья 3 Женевских конвенций применима ко всем сторонам в Сомали и запрещает, в частности, «осуждение и применение наказания без предварительного судебного решения, вынесенного надлежащим образом учрежденным судом, при наличии судебных гарантий, признанных необходимыми цивилизованными нациями» (статья 3(1)(d)).

105. Кроме того, документально фиксировались потери среди гражданского населения после наземных наступательных операций международных сил, часть которых составляет нарушения международного права в результате либо прямых ударов по мирному населению, либо неизбирательных или несоразмерных мер реагирования на фактические или предполагаемые угрозы со стороны «Аш-Шабааб» (см. приложение 7.6).

#### **D. Вербовка и использование детей**

106. В течение срока действия нынешнего мандата имело место общее увеличение числа проверенных и установленных Организацией Объединенных Наций случаев вербовки и использования детей-солдат, в частности группировкой «Аш-Шабааб» в Нижней и Средней Джуббе, Нижней Шабелле и Баколе, в том числе перед неудавшимся нападением группировки в Пунтленде в марте 2016 года<sup>78</sup>. Во время вторжения силами Пунтленда и временной администрации Галмудуга было захвачено более 100 детей, причем некоторые из них были в возрасте не старше 11 лет (см. приложение 7.2). Что касается СНА, то Организация Объединенных Наций проверила и установила 218 случаев вербовки и использования детей в 2015 году по сравнению с 197 случаями в 2014 году<sup>79</sup>. Однако в сентябре 2016 года командующий сил обороны заверил Группу контроля в том, что с введением биометрической регистрации в СНА нет бойцов из числа детей<sup>80</sup>. Параллельно с расширением внешней поддержки региональных сил, действующих вне сферы федерального контроля, Организация Объединенных Наций проверила и установила 40 случаев вербовки и использования детей группировкой «Ахль ас-Сунна валь-Джамаа» и 17 случаев — силами временной администрации Галмудуга в 2015 году<sup>81</sup>.

107. В своем докладе за 2015 год Группа контроля сообщала об утверждениях относительно использования детей, выведенных из состава вооруженных групп, для сбора разведывательных данных в пользу Национального агентства разведки и безопасности, что представляет собой нарушение международного права (S/2015/801, приложение 6.4, пункт 56). В июле 2016 года комитет по

<sup>78</sup> В 2015 году Организация Объединенных Наций документально зафиксировала 903 случая вербовки и использования детей, 555 из которых приписываются «Аш-Шабааб» (см. A/70/836-S/2016/360, пункт 113). Только за первые три месяца 2016 года документально зафиксировано 472 случая вербовки и использования детей (442 мальчиков и 30 девочек), из которых 276 случаев приписываются «Аш-Шабааб». Электронное сообщение сотрудника Организации Объединенных Наций (22 июля 2016 года).

<sup>79</sup> В марте 2016 года Организация Объединенных Наций оказала поддержку СНА в запуске одногодичной программы работы в поддержку выполнения планов действий по прекращению и предотвращению соответственно вербовки и использования детей, а также их убийства и причинения им увечий.

<sup>80</sup> Письмо генерала Мохамеда Адена Ахмеда в адрес Группы контроля с включением новых сведений (получено 6 сентября 2016 года).

<sup>81</sup> См. A/70/836-S/2016/360, пункт 113. Министр обороны сообщил Группе контроля, что федеральное правительство назначило должностных лиц для проведения совместно с государствами региона работы по прекращению вербовки и использования детей, указав на ряд усилий, предпринимаемых в этой области с участием властей всех четырех региональных образований и Беледуэйне. Письмо в адрес Группы (5 сентября 2016 года, неофициальный перевод Группы).

установлению фактов на уровне министров, сформированный аппаратом премьер-министра, подтвердил достоверность некоторых из этих утверждений, но отметил при этом, что такая практика уже прекращена<sup>82</sup>.

## **Е. Вынужденное перемещение**

108. В период с 1 января 2015 года по 30 июня 2016 года вооруженные конфликты, борьба между кланами и отсутствие безопасности стали причинами внутреннего перемещения почти 598 000 сомалийцев<sup>83</sup>. Продолжалось принудительное выселение уязвимых групп населения из неформальных поселений, причем не только в Могадишо, но и в других городах, включая северную часть Галькайо и Кисмайо, где к середине года перемещению подверглось свыше 46 000 человек<sup>84</sup>. Часто происходящие в контексте коррупции и незаконной передачи земли и имущества выселения нередко сопровождаются совершением других нарушений в отношении гражданских лиц (см. приложение 4.6). В пункте 39 своей резолюции [2297 \(2016\)](#) Совет Безопасности в июле 2016 года выразил озабоченность по поводу увеличения числа случаев принудительного выселения уязвимых групп населения, подчеркнув, что такое выселение должно осуществляться в соответствии с национальными и международными рамочными документами<sup>85</sup>.

## **V. Эмбарго на поставки оружия**

### **A. Выполнение федеральным правительством обязательств в рамках частичной отмены эмбарго**

109. В целях оказания помощи федеральному правительству в борьбе с «Аш-Шабааб» и поддержки формирующегося сектора безопасности в 2013 году Совет Безопасности в пунктах 33–38 своей резолюции [2093 \(2013\)](#) частично отменил эмбарго на поставки оружия в Сомали. Федеральному правительству было разрешено импортировать неограниченное количество оружия, боеприпасов (до определенного калибра и типа) и другого военного снаряжения. Силам было также разрешено получать помощь в других формах, таких как обучение и финансовая помощь. Со своей стороны федеральное правительство приняло на себя определенные обязательства — его обязали заблаговременно информировать Комитет обо всех получаемых поставках и поддержке, докла-

<sup>82</sup> Выводы министерского комитета по статье в «Вашингтон пост» о сомалийском агентстве разведки и предполагаемом использовании детей-перебежчиков в качестве шпионов (12 июня 2016 года, в архиве Группы контроля). См. рассмотрение утверждений в приложении 7.2.

<sup>83</sup> Информация предоставлена сотрудником Организации Объединенных Наций (5 сентября 2016 года).

<sup>84</sup> Электронное сообщение сотрудника одной из гуманитарных организаций (5 сентября 2016 года).

<sup>85</sup> Вместе с тем Группа контроля отмечает, что в презентации Совету по правам человека Генеральный прокурор заявил в апреле, что «никаких принудительных выселений внутренне перемещенных лиц в Могадишо или где-либо еще в Сомали не осуществлялось» (см. [A/HRC/32/12](#), пункт 33).

дывать непосредственно Совету о структуре и составе своих сил и создать эффективную систему управления запасами оружия и боеприпасов (пункт 39).

110. После получения сообщений о перенаправлении оружия, ввозимого на условиях частичной отмены эмбарго, о ненадлежащей отчетности и недостаточном соблюдении требований об уведомлении Совет Безопасности в 2014 году пунктами 6 и 7 своей резолюции [2142 \(2014\)](#) повысил уровень контроля, в соответствии с которым федеральному правительству было разрешено ввозить оружие и боеприпасы и получать помощь (см., например, [S/2014/726](#), приложения 6.2 и 6.4). Хотя Группа контроля отметила некоторые улучшения в части уведомлений, подававшихся федеральным правительством в Комитет в 2015 году, она выразила обеспокоенность в связи с сохраняющейся практикой перенаправления оружия (см. [S/2015/801](#), приложение 7.1).

111. В течение срока действия нынешнего мандата федеральное правительство улучшило качество и своевременность своих заблаговременных уведомлений о поставках, подаваемых в Комитет, и усилило координацию своих действий с некоторыми государствами-членами. Однако соблюдение двухступенчатой процедуры подачи уведомлений по факту поставки оружия и боеприпасов оставалось неудовлетворительным — только один доклад, представленный в Комитет по факту поставки, полностью соответствовал установленным требованиям. Тем не менее тот факт, что федеральное правительство своевременно не предоставляло достаточной информации в этих случаях, объясняется скорее отсутствием системы передачи информации в рамках структур федерального сектора безопасности, а также между федеральным правительством Сомали и государствами-членами, чем нежеланием федерального правительства выполнять взятые обязательства (см. приложение 8.2).

#### **Уведомления, подаваемые в связи с поддержкой сил безопасности федерального правительства**

112. В таблице ниже представлена обобщенная информация об уведомлениях, подаваемые в связи с поддержкой сил безопасности федерального правительства.

<i>Требования</i>	<i>Федеральное правительство</i>	<i>Государство-член/ международная организация</i>
Заблаговременное уведомление	14	7/0
Подтверждение по факту поставки	5	1
Сведения, предоставляемые после распределения	2 (представлены вместе с 2 вышеуказанными подтверждениями по факту поставки)	—

113. Ни федеральное правительство, ни государства-члены не информировали Комитет в соответствии с установленными требованиями обо всех материальных средствах и поддержке, полученных федеральными силами безопасности в течение срока действия настоящего мандата (см. приложение 8.2 и [S/2015/801](#), приложение 6.2). Основную часть этой предоставленной без уведомления под-



держки составляла такая нелетальная помощь, как выплата окладов и пособий, работы по созданию инфраструктуры, поставки военного обмундирования и подготовка кадров для СНА, полиции и Национального агентства разведки и безопасности.

114. В отчетности федерального правительства о структуре своих сил и системах управления запасами оружия и боеприпасов, представляемой согласно пункту 7 резолюции 2244 (2015) и пункту 9 резолюции 2182 (2014), по-прежнему отсутствуют важнейшие элементы (см. приложение 8.1). Несмотря на продолжающуюся интеграцию ополчений и формирование параллельных региональных сил, федеральное правительство не предоставляло никаких данных об изменениях в численности личного состава своих сил с 2014 года, когда им была передана информация только о численности личного состава СНА. Данные о численности личного состава остальных трех сил безопасности (полиции, Национального агентства разведки и безопасности и службы исполнения наказаний) вообще никогда не предоставлялись. Точно также федеральное правительство не предоставляло в течение срока действия мандата никакой информации об интеграции и статусе ополчений и региональных сил, хотя применительно к последним региональные органы власти могут не допускать строгого федерального надзора<sup>86</sup>. Предоставление федеральным правительством такой информации является не только вопросом выполнения условий частичной отмены эмбарго, но и неременной предпосылкой для обеспечения надлежащей и целенаправленной помощи со стороны государств-членов<sup>87</sup>.

#### **Продление срока действия частичной отмены эмбарго**

115. В течение срока действия нынешнего мандата федеральное правительство неоднократно настоятельно призывало Совет полностью отменить эмбарго на поставки оружия его силам, ссылаясь при этом на то, что эмбарго препятствует его усилиям по борьбе с «Аш-Шабааб». Совет мира и безопасности Африканского союза также призывал Совет к отмене эмбарго, которая, по его мнению, является важнейшим аспектом создания действенных институтов безопасности Сомали<sup>88</sup>. Однако эмбарго не препятствует федеральному правительству в импорте оружия и боеприпасов. По существу в период с частичной отмены эмбарго в 2013 году по 1 сентября 2016 года и федеральное правительство, и государства-члены подали заблаговременные уведомления на 20 479 единиц оружия и 13 007 276 штук боеприпасов, предназначенных для поддержки федеральных сил безопасности. Несмотря на улучшения в установленной феде-

<sup>86</sup> В пункте 7 своей резолюции 2244 (2015) Совет добавил требование о том, чтобы федеральное правительство предоставляло информацию о состоянии региональных сил. См. описание проблем, имеющих в этой области, в приложении 8.1.

<sup>87</sup> В июле 2016 года в преамбуле своей резолюции 2297 (2016) Совет Безопасности подчеркнул важность дальнейшего определения федеральным правительством состава национальных сил безопасности, выявления пробелов в потенциале с целью обозначения основных приоритетов для АМИСОМ и доноров в деле оказания помощи в секторе безопасности и определения областей сотрудничества с международным сообществом.

<sup>88</sup> См. Peace and Security Council of the African Union, communiqué of 29 June 2016. С материалом можно ознакомиться по адресу: [www.peaceau.org/en/article/communique-of-the-608th-meeting-of-the-psc-on-the-situation-in-somalia-and-the-african-union-mission-in-somalia-amisom#sthash.sOZ7oBeX.dpuf](http://www.peaceau.org/en/article/communique-of-the-608th-meeting-of-the-psc-on-the-situation-in-somalia-and-the-african-union-mission-in-somalia-amisom#sthash.sOZ7oBeX.dpuf).



ральным правительством системе маркировки оружия и управлении запасами импортных материальных средств в Халане, сохраняются серьезные проблемы в части планомерного распределения и отслеживания вооружений за пределами Могадишо в рамках всех сил.

116. В этой связи решение о сохранении частичной отмены эмбарго на поставки оружия для сил безопасности федерального правительства должно приниматься с полным пониманием проблем, с которыми сталкивается федеральное правительство в части выполнения установленных требований относительно управления запасами импортного оружия и предоставления точной информации о структуре, составе, численности и дислокации своих сил.

#### **Документальное оформление захваченного оружия и военной техники**

117. В соответствии с пунктом 6 своей резолюции [2182 \(2014\)](#) Совет Безопасности требует, чтобы СНА и АМИСОМ фиксировали и регистрировали всю военную технику, захваченную в ходе наступательных операций, и оказывали содействие ее инспектированию Группой контроля до ее перераспределения или уничтожения. В отличие от срока действия предыдущего мандата, федеральное правительство не предоставляло Группе никакой информации о захваченном оружии и военной технике по линии официальных сообщений<sup>89</sup>. 16 сентября 2016 года после направления Группой контроля официальной корреспонденции АМИСОМ передала Группе перечень захваченного оружия с указанием, что оно было предано федеральному правительству, в разбивке по секторам<sup>90</sup>.

### **В. Поддержка учреждений сектора безопасности Сомали**

118. В 2013 году, когда была санкционирована частичная отмена эмбарго, было предусмотрено, что федеральные службы безопасности будут постепенно интегрировать в свой состав местные силы, с тем чтобы вне контроля федерального правительства практически не осталось никаких структур безопасности. Однако при этом были сохранены дополнительные изъятия из эмбарго на поставки оружия для обеспечения поддержки сил безопасности двух уже созданных и функционирующих субъектов — Пунтленда и Сомалиленда. Таким образом, в соответствии с пунктом 11(а) резолюции [2111 \(2013\)](#) оружие или военная снаряжение и техническая помощь или подготовка, которые предназначены исключительно для содействия становлению других сомалийских органов безопасности, помимо сил безопасности федерального правительства, могут предоставляться или организовываться при условии подачи в установленном порядке соответствующего уведомления на рассмотрение Комитета и получения его согласия.

119. Будь то в контексте государственного строительства или же из-за опасений по поводу боеспособности СНА, государства-члены по существу наращи-

<sup>89</sup> Группа контроля оценила соблюдение такого требования в течение первого года с момента его установления в приложении 7.4 к своему докладу за 2015 год ([S/2015/801](#)).

<sup>90</sup> Письмо Специального представителя Председателя Комиссии Африканского союза Франшишу Мадейры от 16 сентября 2016 года на имя координатора Группы контроля.

вают свою поддержку нефедеральных сил (см. приложение 8.3). В то же время в результате упорного несоблюдения обязательств по уведомлению оружие, боеприпасы, другие материальные средства и поддержка таким структурам предоставляются фактически без всякого контроля<sup>91</sup>. И действительно, в течение срока действия нынешнего мандата Комитет получил всего лишь три относящихся к нефедеральным силам уведомления, все из которых касались помощи силам безопасности Сомалиленда со стороны только одного государства-члена в виде поставки исключительно несмертоносных материальных средств. Например, ни Объединенные Арабские Эмираты, ни Соединенные Штаты Америки не запрашивали санкции Комитета на свои программы поддержки морской полиции и сил безопасности Пунтленда (см. там же). Даже несмотря на то, что в рамках этих программ оказывается исключительно важная поддержка силам, находящимся на переднем крае борьбы с «Аш-Шабааб» и ИГИЛ, это представляет собой нарушение эмбарго всеми сторонами, участвующими в предоставлении и получении поддержки.

120. Тот факт, что государства-члены и другие доноры не запрашивают санкцию Комитета на оказание поддержки нефедеральным силам, подрывает осуществление оружейного эмбарго в целом и влечет за собой применение фрагментарного подхода к сектору безопасности<sup>92</sup>. Группа контроля определила ряд изменений к нынешней системе эмбарго на поставки оружия применительно к нефедеральным силам безопасности, которые, возможно, будут лучше отражать существующие реалии становления сектора безопасности и задачи в сфере безопасности на местах (см. там же).

## С. Сети незаконной торговли оружием

### Перехват на море поставок оружия и боеприпасов<sup>93</sup>

121. Группа контроля отслеживала три случая конфискации крупных схронов оружия международными военно-морскими силами, входящими в состав Объединенных военно-морских сил. Эти случаи характеризовались использованием судов «дау» без обозначений государственной принадлежности, и Сомали являлась либо пунктом назначения или транзита контрабандной поставки оружия. Подробная информация по этому вопросу приведена в приложении 8.4.

<sup>91</sup> Эта реалья контрастирует с широким контролем, осуществляемым Комитетом за поддержкой федеральных сил при мониторинге соблюдения обширных требований в соответствии с положениями о частичной отмене эмбарго.

<sup>92</sup> Например, когда после проведения стратегического обзора Отделения Организации Объединенных Наций по поддержке Миссии Африканского союза в Сомали, включавшего обстоятельный анализ поддержки, предоставляемой АМИСОМ всеми партнерами, Генеральный секретарь вынес рекомендации Совету о порядке содействия интеграции сил Пунтленда, он подчеркнул, что поддержка должна оказываться таким образом, чтобы это отвечало цели создания федеральной системы безопасности и способствовало общему гражданскому надзору и командованию и управлению СНА. См. S/2015/762, пункт 64.

<sup>93</sup> Совет Безопасности разрешил государствам-членам при определенных обстоятельствах перехватывать в сомалийских территориальных водах и в открытом море суда, в отношении которых имеются основания полагать, что они перевозят оружие и военное снаряжение, (резолюция 2182 (2014), пункт 15).

### **Сети контрабанды оружия в Пунтленде и Сомалиленде**

122. Группа контроля отмечает, что большая часть незаконного оружия по-прежнему поступает в Сомали через Пунтленд и, в гораздо меньшей степени, через Сомалиленд. В мае и июне 2016 года Группа расследовала три поставки стрелкового оружия в прибрежный город Пунтленда Кандау — центр контрабанды оружия с историческими связями с портом Эль-Мукалла в Йемене. Весьма вероятно, что часть этого оружия пошла на вооружение ополчения Абдисамеда Галлана — бывшего губернатора области Бари, поднявшего в июне 2016 года мятеж с целью свержения администрации Пунтленда. В конце октября 2015 года партия стрелкового оружия не установленного количества, предположительно включавшая выстрелы к противотанковым гранатометам РПГ-7<sup>94</sup>, была доставлена в район, находящийся примерно в 5 км к западу от порта Майд в Сомалиленде. Информация об этих поставках оружия приводится соответственно в приложениях 8.5 и 8.10.

### **Самодельные взрывные устройства**

123. Группировка «Аш-Шабааб» использовала в своих операциях самодельные взрывные устройства, изготовленные по все более сложным технологиям, чему способствовало постоянное присутствие иностранных инструкторов и перенятие опыта из других районов конфликтов. Последствия применения более новых технологий, позволяющие изготовить, например, устройства с формируемыми взрывом поражающими элементами проникающего типа и устройства с нажимной крышкой, проявились в период действия настоящего мандата в серии ударов по АМИСОМ и другим важным целям. Более эффективное использование самодельных взрывчатых веществ также повлекло увеличение потерь среди гражданского населения в результате крупных терактов с применением автомобилей с заложенными в них самодельными взрывными устройствами (см. приложение 7.1). Более подробная информация об усложнении технологии изготовления самодельных взрывных устройств группировкой «Аш-Шабааб» содержится в приложении 8.6.

### **Рынки незаконного оружия**

124. Группа контроля установила, что на рынках незаконного оружия в Сомали наиболее типичны продажи штурмовых винтовок, скопированных с автомата АК, и другого стрелкового оружия. Йемен по-прежнему является источником поставок оружия в Сомали, главным образом из небольших портов в Пунтленде, в то время как еще одним источником появления оружия в незаконном обороте остаются военнослужащие федеральных сил. В приложении 8.8 содержится таблица с перечнем оружия и боеприпасов, реализуемых на основных рынках оружия в Сомали.

<sup>94</sup> Беседы с сотрудником службы безопасности государства-члена, находящегося за пределами региона (18 февраля 2016 года), и с источником в региональной разведке (20 февраля 2016 года).

## **D. Авиакомпания «Даалло эйрлайнз»**

125. 2 февраля 2016 года на борту самолета авиакомпании «Даалло эйрлайнз», следовавшего рейсом № 159 из Могадишо в Джибути, сдетонировало взрывное устройство, спрятанное в портативном компьютере. Из-за неточного определения высоты, на которой было приведено в действие взрывное устройство, погиб только один человек — сам террорист-смертник Абдуллахи Абдисалам Борла. 13 февраля ответственность за этот теракт взяла на себя группировка «Аш-Шабааб»<sup>95</sup>.

126. Хотя «Аш-Шабааб» уже применяла самодельное взрывное устройство, замаскированное под портативный компьютер, по крайней мере в еще одном ранее совершенном теракте в Могадишо в ноябре 2013 года, это был первый случай, когда ее непосредственной целью стало воздушное судно. Выбор сомалийского бизнесмена в качестве террориста-смертника, обстоятельные оперативные меры предосторожности, включая очевидные убийства некоторых заговорщиков после теракта, а также признаки того, что «Аш-Шабааб», по всей вероятности, получила помощь извне в создании взрывного устройства, свидетельствуют об эволюции тактики, методов и процедур, применяемых группировкой. Данный теракт произошел после получения Группой контроля информации о том, что «Аш-Шабааб» проводит работу, направленную на укрепление своей способности поражать авиасредства, что указывает на растущую необходимость принятия эффективных мер по обеспечению авиационной безопасности в Сомали и регионе.

127. Этот теракт продемонстрировала также важные связи между «Аш-Шабааб» и некоторыми международными субъектами. Выводы Группы контроля по данному теракту содержатся в строго конфиденциальном приложении 8.7.

## **VI. Нарушения запрета на торговлю древесным углем**

128. В течение срока действия нынешнего мандата наметились некоторые позитивные тенденции в отношении запрета на торговлю древесным углем. Как было впервые отмечено Группой контроля в конце 2015 года, «Аш-Шабааб» продолжала свой стратегический отход от торговли древесным углем и, напротив, нападала или заключала под стражу производителей древесного угля и торговцев им на территории, где она пользуется влиянием. Кроме того, улучшилось положение дел с соблюдением запрета, в частности со стороны Объединенных Арабских Эмиратов. Эти два фактора способствовали формированию тенденции к снижению объемов экспорта древесного угля из Сомали по сравнению с несколькими предыдущими годами, которая особенно проявилась в мае 2016 года. Вместе с тем коммерческие сети, поддерживающие экспорт древесного угля из Сомали и его импорт в ОАЭ, по-прежнему функционируют; Группа контроля продолжает получать сообщения об отбытии судов «дау» с

<sup>95</sup> См. “Al-Shabaab claims Somalia plane bomb attack”, Al Jazeera, 13 February 2016. С материалом можно ознакомиться по адресу: [www.aljazeera.com/news/2016/02/al-shabab-claims-somalia-bomb-plane-attack-160213130832329.html](http://www.aljazeera.com/news/2016/02/al-shabab-claims-somalia-bomb-plane-attack-160213130832329.html).

грузом древесного угля из Кисмайо и Бур-Габо и их прибытии в Дубай, Объединенные Арабские Эмираты; и в настоящее время не существует эффективных мер, которые не позволяли бы «Аш-Шабааб» возвращаться к практике систематического взимания сборов с производства и перевозки древесного угля.

## **А. Производство, перевозка и запасы**

129. Наиболее заметная тенденция в части производства и перевозки древесного угля на экспорт заключается в изменении подхода «Аш-Шабааб», которое было впервые отмечено Группой контроля в период действия предыдущего мандата. Группировка перешла от взимания налогов на древесный уголь на контрольно-пропускных пунктах, находящихся по пути следования в порты, к объявлению запрета на древесный уголь в южных районах Сомали, находящихся под ее влиянием (хотя некоторые члены «Аш-Шабааб», возможно, все еще взимают налоги на древесный уголь в особых случаях), соблюдение которого обеспечивается заключением под стражу и нападениями на потребителей древесного угля и торговцев им. Такое изменение позиции группировки можно объяснить нарушением в начале 2015 года договоренности о распределении доходов с Ахмедом Мохаммедом Исламом (он же — «Мадобе»), в соответствии с которой она получала значительную часть своих доходов от древесного угля, особенно после утраты контроля над Кисмайо в сентябре 2012 года и Барауэ в октябре 2014 года<sup>96</sup>. После того как «Мадобе» отказал «Аш-Шабааб» в получении части доходов от экспорта древесного угля, группировка нанесла ответный удар, использовав принуждение в явном стремлении уменьшить доходы временной администрации Джуббы от продолжающейся торговли древесным углем. В конечном счете последствия сокращения поступлений «Аш-Шабааб» от торговли древесным углем для обстановки в плане безопасности остаются неясными, особенно с учетом ее способности компенсировать эту потерю доходами из других источников. Кроме того, исходя из имеющихся в настоящее время фактологических данных, Группа контроля все еще не может достоверно установить, в полной ли мере отошла группировка от торговли древесным углем.

130. Для хранения запасов экспортного древесного угля активно используются два пункта — Кисмайо и Бур-Габо (находится приблизительно в 125 км к юго-западу от Кисмайо). 20 апреля Группа контроля совершила облет этих городов на вертолете, подтвердив местонахождение и масштабы запасов древесного угля и сфотографировал их. В частности, как уже сообщалось в среднесрочной справке для Комитета от 22 апреля 2016 года, достаточно близко от места складирования запасов угля расположена база АМИСОМ, укомплектованная кенийским контингентом. В приложении 9.1 представлены аэро- и космофото-материалы с изображением этих запасов в Кисмайо и Бур-Габо.

131. В феврале и марте 2016 года федеральное правительство и временная юго-западная администрация обратились в Группу контроля за консультацией

<sup>96</sup> Беседа с бывшими торговцами древесным углем (13 июля 2016 года); и [S/2015/801](#), пункт 152.

относительно запасов угля в Барауэ, унаследованных от «Аш-Шабааб», использовавшей порт в качестве основного места складирования экспортного угля до освобождения порта в результате совместной наступательной операции АМИСОМ и СНА в октябре 2014 года. Группа контроля сообщила, что федеральному правительству следует, в консультации с временной юго-западной администрацией, письменно обратиться в Комитет за рекомендациями относительно соблюдения запрета на торговлю древесным углем, чего, по сведениям Группы, сделано не было. В соответствии с письмом от 14 апреля 2016 года, препровождающим справку федерального правительства об оружии и боеприпасах, для определения количества запасов угля в Барауэ и изучения возможности их местного потребления будет сформирован совместный комитет в составе представителей федерального правительства и временной юго-западной администрации. Поступления будут зачисляться в целевой фонд — частично на цели лесовосстановления и осуществления проектов развития на уровне общин (см. [S/AC.29/2016/NOTE.25](#)). Группа контроля по-прежнему обеспокоена тем, что запасы угля в Барауэ представляют угрозу для мира и безопасности. Сохраняется опасность того, что из-за древесного угля может возникнуть конфликт между вооруженными группами, стремящимися воспользоваться его коммерческим потенциалом, что финансовые поступления от его реализации могут быть незаконно присвоены и что древесный уголь может быть вывезен из страны в нарушение режима санкций (хотя последние спутниковые снимки, как представляется, подтверждают, что в течение срока действия нынешнего мандата складированные запасы не уменьшились).

## **В. Незаконный экспорт древесного угля**

132. Согласно оценке, полученной Группой контроля из источников, хорошо информированных о положении дел в древесноугольной отрасли, из Сомали в год вывозилось порядка 150–200 судов «дау» древесного угля до существенного снижения объемов незаконной торговли в мае 2016 года<sup>97</sup>. Если исходить из того, что в среднем на одном судне «дау» можно перевезти в среднем 30 000 мешков угля, то экспорт древесного угля из Кисмайо и Бур-Габо составлял 4,5–6,0 млн. мешков в год. Если учесть, что каждый мешок древесного угля весит 25 кг, то общий вес будет равен 112 500–150 000 тонн в год. Что же касается общегодовой стоимости продукта на основном экспортном рынке — в Объединенных Арабских Эмиратах, то она составляла 135–180 млн. долл. США оптом (110 дирхамов, или 30 долл. США за мешок) или в 171–228 млн. долл. США в розницу (140 дирхамов, или 38 долл. США за мешок).

133. Функционирование экономики экспорта древесного угля в Сомали определяется альянсом между временной администрацией Джуббы и местными деловыми кругами, особенно в Кисмайо. Одним из неотъемлемых участников этих взаимоотношений был Али Ахмед Наджи, который в настоящее время является одним из финансистов Палаты торговли, промышленности и сельского хозяйства Джуббаленда. Ранее, в 2013 и 2014 годах, он был идентифицирован Группой контроля как сборщик налогов для «Аш-Шабааб», один из основных

<sup>97</sup> Сезон дождей длится с августа по октябрь. Перевозка древесного угля на судах «дау» осуществляется в основном в остальные девять месяцев года.

незаконных торговцев древесным углем и компаньон Ахмеда «Мадобе», который в данный момент является председателем временной администрации Джуббы (см. [S/2013/413](#), приложение 9.2, пункты 11 и 26; [S/2014/726](#), пункты 141–143; приложение 6.8, сноска 94; и приложение 9.2, пункты 48 и 63). Временная администрация Джуббы получала значительные доходы от незаконного экспорта древесного угля через контрольно-пропускные пункты и взимания сборов в порту; последние сейчас начисляются в размере порядка 3 долл. США за мешок, что дает 1,1–1,5 млн. долл. США в месяц исходя из вышеприведенной оценки количества<sup>98</sup>. Вместе с тем зависимость временной администрации Джуббы от поступлений от экспорта древесного угля чревата и определенными рисками. Благодаря улучшению положения дел с соблюдением запрета на торговлю древесным углем со стороны Объединенных Арабских Эмиратов с мая 2016 года судовладельцы не желают грузить древесный уголь на свои «дау» в Кисмайо и Бур-Габо. В этой связи временная администрация Джуббы испытывает финансовые трудности, берет займы у местных бизнесменов и не выплачивает денежное довольствие полиции. В Кисмайо опасаются, что если временная администрация Джуббы будет не в состоянии найти альтернативные источники поступлений для оплаты труда сотрудников региональных сил безопасности, то они могут перейти на сторону «Аш-Шабааб»<sup>99</sup>.

134. Как уже ранее сообщалось Группой контроля, кенийский контингент АМИСОМ продолжает играть существенную роль в незаконной торговле углем из Сомали (см. [S/2013/413](#), приложение 9, и [S/2014/726](#), приложение 9). Согласно информации, полученной из источников в древесноугольной отрасли и неправительственных организациях, в обмен за разрешение на погрузку древесного угля в порту, который по существу находится под их контролем, кенийские силы получают сбор в размере 2 долл. США за мешок древесного угля, вывозимый из Кисмайо<sup>100</sup>. Группа подтвердила также наличие базы АМИСОМ, укомплектованной кенийским контингентом, в районе места складирования запасов угля в Бур-Габо (см. приложение 9.1). Хотя это не является окончательным доказательством активного участия кенийского контингента АМИСОМ в экспорте древесного угля из Бур-Габо, имеющиеся факты все же указывают на то, что кенийские силы не препятствуют экспорту, как об этом просил Совет Безопасности в своих резолюциях [2111 \(2013\)](#), [2182 \(2014\)](#) и [2244 \(2015\)](#). 23 февраля 2016 года Группа письменно обратилась к главе АМИСОМ Франсишку Мадейре с просьбой предоставить информацию о шагах, предпринятых с целью предотвращения экспорта древесного угля и обеспечения соблюдения запрета на торговлю им, введенного резолюцией [2036 \(2012\)](#), странами, предоставляющими воинские контингенты. Ответа Группа не получила.

<sup>98</sup> Беседа с бывшими торговцами древесным углем (13 июля 2016 года).

<sup>99</sup> Беседа с местным политическим аналитиком (1 сентября 2016 года).

<sup>100</sup> Беседа с бывшими торговцами древесным углем (13 июля 2016 года); и Journalists for Justice, “Black and white: Kenya’s criminal racket in Somalia” (Nairobi, 2015).

### **С. Перевозчики древесного угля**

135. Перевозчики древесного угля и их сообщники в портах используют несколько методов, позволяющих им обходить санкции. Они выбирают удаленные пункты, такие как Бур-Габо, для накопления запасов угля и его погрузки на суда главным образом во избежание обнаружения. Кроме того, по крайней мере в одном случае в течение срока действия нынешнего мандата погрузка древесного угля на несколько судов «дау» в Кисмайо была прервана из-за предстоящего прибытия сотрудника одного из учреждений Организации Объединенных Наций. «Дау» были отправлены в море с частичной загрузкой, а затем их погрузка возобновилась по завершении посещения порта. Все более распространенным явлением становится и запугивание работников в порту Кисмайо, включая аресты подозреваемых информаторов временной администрации Джуббы<sup>101</sup>. Кроме того, перевозчики, как правило, прикрывают чем-либо названия и регистрацию своих «дау» при погрузке древесного угля во избежание опознания, а суда, оснащенные приемопередатчиками с автоматической идентификационной системы, отключают их, с тем чтобы не допустить отслеживания их местонахождения. В порту разгрузки, главным образом в Объединенных Арабских Эмиратах, перевозчики используют поддельные документы, чтобы скрыть фактический порт погрузки своих «дау» (см. приложение 9.7).

136. За недавним исключением нескольких «дау» под флагом Шри-Ланки, практически все суда, на которых, как было установлено Группой контроля в течение срока действия настоящего мандата, осуществляется незаконная перевозка угля из Сомали, ходят под индийским флагом. Благодаря использованию конфиденциальных источников и при содействии Главного управления судоходства Индии, которое предоставило перечни судов, ходящих под индийским флагом, в период действия нынешнего мандата Группа контроля выявила не менее 29 судов «дау», которые нарушили запрет на торговлю древесным углем. Многие из них уже неоднократно совершали нарушения и упоминались в предыдущих докладах Группы контроля (см. приложение 9.5). Группа контроля рекомендует Совету Безопасности уполномочить государства-члены конфисковывать суда, перевозящие сомалийский древесный уголь, в своих территориальных водах и морских портах в соответствии со своим внутренним законодательством и требовать, чтобы такие государства-члены информировали Комитет о любых таких действиях, включая соответствующие данные о конфискации и реализации судов (см. раздел VIII).

### **Д. Незаконный импорт древесного угля**

137. Расследования, проведенные в течение срока действия нынешнего мандата, подкрепляют предыдущие замечания Группы контроля о том, что Дубай является основным пунктом назначения для незаконного сомалийского древесного угля (см. анализ официальных данных Объединенных Арабских Эмиратов по импорту древесного угля в приложении 9.3). До июня 2016 года «дау» с грузом угля швартовались в порту Рашид, а в последующий период они стали

<sup>101</sup> Беседа с местным политическим аналитиком (1 сентября 2016 года).



швартоваться в порту Хамрия<sup>102</sup>. Однако в результате улучшения положения дел с соблюдением запрета властями Объединенных Арабских Эмиратов, имеются также признаки того, что экспортеры сомалийского древесного угля в настоящее время, возможно, изучают альтернативные экспортные рынки<sup>103</sup>.

138. Наиболее важным способом обхода запрета на торговлю древесным углем является фальсификация таможенных документов, включая сертификат происхождения, счет-фактуру, коносамент и судовой манифест. Ранее Группа контроля уже документально подтверждала факты использования поддельных документов, в которых указывалось, что древесный уголь, поставленный из Сомали в Объединенные Арабские Эмираты, якобы был вывезен из Джибути, Кении или с Коморских Островов (см. S/2013/413, приложение 9.2; S/2014/726, приложение 9.4; и S/2015/801, пункты 156–161). В ходе расследований было установлено, что при поставке древесного угля из Сомали в таможенные органы Объединенных Арабских Эмиратов в течение срока действия нынешнего мандата представлялись три вида поддельных документов: с Коморских Островов, из Ганы и Пакистана (см. приложение 9.7). Поддельные документы изготавливались в Объединенных Арабских Эмиратах, причем посредник получал комиссию в размере порядка 5–6 дирхамов (1,36 долл. США) за мешок древесного угля.

139. Благодаря информации из конфиденциальных источников и при помощи перекрестных ссылок на предыдущие доклады Группа контроля выявила сеть поставщиков, инвесторов и оптовиков, которые в настоящее время участвуют в незаконной торговле сомалийским древесным углем (см. приложение 9.6). Этот бизнес способен приносить немалую выгоду с учетом того, что каждый мешок древесного угля из Сомали приносит чистую прибыль в размере порядка 10 долл. США — разность между инвестициями на сумму в 20 долл. США и оптовой ценой в 30 долл. США в Объединенных Арабских Эмиратах (см. приложение 9.2).

## **Е. Соблюдение государствами-членами запрета на торговлю древесным углем**

140. В течение срока действия нынешнего мандата Объединенные Арабские Эмираты значительно улучшили свое соблюдение запрета на торговлю древесным углем. Первоначально властями были изъяты грузы древесного угля с двух судов «дау» (один частичный, а другой полный), впоследствии реализованные 18 мая 2016 года на публичном аукционе в Дубае, на котором присутствовала Группа контроля (см. приложение 9.4.a). В последнее время власти конфисковали также грузы древесного угля еще с четырех судов «дау» (один частичный, три полных), которые могут быть проданы на другом открытом аукционе (см. приложения 9.4.b и 9.4.c).

<sup>102</sup> Подтверждено сотрудником таможни в Дубае (14 июля 2016 года).

<sup>103</sup> Беседа с местным политическим аналитиком (1 сентября 2016 года).

## **VII. Сотрудничество государств и других сторон с Группой контроля**

### **A. Федеральное правительство**

141. В начале срока действия нынешнего мандата федеральное правительство и представители его учреждений оказывали Группе весьма обнадеживающую поддержку. Эта поддержка несколько ослабла после утечки конфиденциальной информации из корреспонденции Группы, однако Группа все же продолжает получать немалое содействие со стороны федерального правительства. Управляющий Центральным банком Башир Исса выразил готовность внести существенный вклад и представить подробные ответы в поддержку расследований, проводимых группой. Министерство нефти и минеральных ресурсов также реагировало на просьбы о предоставлении информации, поступавшие от Группы.

### **B. Другие государства**

142. Группа получала ограниченное содействие со стороны правительства Кении и его служб безопасности. Группу беспокоило также коммюнике Кении о конфиденциальной среднесрочной справке, которая была распространена до ее выступления в Комитете в Нью-Йорке. На момент подготовки настоящего доклада Группа не получила ответа на свою официальную корреспонденцию в адрес Кении.

143. В связи с проводимым Группой контроля расследованием по делу об авиакомпании «Даалло эйрлайнз» Ангола предоставила Группе возможность совершения трехдневной поездки в страну. Группа получила высокопрофессиональное содействие и широкую поддержку со стороны ангольских властей.

144. Группа контроля наладила сотрудничество с Ираном и посетила эту страну. Исламская Республика Иран предоставила Группе возможность обмена мнениями по таким вызывающим озабоченность у обеих сторон проблемным областям, как морские угрозы, контрабанда оружия и финансовые сети.

145. Группа контроля получила неравномерное содействие со стороны Объединенных Арабских Эмиратов. Что касается расследования проблемы торговли древесным углем, то Группа осуществляла плодотворное сотрудничество с властями страны. Что же касается финансовых вопросов, то Группа до сих пор не получила ответа от властей относительно компаний, зарегистрированных в Дубае. Касательно сектора безопасности Группа отмечает также обструкционистскую роль военных советников из Объединенных Арабских Эмиратов в Босасо, которые дважды — в феврале и апреле 2016 года — блокировали доступ Группы на базу морской полиции Пунтленда.

### **C. Негосударственные субъекты**

146. Группа контроля получала эффективное содействие со стороны учреждений системы Организации Объединенных Наций и международных неправительственных организаций, занимающихся вопросами прав человека.

147. Группа контроля хотела бы отметить исключительное содействие, оказанное ей администрацией Пунтленда, в частности руководителем аппарата председателя Деком Юсуфом и начальником службы протокола аппарата председателя Абдисаламом Хасаном. Кроме того, Группа высоко оценивает поддержку, оказанную ей силами безопасности Пунтленда.

## VIII. Рекомендации

### A. Угрозы миру и безопасности

148. Группа контроля рекомендует Совету Безопасности:

а) вновь призвать федеральное правительство, региональные власти, АМИСОМ и государства-члены в полной мере сотрудничать с Группой контроля в деле обмена информацией о деятельности «Аш-Шабааб» в Сомали и регионе;

б) призвать федеральное правительство создать ревизионную комиссию под гражданским руководством специально для проверки СНА с неограниченным доступом в департамент материально-технического обеспечения и с представлением ежемесячной отчетности в Министерство финансов и международным донорам, оказывающим поддержку сектору безопасности;

с) настоятельно призвать федеральное правительство и региональные власти определить всеобъемлющую, инклюзивную и доступную по средствам структуру национальной безопасности и обязаться осуществлять реалистичный процесс интеграции сил;

д) изменить критерии для внесения в перечень за хищение финансовых ресурсов (резолюция 2060 (2012), пункт 2 (с)) с целью прямого включения хищений, совершаемых в региональных администрациях и федеральных государствах;

е) настоятельно призвать федеральное правительство Сомали воздерживаться от согласования каких-либо контрактов на разведку и разработку нефтяных месторождений до:

i) завершения работы над типовым соглашением о разделе продукции, в том числе с должным учетом конфиденциальной оценки со стороны Комитета по финансовому управлению;

ii) создания функциональных учреждений-исполнителей, в частности нефтегазового органа и национальной нефтяной компании;

iii) заключения всеобъемлющего конституционного соглашения о распределении ресурсов между соответствующими федеральными и региональными властями.

## **В. Эмбарго на поставки оружия**

149. Группа контроля рекомендует Совету Безопасности:

а) напомнить федеральному правительству о его обязанности предоставлять полную и достоверную информацию о структуре, составе, численности и дислокации своих сил безопасности, включая сведения о состоянии региональных сил и ополчений, и настоятельно призвать региональные власти сотрудничать с федеральным правительством в деле подготовки такой отчетности в соответствующих случаях;

б) изменить пункт 11(а) резолюции [2111 \(2013\)](#), в котором описываются изъятия для оказания поддержки учреждениям сомалийского сектора безопасности, не входящим в состав сил безопасности федерального правительства, на предмет уточнения объема изъятия, включая санкционирование таких форм помощи, как выплата пособий и создание инфраструктуры, в качестве подпадающих под изъятие, в целях повышения эффективности надзора Комитета за потоком смертоносных и несмертоносных материальных средств и оказания поддержки таким структурам и настоятельно призвать государства-члены и международные организации, оказывающие такую поддержку, неукоснительно выполнять требования об уведомлении и запросе санкции.

## **С. Воспрепятствование оказанию гуманитарной помощи**

150. Группа контроля рекомендует Совету Безопасности просить учреждения Организации Объединенных Наций активизировать свои усилия по участию в разработанной страновой группой Организации Объединенных Наций в Сомали системе управления коллективными рисками и подотчетности и по внесению в нее своего вклада, в частности применительно к тем элементам, которые связаны с обменом информацией, и пересмотреть организационные мандаты или процедуры в тех случаях, когда они могут препятствовать такому обмену.

## **Д. Нарушения международного гуманитарного права, направленные против гражданских лиц**

151. Группа контроля рекомендует Совету Безопасности:

а) настоятельно призвать федеральное правительство Сомали расследовать серьезные и неоднократные нарушения международного права, направленные против гражданских лиц в Сомали, и преследовать в судебном порядке сотрудников служб безопасности, ответственных за такие нарушения, и рассмотреть вопрос о включении физических и юридических лиц в перечни лиц, подпадающих под действие адресных санкционных мер;

б) просить федеральное правительство рассмотреть возможность разработки системы проверки лиц, предполагаемых к назначению на старшие должности в федеральных и региональных гражданских и военных структурах, на предмет их репутации в части соблюдения прав человека;

с) настоятельно призвать все международные силы в Сомали довести до сведения личного состава согласно передовой международной практике конкретные правила применения вооруженной силы и протоколы определения целей для поражения в части применения боеприпасов авиационного базирования в полном соответствии с принципами избирательности, соразмерности и необходимости;

d) призвать АМИСОМ выполнять рекомендации, сформулированные в рамках политики должной осмотрительности в вопросах прав человека Организации Объединенных Наций, и призвать другие государства, оказывающие прямую или косвенную помощь сомалийским силам безопасности, скорректировать свою поддержку с учетом мер, установленных в политике.

## **Е. Нарушения запрета на торговлю древесным углем**

152. Группа контроля рекомендует Совету Безопасности:

a) уполномочить государства-члены конфисковывать, в соответствии со своим внутренним законодательством, в своих территориальных водах и морских портах суда при наличии доказательств нарушения ими эмбарго на экспорт древесного угля из Сомали с последующей реализацией таких судов на публичных аукционах, проводимых соответствующим конфискующим органом, причем судовладелец будет обязан взять на себя расходы по возвращению членов экипажа на родину;

b) вновь призвать АМИСОМ оказывать помощь федеральному правительству в предотвращении экспорта древесного угля из Сомали и призвать АМИСОМ обеспечивать регулярный (т.е. как минимум ежеквартальный) доступ Группы контроля к портам, через которые осуществляется экспорт древесного угля, включая предоставление бронированных транспортных средств и принятие при необходимости других соответствующих мер безопасности.

## **Annex 1**

### **Harakaat al-Shabaab al-Mujaahidiin**



**Annex 1.1: captured material**

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



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

### Emergence of the ISIL faction

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

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

3. In southern and central Somalia, forces loyal to Al-Shabaab emir Ahmad Umar Abu Ubaidah cracked down on pro-ISIL militants within the group, carrying out arrests and executions, particularly in Lower and Middle Jubba, beginning in November 2015.<sup>2</sup> In an audio response released on Twitter on 12 December 2015, Mumin decried the killing of pro-ISIL members of Al-Shabaab, stating that those “who refuse the pledge of allegiance to the Caliph [Abu Bakr al-Baghdadi] should be killed”.<sup>3</sup> However, ISIL's influence within Somalia has thus far been limited, and the Monitoring Group has found no reliable evidence to date of Al-Shabaab's operational connections with or material assistance from ISIL.

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

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

### Strength and leadership

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

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

<sup>2</sup> Confidential international agency security report, 22 November 2015.

<sup>3</sup> Audio message available from

[http://sitemultimedia.org/audio/SITE\\_AbdulQadrMumin\\_Pledge\\_Advice\\_Shabaab.mp3](http://sitemultimedia.org/audio/SITE_AbdulQadrMumin_Pledge_Advice_Shabaab.mp3) (subscription only).

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

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

<sup>6</sup> Ibid.

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



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

7. In addition to Mumin, the Monitoring Group has identified two other leaders in Puntland's ISIL faction. Mahad Moalim (Majeerteen/Ali Salebaan) is currently serving as Mumin's deputy in Bari region, having defected from Al-Shabaab in December 2015.<sup>8</sup> Moalim is perhaps responsible for facilitating the arrival of fighters from Yemen into Somalia, as well as the importing of arms.<sup>9</sup> Prior to joining Mumin's ISIL faction, Moalim had been assigned as the deputy head of finance for Al-Shabaab Northeast (ASNE) in the Golis Mountains, under then-emir Bashir Shire Maxamed.<sup>10</sup>

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

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

#### **Links to Yemen**

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

11. The Monitoring Group has identified one Golis Telecom mobile phone selector associated with Mumin, 252906006692<sup>14</sup>; phone records obtained by the Group show that this selector was active from 1 April until 10 May 2016. As is typical amongst Al-Shabaab leaders, it appears that this selector was used only for certain communications during a limited timeframe, in order to avoid detection and potential targeted lethal action by Member States.<sup>15</sup>

12. During the period it was active, 25290600[REDACTED]jk was in contact with two unidentified phone numbers in Yemen, 967739775847 and 967730432115, a total of three times and eight times, respectively.<sup>16</sup> 25290600[REDACTED] was also in contact seven times in April 2016 with Telesom number 25263373[REDACTED] in Somaliland, associated with Nuradin a.k.a. Abdirahman (Isaaq/Haber Yunis), an active member either of Al-Shabaab or the ISIL faction.<sup>17</sup> Nuradin worked briefly as an accountant for a construction company in Hargeisa before departing for Yemen, via Garowe, on 5 May 2016.<sup>18</sup> Mumin's association with Nuradin, as well as the duration<sup>19</sup> and frequency of Mumin's calls to Yemen, support the reports of his ties to militants in that country.

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

<sup>9</sup> Information provided by a Western intelligence agency.

<sup>10</sup> Information provided by a regional intelligence source, 6 September 2016.

<sup>11</sup> S/2013/413, annex 1.7.

<sup>12</sup> Ibid.

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

<sup>14</sup> Provided to the SEMG by a regional intelligence source and confirmed by a Western agency.

<sup>15</sup> As of September 2016, the selector 252906006692 was no longer active.

<sup>16</sup> As of September 2016, both Yemen numbers were no longer active.

<sup>17</sup> Information provided to the SEMG by a regional authority, 6 September 2016.

<sup>18</sup> Ibid.

<sup>19</sup> Mumin's calls to Yemen lasted up to 14 minutes in duration.

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



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



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

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

14. The town of Galgala, located roughly 30 km southwest of Bosaso, sits at the eastern gateway of the range of the Golis Mountains inhabited by the ASNE insurgency—stretching to Erigavo in Somaliland<sup>22</sup>—known locally as the Buuraha Cal Madow (BCM), or Black Mountains. The mountainous terrain has traditionally proven too challenging for Puntland forces to control effectively, while the fertile valley stretching between the mountains has permitted insurgents to sustain themselves indefinitely off the land.

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

### Background: October 2014 and January 2015 Puntland offensives

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

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

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

<sup>20</sup> S/2015/801, paragraph 96.

<sup>21</sup> Ibid.

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

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

<sup>24</sup> Ibid.

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

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

### Disposition of forces

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

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

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

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

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

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

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

<sup>25</sup> Ibid.

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

<sup>27</sup> SEMG interview with Puntland *Darawish* commander, Galgala, 24 February 2016.

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

<sup>29</sup> Confidential international agency security report, 29 May 2016.

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

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

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

### ASNE leadership structure

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

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

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

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

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

<sup>31</sup> SEMG interview with Galgala Police commander in Galgala, 24 February 2016.

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

<sup>33</sup> Interview with Puntland military commanders in Galgala, 24 February 2016.

<sup>34</sup> S/2014/413, annex 1.4.

<sup>35</sup> Interviews with Puntland military commanders in Galgala, 24 February 2016.

<sup>36</sup> "Qatar grants asylum to former Somali rebel commander", *Hiiraan Online*, 5 March 2016. Available from [http://www.hiiraan.com/news4/2016/Mar/104433/qatar\\_grants\\_asylum\\_to\\_former\\_somali\\_rebel\\_commander.aspx](http://www.hiiraan.com/news4/2016/Mar/104433/qatar_grants_asylum_to_former_somali_rebel_commander.aspx).

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

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

<sup>37</sup> Ibid.

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

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

<sup>40</sup> S/2013/413, annex 1.7.



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

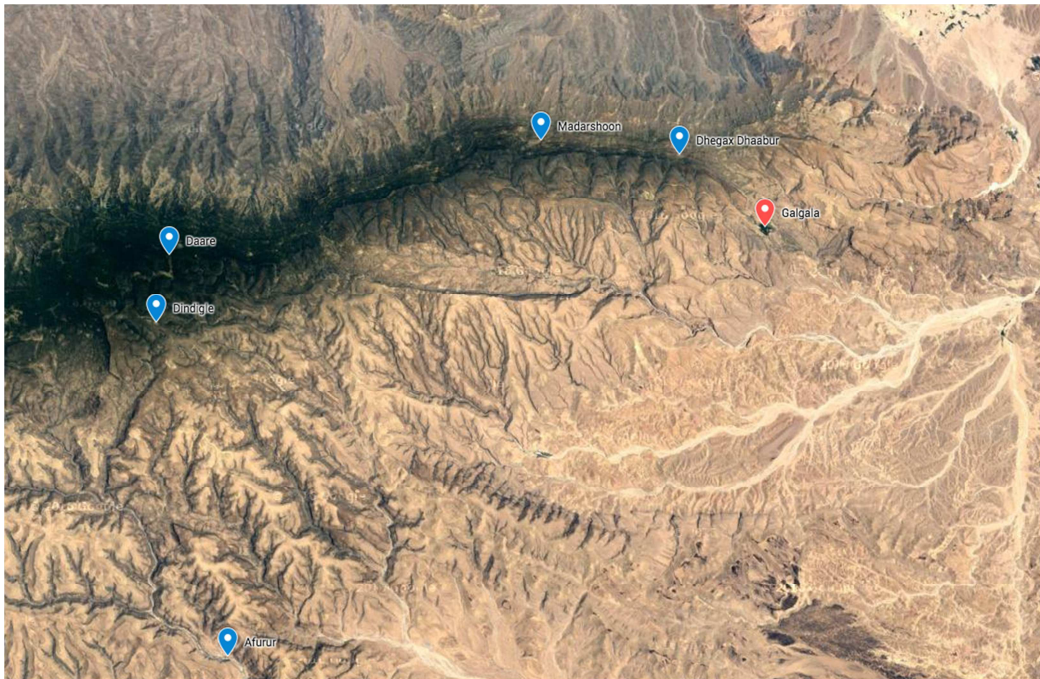


Figure 2: Location of Galgala within Puntland



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



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





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



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



**Annex 1.3.a: (STRICTLY CONFIDENTIAL)\***

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

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

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

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

#### Description of the operation

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

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

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

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

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

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

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

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

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

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

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

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

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

### Leaders of the operation

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

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

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

<sup>47</sup> SEMG interview with a Puntland military commander, Nairobi, 7 April 2016.

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

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

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

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

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

### Objective of the operation

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

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

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

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

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

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

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

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

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

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

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

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

51. On 19 June 2016, a Puntland court sentenced 43 of the detainees to death.<sup>60</sup> The Monitoring Group is concerned that some of those designated for execution appear to be minors. At the time of writing, the sentences are yet to be carried out; however, a Puntland representative informed the Group in September 2016 that the administration intended to proceed with the executions, particularly in light of a twin Al-Shabaab suicide bombing in Galkayo on 21 August.<sup>61</sup> The Puntland representative also told the SEMG that the administration had no intention

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

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

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

<sup>58</sup> Interview with senior Puntland prisons official, Garowe, 10 May 2016.

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

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

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

to transfer the 59 detained minors to a rehabilitation centre in Mogadishu, which he referred to as “revolving doors”, and said that requests had been made for the international community to build a rehabilitation facility in Puntland.<sup>62</sup>

### **Significance of the operation**

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

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

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

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

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<sup>62</sup> Ibid.

**Sidebars: Testimony from Al-Shabaab detainees in Garowe prison<sup>63</sup>**

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

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

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

...

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

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

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

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

...

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

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<sup>63</sup> Full names have been withheld in order to protect interviewees.



**Mohamed, from Sablale, Lower Shabelle region**

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

...

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

**Ali, aged approximately 50 years, from Hargeisa, Somaliland**

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

...

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

*Figure 1: Puntland military vehicles near Garacad, March 2016*



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



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

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

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

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

### Expenditure

57. Al-Shabaab remains capable of providing regular remuneration to its operatives, making it a potentially appealing alternative for members of the security forces seeking a more secure income, including Somali National Army (SNA) soldiers. Al-Shabaab monthly salaries currently range from approximately USD 50 for a foot soldier to approximately USD 1,000 for senior officers and certain tax collectors, with the majority of the estimated 4,000 to 7,000 operatives receiving USD 100.<sup>64</sup> Al-Shabaab has abandoned its previous reticence to using mobile money, and majority of the salaries are currently paid via Hormuud Telecom's EVC Plus service at the end of each Islamic calendar month.<sup>65</sup> Performance-based rewards are also paid; surviving participants of the El Adde campaign each received a USD 200-USD 400 bonus.<sup>66</sup> Al-Shabaab has also been known to have paid signing bonuses of USD 400 for new recruits, as well as occasional compensation to the families of suicide bombers.

### Revenues

58. Al-Shabaab collects revenue via direct taxation, extortion, commerce and external support. Zakat<sup>67</sup> is collected by designated Al-Shabaab units in the areas under its control. Other forms of taxation cover nearly all aspects of life of the people living in areas controlled by Al-Shabaab including, for example, use of the village water well. The value of Zakat collected from local population has soared while many of the public services previously provided by Al-Shabaab in return have diminished.

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

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

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

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

<sup>66</sup> Interview conducted in Mogadishu on 24 July 2016.

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

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

<sup>69</sup> A source described a journey made by the road from Mogadishu to Jowhar. After numerous disorderly checkpoints they arrived to area controlled by Al-Shabaab. The soldiers at the first checkpoint charged them USD 30 and gave

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

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

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

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them receipt, that they showed on the following checkpoint thus succeeding in avoiding any further payments. A similar procedure is described in: Transparency Solutions, "Beyond Isbaaro: Reclaiming Somalia's Haunted Roads", 2016 (unpublished). See annexes 6.1. and 6.3. for more information on impact of Al-Shabaab checkpoints on humanitarian access and increasingly aggressive taxation practices.

<sup>70</sup> Ibid.

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

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

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

**Annex 1.7: Mohamed Abukar Zubeyr**

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

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

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

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

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<sup>74</sup> S/2014/726, annex 1.4.

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

<sup>76</sup> S/AC.29/2016/SEMG/OC.27.

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

## **Annex 2**

### **Security Sector**

## Annex 2.1: Somali National Army composition and strength

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

<sup>78</sup> See annex 8.1 for more information on FGS compliance with the arms embargo.

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

<sup>80</sup> Extensive conflicting data on SNA composition and strength on file with the Secretariat.

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



## Annex 2.2: Somali National Army salaries, stipends and arrears

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

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

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

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

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

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

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

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

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

<sup>86</sup> Monitoring Group interview with Gorgor Solutions representative in Mogadishu, 16 June 2016.

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

	X/NO	Darajo	S/Kiisha Gt.4aad	shaar B.ABRIIL 2015				
			Magaca Afraan	Magaca Hooyo	Dhasha	Ku/shay	Mushaarka	SAXIIXA
✓	1	G/le Sare	Abdullahi Cali Nig	Nasir Nig	1969	Hiran	\$600	
✓	2	G/le	Abdullahi Nour Ali	Abdullahi Nour Ali	1982	Sh/dhexe	\$400	
✓	3	G/dhexe	Abdullahi Nour Ali	Abdullahi Nour Ali	1968	baay	\$500	
✓	4	G/Sare	Abdullahi Nour Ali	Abdullahi Nour Ali	1960	B/weyn	\$600	
✓	5	G/Sare	Abdullahi Nour Ali	Abdullahi Nour Ali	1960	B/weyn	\$600	
✓	6	G/sare	Abdullahi Nour Ali	Abdullahi Nour Ali	1950	C/buur	\$600	
✓	7	G/dhexe	Abdullahi Nour Ali	Abdullahi Nour Ali	1960	Garowe	\$500	

Figure 2: January 2016 SNA salary distribution by unit

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

قائد القوات المسلحة  
الصومالية  
رقم :  
تاريخ :

HOGGAANKA MAAMULKA LACAGTA

Office of the Finance

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

KU:Taliyaha Ciidanka XDS

=MUQDISHO=

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

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

15	Horinta Isbortiga	-\$5,600.00
16	Horinta Fanka&Suugaanta	-\$10,500.00
17	TQB60'aad&Gt7'aad	-\$18,250.00
18	Gt8'aad	-\$4,950.00
19	Gt 9'aad	-\$19,200.00
20	TQB21'aad	-\$17,950.00
21	Gt10'aad	-\$13,700.00
Lacagta baxday		\$000,000.00

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

Email: Absuge07@hotmail.com

Tel: 252-616106189

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

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

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

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

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

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

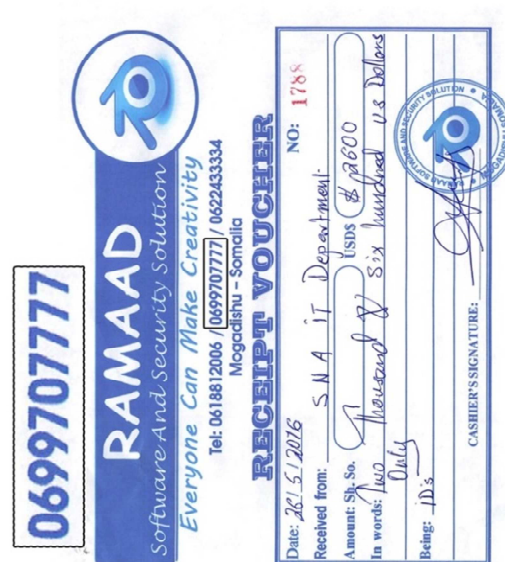
Figure 1: Copy of an SNA-issued identity card (personal details concealed)



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



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



#### Annex 2.4: Somali National Army rations and supplies

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

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

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

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

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

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

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

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

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

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

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

## Annex 2.5: Somali National Army support

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

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

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

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

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

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

<sup>96</sup> Resolution 2245 (2015), paragraph 2 (f).

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

<sup>98</sup> Monitoring Group interviews with UNSOS staff in Mogadishu in February and June 2016.

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

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

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

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

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

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<sup>102</sup> Email correspondence with EUTM representative, 3 August 2016.

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

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

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

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

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

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

<sup>107</sup> “Somalia hotel attack underlines need for supporting Somalia army – UN envoy”, *Hiiraan Online*, 2 November 2015. Available from [http://www.hiiraan.com/news4/2015/Nov/102386/somalia\\_hotel\\_attack\\_underlines\\_need\\_for\\_supporting\\_somali\\_army\\_-\\_un\\_envoy.aspx](http://www.hiiraan.com/news4/2015/Nov/102386/somalia_hotel_attack_underlines_need_for_supporting_somali_army_-_un_envoy.aspx).



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

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

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

<sup>110</sup> "Despite graft allegations, Somali president assures army's payments", *Hiiraan Online*, 6 March 2016. Available from [http://hiiraan.com/news4/2016/Mar/104447/despite\\_graft\\_allegations\\_somali\\_president\\_assures\\_army\\_s\\_payments.aspx](http://hiiraan.com/news4/2016/Mar/104447/despite_graft_allegations_somali_president_assures_army_s_payments.aspx).

<sup>111</sup> "Amid attacks, Somali parliament seeks better welfare for armed forces", *Hiiraan Online*, 13 March 2016. Available from [http://www.hiiraan.com/news4/2016/Mar/104544/amid\\_attacks\\_somali\\_parliament\\_seeks\\_better\\_welfare\\_for\\_armed\\_forces.aspx](http://www.hiiraan.com/news4/2016/Mar/104544/amid_attacks_somali_parliament_seeks_better_welfare_for_armed_forces.aspx). See also "Somali Federal Parliament calls on Government to review army benefits and payments", *Goobjoog News*, 13 March 2016. Available from: <http://goobjoog.com/english/?p=26292>.

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

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

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

<sup>114</sup> Kevin Sieff, “Somalia’s president says al-Qaeda-backed rebels are ‘resurgent’”, *The Washington Post*, 10 April 2016. Available from [https://www.washingtonpost.com/world/africa/somalias-president-says-al-qaeda-backed-rebels-are-resurgent/2016/04/09/56be207c-faa3-11e5-813a-90ab563f0dde\\_story.html](https://www.washingtonpost.com/world/africa/somalias-president-says-al-qaeda-backed-rebels-are-resurgent/2016/04/09/56be207c-faa3-11e5-813a-90ab563f0dde_story.html).

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

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<b>Date</b>	<b>Description<sup>104</sup></b>
11/07/2016:	SNA withdraw from Lantabur, Lower Shabelle, again following AS attack.
11/07/2016:	SNA temporarily withdraw from Merka, Lower Shabelle, again.
19/07/2016:	SNA temporarily withdraw from Qoryoley, Lower Shabelle.
24/07/2016:	SNA (and AMISOM/ENDF) withdraw from Garasweyne, Bakool.
14/08/2016:	Shabelle Media Network reports intra-SNA clash in Adado, Galgadud, resulting in the death of four soldiers, over salary distribution. <sup>116</sup>

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

## **Annex 3**

### **Spoiler politics**

### Annex 3.1: Hiran and Middle Shabelle state formation

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

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

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

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

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

<sup>117</sup> This report was submitted to the Secretariat on 20 September 2016.

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

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

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

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

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

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

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

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

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

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<sup>123</sup> Monitoring Group interviews with FGS and UN officials in Mogadishu in August 2016.

### Annex 3.2: 2016 transition challenges

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

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

### Political process

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

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

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

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

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

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

toral Commission (NIEC).<sup>126</sup> The regional presidents also then awarded themselves veto power over all members of both the Upper House and Lower House for their respective States.

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

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

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

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

## Concerns

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

20. Civil society has been largely excluded from the process. Pro-democracy organizations, Somali media networks, and opposition groups have reported attempts to stymie political debate.<sup>130</sup> Compounding perceptions that

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

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

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

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

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



the FGS was growing increasingly intolerant of dissent, President Hassan Sheikh provoked an angry backlash among his opponents when, during a speech made at a mosque while marking Eid-al-Fitr on 7 July 2016, he branded the government's critics to be the second enemy of Somalia after Al-Shabaab.<sup>131</sup>

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

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

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

24. Particular attention has been paid to: the exclusion of the Hawadle (Hawiye) elder, Ugas Hassan Ugas Khalif Ugas Roble; the appointment of the Badi'Ade (Hawiye) elder, Wabar Mohamed Wabar Ahmed; the appointment of the Saruur (Hawiye) elder, Suldun Mohamed Sheikh Islaweyn; the attempt to appoint Mohamed Ahmed

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

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

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

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

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

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

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

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

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

Hussein to represent the Reer Aw Hassan (minority); and the manipulation of the Ayr (Habar Gedir/Hawiye) elder, Ugas Hassan Ugas Mohamed Ugas Nur.<sup>140</sup>

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

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

## **Annex 4**

### **Public financial management and misappropriation**

#### Annex 4.1: Currency printing in Puntland

1. In late 2014 or early 2015, Puntland authorities are reported to have acquired a currency-printing machine, housed at the State Bank of Puntland in Bosaso, with which it has used to print counterfeit Somali Shillings.<sup>141</sup> The newly printed currency has been used to for payment of salary arrears to civil servants, members of the Puntland security forces and custodial corps.<sup>142</sup>
2. According to the Governor of the Central Bank of Somalia, Bashir Issa Ali, the last official Somali shillings were printed in 1990.<sup>143</sup> While bearing the official “Muqdishu 1990” markings, the Monitoring Group has acquired a number of obviously new shilling notes all with successive serial numbers (see below).
3. In early May 2016, violent protests against soaring commodity prices—prompted by the flood of newly printed notes onto the market—broke out in both Garowe and Bosaso. The exchange rate of Somali, which has otherwise remained relatively stable in recent years, rapidly rose from approximately SOS 23,500 to USD 1, to SOS 30,000 to USD 1.<sup>144</sup>
4. The President of Puntland, Abdiweli Mohamed Ali “Gaas”, has strongly denied to representatives of international financial institutions that Puntland authorities were involved in the printing of new currency.<sup>145</sup> On 26 August 2016, the Monitoring Group sent official correspondence to both the President and the Minister of Finance of Puntland requesting information on the acquisition, location and use of the currency-printing machine, but is yet to receive a response.<sup>146</sup> Requests to access the Bank of Puntland in Bosaso in August 2016 were refused by its Chairman, Abdi Ismail “Boos”, who has subsequently stopped acknowledging the Group’s attempts to make contact.
5. The total amount of new Somali Shilling currency in circulation is assumed to be relatively low. However, as demonstrated by the demonstrations in May 2016, relatively small quantities of new can still upset the market, causing inflation and commodity price rises hitting the region’s most vulnerable populations the hardest. Unregulated currency printing further threatens to undermine federal level negotiations with the International Monetary Fund (IMF) to implement currency reform in Somalia.
6. While the Monitoring Group recognizes the need for currency reform to formalize and stabilize the Somali economy, the unregulated currency printing in Puntland creates an opportunity for large-scale financial misappropriation, especially during the phase in which the old currency is exchanged for new genuine notes.

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

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

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

<sup>144</sup> The protests subsequently subsided when fixed exchange rates were introduced by the administration.

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

<sup>146</sup> S/AC.29/2016/SEMG/OC.88.

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



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

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

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

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

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

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

<sup>148</sup> See annex 4.1.

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

<sup>150</sup> Monitoring Group interview with Bashir Issa Ali in Nairobi on 7 September 2016.

<sup>151</sup> Ibid.

### Annex 4.3: Public contracts and concessions

#### Annex 4.3.a: Smart Company for Public Service

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

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

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

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

#### Annex 4.3.b: Modern Technologies Inc.

15. On 24 July 2014, a contract was signed by former Minister for Transport and Civil Aviation, Said Ali Jama Korshel and Modern Technologies Inc. (“MT”), represented by Mohamed Farah Hirsi<sup>160</sup>, to produce vehicle number plates, driving licences, and vehicle registration certificates in Somalia and create a database for all registered cars and drivers in Somalia. According to the terms of the agreement, MT and the Ministry of Transport and Civil Aviation would share the profits, 40 per cent and 60 per cent respectively.<sup>161</sup>

16. The initial contract entitled MT to a share of road tax collected by the Government. This provision was, however, not enforced and MT has limited its activities to manufacturing and issuing of car plates, driving licences and car registra-

<sup>152</sup> See figure 1.

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

<sup>154</sup> See figure 2.

<sup>155</sup> See figure 3.

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

<sup>157</sup> See figure 5.

<sup>158</sup> High-ranking FGS officials interviewed in Nairobi, March and July 2016.

<sup>159</sup> See figure 6.

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

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

tion certificates. On 22 July 2016, the Minister of Finance issued a letter to MT also authorizing MT to collect business and property taxes.

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

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

19. The SEMG has officially requested from the FGS information about the shareholders of Smart and MT as well as for the two companies that were granted the contract for food supply for NISA and Police Forces.<sup>165</sup> The Minister of Finance responded to the Group on 11 September 2016; however, instead of official data from Government entities<sup>166</sup>, the SEMG received affidavits from the respective companies indicating the shareholders and the executives.<sup>167</sup>

### Annex 4.3.c: Mogadishu Port

20. The contract between the Turkish company Albayrak Turizm Insaat Ticaret A.S. and the Minister of Public Works and Reconstruction, Marine Transport, Ports and Energy, for renovation and day-to-day operations of Mogadishu Port was signed on 24 October 2013.<sup>168</sup> The SEMG identified that contract in its previous midterm update to the Committee on 8 April 2015. The Financial Governance Committee (FGC) reviewed the contract in June 2014 and recommended its renegotiation. The FGC mentioned in its bi-annual report dated 31 October 2015 that the Ministry of Ports and Shipping requested the World Bank for technical assistance in the renegotiation process. The FGC also expressed concern regarding certain provisions of the agreement.

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

22. Government officials and law enforcement agencies representatives informed the SEMG that Albayrak is paying high ranked FGS officials and politicians on a monthly basis, and that this new agreement was made with the intention to provide money for the upcoming electoral campaigns. Some sources indicated to the SEMG that regular cash payments

<sup>162</sup> See figures 9.a and 9.b.

<sup>163</sup> S/AC.29/2016/SEMG/OC.91.

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

<sup>165</sup> Email requests in February and August 2016 and official correspondence in September 2016.

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

<sup>167</sup> See figure 15.

<sup>168</sup> See figure 10.

<sup>169</sup> See figure 12.

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



were made to some FGS officials and Members of the Parliament.<sup>171</sup> The SEMG could not document these allegations but did corroborate them from multiple sources.

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

23. Favori LLC from Turkey entered into an agreement with the Minister of Information, Post, Telecommunication and Transportation for renovation and day-to-day operations of the MIA in January 2013.<sup>172</sup> The Monitoring Group considers it to be a technically poor deal for the FGS and a case of potential abuse by a private entity:

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

24. For instance, in the financial report sent by Favori to the FGS, the total revenue produced in June 2016 was USD 1,165,249.74 while the total expenses were USD 611,408.62, thus leaving a net profit of USD 553,841.12.<sup>173</sup> The same document indicates that the expenses included a depreciation deduction of USD 297,379.62. Accordingly, only USD 249,228.50 went to the FGS for the month of June 2016; but if the depreciation deduction by Favori had been disallowed, then the FGS revenue would have been increased by another USD 133,820.83.

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

<sup>172</sup> See figure 11.

<sup>173</sup> See figures 13 and 14.

Figure 1: First and last page of Smart contract

**HESHIIIS TAAKULAYNI FARSAAMO EE DHEXMARAY WASAARADDA MAALIYADDA**  
(DOWLADDA FEDERAALKA SOOMAALIA)

**SHIRKADA SMART EE ADEEGGA GUUD**

IYO

Maanta oo ay taariikhdu tahay 20kii Sebtembar 2015 waxaa heshiis kaalmo faramo magaalada Muqdisho ku dhexmaray dhinacyada kala ah:

1) Wasaaradda Maaliyadda oo halkan loogu yeeri doono Wasaaradda

IYO

2) Shirkadda Smart ee Adeegga Guud oo halkan loogu yeeri doono Shirkadda:

**Qodobbada Heshiiska**

**Qod. 1aad**  
**Rukhsad**

Wasaaraddu waxey Shirkadda rukhsad u siiyey in ay daraasad ku sameeyso qaabka loo qado cashuurta waddada, diwaan gelisana dhamaan gawaarida kala duwan ee isticmaasha waddooyinka gobolka Baraadir iyo dalka intisa kale hadha intii suurtagal ah, si loo tayeeyo loona kordhiyo ururinta cashuurta waddada.

**Qod. 2aad**  
**Wajjibbaadka Shirkadda**

Shirkadda waxaa saraar waajibbaadka soo socda:

1. In ay tira koofto dhamaan gaafidka isla markaana dhiso nidaam casriyaysan oo lagu maariyo hab sami ubiinta cashuurta gaafidka,
2. In ay wasaaradda farasmo ahaan ka kaalmaiso ururinta cashuurta waddada iyo habsami ubiinta jirto meel marinyo qabo ku salaysan technologyda casriga ah ee suura gelin kara in qofkastaba uu baabuurkiisa si habsami ah ugu bixiyo cashuurta waddada.
3. In ay dayactiro qalabaynsana shan xarumood oo loo adeegsado ururinta cashuurta waddada oo loo yaqaano tere mesteraale
4. In ay toobto 80 qof oo ka mid ah howl wadenda wasaaradda ee ku shaqada leh ururinta cashuurta waddada.
5. In ay keento shan gaari oo loogu talo galay ururinta cashuurta waddada kuna xiro qabo fududeynta kala ogsashana baabuurta laga bixiyo cashuurta waddada iyo kan lagu leeyahay.
6. Qalabka gaafidka, nidaamka ama systemka iyo xogta waxaa bhaanaya wasaaradda.
7. Shirkadu waxey masuul ka tahay dayactirka iyo bedidka qalabki iyo gaarigii ciidoodba.
8. Shirkada awood uma lahan inay qabato cashuurta dowladda.

**Qod. 3aad**  
**Sharcinimada Heshiiska iyo Dhaqan Goolfisa**

1. Heshiiskan waxaa loo ciqabtay Qod. 11aad ee Xeer Sharc L. 1 ee 7dii Febraayo 1965 (dib u habeeynta Sharc L. 14 ee 3dii Juun 1962 kuna saabsan Xeerka Nidaamka Xukuumadda).
2. Heshiiskan wuxuu dhaqan gelayaa markii labada dhinac ay kals saxiixdaan, jirto laga diwaan gelinayo gargaarka Guud iyo Hantiidhowrka Guud laguna soo saariyo Taafiinta Rasmiya ah ee Jamhuuriyadda Federaalka Soomaaliya.

**Qod. 4aad**

Saxiixa Wasaaradda  
Mudane Maxamed Aadan Ibraahim  
Wasiirka Wasaaradda

Saxiixa Shirkadda  
Maxamed Cali Cabdulle  
Guddoomiyaha Shirkadda

**Smart**  
GENERAL SERVICE LTD X

Waa 650 qaybta xogta guudanka  
waa 650 qaybta xogta guudanka  
dagaal, kordhinta, heshiiska, waa 650  
ah heshiiska  
Bongpant 13.01.2016  
Dr. Farhan Ali  
Bongpant

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



Figure 3: Letter from Director Amina Sheikh Osman Mohamed

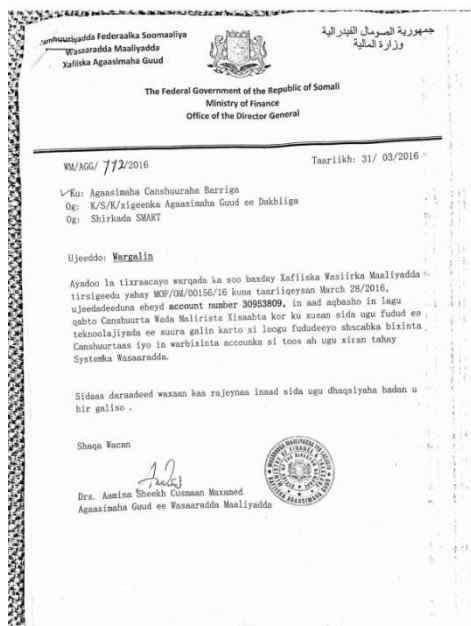




Figure 4: Letter from the Auditor General ordering to transfer the money collected in Salaam Somali Bank for road tax to the Central Bank



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

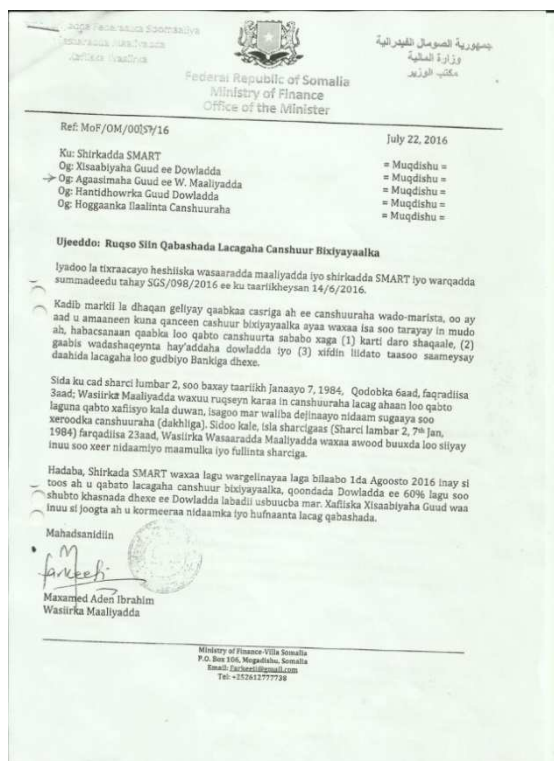




Figure 6: Letter of the Minister of Finance, authorizing Smart to directly collect road tax

Figure 7: First and last pages of the MT contract

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

Page 8

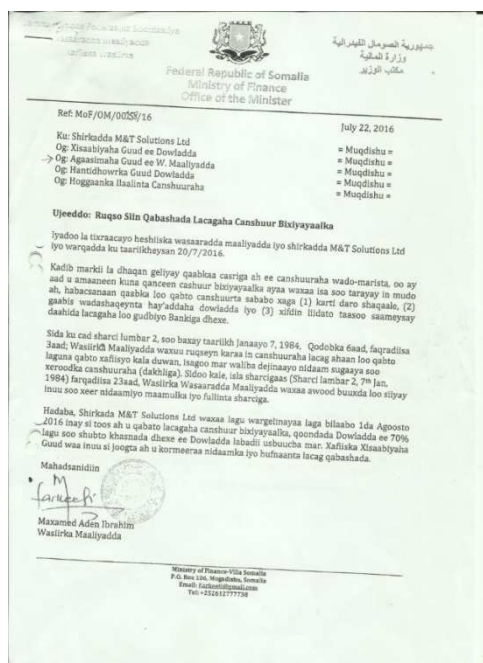


Figure 8: Letter from the Minister of Finance allowing MT to collect taxes directly

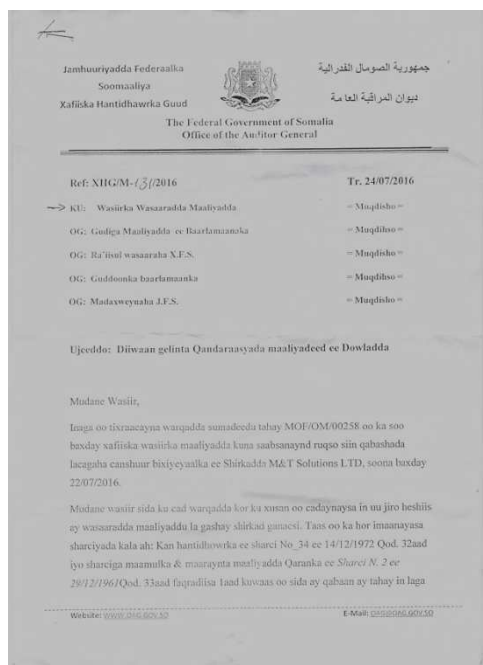


Figure 9a: First page of the AG's letter regarding the illegality of the tax collecting concession awarded by the Minister of Finance to MT



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



Figure 10: first page of the contract with Albayrak

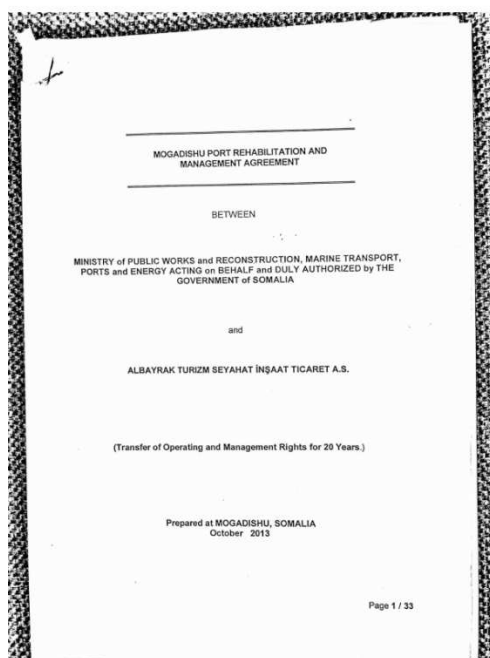


Figure 11: First page of the final version of the agreement with FAVORI from 24 January 2013

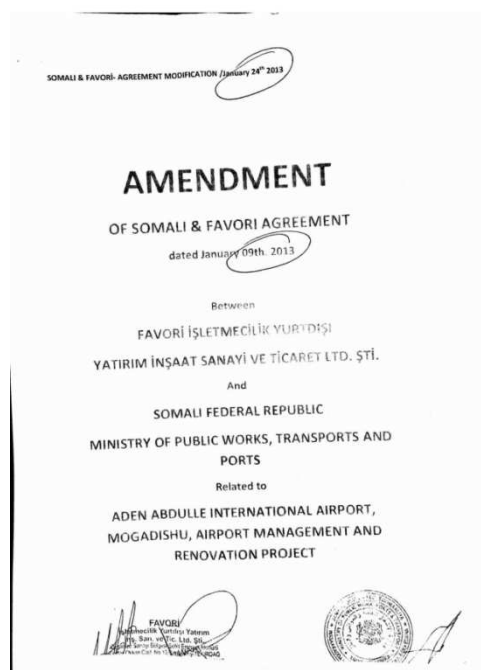


Figure 12: Interim agreement between the Minister of Finance and Albayrak

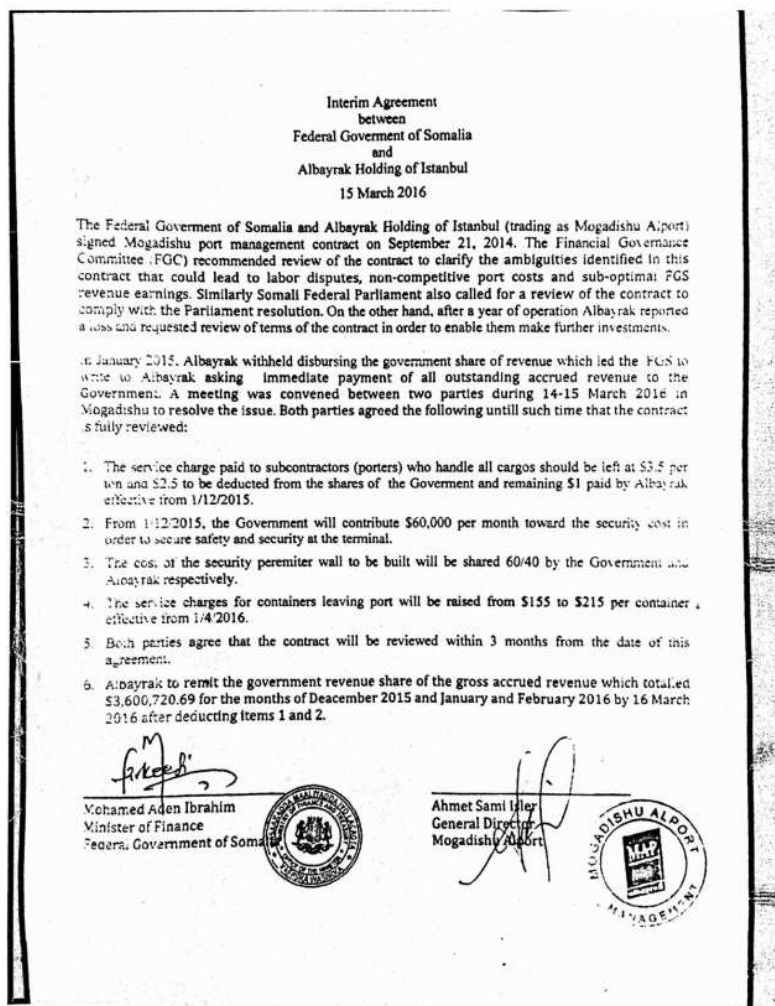


Figure 13: FAVORI financial report for the first 6 months

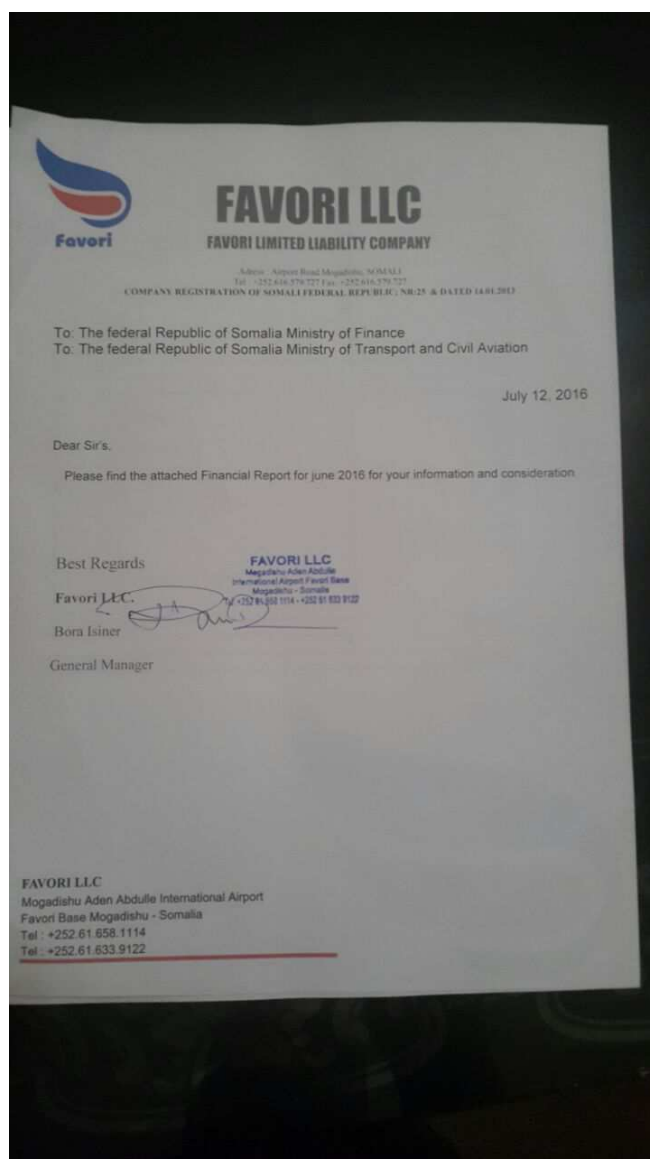


Figure 14: Financial situation for June 2016

FAVORI LLC

INCOME STATEMENT		2016 JUNE
Landing Fees/Extra Charges		148,547.15
Navigation Fee		161,805.00
Handling Charges		286,759.14
Pax International Charges		232,000.00
Pax Domestic Charges		39,831.00
Cargo Freight Charges		88,334.19
Handling Commission Incomes		107,933.24
<b>TOTAL SALES</b>		<b>1,165,249.74</b>
Netto Salaries		159,042.00
Terminal Cleaning Company		8,600.00
Cleaning material		372.00
Repair (building and vehicles)		9,564.00
Fuel oil Expenses		51,384.80
Communication expenses		145.00
Travel Expenses		21,033.60
Operational expenses		1,995.75
Internet expenses		7,550.00
Freight expenses		0.00
Insurance Accruals		14,957.40
Personal Accommodation and Food Expenses		18,947.58
Bank charges		447.25
Depreciation		297,379.15
<b>TOTAL EXPENSES</b>		<b>613,408.62</b>
<b>NET PERIOD PROFIT OR LOSS</b>		<b>551,841.12</b>

249,228.50

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

**Smart**  
General Services Ltd

Tar: 20/08/2016

Ref: S.G.S/164/2016

**Ujeedo: Cadayn**

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

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

Gudoomiyaha Shirkada  
**Ibrahim Mohamed Mohamed**




Address: Vinti una Oct St, Somali Airline  
Email: [smart.som@hotmail.com](mailto:smart.som@hotmail.com)  
Toll no: +252-612030300, +252-612-880993

#### Annex 4.4: Chinook Urban Mining International

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

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

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

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

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

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

<sup>174</sup> Copies of the email correspondence on file with the Secretariat.

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

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

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

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

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

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

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

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

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

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

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

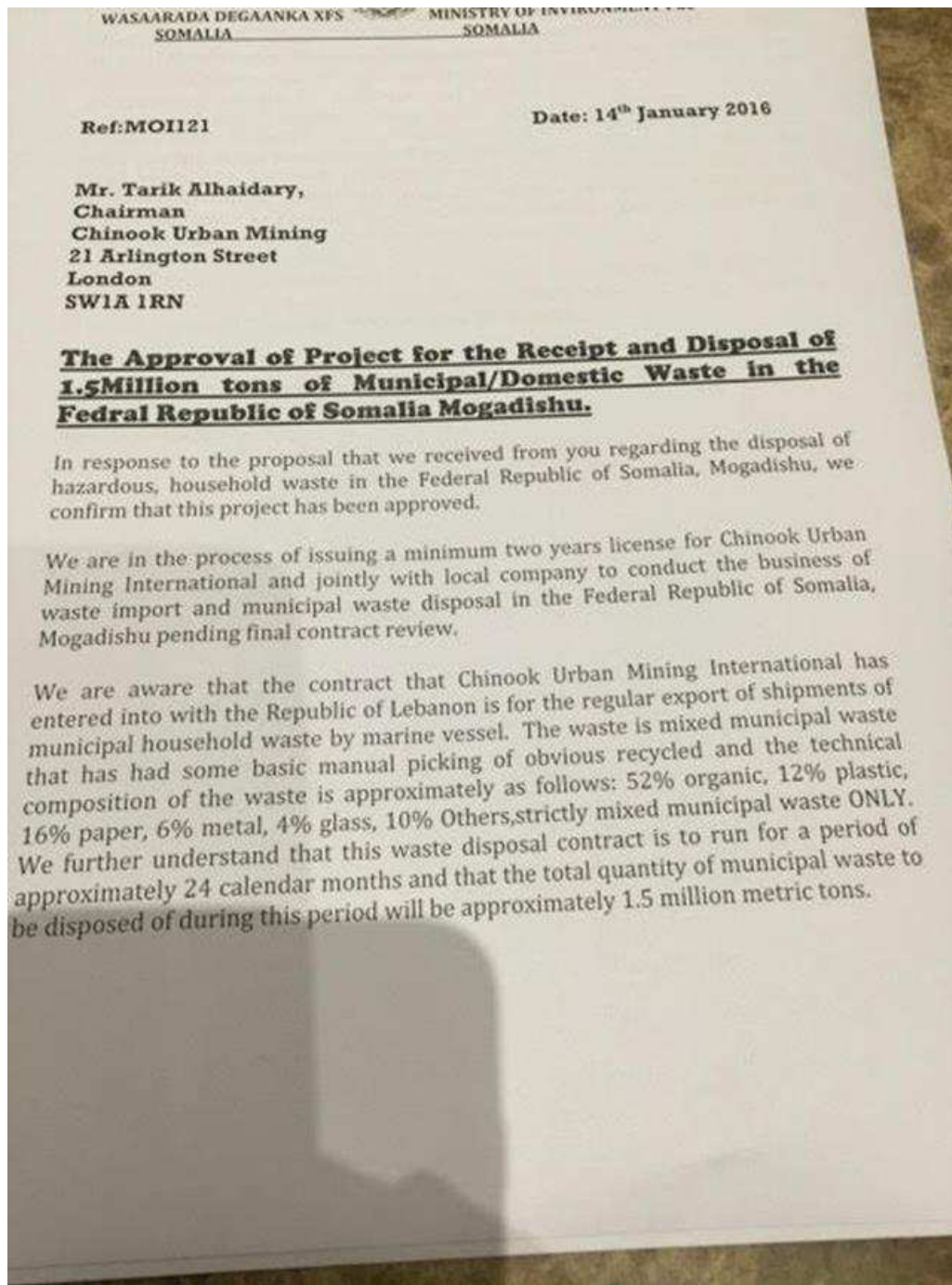
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<sup>180</sup> Emails provided to the Monitoring Group by a party copied thereon.

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

<sup>182</sup> Ibid.

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



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

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

Yours Faithfully






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

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

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

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

---

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

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

Email: [bhamza@hotmail.com](mailto:bhamza@hotmail.com)  
[buri.hamza@gmail.com](mailto:buri.hamza@gmail.com)  
[stateminister.env.opm@gmail.com](mailto:stateminister.env.opm@gmail.com)

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

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

Dear Mohamed,

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

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

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

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

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

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

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

In summary this is what I need from you urgently:

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

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

Kind Regards

Saeed

## Annex 4.5: Telecommunications sector

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

### Annex 4.5.a: Taxation and regulation

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

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

### Annex 4.5.b: Mobile money and security risks

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

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

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

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

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

<sup>186</sup> Interviews with Somali officials in Nairobi, June and August 2016.

39. Hormuud launched the first mobile money service in south and central Somalia, at the end of 2009, called ZAAD. At that time ZAAD was compliant with international standards for money transfer services, including with anti-money laundering regulations. It was mandatory that a person opening a mobile money account would also attach a telephone number registered under the same name. Procedures also required the user to fill a registration form containing the following information: full name (four names), mother's name, date, and place of birth and residence. An ID photo and the name of a family member who could vouch for the user were also required. But ZAAD only functioned for less than one year in south and central Somalia.<sup>187</sup>

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

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

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

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

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

## Annex 4.6: Public land appropriation

### Ministry of Civil Aviation and Transport land in Dharkenley district

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

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

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

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

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

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

<sup>192</sup> Official correspondence reference: S/AC.29/2016/SEMG/OC.77.



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



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





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



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

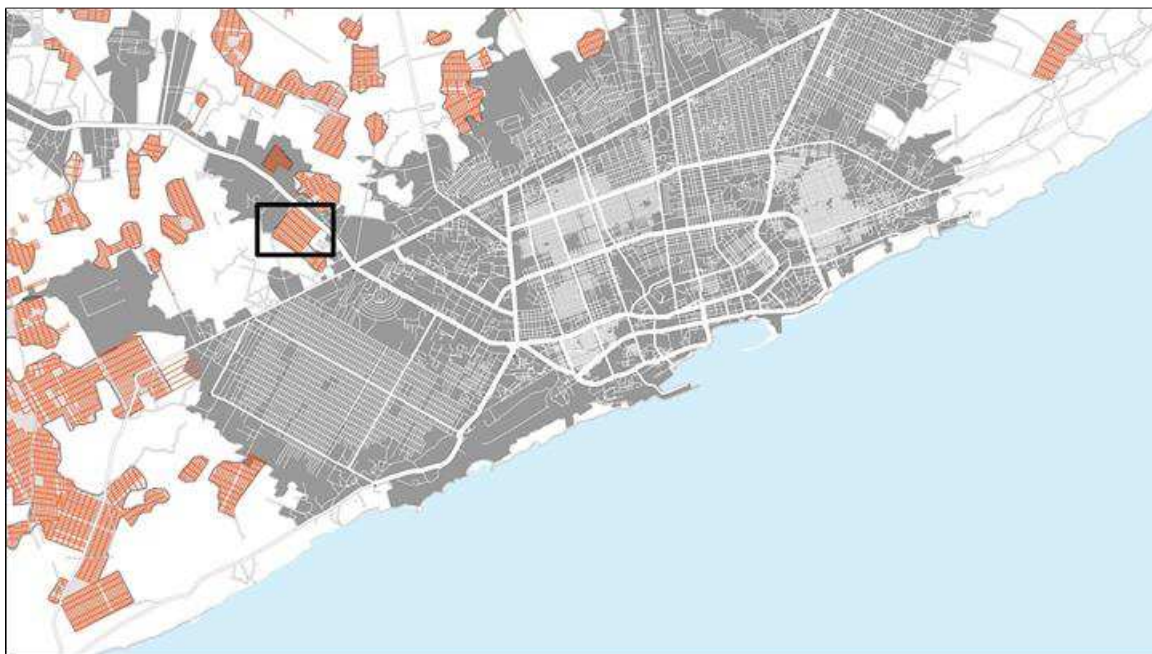


Figure 5: Min. of Transport &amp; Civil Aviation approval

JAMHUURIYADDA SOOMAALIYA  
Xukuumadda Federaalka  
Wasaaradda Gaadiidka iyo Duulista Hawada

جمهورية الصومال  
الحكومة الفيدرالية  
وزارة النقل والطيران الجوي

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

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

Ku: Guddoomiyaha G/Banaadir Ahna Duqa Magaalada Muqdisho.

Ujeedo: Ogoalansho kamaarmid dhul (Noolo Oosto)

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

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

Sidaa daraadeed waxaanu kamaaraneyn dhulkaa, bacadnaa dadkii laga dumiyey dhulka aan kor ku xusney laadajinayo.

Wadashaqeyn Wacan,

Said J. Ali Korshel  
Wasiirka Wasaaradda

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

Figure 6: Office of the President approval

Jamhuuriyadda Federaalka Soomaaliya  
Xafiska Madaxweynaha

جمهورية الصومال  
مكتب الرئيس

Federal Republic of Somalia  
Office of the President

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

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

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

Mudane Guddoomiye,

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

Fulin wacan

Xasan Sheekh Maxamuud  
Madaxweynaha JFS

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

Figure 7: Benadir Regional Administration approval

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

جمهورية الصومال  
إدارة محافظة بنادر  
بلدية مقديشو  
مكتب المحافظ

JAMHUURIYADDA FEDERALKA SOOMAALIYA  
Maamulka Gobolka Banaadir  
Dawladda Hoose Ee Muqdisho

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

Ku: Madaxweynaha Jamhuuriyadda Soomaaliya Muqdisho.

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

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

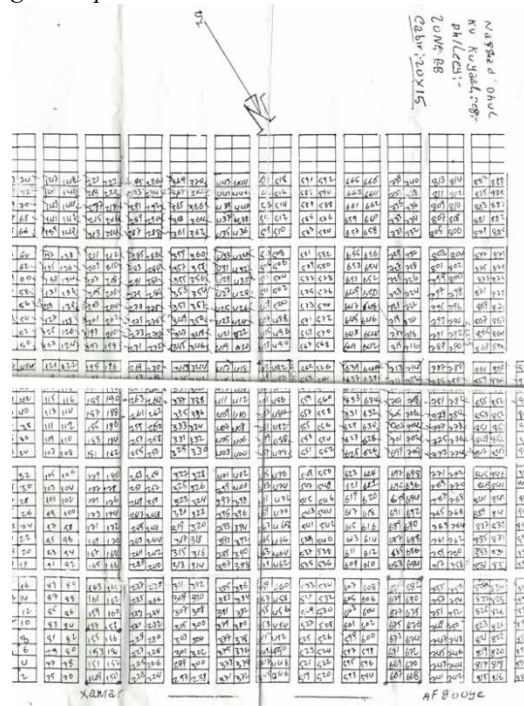
Mudane Madaxweyne, Waxaan halkaan kugu soo gudbinayaa codsi ku aadan in aad noolo oosto saarto dhulka ku yaalla Degmada Dharkenley cabirkisuna yahay 600X650mt, ayna leedahay Wasaaradda Gaadiidka & Duulista Hawada, dhulkaas oo aan u doonyno in aan dib u dejin ugu sameeyno dadkii laga dumiyey hareeraha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

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

Iga guddoon Salaam & Ixtiraam Badan.

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

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





### Ministry of Commerce and Industry land in Yaaqshid district

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

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

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

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

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<sup>193</sup> [S/AC.29/2016/SEMG/OC.77](#).

Figure 9: Ministry of Commerce and Industry approval

Xukuumadda Federaalka  
Wasaaradda Ganacsiga & Warshadaha

الحكومة الفيدرالية  
وزارة التجارة والصناعة

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

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

Ku: Madaxweynaha Jamhuuriyadda Federaalka Somaliya -Mogadishu-

Ujeedo. Warbixin dhuleed

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

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

Mahadsanid

Mohamed Hassan Adan  
Wasiir, dowlada Wasaaradda Ganacsiga & Warshadaha  
Email: ms\_adan39@hotmail.com/moc@moci.gov.so  
Contact phones: +252 615251879/+2526189977466  
Tel/Fax No: 252-1 856976

Figure 11: Benadir Regional Administration distribution list

Jamhuuriyadda Soomaaliya  
Dowladda Hoose ee Muqdisho  
Muqdisho - Soomaaliya

جمهورية الصومال  
حكومة محلية مقديشو  
مقديشو - الصومال

Summad: DH/MG/GGDM/01/714/2015  
Taariikh: 14/06/2015

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

Muqdisho.  
Muqdisho.

Ujeedo Lacag shubis.

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

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

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

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

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

Sidaas darteed, Waxaa laydiinku adkeynayaa in aad fuliyo amarkan.

Hawi-Wacan.

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

Figure 10: Director General of the Presidency order

Jamhuuriyadda Federaalka Soomaaliyeed  
Madaxtooyada  
Xafiiska Agaasimaha Guud

جمهورية الصومال الفيدرالية  
الرئاسة  
مكتب المدير العام

Federal Republic of Somalia  
The Presidency  
Office of the Director General

Ref: JIS/XM/AG/SCDDH/8/6 Sitebar oo, 2016

KU: GUDOOMIYAHA GOBOLKA BANAADIR -MUQDISHO  
OG: XEER-ILAAJIYAHU GUUD EE QARANKA -MUQDISHO  
OG: GUDDIGA BADBAADINTA HANTIDA QARANKA -MUQDISHO  
OG: WASAARADDA GANACSIGA IYO WARSHADHA -MUQDISHO

UJEEDDO: SOO CELIN DHUL DOWLADEED

Xafiiska Madaxweynaha isagoo Tixraacaya,

1. Warqadda Summadeedu tahay 011/015 Tr. 08/04/2015 kana soo baxday Xafiiska Wasiir Dowlaha Wasaaradda Ganacsiga iyo Warshadaha, Ujeeddadeeduna ahayd Warbixin Dhuleed, kuna caddayd in aaney dhulkaasi Wasaaraddu u haynin wax maalgalin ah isla markaana ay soo dhaweynaynaa ciddii maalgalin ku samaynayso.
2. Warqadda Summadeedu tahay DH/MG/GGDM/01/714/2015 Tr. 14/06/2015 Ujeeddadeeduna ahayd: Lacag Shubis, Nuurkeeduna ahaa in lagu qeybiyo dhulka sare ku xusan ee ay Wasaaraddu maalgelin in lagu sameeyo ku soo codsatay, isla markaana loo isticmaalay Ujeeddadii laga lahaa si ka duwan, loona qeybiyay muwaadiniin caadi ah oo aan wax maalgelin ah ku sameyn karin, suna ka mid yahay isla wasiir-dowlaha uu qoraalka kasoo baxay taasoo muujineysa in ay jirto dano iska horimaanaaya (conflict of interest).
3. Amarka madaxweynaha ee ku tariikhaysan 07/06/2015 ujeeddadiisuna ahayd: in la fuliyo talo soojeedinta Wasaaradda kana hadlaysay in loo raadiyo qaabkii iyo ciddii maalgelin ku samaynayso kaasoo loo isticmaalay si ka duwan taladii madaxweynaha.

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

Sidaas darteed.

Wuxuu Xafiiska Madaxweynuhu amrayaa:

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

Fulin Wacan

Cali Maxamed Cumar  
Agaasimaha Guud ee Madaxtooyada

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

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

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

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

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

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

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

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

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

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

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

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

<sup>198</sup> Ibid.

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



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



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





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

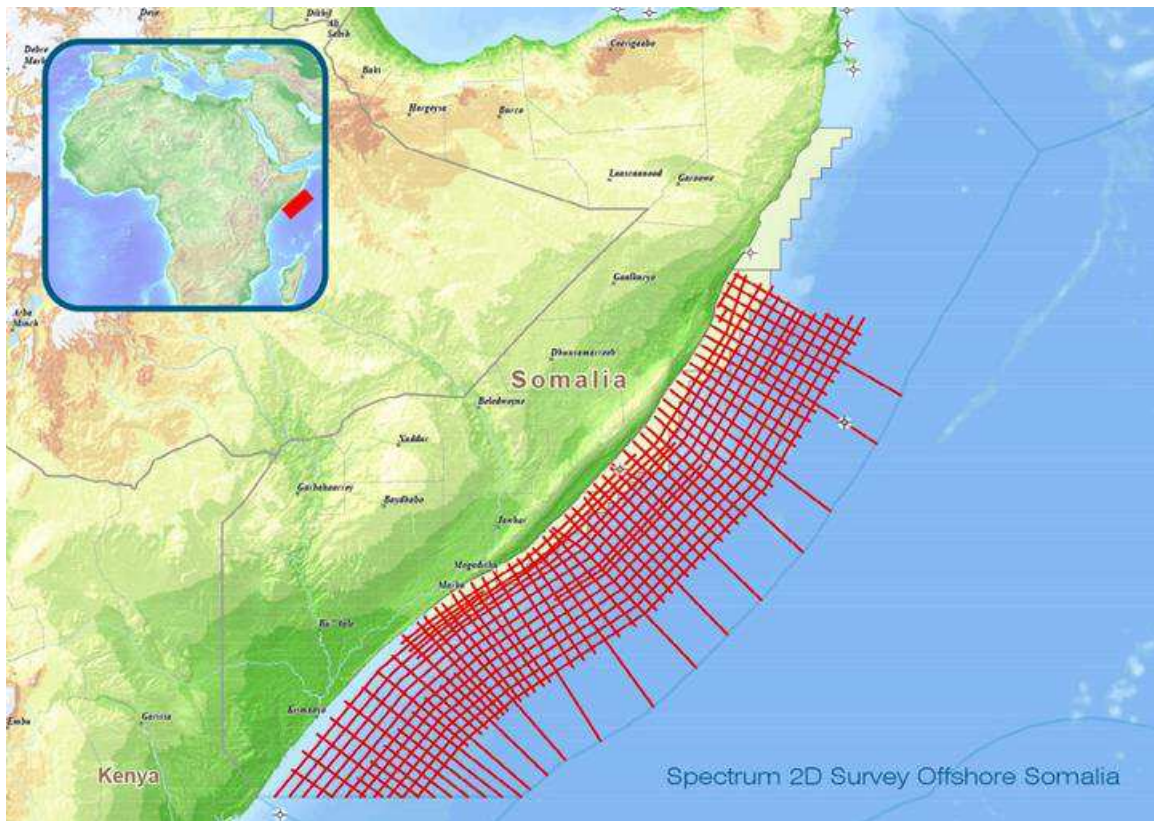


*Figure 14: Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land adjacent to Adan Adde International Airport, 1 September 2016*



## **Annex 5**

### **Natural resources**

**Annex 5.1: Spectrum ASA Survey Map**

## **Annex 6**

### **Obstruction of humanitarian assistance**



## Annex 6.1: Access to humanitarian assistance

### Main supply routes and unlawful taxation

1. The operation of illegal checkpoints on main supply routes (MSRs) by state and non-state armed actors intensified in scope, number and nature during the mandate, affecting movement of population and basic commodities and constituting one of the most problematic obstacles to humanitarian access. Spurred by a range of factors, from lack of payment of security forces, to the proliferation of armed groups with putative claims to official status, and weak or absent command and control, the level of extortion and violence at these checkpoints rendered some key MSRs practically impassable. In March 2016 the Mogadishu to Baidoa artery, for example, some traders judged it preferable to pass through Al-Shabaab-controlled territory—adding approximately 600 miles to the journey—as taxation was predictable and demanded only once.<sup>200</sup> Receipts issued by Al-Shabaab were honoured throughout its territory. The alternative was to face multiple checkpoints manned by local militia, regional forces and the Somali National Army (SNA), all of which expected their own fee.

2. In March 2016 humanitarian organisations initiated a dialogue with national and regional level officials, which resulted in assurances from the Interim South-West Administration (ISWA), Middle Shabelle regional authorities and the FGS Ministry of Interior and Federal Affairs that they would clear roads and facilitate the movement of humanitarian and other essential supplies. A major obstacle to such efforts, however, was the variety of forces and command controlling checkpoints in highly contested areas such as Lower Shabelle. Although local authorities had the formal responsibility to secure such routes they often had no *de facto* authority: on one occasion, for example, humanitarian workers were told that the best they could hope for was a case-by-case clearance for each individual convoy to be attempted.<sup>201</sup>

3. The SNA's inability to effectively support African Union Mission in Somalia (AMISOM) forces in the holding of 'recovered' areas was also a major challenge: this stretched AMISOM's resources and in turn undermined its capacity to clear supply routes as urged by the Council.<sup>202</sup> It also led to a dynamic of cyclical capture and withdrawal from 'recovered' locations by anti-Al Shabaab forces with serious implications for both the protection of civilians and the safe passage of humanitarian aid.<sup>203</sup>

### Al-Shabaab

4. One of the most significant impediments to humanitarian access during the mandate continued to be Al-Shabaab's violent enforcement of blockades of urban areas controlled by anti-Al Shabaab forces, particularly in parts of Bay, Bakool and Hiran.<sup>204</sup> Al-Shabaab targeted the passage of both relief and commercial supplies, driving up prices of key commodities in affected communities.<sup>205</sup> As was its *modus operandi* during 2014 and 2015, goods themselves, the modes of transport, and those who transported them were all vulnerable to attack, destruction and murder. In November 2015, for example, 11 donkey carts and their loaders were attacked in Alemow village on their way from Buur Dhuhunle to Wajid

<sup>200</sup> By August 2016, costs for a convoy on the Mogadishu-Baidoa-Dolow route were still running at USD 4,000 to 5,000. Interviews with civil society and government officials in Baidoa, 2 to 3 March 2016; For more information, see also Transparency Solutions, "Beyond Isbaaro: Reclaiming Somalia's Haunted Roads", Nairobi, 2016.

<sup>201</sup> There was clearly no facility for a general directive to be issued and adhered to. Interview with humanitarian worker, Mogadishu, 19 June 2016. Interview regional administration official, Baidoa, 3 March 2016.

<sup>202</sup> Skype interview with UN staff member, 28 July 2016. In resolution 2297 (2016), the Council charged AMISOM, *inter alia*, with contributing "within its capabilities as may be requested, to the creation of the necessary security conditions for the provision of humanitarian assistance" (paragraph 7 (b)). Within this it is specifically mandated to secure key supply routes, in particular those essential to improving the humanitarian situation (paragraph 6 (d)). The Council has also asked the Secretary-General to report, in consultation with the FGS and AMISOM, on progress in this latter (paragraph 8).

<sup>203</sup> See discussion of SNA withdrawals at section II B of this report.

<sup>204</sup> In Baidoa in March, for example, security officials told the Monitoring Group that the regional capital continued to be completely "disconnected" from the 'recovered' towns of Wajid, Dinsor, Hudur and Berdale. Interviews with regional government officials, 2 March 2016.

<sup>205</sup> S/2015/801, annex 5.1. In March officials in Baidoa told the Monitoring Group, for example, that the price of sugar had been pushed up to USD 4 in Dinsor.

in Bakool region: the donkeys were slaughtered, the carts and goods destroyed and the loaders tortured but released.<sup>206</sup> In late June 2016 three civilians were killed in their homes in El Lehili outside Hudur, also in Bakool region, reportedly connected with their engagement in delivering livestock and related goods to Hudur.<sup>207</sup> In July 2016 in Lower Shabelle, Al-Shabaab publically destroyed food aid originating from Turkey, further to threatening businessmen in the area not to deal in Turkish goods.<sup>208</sup> Local level negotiation with Al-Shabaab in areas such as Hudur (Bakool) did have some success in facilitating intermittent access. Nevertheless, by the end of August 2016, humanitarian organisations were still only able to approach Buloburde (Hiran), Dinsor (Bay), Garbaharey (Gedo) and Wajid (Bakool) by air.

5. The cyclical engagement and withdrawal of AMISOM and the SNA from towns and villages in Lower Shabelle, Hiran, and Gedo regions created great uncertainty for civilians and, as a result, humanitarian actors. Access to humanitarian aid was perceived within a political calculus, granted or denied depending on the interest served. In October for example when Al-Shabaab took over Kurbeyso and Meeri, south-east of El Wak town in Gedo region, they reportedly declared a ban on humanitarian agencies. The SEMG notes, in contrast, that Federal and regional authorities rarely questioned the movement of humanitarian aid into Al-Shabaab areas.

6. In areas where Al-Shabaab was the prevailing authority, humanitarian organisations continued to be faced with demands for fees and taxes, generally through a local humanitarian focal point.<sup>209</sup> Although there were indications in mid-2015 that Al-Shabaab was attempting to centralise its regulation of humanitarian operations, this trend did not continue during the course of the mandate; organisations still generally negotiated access through local nodes of power.<sup>210</sup> Some humanitarian workers nevertheless told the SEMG that Al-Shabaab demonstrated greater “hostility” in its interactions with humanitarian workers during the mandate, whether due to the intensity of the violence associated with both sides of the Al-Shabaab conflict, internal tensions within Al-Shabaab itself, or the greater pressure on Al-Shabaab to raise finance for its operations.<sup>211</sup>

7. In early August 2016, Al-Shabaab released photographs of the establishment of an Islamic police (*Hisba*) in Jilib in Middle Juba.<sup>212</sup> Declaring it would operate as a non-armed force to promote virtue and prevent vice, Al-Shabaab also noted that the *Hisba* would have a role in protecting “the quality of food and medicine and clothing in the market and all products in the markets”. The SEMG has not yet been able to assess the extent to which this development has impacted local humanitarian operations in Middle Juba. Meanwhile, on 4 September 2016, the SEMG received a report that a new cadre of young men between 16 and 18 years of age had been trained as tax collectors and had begun operating between Jilib and Jamame, distinguished in their role by a special uniform.<sup>213</sup>

### The humanitarian ‘carve out’

8. In resolution [2244 \(2015\)](#) the Council extended the humanitarian ‘carve out’ until 15 November 2016, determining that the payment of funds necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the UN or specified partners would not be subject to the assets freeze imposed on designated entities.<sup>214</sup> Against the

<sup>206</sup> Email from non-governmental organisation (NGO) staff member, 22 November 2015.

<sup>207</sup> Email from UN staff member, 26 June 2016.

<sup>208</sup> Email from UN staff member, 17 July 2016. See also [www.dhacdonews.com](http://www.dhacdonews.com).

<sup>209</sup> Interview with NGO staff member, Nairobi, 4 August 2016.

<sup>210</sup> [S/2015/801](#), annex 5.3.

<sup>211</sup> Interview with UN staff member, Mogadishu, 19 June 2016. For more on Al-Shabaab financing see annex 1.8.

<sup>212</sup> See, Caleb Weiss, Shabaab promotes ‘newly established’ Islamic police, *The Long War Journal*, 9 August 2016 available at <http://www.longwarjournal.org/archives/2016/08/shabaab-promotes-newly-established-islamic-police.php>. In October 2015 sources told the Monitoring Group that ISIS-affiliated fighters had a strong influence in the town. Interview with local elder in exile, Nairobi, 27 October 2016.

<sup>213</sup> Email from a representative of the community in the area in exile in Kenya, 4 September 2016.

<sup>214</sup> The entities to which the carve out applies are, “the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded NGOs participating in the United Nations Humanitarian Response Plan for Somalia”. See paragraph 23 of resolution [2244](#) and paragraph 3 of resolution [1844 \(2008\)](#).

background of the widespread influence or control exerted by Al-Shabaab—a designated entity—over large parts of the territory, the maintenance of the ‘carve out’ contributes to enabling the delivery of assistance to people in need wherever they are found in Somalia.<sup>215</sup> Not only does the ‘carve out’ create an atmosphere which reassures humanitarian actors as well as prospective private and public partners: it encourages the UN country team to develop and implement more rigorous due diligence mechanisms in order to protect its renewal. More broadly the ‘carve out’ can be considered as an element of the toolbox which facilitates humanitarian operations in zones of ambiguity, especially where rapid and reversible shifts of authority leave territorial control in flux and civilians caught in the middle. In 2016, more than 600 millions worth of humanitarian assistance was delivered to Somalia, including areas either wholly or partially controlled by Al-Shabaab, against the background of 4.7 million people in need of assistance in Somalia.<sup>216</sup>

### **Bureaucratic impediments amounting to obstruction**

9. In late July 2016 the UN Office for the Coordination of Humanitarian Affairs confirmed that administrative impediments to humanitarian operations were on the rise and continued to cause delays and interruptions in aid programming.<sup>217</sup> Most challenges occurred at the regional or district level. Even as the process to create a national framework governing humanitarian activities coalesced at the Federal level, authorities in ISWA and the Interim Jubba Administration (IJA) all continued to develop NGO bills or policies, and attempted to raise revenue from humanitarian operations.<sup>218</sup> In January 2016 the FGS circulated a draft NGO policy for discussion with line ministries. Since then progress of the Bill has stalled.<sup>219</sup>

10. In the absence of a clear federal framework, uncoordinated regional approaches to regulation continued to complicate and raise the costs of humanitarian action, facilitating manipulation and obstruction of inputs and programs and the imposition of arbitrary taxation. These undermined the independence of humanitarian action, constrained access to beneficiaries in need, and frequently amounted to unlawful extraction of revenues. The safety and security of humanitarian workers were also affected. During the mandate there was a range of purportedly ‘official’ impediments with which the humanitarian community grappled, and which amounted to obstruction, from control of project oversight committees to refusal to authorise project activities in the absence of a ‘cut’ for senior officials, to imposition of ‘registration’ fees.<sup>220</sup> Examples include:

- Puntland State of Somalia: In early January 2016, a directive from the Puntland Minister of the Interior, Local Government and Rural Development, Ahmed Elmi Osman ‘Karash’ purported to require aid organisations to install “Rubaab vehicle tracking devices” on their vehicles from a list of three “authorised” companies with the ostensible aim of strengthening measures against diversion.<sup>221</sup> Imposition of the measure would have entailed considerable additional risks to humanitarian operations at a time when the overall security environment in Puntland was increasingly fragile. Later, on 27 January 2016, a circular from the FGS Ministry of Planning and International Cooperation (MoPIC) urged humanitarian agencies to ignore all general directives which were not issued by MoPIC. Although the matter was partly resolved<sup>222</sup>, the incident serves to highlight the extent to which the humanitarian sector is vulnerable to

<sup>215</sup> The space created by the ‘carve out’ is tempered by other internationally and bilaterally imposed sanctions regimes.

<sup>216</sup> OCHA Somalia, Humanitarian Bulletin August 2016, 1 September 2016.

<sup>217</sup> OCHA Somalia, Humanitarian Bulletin, 28 July. Multiple sources of the Monitoring Group confirmed this assessment.

<sup>218</sup> Most local NGOs were compelled to pay some form of access fee to regional and district authorities. INGOs were better able to defy such requests—although not always.

<sup>219</sup> Federal registration of NGOs is currently conducted by the Ministry for Interior and Federal Affairs

<sup>220</sup> Interviews conducted with UN, INGO and NGO staff throughout the mandate. See also annex 7.8 on the situation in Dolow.

<sup>221</sup> Letter from Minister of the Interior, Local Government and Rural Development to “United Nations and International NGOs Agencies in Puntland,” undated, on file with the Monitoring Group.

<sup>222</sup> There were sporadic instances where humanitarian missions were halted for reasons related to the absence of a tracking device since the MoPIC circular was issued. Email from humanitarian worker, 9 September 2016.

uncoordinated efforts by regional authorities to control humanitarian action in a way which can also undermine not just the independence, but also the safety, of operations.

- Interim Galmudug Administration (IGA): On 25 April 2016 the IGA Ministry of Health demanded a 3.5 per cent project tax from its partners, ostensibly to facilitate monitoring.<sup>223</sup> The international humanitarian community was able to push back on the request, but local NGOs were forced to pay.
- ISWA: In late April 2015 a draft NGO bill was promulgated, based on the Somaliland framework.<sup>224</sup> Despite efforts to encourage coordination with a Federal legislative process underway on 21 July the bill was approved by cabinet and transferred for consideration to parliament. In the meantime, it is understood that local NGOs are being compelled to pay state registration fees in addition to being put under pressure to contribute sums of USD 5000 to USD 7000 per project.<sup>225</sup>
- ‘Khatumo State’ administration: Against the background of rising armed violence in Sool and Sanaag, and efforts by multiple administrations to exercise control over the same territory, the Khatumo administration in Buhodle purported to ban the operation of one international NGO and one UN agency in May on the grounds that they were contributing to insecurity. It subsequently transpired that the underlying reason for the obstruction related to the perception that the Puntland administration was bringing its influence to bear on beneficiary lists.<sup>226</sup>

11. Some local authorities responded positively to advocacy by the humanitarian community around inappropriate constraints: In April 2016, for example, Puntland authorities agreed that it would grant tax exemptions for certain elements of the drought response.<sup>227</sup> In Benadir the humanitarian community was eventually able to clarify that demands from the Mayor of Mogadishu for contributions to a road construction project (\$5,000 to \$10,000) were to be considered as voluntary with no consequences for non-payment.<sup>228</sup>

12. The SEMG urges that the FGS, in close collaboration with regional authorities, expedite the process to agree and implement a national level framework to govern independent, impartial and non-discriminatory humanitarian action by non-governmental organisations in Somalia, including to ensure, *inter alia*, a consistency of approach between Federal and regional authorities and one step registration process.

13. Further, against the background of a complex, evolving—and often violently contested—federal and regional architecture, a number of aid organisations have suggested that donors can play a more positive role in helping to resolve situations in which humanitarian workers face official obstruction in the course of project implementation. This would assist humanitarian organisations to maintain their independence from political conflicts, particularly those around legitimacy of authority, and especially where donors are engaged in large-scale development support for the administration in question.

#### **Interference by security agencies in humanitarian operations**

14. As noted in the Group’s 2015 report, and exacerbated by the fragmented and increasingly contested political and security context, the range of armed and political actors purporting to appropriately exercise control over humanitarian operations, broadened and added to the uncertainty faced by humanitarian workers.<sup>229</sup> One of most alarming developments was the effort by the security/intelligence services in Mogadishu and the IJA to control elements of humanitarian operations.

<sup>223</sup> Interview NGO staff member, Nairobi, 4 August 2016.

<sup>224</sup> Interviews with with NGO and UN staff members, Nairobi, 4 August 2016.

<sup>225</sup> 500USD was the requirement for most organisations. Interview NGO staff member, Baidoa, 3 March 2016.

<sup>226</sup> Email from NGO staff member, 26 May 2016; email from local leader with knowledge of the incident, 7 June 2016; interview with humanitarian worker 31 August 2016; Letter from Khatumo State of Somalia (Buhodle Local Government) to UN agency, 31 May 2016, on file with the Monitoring Group.

<sup>227</sup> See Letter from the Office of the Vice President, 11 April 2016 on file with the Monitoring Group.

<sup>228</sup> Email from humanitarian worker, 13 April 2016.

<sup>229</sup> S/2015/801, annex 5.2.

This has potential not only to obstruct access, but also to significantly undermine the independence—and safety—of humanitarian operations.

15. In Kismayo, for example, in June 2016 the IJA administration established an Office of Monitoring Humanitarian Agencies (OMHA) within the Jubbaland Intelligence and Security Service. The new office quickly advised organisations that they were to keep it informed of trainings, meetings, recruitments and contracting companies and that there would be penalties for non-compliance.<sup>230</sup> In July 2016 the Office wrote to agencies declaring that an “approval letter” from the services would be required for company contracts.<sup>231</sup> Any agency which did not comply would, “face the consequence of the repercussion”.<sup>232</sup> In the light of the frequent interference by IJA militia in humanitarian operations, including through use of force, this was an ominous warning.<sup>233</sup>

16. In Mogadishu in late 2015, NISA called for a meeting with all aid organisations where they were told that NISA had set up an NGO office to “support” the sector. Later NISA officers were deployed to accompany Ministry of Labour officers to NGO offices as part of the Ministry’s efforts to collect staff lists. Ultimately the situation cooled with the issue of a letter from the Office of the Prime Minister in October 2015 clarifying that until a federal NGO policy was adopted, ministries were to refrain from attempting to implement and enforce bi-lateral regulations.<sup>234</sup> At the end of July 2016, however, a new letter was circulated by NISA to all international organisations demanding that “all relevant detail regarding the staffs of your Agency/organization and any further details such as premises of operations for your agency in Mog and/or in the country” be submitted to the agency.<sup>235</sup> Accompanied by ongoing intrusion of NISA humanitarian activities around staff registration, visits to humanitarian premises and attendance at humanitarian meetings, these developments caused great disquiet in the humanitarian community.

### Cross border movement and access

17. Although most incidents in which cross-border movement was denied to humanitarian personnel or goods on security grounds were ultimately resolved, increased tension surrounding Al-Shabaab’s infiltration into the North Eastern Province of Kenya, and the attack on the KDF base in El Adde made negotiating access difficult. In early February 2016, for example, the Kenyan authorities publicly announced that they had impounded three trucks contracted to the World Food Program and bound for Dolow on suspicion of support to Al-Shabaab.<sup>236</sup> The goods were eventually allowed to move with the intervention and personal accompaniment of the cargo by senior members of the local administration on the Somali side, and strenuous efforts by the UN agency.<sup>237</sup> The incident served, however, to demonstrate the fragility of the context and the level of suspicion which existed on the Kenyan side of collusion between the local community and anti-Al-Shabaab forces.

<sup>230</sup> Email from humanitarian worker, 13 September 2016.

<sup>231</sup> Notice to “all humanitarian and development agencies/companies interesting in Jubaland State” from the “Head of Monitoring Organisations in Jubaland State, of the Jubbaland Intelligence and Security Services”, 12 July 2016, on file with the Monitoring Group.

<sup>232</sup> Ibid.

<sup>233</sup> See discussion on attacks on humanitarian workers in Kismayo in annex 6.3.

<sup>234</sup> Phone interview with humanitarian worker, 25 August 2016.

<sup>235</sup> The letter was signed by NISA Director of International Agencies and Diaspora. Letter from NISA Director of International Agencies and Diaspora to all international agencies/organisations, 27 July 2016, on file with the Monitoring Group.

<sup>236</sup> See, for example, The Nation, “Kenya seizes Somalia bound WFP trucks”, 2 February 2016. Available from <http://www.nation.co.ke/counties/Kenya-seizes-Somalia-bound-WFP-trucks/-/1107872/3059050/-/2ieskd/-/index.html>.

<sup>237</sup> Interviews with UN staff member, 7 March 2016 and 30 August 2016.

## Annex 6.2: Attacks on humanitarian workers

### Al-Shabaab

18. Al-Shabaab attacked medical staff, medical facilities and related humanitarian assets throughout the mandate.<sup>238</sup> On 29 December 2015, a driver and a medical officer from Dhusamareb hospital travelling in an ambulance rented by a humanitarian organisation were kidnapped by Al-Shabaab at Labi-Dule.<sup>239</sup> They were released on 9 January 2016 although the ambulance was retained.<sup>240</sup> On 30 March 2016, two Turkish, and three Somali, doctors at the Deva hospital in Mogadishu were killed alongside one other colleague when their vehicle was attacked.<sup>241</sup> In late June 2016, another ambulance was stolen from Belet Hawo hospital in Gedo region, allegedly because it had been used previously to assist wounded SNA personnel, a practice Al-Shabaab had reportedly warned against.<sup>242</sup> Mortars attributed to Al-Shabaab hit the Baidoa hospital on 6 August 2016 killing one civilian and injuring five.<sup>243</sup> In another case a medical doctor working for an international entity was arrested by Al-Shabaab for 28 days and forced to cease his employment.<sup>244</sup>

19. Incidents in which Al-Shabaab abducted humanitarian workers during the reporting period were all safely—and swiftly—brought to an end through local intervention.<sup>245</sup> On 27 December 2015 three staff members of a Bardera-based local humanitarian organisation, and their driver, were kidnapped by Al-Shabaab for a number of hours in the course of their work during a vaccination campaign in Tubako.<sup>246</sup> In May and June 2016, warnings were received by the SEMG relating to the preparation of a kidnapping operation against humanitarian and international staff present in Galkayo or Garowe allegedly by pirate networks, highlighting the range of threats to which humanitarians were vulnerable.<sup>247</sup> More broadly as many as 48 people (46 civilians and two soldiers) continue to suffer in captivity in Somalia, held by pirates or unknown actors, two since 2008, with no proof of life.<sup>248</sup>

20. UN installations housing humanitarian workers were particularly a target. Not only were there at least nine attacks during the year which affected UN compounds, there were numerous instances of suspected surveillance of UN facili-

<sup>238</sup> The Council in resolution 2286 (2016) determined that, “that acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and obstructing the delivery of humanitarian assistance, including medical assistance, may exacerbate ongoing armed conflicts and undermine the efforts of the Security Council to maintain international peace and security under the Charter of the United Nations” (preamble).

<sup>239</sup> Email from UN staff member, 29 December 2015.

<sup>240</sup> Email from UN staff member, 9 January 2016.

<sup>241</sup> Shabelle News, “Somali PM slams murder of Turkish Doctors”, 31 March 2016. Available at <http://www.shabellenews.com/2016/03/pm-condemns-murder-of-turkish-nationals-in-mogadishu/>.

<sup>242</sup> Email from UN staff member, 28 June 2016.

<sup>243</sup> Email from UN staff member, 6 August 2016.

<sup>244</sup> Interview with local elder from the area of the abduction (unspecified for safety reasons) who conducted interview with the freed doctor, Nairobi, 27 October 2016.

<sup>245</sup> During the first four months of 2016 there were only four brief abductions of humanitarian workers by Al-Shabaab. One abduction out of Kenya and into Somalia was, however, the subject of armed intervention: on 16 October 2015, KDF and SNA soldiers conducted a joint operation to rescue a teacher Judy Mutua, who had been abducted by Al-Shabaab from the Hagadera refugee camp in northern Kenya and taken to Somaila. See, Daily Nation, “Kidnapped Kenyan teacher rescued from Somalia in joint operation”, 16 October 2015. Available from <http://www.nation.co.ke/news/Kidnapped-Kenyan-teacher-rescued-in-Somalia-in-joint-operation/1056-2916526-10s0r44/index.html>.

<sup>246</sup> See Hiiran News, “Gunmen abduct health workers in Central Somalia”, 31 December 2015. Available at [http://hiiraan.com/news4/2015/Dec/103364/gunmen\\_seize\\_health\\_workers\\_in\\_central\\_somalia.aspx](http://hiiraan.com/news4/2015/Dec/103364/gunmen_seize_health_workers_in_central_somalia.aspx).

<sup>247</sup> Information received by the SEMG from source in Galkayo with in depth knowledge of the security situation; email from UN staff member, 28 June 2016.

<sup>248</sup> Email from UN staff member from the Hostage Support Partnership, 4 September 2016. The Hostage Support Partnership (supported by the Contact Group on Piracy off the Coast of Somalia (CGPCS) Trust Fund and the UN Office of Drugs and Crime, and coordinated by Oceans Beyond Piracy) seeks to track, provide medical support, recover and repatriate hostages held in Somalia. In addition, AMISOM force have also been abducted by Al-Shabaab.

ties.<sup>249</sup> National staff of UN and international humanitarian and development agencies were particularly subject to phone threats and harassment.<sup>250</sup> In many cases victims receiving phone calls or text messages were unsure of the real origin of the threat. On 14 December a UN High Commissioner for Refugees (UNHCR) national staff member was shot and killed alongside a staff member from a UNHCR partner NGO while travelling in a car in Mogadishu.<sup>251</sup>

21. The increase in the intensity of Al-Shabaab armed violence against civilians more generally during the mandate also affected humanitarians.<sup>252</sup> Abdinor Osman Wehelie, the Executive Director of Organisation for Somalis Protection and Development (OSPAD) was killed on 1 June 2016 in the course of an attack attributed to Al-Shabaab on the Ambassador Hotel in Mogadishu.<sup>253</sup> A UNHCR staff member, also lost his life in the attack on the Mogadishu International Airport on 26 July 2016, the third killing of a UNHCR staff member in eight months.<sup>254</sup> In the same attack, 11 UN security personnel (contractors) were killed and 12 injured.

### FGS, regional and other entities

22. Federal and regional authorities were also the origin of threats and attacks on humanitarian workers during the mandate. The SEMG documented and verified two cases of unlawful arrest and detention of staff working on humanitarian issues by security forces of IJA in Kismayo during the mandate.<sup>255</sup> The findings of the SEMG with respect to the misuse of authority by the administration in Dolow, including conduct amounting to attacks on humanitarian workers, are set out in annex 7.8. Humanitarian workers suspected of engagement with the SEMG were also threatened.<sup>256</sup>

23. Violence meted out to humanitarian workers by local militia as a result of contracting disputes around the business elements of managing humanitarian aid were also noted.<sup>257</sup> One security expert told the SEMG that risks relating to operations, human resources and day-to-day contracting and management, harboured the most frequent threats to NGOs.<sup>258</sup>

24. The SEMG also received information on incidents of disorder and violence during aid distributions which threatened the safety of humanitarian workers and halted operations across Somalia, including, on average, three incidents a month in the northern part of Somalia during 2016.<sup>259</sup> The situation in Awdal in Somaliland was particularly fragile as the impact of the drought and flooding, coupled with a history of perceived exclusion from resources controlled by the central authority, rendered communities volatile. The SEMG received information on four incidents of looting during food distributions by people upset at being absent from the beneficiary list.<sup>260</sup>

<sup>249</sup> On 7 December 2015, for example, Puntland Intelligence officers arrested a suspected Al-Shabaab operative near the UN compound in Garowe. Email UN staff member, 8 December 2016. Stand off attacks: Mogadishu, AMISOM protected areas: 4 attacks (1 January, 11 February, 3 May and 4 June 2016); Baidoa airstrip near UN compounds: 3 attacks (21 February, 2 July and 6 August 2016); Kismayo airport: 2 attacks (14 and 27 February 2016).

<sup>250</sup> The SEMG received information on a number of incidents involving receipt of telephoned threats by NGO, INGO and UN agency staff, including in Baidoa, Galkayo (North), Kismayo, and Mogadishu.

<sup>251</sup> See UNHCR, Statement on the murder of a staff member in Mogadishu, Somalia, 14 December 2015, available at <http://www.unhcr.org/news/press/2015/12/566fcde56/unhcr-statement-murder-staff-member-mogadishu-somalia.html>.

<sup>252</sup> For a discussion on the increasing intensity of Al-Shabaab violence against civilians see annex 7.1.

<sup>253</sup> Email from UN staff member, 2 June 2016.

<sup>254</sup> Email from UN staff member, 2 August 2016.

<sup>255</sup> Phone interviews with victim, 10 May 2016; phone interview with victim, 31 August 2016. Details on file with the Monitoring Group: for reasons of safety details of the cases are not provided here.

<sup>256</sup> Email from former government minister in the Interim Jubba Administration (IJA), 20 August 2016. Details of the incident have been kept confidential to protect the NGOs involved.

<sup>257</sup> In one incident in Hiran in late June 2016, for example, an INGO team was attacked but left unharmed by a local militia in a dispute over car hire. Email from UN staff member, 27 June 2016.

<sup>258</sup> Interview with NGO security expert, Nairobi, 30 August 2016.

<sup>259</sup> Email from humanitarian worker, 6 September 2016.

<sup>260</sup> Emails from NGO staff members, 13 November 2015, 25 November 2015, and 6 August 2016.

### Measures to enhance compliance

25. During the mandate the effectiveness and independence of two critical modalities intended to enhance safety and security for humanitarian actors came under threat; the International NGO Safety Organisation (INSO) and the Special Protection Units in Somaliland and Puntland.

26. In mid May 2016, the Executive Director of the Kenyan NGO Co-ordination Board ordered the suspension of operations of the International NGO Safety Organisation (INSO), the entity providing safety information and advice to humanitarian NGOs in Kenya and Somalia.<sup>261</sup> Subsequently, INSO bank accounts were frozen and some international staff work permits were not renewed or delayed with no rationale given. Eventually, an injunction and related administrative remedies obtained from the High Court—suspending the initial order of the NGO Co-ordination Board—allowed the organization to resume operations in mid July. The obstruction of the work of INSO, including in particular the suspension of the daily Somalia update service for 55 days, affected access to vital security and safety information for humanitarian operations.

27. The Special Protection Units (SPU) in Somaliland and Puntland provide essential security to UN and non-governmental organisation (NGO) staff and operations, acting as enablers, *inter alia*, of humanitarian access and preventing attacks on humanitarian workers. During the mandate there were negotiations between the UN and Somaliland and Puntland authorities around changes in the management of, and international financial support for, the operation of the SPU.<sup>262</sup> Intended to enhance the efficiency and oversight of payments, the negotiation period saw frequent harassment and threats against humanitarian workers by SPU and periodic withdrawal of SPU support as the authorities attempted to secure the most beneficial deal.<sup>263</sup> This created additional vulnerabilities for humanitarian operations, in particular for INGOs which found themselves on the margins of the discussions.

28. An Memorandum of Understanding signed in May 2016 finally clarified procedures and payments but left support for INGO missions beyond the main cities outside the framework.<sup>264</sup> Not only did this necessitate a significant cost increase for INGOs but it also rendered INGO operations vulnerable to shut down in the event that a temporary emergency escort arrangement negotiated with UN agencies was not extended or replaced.<sup>265</sup> Finally, the SEMG notes that NGOs and INGOs in particular lack a mechanism to engage the SPU in compliance with the requirements of the arms embargo.<sup>266</sup>

<sup>261</sup> Information on the situation of INSO was gathered from interviews with various NGO and diplomatic sources between June and August 2016.

<sup>262</sup> The charges were partially spurred by the identification of fraud and misappropriation of funds within the scheme. Interviews with NGO and UN staff members, September 2015 to August 2016.

<sup>263</sup> On 10 December 2105, for example, SPU forced the abandonment of a planned mission warning that missions outside Garowe would not be supported if payment was not forthcoming. Email from UN staff member, 11 December 2016. Protests around delayed payments were still occurring in June 2016, including through suspension of operations. Email from UN staff member, 19 June 2016.

<sup>264</sup> Memorandum of Understanding on file with the Monitoring Group.

<sup>265</sup> The new scheme increases the payments to SPU officers but also entails additional administration and management costs: NGOs in particular will need enhanced support from Member States to meet these *de facto* mandatory expenses.

<sup>266</sup> See discussion at annex 8.3.



### Annex 6.3 — Diversion and misappropriation of humanitarian aid

29. Despite progressive recognition by the humanitarian community of the reality and scope of the phenomenon of diversion in Somalia, and enhanced efforts to address it, tackling misappropriation of aid remained a complex challenge. The system as a whole continues to be suspended on a framework in which sharing of resources or '*shahad*' was accepted is intrinsic to operations. During the mandate, humanitarian workers, however well-intentioned, were forced to grapple with, and were often captured by, systematic practices which have become 'normal' in the Somali context, both within and outside of Somalia.

30. This expectation of '*shahad*' is enfolded throughout all phases of the distribution cycle, from donors and UN agencies to contractors to NGOs—local and international—and those who control beneficiary communities. Nevertheless, it has been the Somali space with which UN risk monitoring and management has been almost exclusively preoccupied during the last few years. SEMG analysis over the course of this mandate therefore has attempted to highlight some of the transnational elements of the system—the challenges which lie outside Somalia, in Nairobi and in donor headquarters. As a research team working on corruption risks in Somalia emphasized, governance failures are not only related to governance issues in Somalia itself but are a function of relationships between individuals and networks linking Somalia with Kenya and national with international actors.<sup>267</sup>

#### UN and donor 'Gatekeepers'

31. During the mandate the Monitoring Group received serious and credible allegations of the involvement of staff of UN agencies in diversion of humanitarian assistance through solicitation of bribes. The SEMG collected testimony of allegations of a promise to pay, and subsequently, the delivery of "fees" to, an intermediary staff member of a UN agency intended to facilitate processing of a contract or project proposal.<sup>268</sup> The details of this case were shared with the UN agency concerned. The involvement of a senior UN official in similar conduct in the Somalia humanitarian system is also under investigation by another UN agency: in previous mandates the SEMG received information from different sources that the same individual regularly sought and obtained money to ensure stewarding of a project through the cluster system, including through the use of Somali agents to negotiate and collect the bribes on his behalf. The SEMG shared this information with the UN agency concerned. He is no longer working in Somalia.

32. The reality and perception that staff of UN agencies are engaged in fraud not only fundamentally undermines the system of aid but sets up Somali NGOs and local contractors as potential violators even before they begin their implementation of a project. Initiated by those in a position of power in the 'system', this corruption from the top co-opts local NGOs and contractors, and forces them into unlawful behaviour for survival. As one Somali interlocutor of the SEMG was told by his colleagues when he complained that he was finding it difficult to get funding: "Mohamed, but you are coming with closed hands!"<sup>269</sup> In order to recoup the bribe paid out, the local actor must build-in opportunities for diversion into both budgets and operational planning..

33. The incidents documented by the Monitoring Group in three different UN agencies do not appear to be isolated examples. Researchers working on humanitarian action and corruption risks in Somalia confirmed that they had collected similar accounts of how bribes are paid in order to secure project and contract awards in some INGO and UN entities.<sup>270</sup> They also noted that the use of middlemen or fixers to facilitate contracts and project awards was a regular occurrence.

#### Capture of monitoring and risk reduction mechanisms

<sup>267</sup> Interviews with researchers working on corruption risks in Somalia, Nairobi, multiple occasions, June to August 2016.

<sup>268</sup> Interviews with NGO staff member, June and July 2016.

<sup>269</sup> Interview with "Mohamed", Nairobi, 15 June 2016.

<sup>270</sup> Interviews with researchers working on corruption risks in Somalia, Nairobi, multiple occasions, June to August 2016.

34. In its 2015 report ([S/2015/881](#)) the SEMG noted that with the increased focus on risk management, monitoring and due diligence, third party monitors and external auditors had become an increasing part of the humanitarian aid landscape.<sup>271</sup> At the same time there was a danger that they too would be co-opted by the corruption pervasive in the system.

35. During the mandate the SEMG received information that bribes were solicited and paid in cash in Somalia and in Nairobi in the context of assessments conducted for a UN agency by an international consultancy on at least two occasions.<sup>272</sup> The interlocutor described in detail the circumstances leading up to and then the payment of bribes, in two locations, during the assessment. SEMG has shared the information collected with the UN agency concerned. The same firm was also involved in the conduct of audits of NGO projects, a number of which were investigated and in respect of which questions were raised regarding the quality of due diligence conducted. The SEMG also spoke to a researcher who reported that he had received testimony of similar allegations involving the same consultancy.<sup>273</sup>

36. In another case documented by the SEMG a small local NGO was directed to pay by a staff member of an INGO conducting an assessment of capacity in the context of grant-making.<sup>274</sup> Researchers interviewed by the SEMG confirmed that they had also received information relating to the payment of bribes during an INGO assessment.

37. These incidents highlight the extent to which the measures put in place to improve accountability within humanitarian operations may themselves be compromised by a system in which diversion and fraud is intrinsic to the operating model.

#### **Diversion of bi-lateral aid**

38. There continue to be challenges around the management and distribution of bi-lateral aid. In 2015 the SEMG reported on the arrest of seven government officials following FGS investigations into Turkish food aid diversion in Hiran.<sup>275</sup> In July 2016 a series of allegations were made by local officials that a significant portion of a shipment of 11,000 tonnes of food aid donated by Turkey had been diverted by officials of the ISWA and IJA administrations.<sup>276</sup> There were also allegations that logistics contractors for the movement of the food had been paid in food aid.<sup>277</sup> The original aid shipment from Turkey arrived in May 2016 and was received by the Ministry for Interior and Federal Affairs before being sent to Bosaso—for onward transfer to Galgudud and Hiran regions—and to the ISWA and IJA.<sup>278</sup> The Monitoring Group received information that at least some of the food aid which arrived in Kismayo was both sold in the market, and given to IJA forces as rations.<sup>279</sup> In 2015, aid from another donor provided bi-laterally was used by the IJA authorities to pay members of the IJA Regional Assembly and IJA officials.<sup>280</sup>

39. These allegations arose too late in the mandate for the SEMG to conduct a full investigation. Nevertheless, the SEMG reiterates its 2015 recommendation that donors require greater levels of accountability from both the Somali federal and regional entity responsible for receiving and distributing bilateral aid, and provide enhanced support for the process

<sup>271</sup> [S/2015/801](#), annex 5.3, paragraph 55.

<sup>272</sup> Series of interviews conducted with NGO staff members, 14 and 24 April 2014 and 23 July 2016.

<sup>273</sup> Interviews with researcher working on corruption risks in Somalia, Nairobi, July 2016

<sup>274</sup> Interview NGO staff member, Nairobi, August 2016.

<sup>275</sup> [S/2015/801](#), annex 5.3.

<sup>276</sup> See series of articles (in Somali) on the Markacadey website, 27, 28 and 31 July 2016 and on the Dhacdo website, 25 July 2016.

<sup>277</sup> See, for example, Garowe Online, “Corruption surfaces over Turkish food aid in Puntland”, 7 August 2016. Available from <http://www.garoweonline.com/en/news/puntland/somalia-corruption-surfaces-over-turkish-food-aid-in-puntland>

<sup>278</sup> See, for example, Hiiraan News, “Turkish aid ship arrives in Somali capital”, 29 May 2016. Available at [http://www.hiiraan.com/news4/2016/May/105651/turkish\\_aid\\_ship\\_arrives\\_in\\_somali\\_capital.aspx](http://www.hiiraan.com/news4/2016/May/105651/turkish_aid_ship_arrives_in_somali_capital.aspx).

<sup>279</sup> Email from former IJA minister, 20 August 2016.

<sup>280</sup> Interview with former official, Interim Juba Administration, Nairobi, 20 June 2015.

of distribution and monitoring.<sup>281</sup> As noted by the Ministry for Interior and Federal Affairs in a meeting with the SEMG in early 2016, lack of support for the Ministry affected its capacity to operationalise donations.<sup>282</sup>

### **Diversion and non-governmental organisations (NGOs)**

40. Investigations into diversion of UN aid during the last few years have, in the main, focused on local Somali NGOs and contractors at the Somali end of the distribution cycle. In 2015 a number of enquires were conducted into the activities of international NGOs (INGOs). In contrast to the high level of unaccounted for or fraudulent expenditure identified during the last two mandates, however, the culmination of a series of investigations completed by the Office of Internal Oversight Services (OIOS) during this mandate—one self-reported—identified fewer questionable transactions and what appeared to be isolated, rather than systematic, practices.<sup>283</sup> The reason for this may be twofold: one, that completed investigations are now occurring outside the time period of the 2010/2012 famine where there was combination of extreme need, large flows of aid and remote management of operations which produced many more opportunities for diversion; and two, that risk management mechanisms and a new approach to accountability in UN agencies is bearing fruit.<sup>284</sup>

### **Humanitarian aid and the conflict cycle<sup>285</sup>**

41. In 2015 the SEMG reported that it had received credible information that humanitarian actors abused humanitarian principles and misused humanitarian inputs in the pursuit of clan dominance, including through use of violence in a number of places, but in particular in Lower Shabelle and Hiran.<sup>286</sup> The SEMG recommended that conflict, clan and power dynamics be better understood and incorporated in project planning in addition to suggesting that mixed clan management structures be encouraged. During the current mandate the SEMG recorded persistent allegations—from NGO, UN, Member State and local community sources—relating to the involvement of staff of an NGO in Marka, in the Haber Gedir/Biimaal conflict cycle. The Group's investigation is ongoing.

### **Al-Shabaab**

42. In areas where it was the recognized authority, patterns of taxation and control of humanitarian inputs by Al-Shabaab noted in the Group's previous reports continued. In a number of places an increase in the nature and frequency of Al-Shabaab's taxation demands on individuals and their families was noted, with new forms of '*zakat*' identified as payable.<sup>287</sup>

### **Measures to enhance compliance**

43. During the mandate the energies invested by UN agencies in 2013 and 2014 in collective risk management waned.<sup>288</sup> In December 2015, the Office of the Resident and Humanitarian Coordinator (RC/HC), took the decision to suspend the

<sup>281</sup> S/2015/801, annex 5.3.

<sup>282</sup> Meeting with Minister of Interior and Federal Affairs, Mogadishu, 2 February 2016.

<sup>283</sup> See S/2015/801, annex 5.3 where it was noted that, for example, in one project implemented by an international organization, 100 per cent of costs incurred were found to be unaccounted for or unsubstantiated.

<sup>284</sup> See discussion below.

<sup>285</sup> In resolution 2111 (2013) the Security Council condemned "any politicization of humanitarian assistance, misuse or misappropriation" and called upon the UN and Member States to "take all feasible steps to mitigate these [...] practices in Somalia". Resolution 2111 (2013) at paragraph 11.

<sup>286</sup> S/2015/801, annex 5.3.

<sup>287</sup> The SEMG received information on particularly intensive *zakat* and taxation demands in Bakool, Hiran, Lower Shabelle and Middle Juba, both in the form of levies on agricultural production (Middle Juba/Bakool) but also in the form of bi-weekly 'protection' levies (Lower Shabelle). Interview UN staff member, Mogadishu, 19 June 2016. Interview traditional elder from Lower Shabelle, Nairobi, 2 June 2016. Interviews with Bantu elders from Middle Juba, March to June 2016. Interview with woman from Sakow, United States, 17 January 2016. See also annex 1.8 on Al-Shabaab financing.

<sup>288</sup> In S/2014/747 and S/2015/801 the SEMG noted increased efforts by UN agencies to create and participate in collective mechanisms. By November 2015, however, the RC/HC was compelled to write to the UN Country Team

Risk Working Group (RWG) due to poor attendance and lack of engagement by agencies.<sup>289</sup> The meeting forum itself was not the only element of the risk management framework to which agencies appeared uncommitted. One critical objective of the risk management framework, for example, was to enhance information sharing. Although a draft of an information sharing protocol was circulated by the Risk Management Unit (RMU),<sup>290</sup> there has been little feedback.<sup>291</sup> As a result there is still no agreement on modalities for sharing information relating to risk management, whether in terms of the outcome of internal investigations or broader situational profiles.

44. Despite the increasingly significant sums being spent by UN agencies on third party monitors and special audits therefore, information sharing still takes place on an occasional informal level, with agencies rarely even sharing with the RMU itself. Although sharing of investigation outcomes may be constrained by agency mandates and other legal requirements, it is unclear why, at a minimum, organisational profiles or situational analysis cannot be shared with the RMU, not least to avoid duplication of efforts and costs within the UN system.

45. At the same time, while stepping back from engagement in collective mechanisms, some agencies have in fact deepened and expanded their own internal investigative capacity during the mandate: nevertheless, it appears that some agencies are determined to keep information in house, whether for reputational or other reasons. As emphasized by the SEMG in [S/2015/801](#), the ability to track the networks of individuals involved in diversion across local and international NGOs and UN agencies, and to understand how they may mutate into new positions or entities, is critical, and requires sharing of information.<sup>292</sup> Connections also operate vertically: staff members of INGOs and UN agencies often operate or are affiliated to local NGOs and are considered as investors with an interest in the success of the latter. Although the RWG was reconvened in June 2016, it is important that UN agencies enhance information sharing and coordinate efficient use of resources, *inter alia*, through the RMU.

### Pursuing accountability

46. The increased willingness of UN and NGOs to acknowledge and investigate diversion during the last three years, is now finally being matched by new initiatives to manage what emerges from these enquiries. These include options such as partner ‘rehabilitation’ through arbitration and amicable settlement, submission of investigation findings to national jurisdictions where appropriate (standard practice now in some agencies)<sup>293</sup>, and the creation of “Vendor Sanctions Committees” to steer the process.<sup>294</sup>

47. Tackling the more serious cases remains challenging, however, whether for understandable security and safety reasons on the ground, or difficulties in interacting with reluctant national criminal jurisdictions. As noted above, the more minor the violation and the most established the NGO the greater has been the capacity of the donor or UN entity to engage and pursue a solution or settlement. Where fraud has been extensive and perpetrated by powerful actors, the pursuit of accountability for misappropriation uncovered in investigations has tended to run aground. UN dispute resolution sys-

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(UNCT) to urge UN entities improve their engagement in the collective mechanisms which they had developed and committed to. Email from the Office of the RC/HC to the UNCT, 22 November 2015.

<sup>289</sup> The Risk Working Group is a cross-agency risk management working group (RWG) convened under the Office of the Resident Coordinator/Humanitarian Coordinator and established in May 2014. It comprises the Risk Management Unit (RMU) and Risk Focal Points from the United Nations Country Team (UNCT).

<sup>290</sup> Established in 2011 for Somalia, the Risk Management Unit (RMU) ensures that the UN, its partners, and donors better understand and mitigate the risks associated with operating in Somalia. The RMU has designed and developed a number of risk management tools and services for this purpose. See <http://so.one.un.org/content/unct/somalia/en/home/what-we-do/Risk%20Management%20Unit/>

<sup>291</sup> This protocol covers key aspects and considerations that need to be taken into account by all actors when sharing information related to fraud and investigations and provides recommendations towards a common approach.

<sup>292</sup> [S/2015/801](#) at annex 5.3.

<sup>293</sup> As a result of these efforts, criminal cases against individual staff members at the national are, for example, under consideration in some jurisdictions.

<sup>294</sup> Interviews with UN agency staff, Nairobi, August 2016

tems have proved ill-suited for pursuing egregious cases and donors and Member States that have jurisdiction to pursue the cases—unlike the UN—have not taken up them up.

48. As a result, the discovery of large scale fraud and diversion has generally not led to penalties for those involved, beyond the dissolution of a small number of notorious organisations. Conversely, some others have found themselves *de facto* blacklisted, whether as a result of rumours or the tense atmosphere created around the conduct of investigations.<sup>295</sup> The result has been both ongoing impunity and a perception of a lack of fairness in the system as a whole.<sup>296</sup>

49. The African Rescue Committee (AFREC) scandal ([S/2013/413](#)) is one which is regularly cited by Somali humanitarian workers as an example of impunity for the powerful. In 2013 AFREC was exposed as responsible for the unaccounted or diverted expenditure of millions of dollars of UN funds.<sup>297</sup> In September 2012, over USD 11 million worth of AFREC contracts had been registered in the central UN contract management database.<sup>298</sup> One investigation found that in 12 projects implemented by AFREC between July 2010 and August 2012 alone, 79 per cent of the USD 2.94 million costs only had been either fraudulently claimed or unsubstantiated.<sup>299</sup> The director/owner of AFREC Abdi Ali Raghe is now both a senior regional administration official in the IJA and a businessman with whom the international community has daily engagement.<sup>300</sup>

50. Tackling individual instances of fraud and diversion will, however, always be insufficient. It is critical that the humanitarian community explore how to combine a rigorous approach to ending the impunity of those responsible for the most egregious diversion, with generating a genuine civic conversation about the function and meaning of humanitarian aid, including in terms of the relationships between all actors in the cycle of distribution. A ‘zero tolerance’ policy model, for example, tends to impede openness and may hamper dialogue.

<sup>295</sup> Interview NGO staff member, Nairobi, July 2016.

<sup>296</sup> Multiple interviews with Somali humanitarian workers during the mandate.

<sup>297</sup> The SEMG conducted an investigation into diversion of humanitarian aid by AFREC in 2013. [S/2013/413](#), annex 7.2

<sup>298</sup> Interview with UN staff member, Nairobi, 26 September 2012.

<sup>299</sup> [S/2014/747](#), annex 7.6.

<sup>300</sup> AFREC effectively ceased operations after its conduct was first exposed by UN internal investigations and subsequently publically in the US media. See, inter alia, Millions in UN Somalia aid diverted, hints that some went to terrorists, available at <http://www.foxnews.com/world/2015/01/20/millions-in-un-somalia-aid-diverted-hints-that-some-went-to-terrorists.html>. AFREC subsequently replicated itself as another NGO, Heal International. Heal International, was “introduced” to the health cluster at a meeting in Feb 2014 employing a profile almost exactly equivalent to that of AFREC. See, Health Cluster Coordination Meeting, Wednesday 5 February 2014, available at <https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/events/agendas/NBO%20Health%20Cluster%20Meeting%20Minutes-Feb%202014.pdf>].

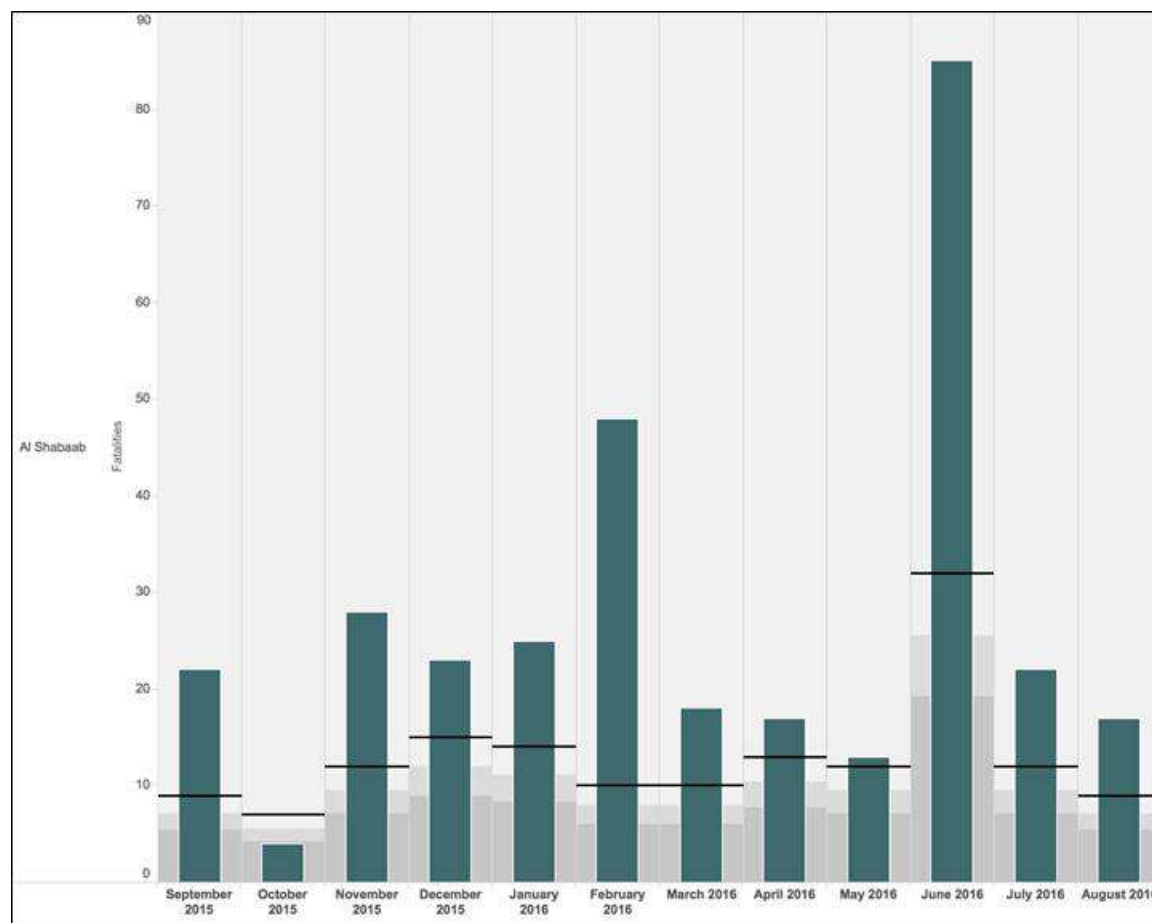
## **Annex 7**

### **Violations of international law involving the targeting of civilians**

### Annex 7.1: Al-Shabaab violence against civilians: large scale IED attacks

1. Anti-civilian violence has been steadily on the rise in Somalia since January 2015, with June 2016 being the most violent month faced by civilians, calculated as as a proportion of overall violence in Somalia.<sup>301</sup> During this period Al-Shabaab has been responsible for the largest share of all civilian fatalities (37 per cent). Although the average number of Al-Shabaab attacks on civilian targets has not significantly changed since last year, the intensity of the violence has increased, with each incident now involving a greater number of deaths and injuries.

**Figure 7.1 (a)**



*Graph showing the number of incidents attributed to Al-Shabaab per month contrasted with the number of fatalities associated with those incidents. Graph created for the SEMG by ACLED/Professor Clionadh Raleigh.*

<sup>301</sup> The Armed Conflict Location and Event Data Project (ACLED) conducted analysis for the SEMG, Draft Conflict Analysis of Somalia, August 2016. ACLED is a project which collects and analyses data on political violence in developing states. For more, see [www.acleddata.com](http://www.acleddata.com).

2. In addition to its ongoing campaign of targeted assassinations, Al-Shabaab ensured it generated high civilian casualties through enhanced targeting and means of attack in its operations involving improvised explosive devices (IEDs).<sup>302</sup> On 28 February 2016, for example, an attacking combining a person borne IED (PBIED) and vehicle borne IED (VBIED) on two popular cafes in Baidoa killed at least 38 people. During its visit to the town of Baidoa between 2 and 5 March 2016, the SEMG met with local medical staff and government officials, including first responders, who noted that the explosion had caused a large number of deaths and injuries across a wide area with wound characteristics not previously seen.<sup>303</sup> Officials described victims with severe burns and surmised that Al-Shabaab had employed a special kind of material which had caused intense heat.

3. The SEMG spoke with experienced medical personnel and explosives experts who responded to multiple PBIED and VBIED attacks in Somalia during the mandate to understand if there had been a change in the Al-Shabaab's IED techniques and tactics. According to those consulted, there has been no major evolution in the nature of the explosives which Al-Shabaab employs in its IED operations.<sup>304</sup> It is rather the size of the IED, the increasing scope of the method of delivery, and the choice of target which are creating stronger and more violent explosions. In recent attacks, for example, Al-Shabaab has not only used high volumes of explosives, packed in fuel-bearing vehicles (cars and small trucks), it has also placed steel plates or other metal scrap around the main charge to increase fragmentation. As a result of all these factors, larger pieces of material are generated when the IED explodes, contributing to the seriousness of the injuries. An expanded blast radius also increases the number of people affected. In addition, depending on the location of the attack, other accelerants augment the explosion: the kitchens of the cafes in Baidoa, for example, most likely contained gas or other fuels which likely accounted for the descriptions of first responders to the SEMG that blood was "burning" on the ground.<sup>305</sup>

4. More broadly it is understood that during the last two years Al-Shabaab has been joined by explosives experts who have higher level technical skills, including in the creation of homemade explosives from commercial materials which are widely available.<sup>306</sup>

5. The complex attack launched by Al-Shabaab during the mandate in Mogadishu and Baidoa were all initiated by VBIEDs equipped with homemade explosives. These components can be extracted from a variety of ordinarily available materials such as fertilizer or household products. This makes it easier to find IED source material at scale: IEDs with 200 to 400 kg payloads have been regularly deployed this year. As a result of Al-Shabaab's new IED capacities, the slow work of harvesting military grade explosives from captured weapons and unsecured ammunition dumps—in which latter children have been engaged—is no longer a priority for Al-Shabaab when preparing such large IEDs, although small amounts are used as boosters for the detonation.

6. Although control of these materials is not possible, consideration could be given by the FGS and its partners to efforts to track and monitor of patterns of import and distribution of large volumes and/or unusual purchaser identities for materials which can be easily exploited to manufacture homemade IEDs.

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

<sup>303</sup> Interviews with regional security officials, Baidoa, 2 March 2016. A source of the Monitoring Group visited Baidoa hospital on behalf of the SEMG and collected information (testimonies and pictures) on the situation of the victims.

<sup>304</sup> Interviews with military experts with knowledge of developments on the ground in Somalia, Mogadishu, 5 September 2016.

<sup>305</sup> Al-Shabaab also conducted an attack on 21 August 2016 in the center of Galkayo (North) in which two VBIED explosions caused the death of over 27 civilians and the injury of up to 90 people, many seriously. See the statement of the UN Assistance Mission in Somalia on the attack at <https://unsom.unmissions.org/srsg-keating-condemns-terrorist-attack-gaalkacyo>.

<sup>306</sup> See also annex 8.6 (confidential) for a detailed discussion of Al-Shabaab's developing capacity to deploy sophisticated IEDs in its military targeting.



## Annex 7.2: Al-Shabaab: recruitment and use of children<sup>307</sup>

7. During the mandate the SEMG received multiple reports of forced recruitment of children by Al-Shabaab in Middle and Lower Juba and Lower Shabelle, from the relatives of communities living in those areas, and from refugee families in camps in Kenya.<sup>308</sup> The Group also monitored the capture of children fighting with Al-Shabaab by the forces of the Puntland and Galmudug Interim Administration (IGA) in March 2016.

8. Al-Shabaab used increasing force in its recruitment of children this year. During the first three months of 2016 alone there were 268 incidents of child abduction verified by the UN and its partners, the majority of which were attributed to Al-Shabaab.<sup>309</sup> Against the background of this aggressive general recruitment drive (primarily in Bay, Lower Shabelle, and Middle Juba), evidence collected by the SEMG points to an increasing focus by Al-Shabaab on the recruitment of very young children, particularly prior to, and after, Al-Shabaab's failed attack on Puntland. From the patterns observed, Al-Shabaab appears to be filling immediate operational needs to deploy large numbers of relatively untrained foot soldiers, but also to be implementing a longer-term strategy to build a cadre of loyal fighters indoctrinated from a young age.<sup>310</sup>

- In September 2015 sources of the Monitoring Group described the beginning of an aggressive recruitment drive around Jamame, particularly in areas near Kamsuma and Makalongo.<sup>311</sup>
- In December 2015, the SEMG received reports that over 150 children had been abducted by Al-Shabaab from madrassas in Bay region.<sup>312</sup> Subsequently a number of former Al-Shabaab fighters told the SEMG that they had seen significant numbers of children being trained and/or marshalled in a camp outside Bulo Fulay in Bay region.<sup>313</sup>
- In early 2016 Bantu/Wagosha elders told the SEMG that around 260 children and youth, between the ages of 12 and 24 years old, primarily from Mahaway and Wazigua sub-clans of the Jareer community from Lower and Middle Juba, were abducted and taken to locations in Puntland.<sup>314</sup> The elders provided the SEMG with the names of some of the children taken from Migwa, Shongol and Isaqbul villages, a number of whom died, and others still in the hands of Al-Shabaab.<sup>315</sup>
- In March 2016, the local community in two villages in Lower Shabelle rejected Al-Shabaab's specific request to 'provide' children in the age range of eight to fifteen years old and presented an older group of potential recruits

<sup>307</sup> Precise details of some of the incidents listed in this annex were omitted to protect SEMG sources and their families from retributive attacks.

<sup>308</sup> In the first three months of the year the recruitment and use of 472 children (442 boys; 30 girls) was documented. Al-Shabaab was responsible for the majority of the cases (276) followed by clan militias (123). Email from UN staff member, 22 July 2016. Al-Shabaab's recruitment drive since the failed Puntland attack is not captured in these figures.

<sup>309</sup> Report of the Secretary General on Somalia, S/2016/43, 9 May 2016, paragraph 58. During the whole of 2015 the UN verified 523 cases of abduction of children of which Al-Shabaab was responsible for 492, primarily in the context of recruitment Report of the Secretary General, Children in armed conflict, 20 April 2016, A/70/836–S/2016/360, paragraph 118.

<sup>310</sup> It may be—and those entering defector programs reflect this—that older recruits are seen as most likely to question and desert. Discussion with security expert, Mogadishu, 5 September 2016.

<sup>311</sup> Telephone interviews conducted by a relative of community members from the area and shared with the Monitoring Group, Nairobi, 28 June 2016.

<sup>312</sup> See A/70/836–S/2016/360, paragraph 113. The UN was only able to verify 26 of these cases.

<sup>313</sup> Interview with former Al-Shabaab fighters, Garowe, 10 May 2016.

<sup>314</sup> Interview with Bantu elders, Nairobi, 25 January 2016; correspondence dated 22 July 2016 from Bantu elders on file with the Monitoring Group; email from Bantu elder to the SEMG, 31 August 2016; see also S/2015/801, annex 6.2 for detailed information on the persecution of the Bantu/Wagosha community—including forced recruitment Lower and Middle Juba between 2013 and June 2015.

<sup>315</sup> It was also reported, but could not be confirmed, that some of the identities of the children were changed and that Al-Shabaab "claimed they are from Tanzania and Kenya". Individual from these clans speak their own language which is similar to Swahili. Children from Migwa were among those who detained by the Puntland authorities when they captured Al-Shabaab fighters in March.

for consideration.<sup>316</sup> Al-Shabaab did not accept the substitution, and abducted 60-70 small children from Koranic schools in the area. Later rumours circulated that the children were intended to be used as suicide bombers to interrupt the 2016 political elections.

- In March 2016 representatives of the security services in Baidoa told the Monitoring Group how Al-Shabaab in the sector had begun a new approach to recruitment.<sup>317</sup> Children from 10 years old in the area were being given “an offer of education”, for which parents paid fees, and through which military training was initiated. The officials described this new approach as a “long term threat which needs to be brought to the attention of the international community”.
- In March 2016 the SEMG was informed of a forceful recruitment program underway between Eel Addow and Kurtunwarey in Lower Shabelle, particularly focussing on schools.<sup>318</sup> Hundreds of children are estimated by the UN to have been the target of such sweeps in Lower Shabelle alone during the first months of 2016, including further to attendance at madrassa or public or religious gatherings.<sup>319</sup>
- In May 2016, the SEMG received reports of a surge in recruitment of children from madrassas in Harardhere district in Mudug region.<sup>320</sup>
- In June 2016, the SEMG spoke to recently arrived refugee families in Kenya who cited a child recruitment drive, particularly of boys between 12 and 15, around Afgoye, Lower Shabelle, as their reason for fleeing the area.<sup>321</sup>
- In June 2016, the SEMG verified UN reports that teenage recruits had recently completed four months of training in Bu’ale, Middle Juba.<sup>322</sup>
- By the end of June 2016 there had been 521 cases of Al-Shabaab recruitment of children verified by the UN.<sup>323</sup>

### Capture of over 100 children associated with Al-Shabaab

9. Al-Shabaab’s failed attack on Puntland and Galmudug particularly exposed the expanding pattern of Al-Shabaab recruitment and use of very young children. When the kinetic operations ended, the Puntland and Interim Galmudug administrations found themselves with over a hundred children in their custody who had been separated from Al-Shabaab—some as young as 11.<sup>324</sup> The children had in the main been hastily trained: among the children captured in Puntland, few of them had spent more than one year with Al-Shabaab, one had spent only one month with the group before being deployed.

10. In a video interview of the children conducted just after they were captured by Puntland forces at Tugga Suui, four of the boys described their different trajectories to Al-Shabaab through madrassa, promises of education and abduction.<sup>325</sup>

<sup>316</sup> Email from member of parliament from Lower Shabelle, 4 April 2016; The name of the two villages are withheld for safety reasons.

<sup>317</sup> Interviews with representative of the security sector in Baidoa, 2 March 2016.

<sup>318</sup> Email from prominent elder in Lower Shabelle, 1 April 2016.

<sup>319</sup> Email from UN staff member, 22 July 2016. These cases are still being verified by the UN and its partners.

<sup>320</sup> Email from UN staff member, 16 May 2016.

<sup>321</sup> Interviews with members of the Biimaal community, Kenya, 2 June 2016. They noted that if there was only one son in the family there was an option of paying to avoid recruitment.

<sup>322</sup> Email from UN staff member, 5 June 2016; Skype call with relative of a resident of Bu’ale with knowledge of Al-Shabaab operations.

<sup>323</sup> Email humanitarian worker, 18 September 2016.

<sup>324</sup> Interviews with UN staff members, March to June 2016. The SEMG visited the facility in Garowe where the children were held on 10 May 2016. At that point the children were being held separate from the adult former combatants and in adequate conditions.

<sup>325</sup> The SEMG reviewed some of the basic information available on the detained children from official sources and reviewed TV interviews conducted by journalists with the children captured in Puntland and other footage of children detained in Galkayo.

A second set of interviews conducted later that day revealed that a number had been provided basic training, particularly on use of an AK47—others none—and then had been sent to Puntland without explanation: “we just followed orders”. The boys had been gathered from different areas of south central Somalia, taken to the landing point at Harardhere, and told to fight. A number of testimonies collected by the SEMG from family members of children abducted by Al-Shabaab in Middle Juba in early 2016 confirm this pattern of recent recruitment, cursory training and rapid deployment.<sup>326</sup>

11. In May 2016, in line with the Somalia Standard Operating Procedures on the reception and handover of children separated from armed groups, 43 children were transferred by the authorities in Galkayo into the care of the United Nations Children’s Fund (UNICEF): one child was released to his mother in Galkayo. Negotiations to secure the release of the children from Puntland, however, stumbled.<sup>327</sup> On 20 June 2016, 12 of the children were sentenced to death further to summary trials in the military court in which the children were not represented and in which they were cursorily found guilty of “association with Al-Shabaab”.<sup>328</sup> Although the Puntland authorities have given assurances to the UN that the children will not be executed, the manner of their trial, and their continued detention is of concern.<sup>329</sup> In a positive development however, in July 2016 a joint age assessment team comprised of Puntland government officials, international NGO experts and the UN was established to evaluate at least 19 of those sentenced to death whose currently determined ages are on the borderline.<sup>330</sup> The SEMG learned in September that 9 of the 19 were assessed as children and a tenth recommended for release on health grounds. All ten had been sentenced to death.<sup>331</sup>

12. Al-Shabaab’s willingness to increasingly use children in direct military encounters raises questions about the need for international and national security forces in Somalia to examine whether there are special tactics, techniques and procedures that may need to be deployed before and during active hostilities. Encountering children on the battlefield creates complex moral, ethical and military doctrine and rules of engagement dilemmas. Training, scenario running and other interventions, tailored to the Somali context, might be considered.<sup>332</sup>

### Detention and use of children separated from Al-Shabaab

13. The SEMG reported to the Council in 2015 that it had received credible testimony on the victimisation and use of former child soldiers or children separated from armed groups and detained by the authorities at the Mogadishu Serendi camp, including for intelligence gathering, in breach of international law.<sup>333</sup> During the current mandate the SEMG also received allegations from sources with direct knowledge of the facility, of sexual and physical abuse of the children and adults in previous years at the camp.<sup>334</sup> On 8 May 2016 a story in *The Washington Post* exposed the practice of using former child soldiers as intelligence assets by the National Intelligence and Security Agency (NISA).<sup>335</sup> The Director of NISA, Gen. Abdirahman Turyare was quoted in the article acknowledging the practice, and even suggesting it was ongoing.

<sup>326</sup> In August 2016 the SEMG received testimony from a refugee in Kenya who described how her son had been abducted from Jiriki in Lower Juba in January 2016. In March 2016 she received a phone call from her son informing her that he had been critically injured in a battle. A week later she received a photograph of her son’s body. A refugee father also told how his son (16) had been abducted around the same time from the same area but was later killed: he continued, however, to receive communications from his son’s friends who were still being held by Al-Shabaab “around Garowe and Bosasso”.

<sup>327</sup> Interview with UN staff member, 17 June 2016.

<sup>328</sup> Altogether 43 fighters received the death penalty. See <http://www.garoweonline.com/en/news/puntland/somalia-puntland-court-sentences-43-al-shabaab-fighters-to-death>. The 12 children were transferred to Bossoso and held alongside the other prisoners who had been sentenced to death.

<sup>329</sup> Phone interview with UN staff member, 20 August 2016; email UN staff member 27 June 2016.

<sup>330</sup> Interview UN staff member 13 July 2016.

<sup>331</sup> Email from humanitarian worker, 18 September 2016.

<sup>332</sup> See, for example, the work of the Romeo Dallaire Child Soldiers Initiative at <http://www.childsoldiers.org/what-we-do/#training>

<sup>333</sup> S/2015/801, annex 6.4.

<sup>334</sup> Interview with individual regularly present at the facility in 2014 and 2015, undisclosed location, 2 August 2016.

<sup>335</sup> Kevin Sieff, “US-funding Somali intelligence agency has been using kids as spies”, *The Washington Post*, 8 May 2016. Available from [https://www.washingtonpost.com/world/africa/exclusive-us-funded-somali-intelligence-agency-has-been-using-kids-as-spies/2016/05/06/974c9144-0ce3-11e6-a6b6-2e6de3695b0e\\_story.html](https://www.washingtonpost.com/world/africa/exclusive-us-funded-somali-intelligence-agency-has-been-using-kids-as-spies/2016/05/06/974c9144-0ce3-11e6-a6b6-2e6de3695b0e_story.html).

ing—although only for children held as “high value” ex-combatants. He was subsequently removed from his post. In the first six months of 2016 there were at least 250 children detained on security related charges, primarily by FGS security forces.<sup>336</sup>

14. On the same day as the *Washington Post* article was issued, the FGS Office of the Prime Minister announced the appointment of a ministerial-level Fact Finding Committee.<sup>337</sup> The Committee reported quickly in June 2016 and the FGS shared a copy with the SEMG. The Committee found that “while underage children were used by NISA in the past to identify members of Al-Shabaab through the finger pointing technique, that practice is no longer applied at any of the detention centers nor are underage children kept under NISA custody”.<sup>338</sup> The Committee also acknowledged also that “the previous situation in which children and adults were kept in the same facility has created an environment of systematic human rights violations”. The Committee urged that a human rights policy be developed for NISA, including standard operating procedures relating to detainees and that training for NISA and other law enforcement agencies be conducted.

15. Approximately 2,430 adults have passed through or are currently in reintegration facilities for ‘low risk’ ex-combatants since programs began in 2013. An additional 64 children have been transferred out of the system in Serendi camp into the care of UNICEF partners. Meanwhile—other than the high profile Serendi and Galkayo caseloads noted above—only 20 children have been transferred to UNICEF and its partners for protection and rehabilitation since early 2014.<sup>339</sup> Taking into account the high percentage of children found within Al-Shabaab units on the battlefield in Puntland (as much as 50 per cent) and multiple testimonies of increasing forced recruitment of children, the question arises: why are children not deserting in proportional numbers and finding their way into child protection programs associated with demobilisation? Are local solutions being found? What are the implications of these discrepancies in the numbers for the development of a more comprehensive FGS and international response to responding to the protection needs of children recruited and used by Al-Shabaab?

16. At the end of July 2016, the Special Representative of the UN Secretary-General for Children and Armed Conflict (SRSG CAC) conducted her second visit to Somalia. She particularly highlighted the need for appropriate treatment and protection for children separated or captured as a result of their association with armed groups and the implementation of special measures to protect children from recruitment and use.<sup>340</sup> In this regard, as pressure rises on refugees to repatriate from Kenya, the return environment must be carefully monitored—68 per cent of all those who returned to Somalia from Dadaab camp during 2016, were children.<sup>341</sup> In April and August 2016 Human Rights Watch collected testimonies from several young men and boys who attempted to go home with their families to Al-Shabaab-controlled areas and had been approached for recruitment—they subsequently fled again to Kenya.<sup>342</sup>

<sup>336</sup> Cases verified by the UN. Email UN staff member, 18 September 2016.

<sup>337</sup> This ministerial committee included the Minister of Justice (Abdullahi Ahmed Jama), the Minister for Internal Affairs and Federalism (Abdirahman Mohamed Hussein “Odawa”), the Minister for Security (Abdirizaq Omar Mohamed) and the Commander of the Custodial Corps (General Bashir Mohamed Jama “Gobe”).

<sup>338</sup> Findings of the Ministerial Committee on the *Washington Post* article regarding Somali Intelligence agency and the alleged use of child defectors as spies, 12 June 2016, on file with the Monitoring Group.

<sup>339</sup> This has been required since the February 2014 when the FGS signed the Somalia Standard Operating Procedures on the reception and handover of children separated from armed groups.

<sup>340</sup> Press release, Somalia: Special Representative Zerrougui calls for stronger measures to protect children affected by armed conflict, 26 July 2016 available at, <https://childrenandarmedconflict.un.org/press-release/somalia-special-representative-calls-for-stronger-measures-to-protect-children/>.

<sup>341</sup> See, UNHCR, Weekly Update, Voluntary repatriation of Somali refugees from Kenya, 5 August 2016, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/VoluntaryRepatriationAnalysis-05082016.pdf>. Email from researcher, 9 September 2016. In a phone interview on 9 September 2016 an NGO expert on child protection and the prevention of recruitment and use of children, including in Somalia, warned that returning refugee children were being targeted.

<sup>342</sup> Human Rights Watch, Kenya: Involuntary Refugee Returns to Somalia, Camp Closure Threat Triggers Thousands Returning to Danger, 14 September 2016, available at <https://www.hrw.org/news/2016/09/14/kenya-involuntary-refugee-returns-somalia>.

### **Annex 7.3: Violations committed by Federal Government of Somalia (FGS) security forces against civilians held in detention<sup>343</sup>**

17. Although large scale attacks on civilians were not committed by FGS forces during the mandate, there continued to be systematic compromise of the legitimacy of the security forces in the eyes of local communities, in particular through the abuse of state power to advance clan, political or economic interests. This contributed to undermining the effectiveness and legitimacy of the FGS security forces, and peace and security generally.<sup>344</sup> During the mandate, the SEMG examined a number of cases of violations committed by federal security forces against civilians held in detention.

#### **Detention and torture by Somali National Army (SNA) officers in Jowhar<sup>345</sup>**

18. In 2014 the SEMG reported on a series of attacks on 20 Bantu villages on 6 and 7 November 2013 launched by Abgaal/Mohamed Muse militias, and SNA personnel, in the course of which civilians were killed, homes burned, assets looted, women were raped and thousands displaced.<sup>346</sup> On 11 April 2016, five young Bantu/Shiidle men, all farmers from Daifa or Baroweyne villages in Middle Shabelle, were arrested and detained by a unit of the Somali National Army (SNA). Accused of being members of Al-Shabaab, the five men were first detained for two days at Jowhar Airport military base, subsequently held for seven days at Jowhar Police Station, and finally transferred for 43 days to National Intelligence and Security Agency (NISA) facilities. All five men were regularly beaten and denied water during their detention. Two of the men were particularly signalled out for torture by two named SNA commanders: one man had his finger nails pulled while both were severely beaten with butt of a rifle and had boiling hot water poured on the wounds.<sup>347</sup> According to testimonies received by the SEMG, the SNA officers involved in the violation wanted to appropriate the properties of the men, and used the accusation of affiliation with Al-Shabaab as a pretext for their detention. After more than seven weeks in detention, the men were finally freed by the now deceased commander of NISA in Jowhar, Abdiweli Ibrahim Mohamed and cleared of all allegations.

19. Information on this case came to light late in the mandate: the SEMG has shared the names of the officers involved and the details of the case with the UN Human Rights and Protection Group and have requested them to raise the issue with the local authorities and consider relevant protection needs of the victims.

<sup>343</sup> Precise details of the incidents listed in this annex were omitted to protect SEMG sources and their families from retribution attacks.

<sup>344</sup> See annex 7.5 for a discussion on how involvement of FGS security forces in clan conflict in Lower Shabelle is undermining peace and security in the regional and in Somalia as a whole.

<sup>345</sup> Monitoring Group phone interviews with individual with knowledge of the case who conducted interviews on behalf of the SEMG with the men, August 2016.

<sup>346</sup> [S/2014/747](#), annex 8.1 and strictly confidential annex 8.2

<sup>347</sup> Photographs of injuries sustained by two of the men are held on file with the Monitoring Group, with one attached at figure 7.3 (a). The injuries—some still raw—are broadly consistent with the testimony provided of the torture meted out to the men.

**Figure 7.3 (a)**

*Photograph of one arm injury sustained by one of the five men (name on file with the SEMG,) unhealed, taken by source of the Monitoring Group, four and a half months after its infliction.*

#### **Torture and ill-treatment in security detention<sup>348</sup>**

20. In 2014 and 2015 the SEMG documented allegations of ill-treatment and torture, in particular of journalists, in Mogadishu's Central prison, and in security detention as overseen by NISA officials.<sup>349</sup> During the current mandate, the SEMG conducted detailed interviews with five civilians who reported being subject to ill-treatment and and/or torture in security detention—in Godka Jillicow (Bondheere District) and Hoggaanka Baarista/Godka Madaxtooyo (Villa Somalia)—during 2014 and 2015.<sup>350</sup> All five were detained as a result of, and some found guilty of offenses relating to, their work as journalists or their public expression of political opinion.<sup>351</sup> Prior to the specific incidents under examination, all had been warned multiple times by various authorities (executive and security branches of government) that there were topics they should not address in their public communications. All had been arrested and detained multiple times.

21. The SEMG also interviewed others who had been detained in the Central prison and in Godka Jillicow around the same time period who provided corroborating testimony on the patterns of conduct described by the principal interview-

<sup>348</sup> Where torture is committed in a context linked to an armed conflict it constitutes a war crime. When committed as part of a part of a widespread or systematic attack directed against any civilian population or an identifiable part of a population it can constitute crimes against humanity.

<sup>349</sup> See S/2015/801, annex 6.1 and S/2014/747, annex 8.1

<sup>350</sup> Series of interviews conducted in person and on the phone Nairobi, Belgium, Sweden and the United Kingdom, between March and August 2016. One of the reasons for the delayed investigation of these cases was concerns about the <sup>safety</sup> of the interviewees. There was a need to ensure they were in a place where their protection could be assured.

<sup>351</sup> For an overview of challenges to freedom of expression in Somalia and the frequent arrest of journalists and shuttering of media houses on state security grounds, including during the current mandate, see UN Assistance Mission in Somalia, Report on the right to freedom of expression, Striving to Widen Democratic Space in Somalia's Political Transition, August 2016; see also, Human Rights Watch, Like Fish in Poisonous Waters, attacks on media freedom in Somalia, 2 May 2106, available at, <https://www.hrw.org/report/2016/05/02/fish-poisonous-waters/attacks-media-freedom-somalia>

ees. In addition, the SEMG reviewed information and material circulated on social media relating to torture and ill-treatment in detention.

### *Summary of the testimonies*

22. The individuals interviewed by the Monitoring Group claimed that they were subjected to: restrictions on, or denial of, food and drink; confinement in small airless cells; beating and slapping; forced standing and confinement in stress positions using handcuffs or other ties making breathing difficult; interrogation while blindfolded; threats of death, sexual assault and further torture including by senior officials during questioning; hooding with plastic bags; use of electric shocks; forced partial submersion in water to induce fear of drowning, insults and general threats of violence, and denial of access to medical services.

23. Judicial oversight of detention and treatment in custody was minimal and insufficient and involved forum shopping. Four were brought before a military court where requests for extension of the detention period were acceded to: in one case, apparently the judge did reject a request for a 45-day extension of custody, and questioned the appropriateness of the enquiry. Nevertheless, the judge went on to direct a 21-day extension of custody. Another interviewee described how he was brought before a civilian court which ordered his release: he was then taken to a military court where the extension of detention was granted. In two cases it appears that the presiding judge in the military court made rudimentary enquiries into the well-being of the men but ultimately accepted the explanation of security officials as to how visible injuries were sustained. In one of these cases the detainee alleged that he told the judge directly what had been done to him and recounted how he had lost consciousness during the torture.

24. In addition to their personal testimonies, the five men recounted in detail having observed or received information from fellow detainees on the following conduct: extrajudicial killing of prisoners, forced marriage, torture, sexual assault, routine beatings. They also provided information on cases in which it was alleged by fellow detainees that individuals had been released further to the exertion of influence through family connections or money.<sup>352</sup>

### *The case of Ali Abdi Wardhere (Ali Ali Yare)<sup>353</sup>*

25. Only one of the five principal interviewees was willing to allow details of his case to be shared publicly.<sup>354</sup> Between March and May 2015 Ali Yare (Haber Gedir/Ayr), a well-known political activist and blogger, received a series of threats from government actors, on phone and on social media in relation to his political writings. Mr Ali Yare described to the SEMG how in March 2015 he was brought to a meeting with President Hasan Sheikh who personally warned him about his conduct in the presence of the Minister for Interior and Federal Affairs and other officials. In late May 2015 Mr Ali Yare was arrested twice and questioned by the security services about his political activities and ordered to attend and sign-in regularly at the station.<sup>355</sup> He was informed in particular that the President was “unhappy” with his engagement in the formation of the Interim Galmudug Administration (IGA) including his role as campaign manager for the IGA Presidential aspirant, Ambassador Ahmed Abdelsalam Adan.<sup>356</sup> Indeed, in the weeks preceding his detention Mr Ali Yare had been prevented from flying to Adado on four occasions when he presented himself at Mogadishu airport. Finally on 11

<sup>352</sup> The SEMG continues to investigate these cases and will share with appropriate authorities, to the extent that it does not harm potential witnesses.

<sup>353</sup> Mr Ali Yare provided the SEMG with a written statement and supporting documents in addition to engaging in four interviews with the SEMG dealing with his experience between May and August 2016, in person in Nairobi, and on phone and Skype.

<sup>354</sup> Mr Ali Yare’s public profile and circle of protection both among senior members of the cabinet and the international community, and even, at a personal level, among senior NISA officials, were not sufficient to protect him. But they did allow him to speak out relatively publically about his experience, and what he observed of the treatment and circumstances of other detainees. Due to his profile, his detention and release were heavily documented on social media.

<sup>355</sup> Texted sign-in directions reviewed by the SEMG.

<sup>356</sup> See S/2015/801, annex 1.1 for an overview of this process. Mr Ali Yare told the SEMG that his close political affiliation with Ahl al-Sunna wal-Jama’a (ASWJ) was also a point of contention.

June 2015 Mr Ali Yare was arrested from his home by NISA personnel, assaulted and blindfolded and taken to the Ma-dahtoyo NISA investigation facility at Villa Somalia.<sup>357</sup>

26. During the first period of his detention Mr Ali Yare was regularly blindfolded, taken from his cell, slapped, pushed down on the ground, interrogated and threatened with death. He stated that he was accused of wide variety of illegal activities, including undermining the state and killings (at a time when he was a child). He was not permitted access to a lawyer but members of his family were allowed to visit briefly on 19 June 2016. After about ten days in detention, Mr Ali Yare states that he was taken to the location of the Supreme Court but ultimately not permitted to enter the facility, remaining in the courtyard. When the principal official returned to the vehicle, however, it was implied that an order had been obtained extending his detention but Mr Ali Yare was not provided with any details.<sup>358</sup>

27. Due to a combination of the treatment meted out to Mr Ali Yare during interrogations, the poor conditions at the facility, and, possibly, other factors,<sup>359</sup> Mr Ali Yare eventually collapsed and lost consciousness and was taken to Deva Hospital in Mogadishu. While hospitalized Mr Ali Yare was told he was being treated for kidney problems, malnutrition and a stomach ulcer.<sup>360</sup> He was kept under guard in the hospital in the custody of a senior regional NISA official, Abdel-qadir Hassan Omar Geleh. Eventually Mr Ali Yare's friends and family lodged a *habeas corpus* application before the Supreme Court which ultimately ordered his release on 19 July 2015.<sup>361</sup> The decision of the Court noted that Mr Ali Yare had been in detention since 11 June, had not been charged with a crime, had been refused access to his family or a lawyer and had not been properly brought before a court for a review of his detention. He was released the following day. Approximately nine hours subsequent to Mr Ali Yare's release, Mr Geleh, the Hodan district NISA official who had been assigned to guard him in hospital, was killed by NISA personnel—including one of the officials engaged in Mr Ali Yare's 25 May arrest and detention—allegedly further to his refusing an order.<sup>362</sup>

28. Further to his release, Mr Ali Yare remained under a number of restrictions, including travel, issued by the President in an informal directive until this was re-negotiated on 22 September 2015.

### **Publicly available information**

29. In late May 2016 a video was widely circulated on Somali social media which purported to be footage taken of two officials of the Mogadishu based NISA interrogating Hussein Hirsi, an official of the Yaqshid district administration, on his links with Al-Shabaab and a named businessman.<sup>363</sup> The NISA officers are shown beating and insulting the prisoner in what appears to be a "safe house", an unofficial detention facility. One of the senior officers is heard saying to Mr Hirsi: "if you refuse to tell what we want from you, your life is not more valuable than others we kill every day." The SEMG has identified the two principal officials visible in the video: it is understood that one individual was placed under house arrest for a period of time but is now back in a senior position in NISA<sup>364</sup> the other has sought asylum in a European state. Later a video statement from Abdikamil Shukri Moallim, a spokesman of Ministry of Security, was circulated on social

<sup>357</sup> Photographs purportedly taken from inside Mr Ali Yare's home during the incursion arrived show, show unmarked vehicles bearing the NISA logo with uniformed personnel manning mounted weaponry. Photographs on file with the Monitoring Group.

<sup>358</sup> The Supreme Court order of 19 July 2016 however noted that Mr Ali Yare had never been brought before a court.

<sup>359</sup> Mr Ali Yare states that he is not sure whether something was introduced into a drink which he was given a couple of hours prior to his collapse.

<sup>360</sup> Mr Ali Yare states that he requested a copy of his medical records from the hospital after his release but this was refused. Deva Hospital was closed by the government at the end of July further to the political fallout from the Turkish coup. See, *inter alia*, Shabelle News, "Troops cordoned off Deva hospital linked to failed Turkish coup", 20 July 2016. Available at <http://www.shabellenews.com/2016/07/troops-cordoned-off-deva-hospital-linked-to-failed-turkish-coup/>.

<sup>361</sup> Copy of Supreme Court order on file with the Monitoring Group.

<sup>362</sup> During the hearing at the Supreme Court there had been contradictions in the account given by the state on the length of Mr Ali Yare's detention and Mr Geleh had been called into the chamber to clarify. He confirmed that the period of hospitalisation had been under strict guard, with the authorities assuming responsibility for the fees.

<sup>363</sup> Available from <https://www.youtube.com/watch?v=7sMcmxf9XI0>.

<sup>364</sup> Phone interview with a Somali journalist, 18 August 2016. The same official featured prominently in a number of the cases reviewed by the SEMG.



media where he indicates that reforms have been made following the release of the footage and that the government formed an independent committee aimed to investigate these allegations against NISA.<sup>365</sup> The SEMG requested information from the FGS about this committee and steps taken to address the allegations embodied in the video but did not receive a reply.

30. On 5 February 2016 Somali National TV carried a program containing a series of interviews and confessions with Hassan Hanafi Haji, a former journalist for the Al-Shabaab Radio Andalus, who was later convicted of killing five journalists between 2007 and 2009 by a military court in March 2016.<sup>366</sup> In a subsequent interview, Hanafi claimed he had been tortured during his interrogation, including through suffocation, use of hooding with plastic bags and stress positions, electric prods, beating and use of water, including forms of torture and ill-treatment specifically described by three of those interviewed in detail by the SEMG. The interview appears to have been conducted by phone by an interviewer with a pro-Al-Shabaab bias, and posted on 7 April 2016 just three days prior to Mr Hanafi's execution.<sup>367</sup>

### Conclusions

31. As set out above, consistent and credible testimony was proffered to the SEMG by former detainees which indicated patterns in the nature, circumstances and perpetrators of the use of torture and inhuman and degrading treatment or punishment in NISA detention. It is clear that these incidents were not isolated but part of an accepted practice, including as condoned and directed by those with senior political command. Particular names arose repeatedly in the accounts received by the SEMG, including of individuals who directly carried out the prohibited conduct, ordered the conduct, or were in a position to prevent the conduct.<sup>368</sup> The fact that a number of NISA officers, themselves ex-members of Al-Shabaab or groups formerly associated with the origins of Al-Shabaab, are permitted to engage in interrogations of civilians is extremely problematic.<sup>369</sup>

32. The misuse of detainees in security detention, whether in pursuit of political ends or to settle private and business scores, not only amounts to a violation of human rights and of the sanctions regime: it also undermines the capacity of NISA to do its vital job, dissipating resources in misuse of authority. Those interviewed by the SEMG were arrested multiple times, in operations which involved large numbers of officers and assets of the force. Further, Al-Shabaab is also quick to use allegations of torture in detention by security forces to enhance its propaganda: after its 31 August 2014 attack on Godka Jillicow Al-Shabaab Wali for Benadir, Sheikh Ali Hussien (Ali Jabel) stated that the group had attacked the centre as "Muslims have been tortured and punished there".<sup>370</sup>

33. It is encouraging that two of those interviewed suggested that overall, treatment in security detention—and the Central Prison, under a new prison commander—had improved. One of the interviewees described how his detention in 2015, for example, involved less severe treatment than in 2014. With the greater secrecy surrounding the use of 'safe houses'

<sup>365</sup> The video which was original posted at <https://www.youtube.com/watch?v=7sMcmxf9XIo>, and which the SEMG initially reviewed, had been removed at time of writing on 13 September 2016.

<sup>366</sup> The program was posted at <https://www.youtube.com/watch?v=xydjJ-FXL7Q>. He was interviewed by Abdiaziz Abdiaziz Mohamud Guled (Afrika), a NISA operative who plays a media role, Mr Afirka has been implicated in a number of previous human rights violations documented by the SEMG, including allegations of sexual violence against a fellow journalist.

<sup>367</sup> Video of the interview was posted at <https://www.youtube.com/watch?v=bV3iAVIDaRs>. The video was uploaded on 7 April 2016. It is not unusual for detainees to be able to access telephones during their incarceration. He also claimed that Zakariya, the former head of Al-Shabaab's *Amniyat* unit, conducted some of the interrogations.

<sup>368</sup> The SEMG will share names, and information on the allegations, to the extent agreed with the victims, with relevant authorities.

<sup>369</sup> In at least two of the cases assessed by the SEMG the interrogator made reference to his previous connection with Al-Shabaab and Al-Shabaab related groups in an attempt to intimidate.

<sup>370</sup> Somalimemo, Dhageyso: Sheekh Cali Jabal oo Shir Jaraa'id Ku Faah Faahiyay Howlgalkii Godka Jilacoow Muqdisho (At a press conference Sheikh Ali Jabala releases further information about the operation on Godka Jilacow Mogadishu, informal SEMG translation), 31 August 2014, available at <http://somalimemo.net/articles/835/DhageysoSheekh-Cali-Jabal-oo-Shir-Jaraaid-Ku-Faah-Faahiyay-Howlgalkii-Godka-Jilacoow-Muqdisho>.

since 2014, however, it was not possible to make assessments about these facilities.<sup>371</sup> Since June a new leadership at NISA, including a new Director and Deputy Director has indicated that they have instituted reforms, including human rights training for officers and the setting up of a department within the agency to deal with human rights and legal issues.<sup>372</sup> Nevertheless, as this report was being prepared, a new case of detention of civilians by NISA—of researchers at a policy institute, the Mogadishu Institute of Research and Studies—came to light. They were held for over six weeks both in NISA detention and subsequently at the Central prison, without charge or access to lawyers.<sup>373</sup>

### Measures to enhance compliance

34. In resolution 2244 (2015) the Council called upon the FGS to enhance civilian oversight of its security forces, in particular through investigation and prosecuting individuals responsible for violations of international humanitarian law. Later in July 2016, in resolution 2297 (2016) the Council encouraged the FGS to pass legislation aimed at protecting human rights and ensuring investigations and prosecutions of perpetrators of crimes involving violations of international humanitarian law and human rights violations and abuses (paragraph 38). Although there were a small number of prosecutions of lower ranked members of the FGS security forces during the mandate, commanders associated with repeated allegations of serious violations of international law were not investigated.

35. The Council has also noted the importance of the Secretary-General's Human Rights and Due Diligence Policy (UNHRDDP) in relation to the support provided by the UN to the SNA (resolution 2244 (2015), paragraph 11). During the mandate UNSOM human rights conducted a General Risk Assessment of the Somali National Army which the UN HRDDP Task Force has submitted to the SRSG for approval.

36. The SEMG requests that the Council urge the FGS to:

- Implement the recommendations to its security forces formulated within the framework of the UNHRDDP<sup>374</sup>;
- undertake effective investigations for violations of international humanitarian and human rights law, particularly with respect to those in command responsibility and in decision-making positions<sup>375</sup>;
- establish a legal framework to govern the operation of NISA and ensure that those who abuse their powers and commit violations of international law are investigated and prosecuted;
- recognise the need to build security through enhancing the legitimacy of Somalia's security forces and in this regard to consider the feasibility of establishing an independent complaint handling (from members of the security forces) and investigation mechanism (adjudication of complaints from members of the public).

<sup>371</sup> Interviews with the five victims as noted above. Interview with former detainee, Nairobi, 16 June 2016. See also discussion above of a video publically circulated of an interrogation in a "safe house".

<sup>372</sup> Phone interview with senior NISA official, 13 September 2016. The Director of NISA from May 2013 was General Bashir Jama Mohamed. He was followed in July 2014 by Abdullahi M. Ali "Sanboloshe" and later the same year by Col. Abdirahman Mohamed Turyare. Colonel Turyare was dismissed by Presidential Declaration in June 2016 and succeeded by General Abudllahi Gaafow Mohamed, the former long term Head of Immigration.

<sup>373</sup> The five men were arrested by NISA on 21 July 2016 and held without charge or access to lawyers. They were brought briefly before a military court to "answer questions" on 15 August 2016 but then detained for an additional three weeks at the Central Prison until 6 September 2016. Human Rights Watch, "Five Wrongfully Detained in Somalia Now Free, Intelligence Agency Held Policy Center Staff for Nearly a Month", 13 September 2016 available at <https://www.hrw.org/news/2016/09/13/five-wrongfully-detained-somalia-now-free>. As recently as 18 August 2016 the offices of Radio Shabelle were once again stormed by NISA troops and two journalists arrested.

<sup>374</sup> States giving direct or indirect assistance to Somali security forces might also tailor their support to the measures identified.

<sup>375</sup> The Minister of Defense informed the SEMG that a committee had been assigned to investigate the "fighting in K50"—presumably as reported by the SEMG in 2013 (S/2014/747, annex 3.2)—and that it had been decided that the Ministry of Security would deal with the issue. Letter from Minister of Defense to the SEMG, 5 September 2016 (informal translation by the SEMG from Somali).

#### Annex 7.4: Violations committed by regional security forces against civilians during inter-regional conflicts<sup>376</sup>

37. As election cycles in Somaliland and at Federal level got underway during the mandate, contestation over the division of power within the federal architecture turned violent, with civilians sometimes bearing the brunt of manoeuvring by the elite through unlawful use of force. Civilians were harmed, for example, in the context of the effort to support the creation of ‘Upper Bakool State’,<sup>377</sup> fighting in Sool and Sanaag throughout the mandate, and conflict in Galkayo in December 2015.

##### Sool and Sanaag

38. In Sool and Sanaag the long-running conflict between local militia, the forces of the self-declared ‘Khatumo’ state and the forces of Somaliland and Puntland in various combinations escalated during the mandate. Already buffeted by a severe drought and sustained exclusion from humanitarian and development resources by both administrations, the people of Sool and Sanaag saw weapons and armed personnel flow into the region, particularly as Somaliland voter registration got underway. Although the majority of those killed were armed personnel, there were civilian deaths in the course of violent encounters between the forces, and between forces and a restive public, in addition to allegations of an indirect campaign of assassinations, unlawful arrests and abductions.<sup>378</sup> On 18 May 2016, live bullets fired by Somaliland forces at protestors participating in a demonstration in Lasanod against the Somaliland 25<sup>th</sup> Independence Day celebrations, for example, killed one and injured a second person.<sup>379</sup> In August 2016 the political situation began to evolve further to enhanced negotiations between Khatumo leader Ali Khalif and Somaliland, vigorously encouraged by the new Minister of the Presidency, Mohamed Hashi<sup>380</sup>. Nevertheless in early September 2016, against the background of heavy-handed efforts to promote voter registration, demonstrators in Lasanod protested a number of assassinations in the town, attributed to both Al-Shabaab and the Somaliland authorities.<sup>381</sup>

##### Galkayo, November/December 2015

39. The fault lines between communities in North and South Galkayo and between the Puntland Administration and authorities in Adado deepened in 2015 with the creation of the Interim Galmudug Administration (IGA) along contested borders.<sup>382</sup> Open conflict erupted in late November and early December 2015, pitting the forces of the IGA Administration and its allied militia, against Puntland forces and its allied militia.<sup>383</sup> The immediate cause of the first clashes on 22 November 2015 was a dispute over construction of a road in Garsoor in Galkayo (North) which passed through part of

<sup>376</sup> In terms of state obligations under international human rights law which apply to violent encounters which do not rise to the level of an armed conflict, Somalia is a party, *inter alia*, to the 1966 Conventions on Civil and Political Rights and Economic, Social and Cultural Rights; the 1981 African Charter on Human and Peoples Rights and the 1984 Convention Against Torture. The standards set out in common article 3 of the Geneva Conventions are also widely accepted as constituting fundamental guarantees which apply outside the context of an armed conflict.

<sup>377</sup> ‘Upper Bakool state’ (comprising Yeed, Ato, Ceel Barde) was declared on 25 December, primarily supported by the Aulihan (Ogaden/Darod) community under the leadership of Ahmed Sheikh Mohamed “Mashruuc”, and with the support of elements of the Ethiopian authorities. The ‘state’ was immediately recognized by Puntland.

<sup>378</sup> On 28 July, for example, Abdirisaaq Ahmed Warsame (Dhabayaco), a prominent businessman from La Anod was attacked and severely wounded shortly after he had supported journalists to report on resistance to voter registration in Awrbogays. Phone interviews with relative of Dhabayaco, July and August 2016.

<sup>379</sup> ACLED data set, 18 May 2016.

<sup>380</sup> As a show of good faith, for example, the army chief was replaced, and a Dhulbahante appointed to the Ministry of Interior with responsibility for the security apparatus.

<sup>381</sup> Email from relative of members of the community in Las Anod, 5 September 2016.

<sup>382</sup> The SEMG has described the process leading to the creation of the Interim Galmudug Administration. S/2108/801, annex 1.1.

<sup>383</sup> Allegations that FGS forces supported IGA forces and that there was a delivery of weaponry prior to the fighting could not be confirmed. See, for example, Garowe Online, “Somalia: Federal Govt delivers arms consignment to Galmudug”, 27 November 2015. Available at <http://www.garoweonline.com/en/news/puntland/somalia-federal-govt-delivers-arms-consignment-to-galmudug-report>.

a disputed area claimed by Galkayo (South).<sup>384</sup> The second phase of the conflict flared on 28 November 2015 when heavy weapons were used against civilian areas by both sides.<sup>385</sup> Amidst intense international engagement and the mediation of Prime Minister Sharmarke, an agreement was finally reached between the parties on 2 December 2015.<sup>386</sup> On the following day, however, heavy fighting started again.<sup>387</sup> A second truce was agreed on 5 December 2015.

40. Over 30 to 40 people were killed in the fighting as a whole and between 100 and 150 people injured.<sup>388</sup> The majority of the town's population (c. 90,000)—from both sides—was temporarily displaced, including over 40,000 IDPs who had taken refuge in the town.<sup>389</sup> Homes and businesses were destroyed.<sup>390</sup> Women were raped as they fled to safety.<sup>391</sup> During the fighting an ambulance was attacked, two men and one woman who were in the vehicle were killed and the vehicle completely destroyed.<sup>392</sup> The SEMG was unable to ascertain precise figures for civilian deaths during the conflict with various official authorities and other sources providing different accounts from 9 to 30 civilians killed. The UN verified 11 civilian deaths during the two phases of the fighting.<sup>393</sup>

41. Multiple accounts of the conflict, from government officials (including some who openly acknowledged the culpability of their own side), civilians and NGO staff confirm that both sides in the conflict targeted civilians and civilian areas, including using heavy weapons. In a joint statement on 3 December key members of the international community declared that they would “not tolerate impunity and the continued needless killing of innocent civilians.” They added that “[t]hose found to be responsible [...] and the killing and displacement of civilians must be held accountable” and that “[a]ny deliberate shelling of civilian areas of Gaalkacyo may constitute crimes against humanity that must be fully investigated and vigorously prosecuted.” No prosecutions have, however, taken place.

42. The ceasefire has held, notwithstanding sporadic outbreaks of fighting. Nevertheless significant tensions remain, including as a result of the intensification of attacks by Al-Shabaab on Galkayo (North) since June 2016.<sup>394</sup> At the end of August 2016 in the wake of an Al-Shabaab attack on government buildings and a market in Galkayo (North) which killed 20 and injured over 40, Puntland authorities imposed restrictions on vehicle movement from, inter alia, Galkayo (South).<sup>395</sup>

<sup>384</sup> Some of violence appeared to have been calculated to consolidate support from reluctant allies within the respective administrations.

<sup>385</sup> Interview with Puntland government officials, Garowe 23 February 2016 and Galkayo, 8 April 2016.

<sup>386</sup> Interview with UN staff member, Garowe, 22 February 2016.

<sup>387</sup> See <https://unsom.unmissions.org/international-community-condemns-renewed-outbreak-fighting-gaalkacyo>.

<sup>388</sup> Interviews with NGO and UN staff and local authorities in both Galkayo (North) and Galkayo (South), 5 to 9 April, 2016. One senior local authority official suggested that only 2 or 3 civilians were among a total death toll of 27 on the Galkayo (North) side of the town. Human Rights Watch (HRW) reported the deaths of 9 civilians. HRW, “Dispatches: Don’t Forget Somalia’s Civilians”, 14 December 2016. Available at <https://www.hrw.org/news/2015/12/14/dispatches-dont-forget-somalias-civilians>.

<sup>389</sup> Most UN agencies and INGOs also suspended their operations and relocated to Garowe. The majority of the population had returned to the town by the end of December. See UNOCHA, “Somalia, Flash Update, Humanitarian Impact of Fighting in Galkayo”, 24 December 2016. Available from <http://reliefweb.int/sites/reliefweb.int/files/resources/Gaalkacyo%20Flash%20update%2024%20December%202015.pdf>.

<sup>390</sup> Interview with individual whose home was damaged, Galkayo, 5 April 2016. See Ceelhuur, 3 December 2016, at <http://ceelhuur.net/?p=26218>, for pictures of some of the damage to buildings in Galkayo (North); See also, Puntland Research Development Centre, “Galkayo Conflict: a local issue of a national apprehension”, December 2015, on file with the Monitoring Group.

<sup>391</sup> The Monitoring Group was told by a medical professional that six women were treated for injuries caused by being subject to sexual violence during the conflict. These accounts were strongly contested by local officials. Interview with NGO staff member, Nairobi, 10 April 2016.

<sup>392</sup> Interviews with individuals with direct knowledge of the incident, Galkayo, 7 and 8 April 2016. The burning out of the ambulance is depicted in the following video, as verified by individuals present in Galkayo on the day of the incident: [https://www.youtube.com/watch?v=q26T7rpS2\\_s](https://www.youtube.com/watch?v=q26T7rpS2_s).

<sup>393</sup> Email from UN staff member, 6 September 2016.

<sup>394</sup> See, for example, Shabelle News, “Galmudug and Puntland trade blame over insecurity”, 19 June 2016. Available at <http://www.shabellenews.com/2016/06/galmudug-and-puntland-trade-blame-over-galkayo-insecurity/>

<sup>395</sup> See, Garowe Online, “Somalia: Puntland government imposes restrictions on road travel”, 9 September 2016. Available from <http://www.garoweonline.com/en/news/puntland/somalia-puntland-government-imposes-restrictions-on-road-travel>.

43. The call for accountability of regional authorities and forces and reference to the potential commission of crimes against humanity by elements of the international community in the Galkayo conflict—the first of its kind—was a factor of the relatively matched strength of the parties and their prime place in the Somalia power structure. Nevertheless, no one has been held accountable. Further, where regional forces abuse their power and attack weak opponents, such as local clan militia, condemnation must be equally swift.<sup>396</sup>

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<sup>396</sup> See discussion in annex 7.5 on the deployment of FGS and regional forces into clan conflicts.

### Annex 7.5: Clan conflict leveraged by the Somali National Army (SNA), regional forces, and Al-Shabaab

44. Insecurity and fragmented authority created fertile ground for inter-clan conflicts, often manipulated or supported for political ends, directly or indirectly by international, Federal or regional security forces—or by Al-Shabaab, including in Galgaduud,<sup>397</sup> Hiran, Sool and Sanaag, and Lower Shabelle.

- In October and December 2015 and January a series of clashes between Gaaljal and Jajele militia in and around Belet Weyne resulted in up to 40 deaths, and as many wounded, primarily combatants but including some civilians. In May 2016 fighting again broke out between the militia, this time in the middle of the town. The toll on civilians was exacerbated by severe flooding of the Shabelle river: as many as 40 people were killed and over 6500 displaced.<sup>398</sup> The UN assessed that there were at least 14 civilian deaths as a result of the clan clashes as a whole during the period.<sup>399</sup> Although not directly related to the state formation process, the conflict entwined with both the national and regional political dynamic, as Al-Shabaab and international forces weighed in on different sides.
- Reflecting elements of the context and protagonists of the killing of civilians by Puntland forces in Taleh in November 2013,<sup>400</sup> clan conflict in Qoriley in Sool between the Dhulbahante/Baharsame and Majeerteen/Omar Mohamud in late September saw the involvement of the security forces of the Puntland administration, including personnel from the Presidential Guard and Puntland Marine Police Force (PMPF)<sup>401</sup>—and deepened the impact of the violence.<sup>402</sup> Temporary resolution of the conflict was eventually negotiated with the help of the broader Darod community, and by deployment of the Ethiopian region 5 police (the Liyu police) as guarantors of security. Agreement on attribution of responsibility and payment of compensation for the killing of civilians was complicated by the involvement of regional forces: it is understood that the Omar Mahmoud rejected liability referring the issue to the Puntland government—Darod elders however considered the Omar Mahmoud clan link with the President of Puntland as determinative.<sup>403</sup>

#### Lower Shabelle<sup>404</sup>

45. In Lower Shabelle civilians were often the victims of attacks within the long-running conflict between Haber Gedir and Biimaal militia.<sup>405</sup> Although militia on all sides attacked civilians (killing, sexual and gender-based violence<sup>406</sup>), Ha-

<sup>397</sup> In late October 2015, for example, there were clashes between Haber Gidir sub-clans north of Dhusamareb. On 1 August clashes between Ayr and Murusdae militia in Ximaced in Galgaduud over a land dispute reportedly resulted in the death of twelve people. Email from UN staff member, 2 August 2016.

<sup>398</sup> UN Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin, 30 May 2016. Over 70,000 people were displaced in May as a whole as a result of both the severe flooding and the conflict.

<sup>399</sup> Email from UN staff member, 7 September 2016.

<sup>400</sup> S/2014/747, annex 8.2. The SEMG's detailed investigation into this attack determined that the officially constituted forces which participated in the attack on Taleh in 2013 included elements of the Puntland Maritime Police Force (PMPF), the Presidential Guard, the Puntland security forces or Darawish, and various militia, in particular those associated with Ahmed Karash, the current Puntland Minister of the Interior.

<sup>401</sup> See annex 8.3 for a discussion of international support for the PMPF.

<sup>402</sup> Interview with NGO staff member, Galkayo 10 April 2016; emails from relatives of members of the community, 8 and 10 August 2016; interviews conducted with representative of Khatumo 'state' in diaspora, Geneva, 20 and 21 May 2016.

<sup>403</sup> Interview conducted with local traditional leader on behalf of the Monitoring Group, 9 August 2016.

<sup>404</sup> Unless otherwise noted, this account of elements of the conflict cycle in Lower Shabelle is based on reliable UN and NGO sources, information provided by independent security sources, reviewed throughout the mandate, and interviews with elders and members of communities in Lower Shabelle, in Mogadishu, Nairobi, London, Oslo and the United States, in person and by phone.

<sup>405</sup> See, *inter alia*, reports of the SEMG, /2015/801, annex 6.1 and S/2014/747, annex 3.2

<sup>406</sup> The SEMG particularly received reports of rape by Haber Gedir and Murosade militia between Marerey and Afgoye in May 2016, including, it was claimed as many young men had run away to avoid recruitment by Al-Shabaab. Interviews with members of the Biimaal community, Kenya, 2 June 2016.

ber Gedir militia were regularly supported by personnel and assets of the SNA, resulting in a disproportionate impact on civilians from Bantu, Biimaal, Galedi, Rahenweyne and other communities. Al-Shabaab played an opportunistic and complicating role, offering and soliciting support from both sides while also, sporadically, acting as peace negotiator.

46. Against this background, it was often difficult to identify the perpetrator of civilian harm. Members of the SNA played multiple roles, soldier of the state, clan militia, checkpoint extortionist, or, on some occasions, Al-Shabaab facilitator or fighter,<sup>407</sup> depending on clan exigencies.<sup>408</sup> The situation was further complicated by the failure to pay salaries and increasing tensions between the Abgaal and Haber Gedir elements of the SNA against the background of national level inter-clan tensions around political power sharing. This resulted in Haber Gedir elements of the SNA on occasion making a show of strength—through withdrawal of support to the FGS—in order to demonstrate the weakness of the anti-Al-Shabaab effort, absent their cooperation.<sup>409</sup>

47. Biimaal militia were perceived as aligned with Al-Shabaab fighters in some areas,<sup>410</sup>—but in the majority of situations, were closely supported by, and in turn supported, AMISOM forces. The Biimaal have increasingly turned to AMISOM as a counterweight to the rising fortunes of the Haber Gedir.<sup>411</sup> Biimaal and allied clan militia also mounted roadblocks and extorted civilians.

48. The alignment of Federal security forces on the Haber Gedir side of this conflict rendered resolution efforts extremely difficult. It also encouraged Al-Shabaab to present itself as a viable alternative authority with the capacity to enforce law and order.<sup>412</sup> One local elder, for example, described how “Gobale’s militia have been entering homes and raping militia” in Afgoye.<sup>413</sup> His reference to one of the most senior SNA Brigadier Generals as commanding “militia” reflects how forces are perceived on the ground. In this context, one source of the SEMG described how two Bantu farmers of his acquaintance near Janale decided to declare support for Al-Shabaab in order to “get justice” and hold on to their farms.<sup>414</sup>

49. Tackling the root causes of the conflict in Lower Shabelle is therefore a prerequisite to addressing the challenge of Al-Shabaab in Somalia.<sup>415</sup> The expansion of Al-Shabaab’s territorial control during early 2016 and the compromise of AMISOM and SNA operations, reflects the extent to which inter-clan conflict and national level political manoeuvring around control of resources in Lower Shabelle have become fatally intertwined the dynamics of the Al-Shabaab conflict.<sup>416</sup> The repeated transfer of control of Marka and of locations in Lower Shabelle between pro-Al-Shabaab and anti-

<sup>407</sup> That security forces moonlighted as ‘Al-Shabaab’ to conduct operations for financial gain was also reported in Bay. Interview with individual with knowledge of the security sector, Baidoa, 3 March 2016.

<sup>408</sup> See S/2015/801, annex 6.1 where the SEMG reported on a series of attacks on civilians in Qoryoley district—in particular on the villages of Buulo Sheikh, Hadoman and Farhano—in early January, February and March 2015, by a combination of SNA personnel (with SNA assets), clan militia and elements of Al-Shabaab. During the mandate the SEMG also heard allegations relating to SNA personnel facilitation of Al-Shabaab operations in Lower Shabelle, particularly in Marka, but was unable to verify.

<sup>409</sup> Oscillating FGS control of Marka was a factor of this grandstanding.

<sup>410</sup> At the same time, in late 2015, there was a series of clashes between Biimaal and Al-Shabaab fighters around Janale as Biimaal militia were pushed out of Marka and into areas controlled by the latter.

<sup>411</sup> On the role Bantu and Biimaal militia played in support of AMISOM in 2015 see S/2015/810, annex 6.1.1.

<sup>412</sup> As noted in previous SEMG reports, most of the SNA in Lower Shabelle come from a single clan, the Hawiye, and particularly the Haber Gedir and Abgaal sub-clans. See also, Ken Menkhaus, “Non-State Security Providers and Political Formation in Somalia”, April 2016.

<sup>413</sup> Interview with Biimaal *Bantu* elder, Nairobi, 19 February 2016.

<sup>414</sup> Interview with individual recently returned from a visit to Janale, Nairobi, 16 February 2016. General Gobale was killed in a suspected Al-Shabaab attack on his convoy on 18 September 2016. Hiiran News, “Somali General, 7 bodyguards killed in bomb attack on the capital”, 18 September 2016 available at [http://www.hiiraan.com/news4/2016/Sept/117729/somali\\_general\\_7\\_bodyguards\\_killed\\_in\\_car\\_bomb\\_attack\\_in\\_the\\_capital.aspx](http://www.hiiraan.com/news4/2016/Sept/117729/somali_general_7_bodyguards_killed_in_car_bomb_attack_in_the_capital.aspx)

<sup>415</sup> There have been multiple attempts to secure agreement between the clans, including most recently under the auspices of the ISWA authority. None has borne fruit. Interview with officials of the ISWA administration, Baidoa, 2 March 2016.

<sup>416</sup> Between June 2015 and January 2016, for example, AMISOM and SNA withdrew from their bases in Aw Dheegle, Ceel Haji, Janale, Kurtunwaarey, Tortoorow and Wareer Maleh. See annex 2.1 for a list of SNA withdrawals related to payment issues.

Al-Shabaab forces—and forces with mixed allegiance—during early February and July/August, accompanied by attacks on and displacement of civilians, exposed the vulnerability of the population.<sup>417</sup>

50. Civilians are caught in a violent web of impunity in Lower Shabelle in which they often become political tools of the warring parties. The killing of six small children and their grandmother near Marka encapsulates many of these paralysing dynamics.

#### **Killing of six children and their grandmother at Essow, Marka Lower Shabelle**

On 18 April 2016 at Essow village southwest of Marka seven members of one family, an elderly woman Khadija Noor Mohammed and her six grandchildren (aged eight, six, four, three and three years old and a baby of four months) were shot dead and then burned in their home.<sup>418</sup> The SEMG interviewed members of the family, two of whom survived the incident by hiding in the surrounding bush. Other neighbours had fled when the community received a telephone warning that militia were approaching the hamlet. The relatives described how the mother of the five children had grabbed her eldest son (13) at the advance of the militia and fled, trusting that the smaller children and elderly grandmother would not be harmed. Later she and her neighbours reportedly heard Grandmother Khadija cry out and name her attacker: Nur Awale, the son of a prominent elder, and leader of a unit of Haber Gedir (Saleban) militia based at Shalmabot.<sup>419</sup> Seven homes in the hamlet were burned and the animals shot after which the militia departed, stealing maize, clothes and money they had found. Members of the community asserted that the action would not have occurred without sanction of the local SNA Commander Nur Jiddow with whom Nur Awale's militia were frequently co-located.

Shortly after the killings Al-Shabaab officials arrived at the scene and collected bullet casings. They also took pictures of the bodies and of the funeral ceremony. Later Al-Shabaab arrested four of those alleged to have participated in burning down the homes, but they were ultimately released without charge further to clan pressure.<sup>420</sup> In the days following the killings a series of revenge attacks and clashes between Haber Gedir and Biimaal militia ensued. Seven people were killed, including children. The then Al-Shabaab Governor of Lower Shabelle, Mohamed Abu Abdalla, subsequently organized a reconciliation conference between the parties which ended with an 'agreement' in Janale on 28 April 2016.<sup>421</sup> Meanwhile no investigations into the incident were conducted by Federal or regional or local authorities.<sup>422</sup> Both Biimaal elders living in Somalia and abroad reported receiving threats from members of the Haber Gedir community further to their speaking out about the case.<sup>423</sup>

<sup>417</sup> See, BBC News, Al-Shabab 'retakes' key Somalia port city of Merca, 5 February 2016. Available from <http://www.bbc.com/news/world-africa-35502016>; aee, Shabelle News, "Governor: troops' pull out of Marka was a 'tactical'", 12 July 2016 at <http://www.shabellenews.com/2016/07/govt-troops-pull-out-of-marka-was-a-tactical-says-governor/>. Throughout July there were conflicting accounts of who controlled the town. See, for example, Somali Newsroom, "AMISOM and Al-Shabaab Fight For Control Of Somali Town...in Social Media", 31 July 2016, available at <https://somalianewsroom.com/2016/07/31/amisom-and-al-shabaab-fight-for-control-of-somali-town-in-social-media/>

<sup>418</sup> The names of the six children were Farhiya Sheikh Abdikadir Ga'al, Naima Sheikh Abdikadir Ga'al, Ahmed Abdikadir Ga'al, Mulki Abdikadir Ga'al, Muzamil Abdikadir Ga'al and Noor Abdi Osman.

<sup>419</sup> Phone interview with uncle and mother of the deceased children, 29 April 2016.

<sup>420</sup> Interview with Biimaal elder, location in Europe, 2 June 2016; and follow up phone interview 13 September 2016. Similar incidents were documented in Galgaduud: in Ximacade on 1 August, for example, Al-Shabaab reportedly entered the village and confiscated small arms from local militia (Murursdae and Ayr) after clashes in previous days. Email from UN staff member, 2 August 2016.

<sup>421</sup> The agreement did not hold and Abdalla was swiftly removed from this position and replaced in early May by Mohamed Abu Usama.

<sup>422</sup> The SEMG ensured that the surviving family members were linked with appropriate UN agencies with a protection mandate.

<sup>423</sup> Phone interview with Biimaal elder, location in Europe, 13 September 2016.



## Measures to enhance compliance

51. Pursuing accountability for individual violations and addressing command and control within FGS forces—addressed below in annex 7.3—is vital but insufficient: the current composition of the SNA, particularly in the Shabelles, not just creates a sense of occupation for many in the local community, but constitutes, in all the circumstances, a threat to peace and security.<sup>424</sup> There have been repeated efforts to expand the composition of forces but all have been blocked at the highest political level. On 26 October 2015 the Commander of the SNA directed, for example, that local community defense forces belonging to the Biimaal community at K50 should be integrated into the SNA.<sup>425</sup> Almost a year later this has not occurred.

52. As the international community expands its support beyond FGS security forces to regional forces not coming within the FGS force structure, the SEMG urges that those in political and military command at the regional level be held accountable for violations against civilians. This might also take the form also of imposition of support conditionalities, including to prevent assets and assistance provided by the international community to such forces being misused in violation of international law.

<sup>424</sup> Interviews with regional government ministers, members of parliament, Mogadishu, Baidoa and Nairobi, March 2016. See also this report section II B.

<sup>425</sup> Email member of parliament to the SEMG, 23 March 2016; interviews with military sources with knowledge of the security sector, 16 March 2016.

## Annex 7.6: Violations committed against civilians by international forces

53. In 2015 the SEMG noted the increasing scale of engagement of international forces in Somalia, including forces which appeared to operate outside the AMISOM Concept of Operations.<sup>426</sup> Against a background of intensified attacks by Al-Shabaab on both civilian and military targets, international forces during the mandate committed violations involving the targeting of civilians, both in the course of ground attacks and as a result of the use of aerial weaponry.<sup>427</sup> Between 1 September 2015 and 31 May 2016, for example, the UN documented and verified the deaths of 56 civilians in which international forces were implicated.<sup>428</sup>

### Ground attacks and targeting of civilians in the course of the conflict against Al-Shabaab

54. There were a range of incidents in which AMISOM was accused of killing civilians, whether through the indiscriminate and/or disproportionate use of force in response to an attack on their forces, or the commission of deliberate acts of retaliation or punishment.<sup>429</sup> Two were the subject of public acknowledgement by AMISOM.

55. On 16 April 2016 four civilians (a grandmother, her son, her grand-daughter and a businessman) were killed when AMISOM forces shot at a mini-bus carrying passengers at a checkpoint near Bula Marer. AMISOM acknowledged the deaths in a public statement and announced that a Board of Enquiry would be set up to investigate the incident.<sup>430</sup> Coming in the wake of an engagement between AMISOM and Al-Shabaab in Golweyne the previous day in which AMISOM had sustained casualties, the killings were perceived by some in the community as ‘revenge’ for the losses, and demonstrations were mounted.<sup>431</sup> Further to an official query from the SEMG, AMISOM advised that a Board of Enquiry had determined that in the context of a cordon and search operation a vehicle had breached the outer perimeter and then approached the inner cordon at speed. Further to warning shots AMISOM personnel had fired on the vehicle.<sup>432</sup>

56. On 17 July 2016 Ethiopian troops fired on a group of men who had gathered to pray over an elderly man who was ill in a house on the outskirts of Wardinle in Bay region, killing 14 and wounding three others.<sup>433</sup> The men were all from the locality: sheikhs, elders, teachers and relatives of the sick man.<sup>434</sup> On 19 July 2016 the SSRC announced that he was undertaking an investigation, in consultation with the relevant FGS government institutions.<sup>435</sup>

<sup>426</sup> S/2015/801, annex 5.1, paragraph 14.

<sup>427</sup> See annex 7.7 on civilian harm and the use of aerial weaponry.

<sup>428</sup> Twenty-five by AMISOM and 29 by forces acting bilaterally. Secretary General, Report of the Secretary General on Somalia S/2016/27, 8 January 2016; Secretary General, Report of the Secretary General on Somalia, S/2016/430, 9 May 2016.

<sup>429</sup> On 1 December 2015, for example, a RCIED was detonated near Golweyne village destroying an AMISOM oil tanker. It was reported that AMISOM captured and killed three civilian bystanders. Email NGO staff member, 2 December 2015. In response to SEMG enquiries AMISOM advised that after the attack a gun battle in which Al-Shabaab militants were killed ensued but that they had no reports of civilian casualties. On 23 July 2016, further to an IED attack against an AMISOM convoy in Waregow, it was reported that AMISOM troops fired into the crowd, killing at least two civilians. Email UN staff member, 23 July 2016. Further to SEMG enquires AMISOM advised that they were not aware of the incident. Letter from the SSRC Ambassador Francisco Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

<sup>430</sup> See, AMISOM, Press Release (PR/017/2016), AMISOM regrets the loss of civilian lives in Bula Marer, 16 April 2016. AMISOM said it would work closely with the FGS and the Interim South-West Administration (ISWA), and involve the AMISOM Civilian Casualty Tracing, Analysis and Response Cell (CCTARC). There were also discussions of the incident in the ISWA parliament.

<sup>431</sup> The local community told the SEMG that the four were civilians, a grandmother (aged 60), her son (Abdiwahid), and her grand-daughter (12)—all Haber Gedir—alongside Mohamud Macalin a Galje’el business man from Jareey who was taking them to hospital. Interview with Biimaal elder and members of the community, Norway, 29 April 2016.

<sup>432</sup> Letter from the Ambassador Francisco Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

<sup>433</sup> Thirteen people died instantly at the scene and one person on his way to hospital.

<sup>434</sup> The Somali media website Radio Kulmiye published pictures of the shrouded bodies and the site of the alleged killing at <http://radiokulmiye.net/index.php/2016/07/19/au-troops-kill-14-civilians-in-somalia-photos-and-names/>.

<sup>435</sup> See, press release, AMISOM (PR/031/2016), AMISOM investigates claims of civilian deaths in Wardinle, Bay re-

57. The SEMG heard a number of accounts from individuals who spoke to witnesses and talked to security sources. According to one account, prior to the shooting three Ethiopian troops accompanied by a Somali soldier, had approached the house and asked about the presence of any Al-Shabaab fighters in the vicinity. Shortly after that encounter the house was fired upon. Another account suggested that the ENDF unit had been ambushed on the road outside Wardinle, and subsequently returned to the village in hot pursuit of the attackers.<sup>436</sup> Human Rights Watch (HRW) conducted its own preliminary enquires, determining in mid-August that 14 civilians had been indiscriminately killed and that there had been no investigations into the incident.<sup>437</sup>

58. A local civil society group, the Southwest Salvation Council (SSC), issued a statement on 27 July 2016 condemning the killings and calling for an international investigation.<sup>438</sup> The ISWA administration also established a committee to enquire into the killings.<sup>439</sup> In September 2016 AMISOM advised the SEMG that ISWA had found that the elders had died as a result of bullets fired in a gun battle between AMISOM and Al-Shabaab, and in which an AMISOM soldier also died.<sup>440</sup> Nevertheless they stated that they had set up a Board of Enquiry to investigate the incident.

59. The SEMG received a number of credible reports during the mandate of unlawful detentions by Kenyan and Ethiopian forces, operating within or outside AMISOM, including transfer of individuals unlawfully outside the territory. In early 2016, 84 individuals were allegedly detained in a string of incidents, in the context of anti-Al-Shabaab operations by ENDF and Liyu police forces and, it is understood, taken to Gode in Ethiopia.<sup>441</sup> Efforts to secure the release of the men by regional authorities have not borne fruit although the SEMG understands that discussions between the Ethiopian and regional authorities were ongoing in early September 2016. The SEMG also received credible reports of abductions by the Liyu police and Ethiopian forces in Gedo and Bakool in June and July 2016, including around Rabbdhure in Bakool, further to the transfer of authority in that area, but was not able to verify the individual instances.<sup>442</sup>

#### **Ethiopian Liyu police engagements outside the context of the anti-Al-Shabaab conflict<sup>443</sup>**

60. In a similar pattern to that reported last year, the Liyu police again participated in a number of conflicts during the mandate which involved attacks on civilians. Although the majority of the killings of civilians both this year and last took

gion, available at <http://amisom-au.org/2016/07/amisom-investigates-claims-of-civilian-deaths-in-wardinle-bay-region/>. It is noteworthy that unlike the press release issued in the wake of the Bulo Mareer killings, there was no reference to collaboration with the regional authorities or with CCTARC.

<sup>436</sup> Interview with individual with knowledge of security operations in Bay, Nairobi, 23 August 2016.

<sup>437</sup> The Human Rights Watch (HRW) assessment was based on interviewing 15 people, including seven survivors and witnesses present at the scene of the killings in addition to a number of individuals who had travelled to Wardinle shortly after the incident. Skype interview with HRW researcher, 31 August 2016. See also, HRW, Letter to Senator Kerry on trip to Kenya, Nigeria and Saudi Arabia., available at <https://www.hrw.org/news/2016/08/19/letter-secretary-kerry-trip-kenya-nigeria-and-saudi-arabia>.

<sup>438</sup> Southwest Salvation Council (SSC), Statement, "Condemnation of Mass Killing of Traditional Elders at Wardiinle Village of Baidoa District of Bay Region – Somalia", 27 July 2016, available at <http://www.baidoamedia.com/2016/07/27/condemnation-of-mass-killing-of-traditional-elders-at-wardiinle-village-of-baidoa-district-of-bay-region-somalia/>

<sup>439</sup> Email from regional official, 31 August 2016.

<sup>440</sup> Letter from the SSRC Ambassador Francisco Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016

<sup>441</sup> In late January 2016, for example, it was reported that 20 local residents had been "arrested" from villages around Ato town by the Liyu police during the period, allegedly for their expression of support for the ISWA state. See, Shabelle News, "Ethiopian troops arrest nearly 20 people in Somalia", 25 January 2016, available at <http://allafrica.com/stories/201601270155.html>; interview with regional official, August 2016.

<sup>442</sup> On 5 June 2016, for example, it was reported that Liyu police killed two civilians and abducted two others from Kurteele village (southwest of Luq). ACLED dataset, 5 June 2016. Interview with individual with knowledge of Ethiopian border operations, Nairobi, 23 August 2016. Skype interview with expert on the regional context in Bakool, 14 September 2016.

<sup>443</sup> The Liyu police is an Ethiopian paramilitary force based in the Somali Region of Ethiopia but frequently used in Ethiopian security operations in Somalia. During the mandate the Liyu police occasionally assisted with the maintenance of law and order: in Qoriley in Sool, for example, Liyu forces operated as an interposition force between warring clans, contributing to a diminution in the violence. See annex 7.5.

place on the Ethiopian side of the border, due to the fluid nature of the border, and the mobility of local communities and authorities, the impact of the violence was felt on the Somalia side, resulting in mobilisation of Somali clan militia and the Liyu police in and out of respective territories. The disputes fuelling this activity related in the immediate context to access to water and land but have a longer-running inter-clan and resource conflict dimension, including in the light of the historical animosity between the Ogaden (who make up the majority of the the Liyu police) and the Haber Gedir.

61. In 2015 the Monitoring Group had reported on large scale attacks by the Liyu police on civilians in border villages, in particular Garsaale and La Ceel, in June 2015. These attacks were in retaliation for Haber Gedir militia attacks on a Liyu police base as part of a longer running dispute.<sup>444</sup> On 23 April 2016 fighting between Liyu police and Haber Gedir militia in and around Khandaale and Daadheer erupted causing significant casualties—up to 20 killed, including an estimated 14 civilians according to UN sources.<sup>445</sup> The fighting started on the Ethiopian side but reportedly spread up to 15km into Somalia, including involving the villages of Mir Cawleed and Furintifoole in the Galinsoor area of Adado district. On 3 May 2016 the Somali Region President Abdi Iley and the Interim Galmudug Administration President Guled signed a ceasefire agreement in Jijiga, including creating a joint committee to prevent future conflicts.<sup>446</sup>

## Measures to enhance compliance

### *Somalia Country Specific Humanitarian Civil- Military Coordination Guidelines for Humanitarian Actors Engagement with the African Union Mission in Somalia (AMISOM)*<sup>447</sup>

62. UNOCHA led efforts during the mandate to activate the mechanisms and principles set out in the Somalia Country Specific Humanitarian Civil-Military Coordination Guidelines for Humanitarian Actors Engagement with the African Union Mission in Somalia (AMISOM) (hereafter Civ-Mil Guidelines).<sup>448</sup> These efforts have borne fruit. In Belet Weyne, for example, engagement around the Civ-Mil Guidelines led to a reduction of tensions between AMISOM and the community in Belet Weyne. This enabled more effective cooperation on the humanitarian response to the May 2016 flooding and conflict. In line with the Guidelines AMISOM took the initiative to hand back a school which it had been using in Gedo to the community: the second was expected to be vacated prior to the publication of this report.<sup>449</sup>

<sup>444</sup> S/2015/801, annex 6.1.

<sup>445</sup> Interview security expert with knowledge of the area, 26 April 2016.

<sup>446</sup> Interview with regional authorities conducted on behalf of the SEMG, Caddao, 15 to 16 August 2016. A further intense engagement occurred later in early June 2016 on the Ethiopian/Somaliland border when a dispute erupted in Gashamo district in Ethiopia between Somali/Isaaq/HaberYouis khat transporters (ultimately joined by local militia including personnel of the Somaliland army) and Ethiopian forces (federal police, customs) attempting to control a vehicle transporting contraband. A series of clashes and vehicle chases followed ending with an attack by the Liyu police on the village of Jama Dubad. Although public reports suggested that as many as 42 people from the Reer Awl and Muse Are sub-clans of the Isaaq/Haber were killed, SEMG sources indicated that 27 were killed, including 20 armed men, and reportedly, 3 women and 4 children. A series of protests and arrests on both sides of the border ensued. ACLED dataset, 5 and 6 June; interview with individual with knowledge of Ethiopian border operations, Nairobi, 23 August 2016.

<sup>447</sup> The Civ-Mil Guidelines were adopted in September 2014 and reflect the humanitarian community's perspective on civilian military engagement with AMISOM and aimed to "to establish and promote principles and practice for constructive and effective civil-military engagement in this context." Draft on file with the Monitoring Group. The Guidelines are non-binding and reflect international policy guidance developed for the humanitarian community globally.

<sup>448</sup> Progress included: strengthening of the AMISOM civilian-military coordination infrastructure; conduct of joint regional meetings with AMISOM, local security forces, and community representatives in key towns in which concerns are aired and solutions sought; and incorporation of local SNA and SPF forces in training on the Guidelines. Interview UN staff member, Mogadishu, 6 February 2016; Skype interview with UN staff member, 10 August 2016.

<sup>449</sup> In May the SNA also vacated a school that they had occupied in Afgoye. See, for example, [http://www.hiiraan.com/news4/2016/May/105611/afgoye\\_children\\_get\\_their\\_school\\_back\\_as\\_army\\_leaves.aspx](http://www.hiiraan.com/news4/2016/May/105611/afgoye_children_get_their_school_back_as_army_leaves.aspx).

### *AMISOM Civilian Casualty Tracing, Analysis and Response Cell<sup>450</sup>*

63. Although the AMISOM Civilian Casualty Tracing, Analysis and Response Cell (CCTARC) was finally put in place in June 2015 there has been little progress in making the mechanism felt on the ground.<sup>451</sup> To date troop contributing countries have been reluctant to contribute data to the mechanism—perhaps misunderstanding it as an external accountability/investigation tool as opposed to a tool for operational enhancement, wholly owned by AMISOM.<sup>452</sup> In at least one incident during the mandate, for example, personnel were penalized by their commanding officer for cooperating with staff of CCTARC. This resistance has been exacerbated by the refusal of the AU to include training on CCTARC in pre-deployment training.

64. Unfortunately, CCTARC's amends (informal compensation) mandate has not yet been activated, with African Union Commission staff insisting on the development of a comprehensive AU-wide policy prior to a scheme being put in place. Although this approach is understandable, a major theme which emerged from consultations between AMISOM and communities conducted under the auspices of the Civ-Mil Guidelines was the need for an effective way to make amends to civilians harmed by AMISOM—delays have been highly detrimental to AMISOM's relationship with the community. A pilot approach might be considered.<sup>453</sup> In a letter of 16 September 2016, AMISOM informed the SEMG that an experts meeting on drafting mission specific guidance on amends was planned for October 2016.<sup>454</sup> Support from Member States will be needed to implement this program effectively.

### *UN Human Rights Due Diligence Policy*

65. The Council in resolution 2244 (2015) also noted the importance of the Secretary-General's Human Rights and Due Diligence Policy (UNHRDDP) in relation to the support provided by the UN to AMISOM (paragraph 15). In line with recommendations made in the UNHRDDP framework, pre-deployment training now includes a requirement by senior officers to sign a form undertaking to report any allegations of human rights violations or sexual exploitation and abuse through their command chain.<sup>455</sup>

### *Accountability*

66. The commission of violations of international law against civilians and other abuses of power (including the use of force to interfere directly in governance and administration) by international forces is exacerbating insecurity. In July 2016 the Council called on the African Union (AU) to investigate and report allegations of violations and abuses of human rights and violations of international humanitarian law by AMISOM forces, as well as continuing to ensure the highest standards of transparency, and conduct and discipline (paragraph 14 of resolution 2297 (2016)). The current mechanisms have, however, proved insufficient for the task. As noted by the SEMG in S/2015/881, the weak Board of Enquiry procedure, and sporadic and inconsistent compensation payments at a sector level, have not increased public confidence.<sup>456</sup> The

<sup>450</sup> This paragraph is based on interviews conducted with individuals with close operational engagement with CCTARC, in person and on phone, in Nairobi, Mogadishu, and New York, March to August 2016.

<sup>451</sup> CCTARC was established under the authority of the African Union Peace and Security Council, pursuant to the express mandate set out in UNSCR 2036 (2012), UNSCR 2093 (2013), UNSCR 2124 (2013), UNSCR 2182 (2014) and UNSCR 2232 (2015). In July the Council once again emphasised "the importance of making the CCTARC operational and effective without further delay, and in this regard urges the full support of troop and police contributors for the CCTARC, in collaboration with humanitarian, human rights and protection actors" (paragraph 16 of resolution 2297 (2016)).

<sup>452</sup> It is understood that the origin of the overwhelming majority of the materiel in the CCTARC database has been gleaned from public sources.

<sup>453</sup> The SEMG was told for example by the family of a former source of the group killed by indirect fire in Marka that "there was no use" in approaching AMISOM.

<sup>454</sup> Letter from the SSRC Ambassador Francisco Madera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

<sup>455</sup> Report of the Secretary General on Somalia, S/2016/43, 9 May 2016, paragraph 81.

<sup>456</sup> See also See, Human Rights Watch, Dispatches, Protecting Somalis from their Protectors, 8 July 2016 <https://www.hrw.org/news/2016/07/08/dispatches-protecting-somalis-their-protectors>.

SEMG urges that consideration be given to the conduct of a review of the effectiveness of the Board of Enquiry mechanisms in the specific mission context.

67. On 2 August 2016, however, it was encouraging that Uganda conducted the first court martial in Mogadishu of an AMISOM soldier, with the media invited to cover the proceedings.<sup>457</sup> Notwithstanding that the matter at trial related to breach of the military code (theft of military supplies—fuel and sandbags—as opposed to civilian harm), this was a significant step forward in terms of both accountability and transparency.

68. With respect to non-AMISOM operations, or AMISOM's strategic partners, the SEMG has been unable to clarify the nature of the bilateral agreements which facilitate the presence of these forces. Nevertheless they are subject to the international law applying to forces engaged in a non-international armed conflict in Somalia.<sup>458</sup> The SEMG urges the Security Council to request all forces operating in Somalia to adhere strictly to applicable international humanitarian law, in full recognition of the sovereignty of Somalia and its applicable laws, and in full compliance with the scope of the relevant exemptions to the arms embargo. This should include refraining from transferring individuals found on the territory of Somali out of the jurisdiction without due process of law, and investigating and prosecuting personnel who commit grave breaches of international humanitarian law.

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<sup>457</sup> See *inter alia*, See, Human Rights Watch, Dispatches, Small steps towards prosecutions for abuses in Somalia, 4 August 2016 <https://www.hrw.org/news/2016/08/04/dispatches-small-step-towards-prosecutions-abuses-somalia>. See also, AMISOM, Press Release (PR/023/2016), AMISOM confirms arrest of five of its troops, 6 June 2016.

<sup>458</sup> The legal framework which applies to non-international armed conflicts in Somalia is customary international law and (or encompassing) Common Article 3 to the four 1949 Geneva Conventions, applicable to all parties to the conflict, including al-Shabaab.

## Annex 7.7: Violations committed against civilians as a result of the increasing use of airstrikes

69. The most significant development during the mandate with respect to the conduct of international forces which affected civilians was the increase in the use of aerial weaponry by the African Union Mission in Somalia (AMISOM)'s strategic partners, whether delivered by drone, helicopter or fighter aircraft. More broadly the use of remote violence against civilians—including both air strikes and IED and related attacks—is on the rise.<sup>459</sup>

70. The SEMG has compiled a list from public sources of reported airstrikes between 1 January and 5 September 2016. During this period there were 29 attacks documented, conducted primarily against targets in Gedo, Hiran, Lower Shabelle, Middle Juba and Lower Juba. (In addition, the United States of America (US) conducted air strikes on Al-Shabaab in Al Madow Mountains near Galgala in January and in June in support of Puntland ground forces.) Twenty of these strikes were claimed by, or are attributable to, the US, and nine to Kenya. The largest strike in terms of the numbers of casualties reported was an attack by US forces on 5 March 2016 on an al-Shabaab training camp at Raso in Hiran that was described by the US as having killed more than 150 people, including, according to the Secretary General, new recruits and some senior commanders.<sup>460</sup>

71. It has been difficult to assess the civilian toll from these operations, not least as the locations where the strikes have been directed are largely in areas under Al-Shabaab control. Nevertheless the SEMG was able to determine that in some areas which have been the subject of repeated strikes, the attacks have created fear in local populations, generated significant displacements and impacted livelihoods.<sup>461</sup> Often coming in the wake of Al-Shabaab attacks on anti-Al-Shabaab forces elsewhere, air strikes which targeted civilian areas were perceived by some as a form of collective punishment. Between 1 January and 31 April the UN documented and verified the killing of 29 civilians in aerial attacks by Kenyan forces, and two civilians injured by US helicopter strikes.<sup>462</sup>

### Airstrikes following the Al-Shabaab attack in El Adde<sup>463</sup>

Attacks by Kenyan and other anti-Al-Shabaab forces in the wake of the attack by Al-Shabaab on the Kenyan Defense Forces (KDF) base at El Adde on 15 January 2016, including an intense aerial campaign in Gedo resulted in killing of at least 12 civilians and the destruction of civilian objects.<sup>464</sup> In Gedo, homes, water points and livestock were destroyed. The bombing campaign triggered displacement of at least 8,600 people who fled El Adde, Likooley and nearby villages in the two weeks following the attack, some displaced multiple times as the bombing continued.<sup>465</sup> A statement from the Supreme Committee of the Sade, and its Chairman, Sheikh Abdikarin

<sup>459</sup> As a share of overall recorded violence, the period from January to August 2016 experienced a very high and consistent rate of remote violence- an average of 20 per cent of recorded events. The Armed Conflict Location and Event Data Project (ACLED), Draft Conflict Analysis of Somalia, August 2016

<sup>460</sup> See United States Department of Defense, Statement from Pentagon Press Secretary Peter Cook on Airstrike in Somalia, 7 March 2016, available at <http://www.africom.mil/NewsByCategory/article/28034/pentagon-statement-on-airstrike-in-somalia>; Report of the Secretary General on Somalia, S/2016/430, 9 May 2016, paragraph 50.

<sup>461</sup> One woman in Dag Sharif in Gedo, for example, reportedly died “of shock, after an attack. Email from NGO staff member working in the region, 7 September 2016. In Middle Juba a relative of a local farmer from near Asbole near Jilib described to the SEMG how, as a result of the bombings, he was told that locals going to their fields changed their clothes so that they would not “be mistaken for Al-Shaaab”, thus laying themselves open to penalty from the Group for disobeying rules on proper attire. Interview with member of local community who conducted interviews in Asbole in Middle Juba on behalf of the SEMG, 28 June 2016.

<sup>462</sup> S/2016/430, 9 May 2016, paragraph 50.

<sup>463</sup> Bombings in Gedo have continued throughout the mandate, accompanied by allegations of deaths of civilians.

<sup>464</sup> Information received from local NGOs and UN sources indicated a death toll of between 12 and 15 civilians in the period immediately after the El Adde attack. By 25 January 2016, the UN had recorded and verified 15 civilian casualties from the airstrikes conducted since 15 January 2016 (nine dead and eight injured). Email from UN staff member, 7 September 2016.

<sup>465</sup> Interview with UN staff member, 16 March 2016; email from local NGO, 18 January 2016.

Sheikh Ibrahim, on 25 January 2016, decried the “massacre of civilians” around El Adde through what they described as “indiscriminate air strikes and ground operations”.<sup>466</sup>

The SEMG conducted an interview with ‘Mohamed’ who witnessed events both in El Ade on the morning of the attack and in the surrounding area in the subsequent week.<sup>467</sup> He described being present when he claimed that AMISOM/KDF forces shot one man outside El Adde on the day of the attack.<sup>468</sup> Mohamed also claimed to have heard accounts from neighbours of other incidents in which AMISOM/KDF soldiers shot civilians, and to have observed the aftermath of a series of aerial bombardments—marks in the terrain, burned materials from the effect of the explosions—which killed civilians in Ekmuk and Haramadhere.<sup>469</sup> A relative also told him of a bomb which hit the family’s compound in [place name withheld] which killed 20 goats. In the days after the El Adde attack ‘Mohamed’ stated that he attended at the burial of six individuals, five killed as a result of aerial bombardment, and one shot by retreating KDF soldiers (as noted above).

Some in the local community provided shelter to fleeing KDF soldiers: one report indicated that 33 KDF soldiers had been assisted and found their way to safety. A well-known man in the community, Deeqow Hussein Ciye reportedly gave protection to four KDF soldiers at his home in Alwileh, but was later killed by Al-Shabaab alongside the four soldiers who had sought sanctuary.<sup>470</sup>

72. On 31 January 2016, the FGS announced the formation of a committee to investigate the impact of the air strikes. In a presentation to the UN Human Rights Council in April the FGS that KDF airstrikes had “targeted civilian areas and caused heavy casualties”.<sup>471</sup> In September however the Commander of the Somali National Armed forces told the SEMG that he had “no information regarding the killing of civilians or aerial bombardment by AMISOM TCC’s or bilateral actors, neither was the SNAF part of the decision making process with regard to such actions.”<sup>472</sup>

73. In April 2016 the Government of Kenya transmitted a communiqué to the Committee in which it addressed, among a range of issues, the Group’s allegation that Kenya had carried out a sustained military campaign including bombing and ground attacks targeting places where the displaced had gathered for shelter, describing it as “erroneous and distorts the credibility of the briefing”.<sup>473</sup> Kenya further told the Committee that the KDF “in the discharge of its obligations to the in-

<sup>466</sup> See dhacdonews.com, 25 January 2016, informal translation by the Monitoring Group.

<sup>467</sup> Interview conducted with individual originally from, and present in, El Adde on the day of the attack, undisclosed location, 5 March 2016. As a result of statements by Kenyan commentators that the Marehan clan was partially responsible for the attack on the AMISOM/KDF base at El Ade, it was difficult to engage with the community who feared reprisals. Later the agreement reached between Marehan elders and the Kenyan Government also impeded investigations as communities decided that it might be better to refrain from speaking about the events of January 2016 in order to give the agreement a chance to take hold.

<sup>468</sup> The man described how around 0900 on the morning of the 15 January 2016 he had returned to El Adde to collect civilians and accompany them out of the area and as he approached the town saw personnel in a KDF vehicle shoot at a man on the road out of the town. He later assisted with the burial of the man. The UN documented and verified four killings of civilians by retreating KDF forces.

<sup>469</sup> He was told that unexploded ordnance was found in some areas but did not see any himself personally. An NGO source reported that there were bombings of Gadondhawe, Qabri-sheikh, Garba Abdi and Dhamas from which Al-Shabaab collected unexploded ordinance. Email from NGO staff member, 7 September 2016.

<sup>470</sup> Email from NGO staff member, 17 January 2016; email from diplomatic source with knowledge of the aftermath of the El Adde attack.

<sup>471</sup> Paragraph 37, Section 1 A Presentation of state under review, Report of the Working Group on the Universal Periodic Review, Somalia, A/HRC/32/12, 13 April 2016

<sup>472</sup> Letter from SNA Commander Major General Mohamed Aden Ahmed to the SEMG, undated, received 6 September 2016.

<sup>473</sup> See, Communiqué from the Permanent Mission of Kenya to the United Nations regarding the Somalia and Eritrea Monitoring Group’s midterm update, S/AC.29/2016/COMM.20, dated 21 April 2016, transmitted to the Committee on 22 April 2016, S/AC.29/2016/NOTE.26.



ternational peace and security efforts adheres to comprehensive best practice, standard operating procedures and a strict code of conduct and discipline". Kenya noted that their forces were "guided by AMISOM rules of engagement including international humanitarian law and the African Union Peace Support Operations Code of Conduct".

74. Further to receiving indications that Kenya had taken steps since January 2016 to review its air operations, in August 2016 the SEMG wrote to Kenya to seek further information on the measures which had been put in place, but did not receive a reply by the time of filing this report.<sup>474</sup>

#### **Allegations relating to the use of cluster munitions and the harvesting of unexploded ordnance<sup>475</sup>**

75. On 24 January 2016 allegations that cluster munitions had been deployed as part of the Kenyan bombing campaign in response to the El Adde attacks began to circulate on Somali media. A number of photos were published purporting to illustrate unexploded cluster munitions, appearing on a pro-Al-Shabaab site, which raised immediate questions about their validity.<sup>476</sup> One of these images is attached at annex 7.7 (a).

76. The photographs depict BL755 No1 Mark 1 unexploded cluster bomblets, of UK origin, against a terrain similar to that prevalent in Gedo. An expert who examined the picture suggested that the ordnance illustrated may have been dropped too low in that the coronets had not deployed, thus the safety/arm mechanism would not have rotated and the detonator remained unaligned.<sup>477</sup> The SEMG has confirmed from embedded data that one of the pictures was taken on 19 January 2016.<sup>478</sup>

77. The SEMG has not been able to conclusively identify the location where the picture was taken. The most convincing account received by the SEMG was that the photograph showed an area between Tarako and Juungal north west of Bardera: the man in the picture was also identified definitively by name.<sup>479</sup> Another expert source, however, stated that his local contacts had reported the discovery by Al-Shabaab of unexploded cluster munitions near Bu'ale around the same time: he understood that the pictures published on Somalimemo matched that location.<sup>480</sup> Due to the location of the alleged strike deep in Al-Shabaab territory, independent information or photographs, however, could not be retrieved.

78. The Group notes that advocates working in the field of cluster munitions use and reduction have asserted that "Kenya is not known to have ever used, produced, transferred, or stockpiled cluster munitions".<sup>481</sup> The SEMG notes, however, that aircraft of the F-5 type used by Kenyan forces in Somalia could be modified to deliver BL755 munitions considering the similarities in delivery ballistics between the BL755 and munitions usually deployed.<sup>482</sup> The BL-755 bomb was manufactured by Hunting Engineering/INSYS, which latter entity was acquired by Lockheed Martin Holdings (UK) in 2005. The SEMG requested Lockheed Martin to provide export authorisation records for BL755 indicating sale of

<sup>474</sup> Interview with security expert, Nairobi, 30 June 2016.

<sup>475</sup> Somalia deposited its instrument of ratification to the Convention on Cluster Munitions with the Secretary General on 30th September 2015. See, for example, Goobjoob News, "Somalia ratifies cluster munitions convention", 1 October 2015, available at <http://somaliamediamonitoring.org/october-2-2015-morning-headlines/>. Kenya became a signatory to the Convention on 3 December 2008, although it has not ratified the instrument. As a signatory to the Convention Kenya is obliged further to article 18 of the Vienna Convention on the Law of Treaties to act in good faith and "not to defeat the object and purpose" of the treaty.

<sup>476</sup> See, for example, <http://somalimemo.net/articles/4278/Sawirro-Kenya-Oo-Qaaday-Weerar-Culus-Oo-Aar-goosi-Ah>.

<sup>477</sup> Email from expert on IEDs in Somalia, 28 January 2016.

<sup>478</sup> The SEMG attempted to contact the website where the pictures originally were posted to no avail.

<sup>479</sup> Email from relative of a member of the local community, 7 September 2016; Interview conducted with relative of the man with interlocutor of the Monitoring Group, September, 2016.

<sup>480</sup> Email from individual with knowledge of military operations in Middle Juba, 25 January 2016: Skype discussion with individual who received initial reports on the incident, 14 September 2016.

<sup>481</sup> See, for example, the assertion in the Landmines and Cluster Monitor Kenya profile at <http://www.the-monitor.org/en-gb/reports/2016/kenya/cluster-munition-ban-policy.aspx>. It was last updated, however, only in July 2015.

<sup>482</sup> See, *inter alia*, <http://www.globalsecurity.org/military/world/kenya/air-force-modernization.htm>.

such munitions to Kenya during the period—if any. As the requirement to retain export records had expired, however, no records were recoverable from that period.<sup>483</sup>

79. The Monitoring Group has also determined, however, through photographic and testimonial evidence, that unexploded cluster munitions of the same BL755 type alleged to have been used in January in Gedo/Bu'ale were employed in the manufacture of components for improvised explosive devices (IEDs) which were found in a cache of materials seized by anti-Al-Shabaab forces in Bardera and reported on 7 March 2016. It was initially understood that Kenyan forces had recovered the material.<sup>484</sup> It was later clarified that it was the Ethiopian National Defense Forces (ENDF) contingent which had taken possession.<sup>485</sup> In the meantime the SEMG had requested the Government of Kenya for access to, or access to information on, the IED components recovered in Bardera in order to assist in tracing their origin.<sup>486</sup> This request has now been made to Ethiopian authorities. Pictures of the unexploded munitions are attached in confidential annex 7.7.1 (a).

80. As a result, the SEMG has not yet been able to ascertain when and where the cluster munitions used in the Bardera IEDs were recovered—or indeed whether they were harvested from previously imported or deployed BL755 weapons stocks. The SEMG notes that remnants of cluster munitions used during the 1977 to 1978 Ogaden war between Somalia and Ethiopia have been recovered before in border areas between Somalia and Ethiopia including, for example, PTAB-2.5M and AO-1SCh sub-munition remnants.<sup>487</sup> Most recently an unexploded PTAB-2.5M, Russian origin cluster munition was recovered near Dinsor on 25 September 2015. Later empty carriers for the same munition was found near Rabdhure.<sup>488</sup> The SEMG has not heard, however, of the BL755 cluster being among the legacy unexploded ordnance discovered to date in Somalia. Nevertheless, the BL 755 was developed in the early 70s and is known to have been used by Ethiopia at least once in the 90s (in an attack on Eritrea).<sup>489</sup>

81. In a communiqué issued on 21 April 2016 addressed to the Committee, the Government of Kenya declared that the statement by the SEMG that delivery units for cluster munitions were observed and that munitions of the same type had later been used in the manufacture of IEDs was “at best, a fabricated, wild and sensationalist allegation”.<sup>490</sup> The Secretary General also told the Council in May 2016 that the Government of Kenya had denied the use of cluster munitions.<sup>491</sup>

82. Confidential Annex 7.7.1 contains pictures of the recovered IED components manufactured using BL755 No1 Mark 1 clusters.

<sup>483</sup> Letter from Peter Ruddock, the Chief Executive of Lockheed Martin, to the Secretary of the Committee, 12 September 2016.

<sup>484</sup> Interviews with individuals with knowledge of the incident, Mogadishu, March 2016.

<sup>485</sup> Email from individual with knowledge of the recovery operation, 18 September 2016.

<sup>486</sup> Pursuant to paragraph 6 of resolution 2182 (2016) AMISOM forces are required to, “document and register all military equipment captured as part of offensive operations or in the course of carrying out their mandates, including recording the type and serial number of the weapon and/or ammunition, photographing all items and relevant markings and *facilitating inspection by the SEMG* of all military items before their redistribution or destruction” (emphasis added).

<sup>487</sup> See, Landmines and Cluster Monitor Ethiopia profile at <http://www.the-monitor.org/en-gb/reports/2015/ethiopia/cluster-munition-ban-policy.aspx>. It was last updated, however, in July 2015. See also photographs by UNMAS of recovery of unexploded ordnance at <https://www.flickr.com/photos/unmassomalia/sets/72157632302508302/>.

<sup>488</sup> Skype interview with security source, 13 September 2016.

<sup>489</sup> By 2008 Ethiopia still held stockpiles of the munition. See, for example, Regional Fact Sheet September 2008, Africa and the Oslo Process to Ban Cluster Munitions, Prepared by Human Rights Watch, available at [https://www.hrw.org/legacy/pub/2008/arms/CMC\\_factsheet0908.pdf](https://www.hrw.org/legacy/pub/2008/arms/CMC_factsheet0908.pdf). The report notes that both Ethiopia and Nigeria were stockpiling BL 755 type clusters in 2008.

<sup>490</sup> See, Communiqué from the Permanent Mission of Kenya to the United Nations regarding the Somalia and Eritrea Monitoring Group's midterm update, S/AC.29/2016/COMM.20, dated 21 April 2016, transmitted to the Committee on 22 April 2016, S/AC.29/2016/NOTE.26.

<sup>491</sup> S/2016/430, 9 May 2016, paragraph 50.

### ***Collection of unexploded ordnance***

83. The Group received a number of reports from UN and non-governmental organisation (NGO) sources during the mandate that in the wake of airstrikes unexploded aerial ordnance was recovered by Al-Shabaab experts, particularly in Gedo. A source near Luq, for example, told the SEMG that one of his close relatives had observed “dropped bombs” which may have been clusters, being collected and taken away by Al-Shabaab in late January 2016.<sup>492</sup> In late February 2016 the SEMG received an email claiming that the KDF had dropped “objects” in the village of Tulobarwaqo, only one of which blew up and “caught on fire”.<sup>493</sup>

### **Measures to enhance compliance**

84. The use of airstrikes in the conflict in Somalia appears set to continue. It is important that these take place, not just within the context of AMSIOM’s strategic concept of operations and in cooperation and coordination with AMISOM in compliance with the framework of the arms embargo,<sup>494</sup> but in accordance with international law and requirements of necessity, distinction and proportionality. Member States engaged in such operations may need to disseminate specific rules of engagement and targeting protocols, in accordance with international best practice, for the use of aerial ordnance in full compliance with the principles of distinction, proportionality and necessity.

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<sup>492</sup> Email from individual known to the Monitoring Group residing in the vicinity of Luq with knowledge of events in Gedo, 21 Feb 2016

<sup>493</sup> Email from NGO staff member, as translated by the SEMG, 26 February 2016.

<sup>494</sup> Resolution 2111 (2013), paragraph 10 (c).

**Annex 7.7 (a)**

*Figure 1: Image of unexploded cluster bomb remnant, photograph dated 19 January 2016*



**Annex 7.7.1: Allegations relating to the use of cluster munitions (STRICTLY CONFIDENTIAL)\***

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

## Annex 7.8: Attacks on civilians and obstruction of humanitarian aid: Abdirashid Hassan Abdinur<sup>495</sup>

85. During the last two years the Monitoring Group received multiple allegations, from Somali and international sources, alleging that Abdirashid Hassan Abdinur (Abdirashid)—current Minister of Security in the Interim Jubba Administration (IJA)—has been responsible for the targeting of civilians contrary to international law, as well as conduct constituting obstruction of humanitarian assistance.<sup>496</sup> At the centre of these allegations is the assertion that Abdirashid wields control of both the instruments of the use of force, and humanitarian financial flows in Dolow town and the surrounding areas, including with the support of the IJA and elements of the Ethiopian military.<sup>497</sup> It has also been alleged that Abdirashid has participated in activities that undermine peace and security more broadly, including attempting to overrule legitimately appointed local authorities.<sup>498</sup>

86. Allegations of abuses of power by Abdirashid came to a head on the night of 29/30 August 2015 with the killing of three men and one woman who had been held in detention at Dolow Police Station for various periods of time prior to their death: Abdirizak Farah Mire, Ahmed Mohamed Gurnow Adan Derow Abdille and Sanyar Hussein Mohamed. They four were tied up, shot, and their naked bodies dumped in a shallow grave. The sudden and brutal circumstances of the killings, and the range of profiles and identifies of the deceased—including a woman, and two people from Abdirashid's own Rer Ahmed/Rer Samatar sub-clan—shocked the community deeply. One explanation ventured was that, in the aftermath of a serious car accident, Abdirashid had grown increasingly concerned that perceptions of his strength, capacity and immunity were waning. His actions on the night of 29/30 August 2015 were intended thus to consolidate his image as an untouchable 'strong man'. It was also noted in this regard that on 26 August 2016, just a few days before the killings, Abdirashid had lost nine of his men in a battle with Al-Shabaab at Tulobarwaqo village, including the-then commander of the Dolow Police Station, Abdi Howsar.

87. On 26 December 2015, the Benadir Regional Court issued a warrant for Abdirashid for these four killings, in addition to the unlawful killing of three others in 2013 and 2014, also in Gedo.<sup>499</sup> On 18 May 2016 Abdirashid was promoted to the position of Minister of Security by the President Ahmed Mohamed Islam ("Madobe").

88. It is the SEMG's assessment that Abdirashid was, on the balance of probabilities, responsible for the killing of the four prisoners in Dolow on the night of the 29/30 August 2015.<sup>500</sup> Indeed on 31 August 2015 Abdirashid himself made a

<sup>495</sup> The Monitoring Group account and assessment of this case is based on multiple interviews with members of the family of the victims, regional government officials, NGO and UN staff members, researchers, senior members of the Dolow community, including traditional leaders, in person in Nairobi, Baidoa and in phone and Skype conversations between September 2014 and 30 August 2016.

<sup>496</sup> A former member of Al-Itihad in the 1990s, Abdirashid later switched allegiances and successfully persuaded both local and Ethiopian authorities to agree to his appointment as District Commissioner of Dolow in 2006. He then consolidated his power through facilitating rapprochement between President Ahmed Mohamed Islam "Madobe" (Darod/ Ogaden) of the Interim Jubba Administration (IJA), and elements of his own Darod/Marehan clan, subsequently asserting singular control over the political economy of Dolow. On 20 February 2014, IJA President Ahmed Mohamed Islam (Madobe) appointed Abdirashid as Deputy Minister of Interior and Security in his administration.

<sup>497</sup> The SEMG has reported on some of these allegations in past reports, in particular the rigorous control of the contracting processes for accommodation, vehicles, human resources and other services by Abdirashid in Dolow and the surrounding area, despite his having relinquished the position of District Commissioner. See S/2015/746, strictly confidential annex 7.6.

<sup>498</sup> The SEMG notes that the environment of violations which existed in Dolow were not unique. During the mandate the SEMG received a range of allegations relating to abuse of power by, for example, Luq district authorities including use of unlawful arrest to enforce payments; expropriation of property, arrests of FGS appointed officials, extortion of humanitarian organizations, and the transfer of individuals to the custody of Ethiopian forces on the basis of false accusations.

<sup>499</sup> Copy of the court order (Ref. 59/2015) held on file with the Monitoring Group.

<sup>500</sup> Other individuals who were also allegedly present on the night of the killing bear forms of responsibility for the killings, including members of Abdirashid's militia and his advisor, Ahmed Mohamed Omar "Ilkadhere", but they were not the focus of the SEMG's investigations during this period of the mandate.

statement in a BBC Somalia interview declaring that the detainees—he only acknowledged the existence of three—had been executed as they were “all Al-Shabaab”.<sup>501</sup>

89. In the course of its investigations into the events of 29/30 August 2015, the SEMG received information alleging Abdirashid’s responsibility for a range of other conduct in violation of international law, including other incidents of torture, unlawful killings, abductions and disappearances. Although the SEMG was not able to fully investigate these cases, consistent and credible information was provided, including in particular with respect to a series of acts of killing, torture and rendition in October and November 2014, in relation to six men accused by Abdirashid of assisting Al-Shabaab to plan an attack on Dolow.

90. In addition to his involvement in conduct amounting to targeting of civilians in violation of the mandate, Minister Abdirashid also manipulated—in collaboration with a network of individuals—a range of elements of humanitarian operations in Dolow, directly and indirectly, including through the operation of contracting cartels and imposition of inappropriate bureaucratic impediments, to control and extract financial benefit from, humanitarian operations in Dolow. This included wielding the means of the use of force inhering in his authority—deployment of militia and unlawful arrest—to assert his will, amounting to obstruction of humanitarian assistance.

91. To date, Abdirashid has operated with complete impunity. The IJA is seemingly unable to hold Abdi Rashid accountable for his abuse of power. The impact and implications of these activities—in addition to Abdirashid’s broader use of force to enhance his position of power in Gedo—contributes to undermining peace and security in Somalia.<sup>502</sup>

92. The SEMG’s assessment of the evidence it has collected of violations of the mandate by Minister Abdirashid is contained in strictly confidential annex 7.8.1.

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

<sup>502</sup> As the report was being finalized in mid-September 2016 the SEMG received a series of accounts alleging the involvement of Minister Abdirashid and his militia in armed violence, involving attacks on civilians and others, and including the use of improvised explosive devices (IEDs), around Belet Hawa. The SEMG is investigating these incidents.

**Annex 7.8.1: Attacks on civilians and obstruction of humanitarian aid: Abdirashid Hassan Abdinur  
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## **Annex 8**

### **Arms embargo**

### Annex 8.1: Federal Government of Somalia (FGS) reporting to the Council pursuant to paragraph 7 of resolution 2244 (2015) and paragraph 9 of resolution 2182 (2014)

1. Since the granting of the partial lift in resolution 2093 (2013), the FGS has been required to report to the Council every six months on the structure, strength and composition of its security forces and the infrastructure and procedures in place for effective weapons and ammunition management.<sup>503</sup> The requirement was imposed both to create a framework for more targeted support by Member States to FGS security forces, and to improve transparency in how the FGS manages its stockpiles. Reporting also provides a baseline for the implementation of the arms embargo, identifying the forces entitled to receive arms and other assistance, and under what conditions.
2. In its 2015 final report, the SEMG described significant gaps in the content of FGS reporting.<sup>504</sup> In its next resolution, the Council added a new element to the scope of the requirement, calling on the FGS “to include more information in its reporting, including through the provision of full and accurate information on the structure, composition, strength **and disposition** of its security forces, including the status of **regional** and militia forces” (emphasis added).<sup>505</sup>
3. Since the Council imposed the reporting requirement, the FGS has submitted a total of eight reports, the latest dated 14 April 2016.<sup>506</sup>

#### *Structure, strength and composition of forces*

4. FGS reporting during the mandate period added little to the picture of the security forces which the FGS first provided in mid-2014.<sup>507</sup> In its first report to the Council in June 2014 the FGS had submitted a security forces organogram which included details of Somali National Army (SNA) command and personnel strength at both sector and battalion level. Information on personnel strength in the other three forces under its control was, however, omitted. Since then the FGS has provided information only on significant changes in leadership command and structure for the four security forces (and then only to sector level for the SNA)—but not on personnel strength changes for any of the forces.<sup>508</sup> Indeed personnel numbers for three of the four FGS security forces—the custodial corps, the Somali Police Force (SPF) and National Intelligence and Security Agency (NISA)—have never been provided to the Council by the FGS. The absence of information on SNA force strength since 2014, and indeed any indication of the strength of the other three forces, constitutes a significant lacuna in FGS compliance with the requirements of the partial lift.
5. The SEMG recognizes that the nature of the political and security economy which guides the FGS’ relationships with its security institutions, is complex and oscillatory. Nevertheless, assessments done under the Gulwade and Heegan plans and the biometric registration process currently underway in collaboration with UN Office of Project Services (UNOPS) must provide a starting point for the provision of clear figures. In fact, in Annex 9 of the latest FGS report, the FGS does provides personnel numbers underpinning SNA salary/stipend payments for 2015 to SNA in Sectors 1, 2, 3, 4 and 5.

<sup>503</sup> Resolution 2093 (2013) paragraph 39 as modified by subsequent resolutions. In resolution 2244 (2015) the Council renewed its reporting request, requesting the FGS to report to the Security Council by 15 April 2016 and again by 15 October 2016 (paragraph 7).

<sup>504</sup> S/2015/881, annex 7.3.

<sup>505</sup> Resolution 2244 (2015), paragraph 7.

<sup>506</sup> Since the SEMG’s 2015 report the FGS submitted two reports, one dated 30 September 2015 (letter dated 30 September 2015 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/2015/COMM.70) and the second dated 14 April 2016 (letter from the National Security Adviser to the President of the Federal Government of Somalia to the United Nations, S/AC.29/2016/COMM.19)

<sup>507</sup> Letter dated 13 June 2014 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/12014/COMM.53.

<sup>508</sup> The 30 September 2015 report only provided updates on SNA, police and custodial corps higher-level command and structure—omitting the National Intelligence and Security Service. The 14 April 2016 report rectified this oversight.

### ***Integration of militia***

6. In its first report to the Council of June 2014 the FGS provided data on SNA militia integration which was ongoing at the time, in particular with respect to the 11<sup>th</sup> and 10<sup>th</sup> brigades. It shared information on force strength, sub-units (both companies and battalions), command and disposition. Since then, however, no information on militia integration has been submitted to the Council. In fact, the SEMG understands that even some of the personnel in the 11<sup>th</sup> and 10<sup>th</sup> brigades have in fact left FGS control.

7. The absence of any information on militia integration, recruitment, or loss of forces since 2014 is problematic: the SEMG is aware that militia are being integrated across the country, including under the auspices of the National Integration Commission.<sup>509</sup> Indeed, both the FGS September and April reports refer obliquely to significant evolution having taken place in the composition and disposition of forces: the first report notes, for example, that integration of SNA forces is “moving quite fast”; the second report describes the “structure” of the security forces as “progressing remarkably”. In its 2015 report the SEMG particularly identified the need for clarity to be provided on the formation of SNA sector 43 in Kismayo which had received considerable UN and Member State support.<sup>510</sup> The FGS’s two latest reports, however, simply describe the sector as commanded by Brigadier General Muhiedin Sid Abudlle with no information provided on strength, composition or sub-command.<sup>511</sup>

### ***Regional forces***

8. In its 2015 final report, the SEMG reported that the ambiguous status of regional forces was a major challenge to compliance by the FGS, Member States, and private entities with the arms embargo. Subsequently in resolution 2244 (2015), the Council requested the FGS to provide details of the status of “regional forces”. The FGS failed to provide such information in its last report to the Council.

9. Knowing the composition of the FGS security forces, and in particular which regional forces are comprised within it, is critical to determining whether these forces are entitled to receive support under the partial lifting of arms embargo. In its Implementation Assistance Notice No. 2 of March 2016 (IAN (No.2)) the Committee confirmed that it was the responsibility of the FGS to determine forces coming within the scope of the partial lift: “it is the sole responsibility of the FGS to inform the Committee of which entities are regarded as forming the Security Forces of the FGS.”<sup>512</sup>

10. The SEMG recognises the challenges the FGS faces with this requirement to report on regional forces. In this context, the SEMG wrote to the Interim Jubba Administration (IJA), the Interim Galmudug Administration (IGA), the Interim South-West Administration (ISA), and the administrations of Puntland and Somaliland drawing attention to this specific element of the resolution and inviting them to share information relevant to the implementation of the arms embargo with the SEMG and with the FGS as appropriate.

### ***Weapons and ammunition management (WAM) infrastructure and procedures***

11. In the last two reports to the Council the FGS provided no information the status of its armouries or planned construction.<sup>513</sup> This is not only a compliance requirement: donors would also benefit from this information in order to better

<sup>509</sup> The National Integration Commission was launched on 12 May 2015 with a mandate to plan and oversee implementation of SNA integration.

<sup>510</sup> S/2015/801, annex 7.3.

<sup>511</sup> See S/2015/801, annex 7.3, paragraph 75. On 27 July 2015 a swearing in ceremony took place for 1517 new SNA personnel in Kismayo, attended by the Presidents of both the IJA and the FGS. It is understood that at the end of July 2016 General Ismail Sahardid replaced Brig General Sid Abdulle. Email from UN staff member, 28 July 2016.

<sup>512</sup> Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 12.

<sup>513</sup> The FGS must provide information on the “storage capacity, staffing capacity, arms and ammunition management systems and status of use” of each currently available, and planned, armoury and storeroom”. Resolution 2142 (2014), paragraph 9.

channel their support to the FGS. A table which is updated regularly, with input from the UN agencies and non-government organisations (NGOs) which have been involved in an ongoing program of construction, would provide a useful baseline.

12. As in its previous reporting, the FGS failed again to provide any information on the safe storage, registration, maintenance and distribution of “military equipment,” beyond weapons and ammunition. As the SEMG noted previously, control of these streams of materiel is important operationally: the SEMG found in 2015, for example, that the wide availability and low cost of military uniforms, due partly to a lack of oversight of imports, constituted an underreported threat to peace and security in Somalia.<sup>514</sup> Al-Shabaab, both within and outside Mogadishu, frequently carries out attacks while disguised in SNA, African Union Mission in Somalia (AMISOM) or other government military uniforms. Over 135,000 items of military uniform were notified as prospective imports during the last mandate, with tens of thousands of undocumented uniform donations received.<sup>515</sup> During the course of this mandate, over 289,000 items of military clothing from uniforms, to helmets to t-shirts, were the subject of advance notification and the SEMG received information on the planned construction of a uniform factory.

13. In assessing FGS reporting in 2014 and early 2015 on weapons and ammunition management procedures the SEMG found that the account provided seemed more aspirational than a reflection of actual practice.<sup>516</sup> The Group particularly noted that weapons management and distribution outside Halane had not been addressed.<sup>517</sup> The last FGS report to the Council annexed the outcomes of a series of consultations held in Somalia in February 2016 under the stewardship of the UN Institute for Disarmament Research (UNIDIR) which included an extensive analysis of WAM procedures and practices and suggestions on the way forward.<sup>518</sup> The FGS also included a copy of the first report of the Joint Verification Team (JVT) which started work in March 2016 and which conducted inspections of FGS security forces’ stockpiles, inventory records and the weapons supply chain.<sup>519</sup> The JVT report contained a very clear account of how weapons are received, logged and stored in, and then re-distributed from Halane, alongside recommendations on how to enhance recording and tracking.

### *Additional information*

14. The FGS has used its reports to provide additional useful information to the Council on the operation of the security sector as a whole. These have included information on the overall security challenges facing Somalia relating to Al-Shabaab, FGS views on maritime interdiction of charcoal and arms and details of training, both conducted and planned, for the security forces. In a new development, the last two reports contained information on FGS notifications of deliveries to the Committee. The last report also contained information on the destruction of ammunition and the state of the security sector payroll (annex 9).<sup>520</sup>

15. Pursuant to paragraph 6 of resolution 2182 (2014) the FGS is required, *inter alia*, to document and register captured weaponry and ammunition and to facilitate Monitoring Group inspection of the materiel.<sup>521</sup> In its 30 March 2015 reporting to the Committee the FGS provided information on three incidents where weapons and other materiel subject to the arms

<sup>514</sup> S/2015/801, paragraph 83.

<sup>515</sup> S/2015/801, annex 7.1.

<sup>516</sup> The FGS must provide information on procedures and codes of conduct in place for the registration, distribution, use and storage of weapons by its security forces, and on training needs in this regard, including procedures for receipt, verification and recording of weapons imports through any controlled port of entry, and procedures for the transport of weapons and ammunition (resolution 2142 (2014), paragraph 9).

<sup>517</sup> Annex 7.3, paragraph 81.

<sup>518</sup> See UNADIR, Roadmap for a comprehensive national framework governing the whole life cycle of weapons and ammunition management, prepared for the Office of the National Security Advisor, Feb 2016 workshop.

<sup>519</sup> Resolution 2182 (2014), paragraph 7. See S/2015/801, annex 7.5, paragraphs 110 and 111 for background on the development and establishment of the JVT.

<sup>520</sup> See Section II B for an overview of SEMG assessments of security sector salary payments.

<sup>521</sup> The obligation was most recently re-affirmed in paragraph 10 of resolution 2244 (2015).

embargo had been seized.<sup>522</sup> Unfortunately the last two reports did not contain any information on captured weapons: neither did the SEMG receive such information during the mandate through other avenues.

16. In assessing gaps in FGS reporting during the mandate, it appears that there are challenges surrounding information sharing between the Office of the National Security Advisor (ONSA) which is charged with compiling the reporting and other FGS entities with critical information, such as the four FGS security forces, and the National Integration Commission or the integration focal point in the Office of the Deputy Prime Minister. Improved consultation between the leadership of the four FGS security services and with other security sector actors prior to submission of reporting to the Council might be encouraged. This would also tend to create greater understanding of, and buy-in to, compliance with notification requirements under the partial lift across the security forces.

17. The Monitoring Group therefore recommends that the Security Council:

- reiterate its request to the FGS to improve compliance with reporting obligations to the Council, in particular the provision of full and accurate information on the structure, composition, strength and disposition of its security forces, including reflecting the impact of the integration of militia and regional forces on those parameters;
- direct regional authorities to cooperate with the FGS in the preparation of this reporting as appropriate;
- call on Member States to ensure that advance notifications made pursuant paragraph 4 of resolution 2142 (2014) are done in full consultation with the FGS focal point, the Office of the National Security Advisor;
- urge the FGS to continue to improve the timeliness and content of its post-delivery and post-distribution confirmations to the Committee.
- consider modifying the modalities for submission of FGS post distribution reports to the Committee pursuant to paragraph 7 of resolution 2142 (2014) to permit transmission of periodic reports on weapons and ammunition distribution to the Committee, including in the context of oversight by the Joint Verification Team (JVT);
- urge the FGS to improve recordkeeping for distribution of weapons and ammunition order to ensure tracking of onward movement of materiel outside the Halane armoury.

<sup>522</sup> Section headed “draft legislation against possession of non-registered lethal weapons,” Letter dated 30 March 2015 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/2015/COMM.21.

## **Annex 8.2: Federal Government of Somalia (FGS) and Member State compliance with notification requirements under the arms embargo and partial lift**

18. The Council has emphasised that extension of the partial lift of the arms embargo is conditional, *inter alia*, on the FGS fulfilling its requirement to appropriately notify all materiel and support transferred to its security forces.<sup>523</sup>

19. Under the terms of the partial lift, the FGS, or in the alternative a Member State, must notify the Committee, for its information, at least five days in advance, of any deliveries of weapons or military equipment or the provision of assistance intended solely for the development of the FGS' security forces.<sup>524</sup> In addition, the FGS must seek Committee's approval for the import of six types of lethal materiel, as specified in the annex of to resolution 2111 (2013).<sup>525</sup> Following the delivery of weapons and ammunition to Somalia, the FGS is required to inform the Committee of the place of storage and, once the material is distributed, the destination unit within the security forces.<sup>526</sup>

20. In October 2015 in resolution 2244 (2015) the Council welcomed FGS efforts to improve compliance with obligations relation to advance notifications and expressed hope to see "further needed progress in the future".<sup>527</sup> It particularly called upon the FGS to improve the timeliness and content of its post delivery reporting—the submission of delivery confirmations (pursuant to paragraph 6 of resolution 2142 (2014)) and communication of the destination of weapons and ammunition upon distribution (pursuant to paragraph 7 of resolution 2142 (2014)).<sup>528</sup>

21. During the mandate the SEMG engaged regularly with the Office of the National Security Advisor (ONSA), the FGS focal point for the arms embargo, including sharing information on advance notifications received by the Committee and advising on compliance.

### **Compliance with paragraphs 3 and paragraph 4 of resolution 2142 (2014): Advance notification to the Committee's for its information**

22. Between 1 September 2015 and 1 September 2016 the FGS made 14, while Member States made seven advance notifications pursuant to paragraphs 3 and 4 of resolution 2142 (2014). In one case the FGS was not aware of the advance notification by the Member State and notified the delivery of the material as a "late advance notification". Three advance notifications were made late by the FGS, either the day of, or after the delivery: in all of these cases the FGS advised the Committee that it had not been told of the donation until its arrival.

### **Compliance with paragraph 7 of resolution 2111 (2013): Requests for Committee's approval**

23. Between 1 September 2015 and 1 September 2016, the Committee approved two requests for approval submitted by Member States pursuant to paragraph 7 of resolution 2111 (2013).

### **Compliance with paragraphs 5 and 6 of resolution 2142 (2014): post-delivery confirmations and post-distribution report for Committee's information**

24. The FGS failed to provide on time and complete post delivery confirmation and post distribution reports. Nevertheless, an examination of the individual cases where compliance was insufficient shows that in the majority of cases where the correct notification was not made, or it was made late, the challenge related less to a willingness to comply than lack of information being made available to the ONSA.

<sup>523</sup> See, *inter alia*, resolution 2182 (2014), "any decision to continue or end the partial suspension of the arms embargo on the FGS will be taken in the light of the thoroughness of the FGS's implementation of its requirements as set out in this and other relevant Security Council resolutions", preamble.

<sup>524</sup> Resolution 2142 (2014), paragraphs 3 and 4.

<sup>525</sup> Resolution 2111 (2013), paragraph 7.

<sup>526</sup> Resolution 2142 (2014), paragraphs 6 and 7.

<sup>527</sup> Resolution 2244 (2015), preamble.

<sup>528</sup> Resolution 2244 (2015), paragraph 8.

25. There were 6 advance notifications made since 1 September 2015 for donations of weapons and ammunition which were expected to have arrived by 1 September 2016 and required post delivery confirmation.

- The FGS submitted two post-delivery confirmations with respect to these imports. One was submitted on time and complete, including information on FGS weapons marking of the shipment. The second was made alongside a late advance notification as the FGS was not aware that the donation had already been notified by the Member State involved.
- With respect to two of the remaining deliveries which were expected to arrive by the end of 2105, donated by the same Member State, the FGS told the SEMG that the SNA did not have any information as to whether these shipments had arrived.
- The final two deliveries—both from another Member State—were expected to arrive by 31 August 2016. It is not clear if they have been delivered.

26. During the mandate the FGS also provided post delivery confirmations or post distribution reports for three other shipments which had been notified as expected to arrive during previous reporting periods.

- In April 2016 the FGS submitted an on-time combined post delivery and distribution confirmation for a donation of weapons which had been due in 2015 but was delivered in March 2016.
- In June 2016 the FGS provided a partial post-delivery confirmation to the Committee for a weapons purchase which was originally notified to the Committee in 2014. The confirmation of delivery came late as the FGS had returned part of the original shipment which was delivered in 2015 due to the poor quality of the materiel and was awaiting the order to be re-filled. The order has not yet been completed.
- In August 2016 the FGS sent a post distribution report combined with a post delivery report to the Committee in relation to a donation of weapons which had been given to the Somali Police Force (SPF) in 2014. The delivery of the weapons had already been communicated by the Member State to the Committee over a year previously. The FGS included new serial number markings assigned to the weapons along with its report.

27. An assessment of these cases shows that the most significant challenges to FGS compliance relate to

- deliveries by-passing Halane as the agreed point of arrival;
- poor coordination between the donor Member State, the recipient security force and the ONSA responsible for liaison with the Committee;
- lack of consultation by the Member State with the ONSA resulting in both the Member State and the FGS submitting notification for the same deliveries;

#### **Assistance to FGS security forces not notified to the Committee**

28. In March 2016 the Committee clarified that support for the development of the FGS security forces may include, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military, policing (including coastguard) or security operations). All this materiel must be the object of an advance notification in order for it to be law-

fully supplied.<sup>529</sup> Nevertheless, during the mandate, FGS security forces received materiel and support which was not notified to the Committee. The bulk of this non-notified support was provided in the form of non-lethal materiel and other support such as salaries, stipends, building infrastructure (including the construction of training centres), military clothing and the delivery of SNA, SPF and National Intelligence and Security Agency (NISA) by Member States and the UN. Although in some cases, the lack of notification to the Committee did not appear deliberate—some of the contributions were widely reported—the persistent lack of notification of these forms of support remains of concern to the Group.

### *Transfer of materiel between the FGS and other Somali security sector institutions*

29. The arms embargo does not permit onward transfer of materials provided to FGS security forces under the partial lift to non-FGS forces.<sup>530</sup> In March 2016 the Committee clarified that it was “the sole responsibility of the FGS to inform the Committee of which entities are regarded as forming the Security Forces of the FGS” (paragraph 12).<sup>531</sup> One challenge arising as a result of the progressive but erratic integration of forces, however, is determining at what point personnel constitute FGS security forces. In one case, for example, the FGS transferred uniforms to a regional authority for personnel in Puntland who had been identified for future integration: it was not clear however that these forces in fact formed part of the FGS security forces at the moment of the transfer.

### **SEMG conclusions and recommendations**

30. The SEMG has assessed all notifications and information on deliveries transmitted to the Committee since the passage of resolution 2093 (2013) and shared a table of this data with the FGS. Between the the partial lifting of the arms embargo in 2013 and 1 September 2016, the FGS and Member States submitted advance notifications and/or received approximately 20,679 weapons and 13,007,276 rounds of ammunition.<sup>532</sup>

31. In making this calculation, where there was a discrepancy in volumes of materiel between that notified and delivered, the SEMG used the delivery confirmation numbers. As not all delivery confirmations have been submitted, however, it is unclear that all this materiel has arrived in Somalia. In addition, some donations were notified late in the mandate, and although scheduled to have been received by the FGS before 1 September 2016, may not yet have been delivered.

32. The SEMG recommends that the Council once again urge the FGS to improve the timeliness and sufficiency of post-delivery confirmations and post distribution reports as a condition of the renewal of the partial lift. In addition, the SEMG suggests that a modification be considered in the way in which the two step post-delivery requirement is fulfilled. The two-step process was conceived in a context of a weapons and ammunition management framework which identified Halane armoury as the first point of arrival (post-delivery confirmation) with subsequent onward distribution to a particular force or unit (post distribution information). Further to consultation with experts working closely with the FGS, the SEMG suggests that a formula be considered in which the FGS could provide post distribution information to the Committee on a periodic basis—such as in its six monthly report the Council pursuant to paragraph 9 of resolution 2142 (2014). This would be both practical and tend to enhance compliance.

33. The leadership of the FGS security forces is not fully aware of the range of the situations in which notifications to the Committee are required.<sup>533</sup> The SEMG recommends that briefings be conducted for the heads of all FGS security forces, and other entities within the security sector architecture, on the scope of the arms embargo, the partial lift and related exemptions. The Secretariat to the Committee has offered to assist with this.

<sup>529</sup> See, Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 10.

<sup>530</sup> Resolution 2244 (2015), paragraph 5.

<sup>531</sup> IAN No. 2, op cit.

<sup>532</sup> Clarification: In S/2015/801 the SEMG reported that Government security forces were expected to have received more than 17,500 weapons and almost 9 million rounds of ammunition since the partial lifting of the arms embargo. These figures were compiled based on previous reporting and may have been the subject of conflated parameters: some materiel notified prior to the partial lift but delivered post may have been counted twice.

<sup>533</sup> Series of conversations with international advisors engaged with the FGS security sector, March to August 2016.



34. Neither do Member States appear to be fully cognisant of the scope of notification requirements. This confusion persists notwithstanding the Committee's publication of the IAN (No. 2). The SEMG therefore recommends that the Council consider recalling the requirement that non-lethal support such as salaries, stipends, building infrastructure, military clothing and training, to FGS security forces must be appropriately notified, in its next resolution, referencing the clarification made by the Committee IAN (No.2) at paragraph 10.

35. Member States can also play role in facilitating and supporting the FGS to comply with its obligations relating to notifications under the partial lift. Although the FGS has the primary obligation to notify the Committee of expected deliveries of materiel and support for its forces, Member States or the international organisation which responsibilities are engaged by the delivery of the assistance, may also make an advance notification "in consultation" with the FGS.<sup>534</sup> As noted above, in seven cases during the mandate it was the donating Member State which itself made the advance notification.

36. In a number of these cases, however, it appears that the FGS had not been given any information regarding the donation—or at least the ONSA had not been made aware. In one case the FGS told the SEMG that neither the head of the security force to which donation had been made, nor the ONSA had any information about the weapons and ammunition notified. In resolution 2244 (2015) the Council specifically underlined the importance of Member States "coordinating with the Office of the National Security Adviser of Somalia, which coordinates FGS reporting obligations to the Security Council pursuant to the notification procedures set out in paragraphs 3 to 7 of resolution 2142 (2014)".<sup>535</sup> It would be helpful if the Council reiterated the value of supporting the ONSA in facilitating FGS compliance.

37. At the same time, there was an overall improvement in the quality of Member States support to the FGS to ensure compliance with notification requirements. There was only one double superfluous advance notification by both the FGS and Member States during the mandate, indicating improved coordination—last mandate there were six such cases. Further, a number of other situations which arose last year where FGS compliance was impeded by Member States—such as failure to provide sufficient documentation, the provision of partial shipments, second hand or faulty equipment, or unmarked weapons—did not reoccur.<sup>536</sup>

<sup>534</sup> As reaffirmed in resolution 2244 (2015), paragraph 8.

<sup>535</sup> Resolution 2244 (2015), paragraph 9.

<sup>536</sup> See S/2015/801, annex 7.2.

### Annex 8.3: Compliance with obligations relating to provision of materiel or other support to “Somali security sector institutions” pursuant to paragraph 11 (a) of resolution 2111 (2013)

38. During 2014 and 2014 the SEMG received information on flows of materiel and support from Member States and other entities to Somali security sector institutions other than the security forces of the Federal Government of Somalia (FGS)<sup>537</sup>, which were not notified to the Committee as required pursuant to paragraph 11 (a) of resolution 2111 (2013).<sup>538</sup> Subsequently in resolution 2244 (2015), the Council underlined “the need for Member States to strictly follow the notification procedures for providing assistance to develop Somali security sector institutions.”<sup>539</sup>

39. During the current mandate the SEMG continued to receive reports of the provision of support and materiel—including payment of stipends/salaries, donation of vehicles, building of security sector infrastructure, and supply of weapons and ammunition—to, *inter alia*, Somaliland, Puntland, the Interim Jubba Administration (IJA), and the Interim South-West State Administration (ISWA) security sector institutions and other forces by Member States, non-governmental organisations (NGOs) and UN entities.<sup>540</sup> Some of these transfers were widely publically reported, and some were made in the context of the conflict against A-Shabaab.<sup>541</sup> Member States have clearly determined that there is a need to provide targeted support to non-FGS security forces, including in the context of the conflict on Al-Shabaab.<sup>542</sup> Nevertheless, once again during the mandate, the requirements of the arms embargo governing the provision of this support were rarely met.<sup>543</sup>

40. Between 31 August 2015 and 1 September 2016 only three notifications for Committee’s consideration were submitted, solely with respect to support to Somaliland security sector institutions.<sup>544</sup> All were submitted by the same Member State. At the same time, only one regional entity—again Somaliland—sought advice from the SEMG and the Committee on modalities for compliance with the arms embargo, in this instance with respect to its proposed creation of an Oil Protection Unit.<sup>545</sup> Other entities did not appear to be aware that there was a procedure for lawful import of weapons and other materiel or that they might be able to seek approval for other forms of support such as stipend payments or the provision of building infrastructure.

<sup>537</sup> See section 10, paragraph (h) of the Guidelines of the Committee for the Conduct of its work as consolidated, revised and adopted by the Committee on 30 March 2010, 30 May 2013, 27 November 2013 and 25 March 2014 (hereafter, Committee Guidelines) available at <https://www.un.org/sc/suborg/en/sanctions/751/guidelines>.

<sup>538</sup> S/2015/801, annex 7.2.

<sup>539</sup> Resolution 2244 (2015), paragraph 9. Forces outside the command of the FGS are not just a transitional reality. Even upon completion of the process of demobilisation and integration of FGS security forces it is envisaged that a, “lawful regional authority” may establish or continue to control regional security forces. See, FGS, Strategic framework for the management of security forces and militia integration and demobilisation, draft 1 February 2015, on file with the Monitoring Group.

<sup>540</sup> Conversations with security experts, regional Government officials, officials of Member States, and NGO staff members, July to August 2016.

<sup>541</sup> See, for example, the handover of military vehicles to ISWA. Mogadishu Centre, The United Arab Emirates handed over transportation, pictures, 18 Jan 2016, available at <http://mogadishucenter.com/English/2016/01/18/the-united-arab-emirates-handed-over-transportation-pictures/>.

<sup>542</sup> The June 2016 African Union Mission in Somalia (AMISOM) Con-Ops for example specifically provides that Sector Commanders are to consult with regional administrations on the use of regional forces in AMISOM Joint Operations to ensure security, and that they can be the object of logistical and other support. AMISOM Strategic Concept of Operations – June 2016, archived with the Secretariat. The arms embargo does not apply to supplies of weapons or military equipment or the provision of assistance intended solely for the support of, or use by, AMISOM’s strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent AU strategic concepts), and in cooperation and coordination with AMISOM, resolution 2111 (2013), paragraph 10 (c).

<sup>543</sup> Further challenging compliance, certain types of support may not even come within the scope of available exemptions, although the Committee has not yet been asked to make this determination. See discussion below.

<sup>544</sup> The Committee approved all deliveries.

<sup>545</sup> See S/2014/747, annex 6.7 and correspondence between Somaliland officials and the SEMG August 2015 to April 2106.

41. In all of these circumstances, the case of Puntland is instructive, reflecting both the need which has evolved for support to regional forces which are on the front line of the fight against Al-Shabaab, and ISIS-aligned elements, and the practice in which such support has evolved oversight Committee oversight.

### **Support to Puntland forces**

#### *Puntland Maritime Police Force (PMPF)*

The Monitoring Group first reported on the inception of what would later become Puntland Maritime Police Force (PMPF) in its 2011 final report when it described the arrival in Puntland of Saracen International Ltd., a company backed by Blackwater founder Erik Prince, staffed by South African military trainers, and funded by the United Arab Emirates.<sup>546</sup> “Saracen’s operations since May 2010”, the SEMG concluded in 2011, “represent a significant violation of the general and complete arms embargo on Somalia”.<sup>547</sup>

According to senior PMPF officials interviewed by the SEMG in April 2016, the force now consists of close to 1,000, with each marine receiving a salary of USD 240 per month.<sup>548</sup> The PMPF maintains eight bases in Puntland, at Bosaso, Hafun, Iskushuban, Eyl, Bargal, Garowe, Galgala, and Sugure; the force’s leadership is also planning to establish a base in Garacad.<sup>549</sup>

The Monitoring Group assesses the PMPF to be an effective force that provides Puntland with a much-needed maritime presence. However, the Group notes with concern that the United Arab Emirates (UAE) continues to provide funding to the PMPF but has not sought the Committee’s approval. The SEMG was unable to determine the extent of this breach since the UAE has repeatedly denied the access to the base to the Group or failed to respond to its requests for information. The SEMG conducted missions to Bosaso on 21-25 February and 10-17 April 2016. On both occasions, the Group had been granted permission to visit to the PMPF base by the Office of the President of Puntland; subsequently, PMPF officials in Bosaso informed the Group that they were not able to grant access to the base due to the objections of UAE advisors present.

In its correspondence to the UAE dated 22 August 2016, the SEMG requested access to the PMPF base and the details concerning the amount and nature of the assistance to the PMPF from the UAE, but has yet to receive a response.

Annex 8.10 (Figure 1) provides two satellite images of the PMPF base in Bosaso, showing the development of the compound during the present mandate; Figure 2 provides an organizational chart of the PMPF’s leadership.

#### *The Puntland Security Forces (PSF)*

The Puntland Security Forces (PSF) is an elite counterterrorism unit created in 2009 and based in Bosaso, trained and assisted by the United States. According to a senior PSF commander, the force consists of 500 troops.<sup>550</sup>

During two of its missions to Bosaso, from 21-25 February and 10-17 April 2016, the Monitoring Group was on both occasions granted access to the PSF base. On 24 February 2016, the PSF facilitated a highly informative visit by the SEMG to Galgala town, previously the headquarters of the Al-Shabaab insurgency in Puntland’s Golis Mountains. While the Monitoring Group holds the PSF to be an effective unit that contributes to the maintenance of peace and security in Punt-

<sup>546</sup> S/2011/433, annex 6.3.

<sup>547</sup> Ibid.

<sup>548</sup> Details on the PMPF’s current strength and operations were provided by interviews with two senior PMPF officials in Bosaso, 16 April 2016. Conversely, in a 17 August 2016 letter to the SEMG from the Office of the President of Puntland estimated the PMPF to number only 600 marines.

<sup>549</sup> Garacad was one of two locations on Puntland’s coast targeted by Al-Shabaab during the group’s March 2016 amphibious assault into the region (see annex 1.5).

<sup>550</sup> Conversely, in a letter to the SEMG dated 17 August 2017, the Office of the President of Puntland estimated the PSF to consist of between 600 and 700 members.

land, it also notes with concern that the United States has not sought the Committee's approval for such support. On 25 August 2016, the Group sent official correspondence to the United States requesting details on the amount and nature of its support to the PSF since the PSF's creation, but as of this printing had not received a response.

Annex 8.10 (Figure 3) provides a satellite image of the PSF base in Bosaso.

## SEMG recommendations

42. There are a number of areas where the SEMG recommends the Council can encourage better compliance and improve its oversight of weapons and ammunition flows and other forms of support to non-FGS entities. The first is to consider clarifying the scope of the exemption in paragraph 11(a), both in terms of the entities which may be the subject of an exemption and the scope of the materiel or assistance which may be transferred. The second is for the Committee to require the supplying Member State or international organisation, when making a request to the Committee, to provide additional information on the background to the rationale for the request and on procedures in place for eventual management of the materiel. The Council could also request that it be informed of delivery.

### *Scope of the exemption*

#### "Somali security sector institutions"

43. The scope of "Somali security sector institutions" has not been defined by resolution or practice. To date the Committee has only approved transfers of materiel and support to forces associated with the authorities of Puntland and Somaliland.<sup>551</sup> As no other forces have been the subject of notifications, however, the Committee has not yet had the opportunity to determine whether or not the provision applies to other entities.

44. There was one instance during the mandate where a donation of non-lethal materiel intended for distribution to Federal, IJA, Interim South West Administration (ISWA) and Puntland police forces was notified to the Committee by the donor Member State under a 'for information notification' pursuant to paragraph 4 of 2142 (2014). As the end user certificate indicated that the FGS Ministry for Internal Affairs was the recipient and not regional authorities, the notification procedures under the partial lift were applied. The Committee thus did not have an opportunity to determine the applicability of paragraph 11 (a).<sup>552</sup> The FGS has indicated to the SEMG that these materials were transferred as planned to the four forces.<sup>553</sup> As support to non-FGS security forces expands—in August 2016 for example discussions were underway for salary/stipend support to ISWA regional forces<sup>554</sup>—it is likely that these scenarios will be repeated.<sup>555</sup> The FGS has repeatedly asserted to the SEMG that the FGS should be the focal point for the provision all support to Somalia, whether under the partial lift or under paragraph 11 (a).<sup>556</sup>

45. If entities are part of the FGS security forces, support must be notified under the procedures pertaining to the partial lift. In March 2016 the Committee clarified that it is the sole responsibility of the FGS to inform the Committee of which

<sup>551</sup> Non-lethal materiel and assistance to security forces operating in Somaliland and Puntland which has comprised the bulk of the material notified under paragraph 11 (a).

<sup>552</sup> It was not clear from the information provided in the context of IJA and ISWA as to whether the material was intended for units of FGS police forces operating in those areas or of regional forces, and if the latter, the extent which memoranda of understanding or other agreements bring these forces within the authority of the FGS.

<sup>553</sup> Conversation with government official, 5 August 2016.

<sup>554</sup> Interview military expert, Mogadishu, 5 September 2016.

<sup>555</sup> In 2015, for example, the FGS twice attempted to "notify" receipt of restricted materiel by forces not recognised as under its command, in Somaliland and associated with the Interim Jubba Administration.

<sup>556</sup> Most recently, Skype discussion with FGS officials, 15 September 2016.

entities are regarded as forming the security forces of the FGS.<sup>557</sup> In resolution 2244 (2015) the Council particularly directed the FGS to provide full and accurate information on “the status of **regional** and militia forces (emphasis added)” in its reporting to the Council (paragraph 7).

46. Nevertheless, the question of what entities may be considered as “Somali security sector institutions” remains. The SEMG suggests that the Council consider clarifying the scope of ‘Somalia security sector institutions’ in a way which sets out a threshold definition while emphasising the prerogative of the Committee to determine the scope of the phrase on a case by case basis. A suggested formulation might be:

“Somali security sector institutions other than those comprised within the FGS Security Forces, organized, and under responsible and identifiable command and control, in particular the forces of entities recognized under the emerging Somali federal architecture, including Somaliland and federal and interim federal Member States, as so determined by the Committee, on a case by case basis.”

#### Categories of materiel and assistance which can be the subject of exemption

47. The SEMG believes that there is also a need to address the scope of the categories of materiel and assistance which can be the subject of exemption under paragraph 11 (a) of resolution 2111 (2013). The language of Resolution 2111 (2013) makes a distinction between the types of support which can be extended to FGS security forces under the partial lift and those which can be exempted for ‘Somali security sector institutions’.

48. With respect to FGS security forces, “deliveries of weapons or military equipment or the provision of advice, assistance or training” may benefit from exemption under the partial lift if correctly notified.<sup>558</sup> In its Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions (hereafter IAN No. 2), the Committee clarified that the scope of this phrase includes, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military, policing (including coastguard) or security operations).<sup>559</sup> With respect to “Somali security sector institutions”, however, although the formulation of the exemption is similar, the terms “advice” and “assistance” have been replaced by “technical assistance” viz., “[s]upplies of weapons or military equipment and technical assistance or training”.

49. As a result, it is not clear that the provision of financial support/payment of stipends to security forces, or the supply of materiel beyond military equipment (such as building infrastructure) can be exempt from the arms embargo. As noted above, however, due to the fact that donors generally do not engage with the Committee on prospective support to non-FGS forces there have been few opportunities for the Committee to build an interpretative practice in this regard.

50. It would seem anomalous however, that an exemption can be sought for the provision of weapons or other equipment to a “Somali security sector institution” but not for the provision of non-lethal equipment or support for the payment of stipends which may be critically needed. In Somaliland and Puntland, for example, the UN currently pays stipends to formed police units—the Special Protection Units—which provide essential protection, *inter alia*, to humanitarian operations. In the absence of an ability to notify these contributions these entities are technically in violation of the arms embargo.

51. The SEMG therefore suggests that the Council consider a reformulation of paragraph 11 (a) which would provide a modality for the types of support currently being provided to non-FGS security sector institutions by Member States and the United Nations to come into legality through appropriate notification.<sup>560</sup>

<sup>557</sup> See, Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 12.

<sup>558</sup> Resolution 2142 (2014), paragraph 2.

<sup>559</sup> Op cit., paragraph 10.

<sup>560</sup> In IAN No. 2 the Committee clarified that in the context of the partial lift and support for the development of FGS Security Forces the types of assistance which may be permitted when subject to a ‘for information’ notification include, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military,

*Scope of information required*

52. The SEMG recommends that the Committee consider augmenting the scope of information which must be included when submitting a notification for Committee's consideration under paragraph 11 (a).<sup>561</sup> Such information could include, for example, the structure, composition and command of the concerned entity, the rationale for the provision of support or materiel, and the procedures in place for weapons and ammunition management. This would permit the Committee to make a more informed decision on the request and allow for greater oversight of flows of lethal and non-lethal support to Somalia's growing parallel security sector.

53. Further, neither the "Somali security sector institution" receiving the materiel or assistance pursuant to paragraph 11 (a), nor the supplying Member State or international organisation, are currently required to provide any information on the delivery or receipt of weapons and ammunition. The SEMG recommends that the Council consider imposing a requirement in this regard. This would seem to be an important element of Committee oversight on weapons flows within Somalia.

54. Finally, the SEMG notes that the FGS has expressed increasing concern about the provision of restricted materiel and assistance to non-FGS forces. It argues that its sovereignty and overall responsibility for control of weapons and ammunition in Somalia and national security more broadly, requires that it be advised of prospective imports proposed under paragraph 11 (a) and that it be given an opportunity to provide its views on the impact of such a supply in terms of peace and security. The SEMG also notes that on two occasions during the mandate a Member State accompanied its notification for consideration under paragraph 11 (a) with a note that the Member State had "shared its intention to provide this support with the Office of the National Security Adviser of the Federal Government of Somalia who raised no objection" but it did not continue the practice in its third notification.

55. The Monitoring Group recommends therefore that the Security Council amend paragraph 11 (a) of resolution 2111 (2013) which describes exemptions for the provision of support to Somali security sector institutions to reflect the following elements

- clarification of which institutions may be considered as Somali security sector institutions including consideration of the following formula: "Somali security sector institutions other than those comprised within the FGS Security Forces, organized, and under responsible and identifiable command and control, in particular the forces of entities recognized under the emerging Somali federal architecture, including Somaliland and federal and interim federal Member States, as so determined by the Committee, on a case by case basis."
- reformulation of the scope of the categories of materiel and assistance which can be the object of exemption to reflect current practice and the evolution of the security sector on the ground, in particular to ensure that in addition to supplies of weapons or military equipment and technical assistance or training, other forms of assistance, such as stipends and salaries, and the building of infrastructure, can also be provided.
- Imposition (by the Committee) of an expanded information requirement for notifications pursuant to paragraph 11 (a) including descriptions of structure, composition and command of the force receiving the support, the rationale for the request, and information on weapons and ammunition management procedures, in order for the Committee to make a more informed decision;
- requirement that a copy of each notification submitted pursuant to paragraph 11 (a) to be provided to the FGS for its information.

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policing (including coastguard) or security operations). The wording of paragraph 11 (a) would not however seem to permit such an interpretative clarification and an amendment of the provision by Council resolution would be required.

<sup>561</sup> For current requirements see Committee Guidelines paragraph 10 (g) – (j) inclusive.

#### Annex 8.4: Maritime interdiction of arms and ammunition

56. The SEMG monitored the following three cases involving potential illegal weapon smuggling activities involving stateless dhows transporting weapons, destined for Somali or using Somalia as a transit point:

- on 06 March 2016 the HMAS Darwin of the Royal Australian Navy seized a significant quantity of weapons from a dhow approximately 170 nautical miles' km (313 kilometres) off the coast of Oman, heading for Somalia;<sup>562</sup>
- on 20 March 2016 the French naval destroyer FS Provence seized a significant quantity of weapons from a stateless dhow in the northern Indian Ocean, heading towards Somalia;<sup>563</sup> and
- on 28 March 2016 the US Navy Coastal Patrol ship USS Sirocco seized a significant quantity of weapons from a dhow transiting international waters in the vicinity of the Gulf of Oman, bound for Yemen.<sup>564</sup>

57. These operations were conducted by the Combined Maritime Forces (CMF).<sup>565</sup> The CMF has been instrumental in intercepting illegal weapons in a heavily trafficked area which includes the Persian Gulf, Strait of Hormuz and northern Arabian Sea. The seized weapons consisted of a variety of weapons systems which include: AK-47 type assault rifles, PKM general-purpose machine guns, RPG-7 rocket propelled grenade launchers, 60mm mortars, DshK 12.7 mm heavy machine guns, Hoshdar (Dragunov) sniper rifles, and Kornet anti-tank rockets, with AK-47 automatic assault rifles common to all three cases.

<sup>562</sup> "HMAS Darwin seizes large weapons of cache", 6 March 2016, available from <https://combinedmaritimeforces.com/2016/03/06/hmas-darwin-seizes-large-weapons-cache/>.

<sup>563</sup> "French ship Provence seizes large weapons cache", 28 March 2016, available from <https://combinedmaritimeforces.com/2016/03/28/french-ship-provence-seizes-large-weapons-cache/>.

<sup>564</sup> S. LaGrone, "US Navy seizes suspected Iranian arms shipment bound for Yemen", USNI News, 4 April 2016, available from <https://news.usni.org/2016/04/04/u-s-navy-seizes-suspected-iranian-arms-shipment-bound-for-yemen>.

<sup>565</sup> The Combined Maritime Forces (CMF) is a multi-national naval partnership which was established in 2002 and consists of 31 members. A U.S. Navy Vice Admiral, who also serves as Commander US Navy Central Command and the US Navy Fifth Fleet, commands the CMF, with all three commands co-located at US Naval Support Activity Bahrain.

**Annex 8.4.a: HMAS Darwin***Figure 1: Quantity of weapons seized by HMAS Darwin*

Name/size of weapon	Type of weapon	Quantity Seized
AK-47	assault rifle	1,989
RPG-7	rocket propelled grenade launcher	100
PKM	general purpose machine guns	49
	spare barrels	39
60 mm	mortar tubes	20

*Figure 2: Weapons seized by HMAS Darwin*



*Figure 3: Seized weapons on board HMAS Darwin*



Figure 4: Identification documents of Iranian crew on board the dhow transporting weapons seized by HMAS Darwin



**Annex 8.4.b: USS Sirocco***Figure 5: Quantity of weapons seized by USS Sirocco*

Name/size of weapon	Type of weapon	Quantity seized
AK-47	assault rifle	1,500
RPG-7, RPG-7V	rocket propelled grenade launcher	200
DshK 12.7 mm	machine gun	21

*Figure 6: USS Sirocco and the stateless dhow (Adris) from which the illegal weapons were seized*

*Figure 7: Seized weapons on board USS Sirocco*





#### Annex 8.4.c: FS Provence

Figure 8: Quantity of weapons seized by FS Provence

Name/size of weapon	Type of weapons	Quantity seized
AK-47	Assault rifle	2,000
Hoshdar-M	sniper rifle	64
Type-73	general purpose machine gun	6
Kornet	guided anti-tank missile	9

Figure 9: Seized weapons on board FS Provence



**Annex 8.5: The Maydh arms smuggling case (STRICTLY CONFIDENTIAL)\***

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

## Annex 8.6: Improvised Explosive Devices (IEDs)

### Annex 8.6.a: IEDs used in Somalia

58. During its mandate the SEMG obtained information from a number of sources on the introduction of sophisticated improvised explosive device (IED) technology in Somalia, together with the presence of a number of foreign IED trainers with experience gained in conflict zones such as Afghanistan, Iraq, Syria, and Yemen.<sup>566</sup> This is significant, as this apparent transfer of skills and technology from other conflict zones may potentially add a new dimension to the security situation and dynamics in Somalia and the region.

59. One example is the reported use of a particularly lethal type of IED called an Explosively Formed Penetrator (EFP) in an attack in Afmadow during the course of 2016.<sup>567</sup> The EFP is a lethal IED with the capacity, due to its unique configuration, to penetrate and destroy armoured vehicles; it has been used with devastating effect in conflict zones such as Iraq and Afghanistan.<sup>568,569</sup> The EFP is particularly effective against relatively lightly Armoured Personnel Carriers (APCs).<sup>570</sup>

*Figure 1: Suspected explosively formed penetrator (EFP) IED used in an attack in Afmadow*



<sup>566</sup> Information from UN sub-contractor and field investigations in Lower Juba and Middle Juba, February and March 2016.

<sup>567</sup> UN explosives technical expert, Kismayo, Somalia.

<sup>568</sup> Gregg Zoroya, "How the IED changed the U.S. military", *USA Today*, 19 December 2013. Available from <http://www.usatoday.com/story/news/nation/2013/12/18/ied-10-years-blast-wounds-amputations/3803017/>.

<sup>569</sup> Rick Atkinson, "The single most effective weapon against our deployed forces", *Washington Post*, 30 September 2007. Available from <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/29/AR2007092900750.html>.

<sup>570</sup> Fred Burton, Strafor, 11 April 2007. Available from [https://www.stratfor.com/imminent\\_spread\\_efps](https://www.stratfor.com/imminent_spread_efps).

60. In addition to the introduction and use of EFPs, other new and sophisticated IED technology has been introduced in Somalia during the course of 2016. This includes the introduction of what is described as pressure plate IEDs that were used in an attack near Kismayo airport in February 2016, as well as in Bardera, Gedo in March 2016.<sup>571</sup>

*Figure 2: Pressure plate IED used near Kismayo airport, Somalia*



61. This particular type of IED appears to be similar to those subsequently seized by the Kenyan security forces during operations in the Boni Forest, Lamu County.<sup>572</sup> This would appear to indicate that IED experts and hardware have been crossing the border and were active in both countries.

<sup>571</sup> UN explosives technical expert, Kismayo, Somalia.

<sup>572</sup> Interview with Kenyan security services official, June 2016.



Figure 3: Pressure plate IED used in Boni forest, Kenya



#### Annex 8.6.b: Projected IED threats to regional civil aviation

62. The SEMG has received information indicating that an IED similar to that used in the February 2016 Daallo airlines attack, had also been seen in Iraq.<sup>573</sup> This is consistent with the assessment of technical and explosives experts who investigated the IED used in the Daallo attack, and who concluded that it was likely constructed with external assistance.<sup>574</sup>

63. The implications of this development are serious for aviation security. Together with the foiled attack at Belet Weyne airport on 07 March 2016, it may indicate a concerted effort and deliberate strategy by Al-Shabaab to develop the capacity to attack civil aviation targets in Somalia.<sup>575</sup> The IEDs used in the foiled Belet Weyne attack were reportedly hidden in a computer as well as a printer, indicating a level of skill and sophistication with the potential to change the security dynamics in Somalia.<sup>576</sup> It is currently not known if Belet Weyne airport was the final target of this plot, or whether the IEDs were to be transferred to Aden Adde International Airport in Mogadishu. The consensus amongst experts appears to be the latter rather than the former.<sup>577</sup>

64. Both confidential and open source information indicates that an Al-Shabaab training camp in Middle Juba, Somalia was established in late 2015 to train operatives in attacking civil aviation targets.<sup>578</sup> The SEMG also received information from regional experts indicating that Al-Shabaab is particularly good at copying tactics, techniques, and procedures used by other terrorist groups, and in adapting and introducing these techniques within Somalia.<sup>579</sup> This ability to learn, adapt

<sup>573</sup> Email communication, explosives technical expert based in Baghdad, Iraq, 15 April 2016.

<sup>574</sup> Interview, explosives technical expert, Mogadishu, 4 February 2016.

<sup>575</sup> "Somalia's Beledweyne airport hit by laptop bomb", *BBC News*, 7 March 2016. Available from <http://www.bbc.com/news/world-africa-35744737>.

<sup>576</sup> Ibid.

<sup>577</sup> Interviews with explosives technical experts based in Kismayo and Mogadishu.

<sup>578</sup> "Seizure of IEDs in Mogadishu indicates Al-Shabaab capable of targeting aviation, tourism in Somalia and Kenya", *IHS Jane's Country Risk Daily Report*, 17 May 2016. Available from <http://www.janes.com/article/60387/seizure-of-ieds-in-mogadishu-indicates-al-shabaab-capable-of-targeting-aviation-tourism-in-somalia-and-kenya>

<sup>579</sup> Information provided by confidential UNMAS interlocutor.

and evolve makes a group such as Al-Shabaab a particular challenge for the security forces in Somalia. Contrasting with Al-Shabaab's adaptability, conventional land forces, such as those making up AMISOM, have found it difficult to adjust to the challenges of irregular, asymmetrical warfare. It is therefore assessed that the increased sophistication of IEDs seen in Somalia is likely not only the result of the introduction of foreign experts and new technology, but likely also as a result of the ability of groups such as Al-Shabaab to copy techniques and technology used by groups in other conflict zones.

65. Against the background of the targeting of aviation targets in Somalia, it is noted that ISIL reportedly used a particularly volatile and potent peroxide-based explosive called triacetone triperoxide (TATP) in the November 2015 Paris attacks, while investigations also revealed that the 22 March 2016 Brussels Airport attackers likely also used TATP.<sup>580</sup> TATP first gained notoriety when Richard Reid, also known as the so-called "shoe bomber", unsuccessfully tried to detonate a TATP explosive device on a Paris to Miami flight in December 2001.<sup>581</sup> While TATP-based devices are rarely seen in conflict zones such as Iraq and Afghanistan because of its unstable nature, and because military-grade explosives are readily available, TATP is particularly well suited for use and concealment in small items such as soda cans or a printer cartridges due to the fact that it can be detonated in such small quantities.<sup>582</sup> Furthermore, conventional explosives detection technology and equipment used at airports mainly focus on detecting nitrogen-based explosives such as RDX, while TATP is a peroxide-based explosive which may evade detection by conventional explosive detection equipment in use at most airports.<sup>583</sup>

66. While there is currently no indication that either Al-Shabaab or ISIL has ever used TATP in Somalia, the reported ability of Al-Shabaab to copy and adapt tactics and techniques from other groups implies that an attempt to use TATP in the targeting of aviation targets in Somalia cannot be ruled out in the future.

<sup>580</sup> Thomas Gibbons-Neff, "Brussels terrorists probably used explosive nicknamed 'the Mother of Satan'", *The Washington Post*, 23 March 2016. Available from <https://www.washingtonpost.com/news/checkpoint/wp/2016/03/23/the-type-of-bombs-used-in-brussels-have-been-seen-before/>.

<sup>581</sup> Christopher Cooper, "Reid's Shoe Bomb Was Sophisticated, Like an Explosive Used by Palestinians", *The Wall Street Journal*, 09 January 2002. Available from <http://www.wsj.com/articles/SB1010533661808003000>.

<sup>582</sup> Neil Collier, "A Signature ISIS Explosive in Europe", *The New York Times*, 20 March 2016. Available from <http://www.nytimes.com/video/world/europe/100000004281038/isis-signature-explosive-in-europe.html>.

<sup>583</sup> Ibid.

**Annex 8.7: Daallo Airlines attack (STRICTLY CONFIDENTIAL)\***

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

**Annex 8.8: Illicit arms markets in Somalia**<sup>584</sup>

Name	Type	Country of Manufacture	Location of Market	Price (USD)
AK 58	Assault rifle	Czech Republic	Mogadishu	450-520
AK 47	Assault rifle	various	Regions	650-700
AK 47	Assault rifle	various	Bosaso	850-1000
9336 Type 56-2	Assault rifle	China	Galmudug	650-700
9336 Type 56-2	Assault rifle	China	Mogadishu	1400-1500
386 Type 56	Assault rifle	China	Mogadishu	1100-1200
AK 47	Ammunition	Various	Mogadishu	1.2
AK 47	Ammunition	Various	Bosaso	1.5

*Figure 1: public arms market behind Ministry of Interior and National Security in Mogadishu*



<sup>584</sup> Information based on interviews and email communication with SNA officers, an AMISOM officer, arms market dealers, and a network of informants in Somalia. The Monitoring Group also directly observed arms markets in Mogadishu in February and March 2016 and Bosaso in August 2016.

*Figure 2: handgun obtained at public market in Mogadishu, February 2016*



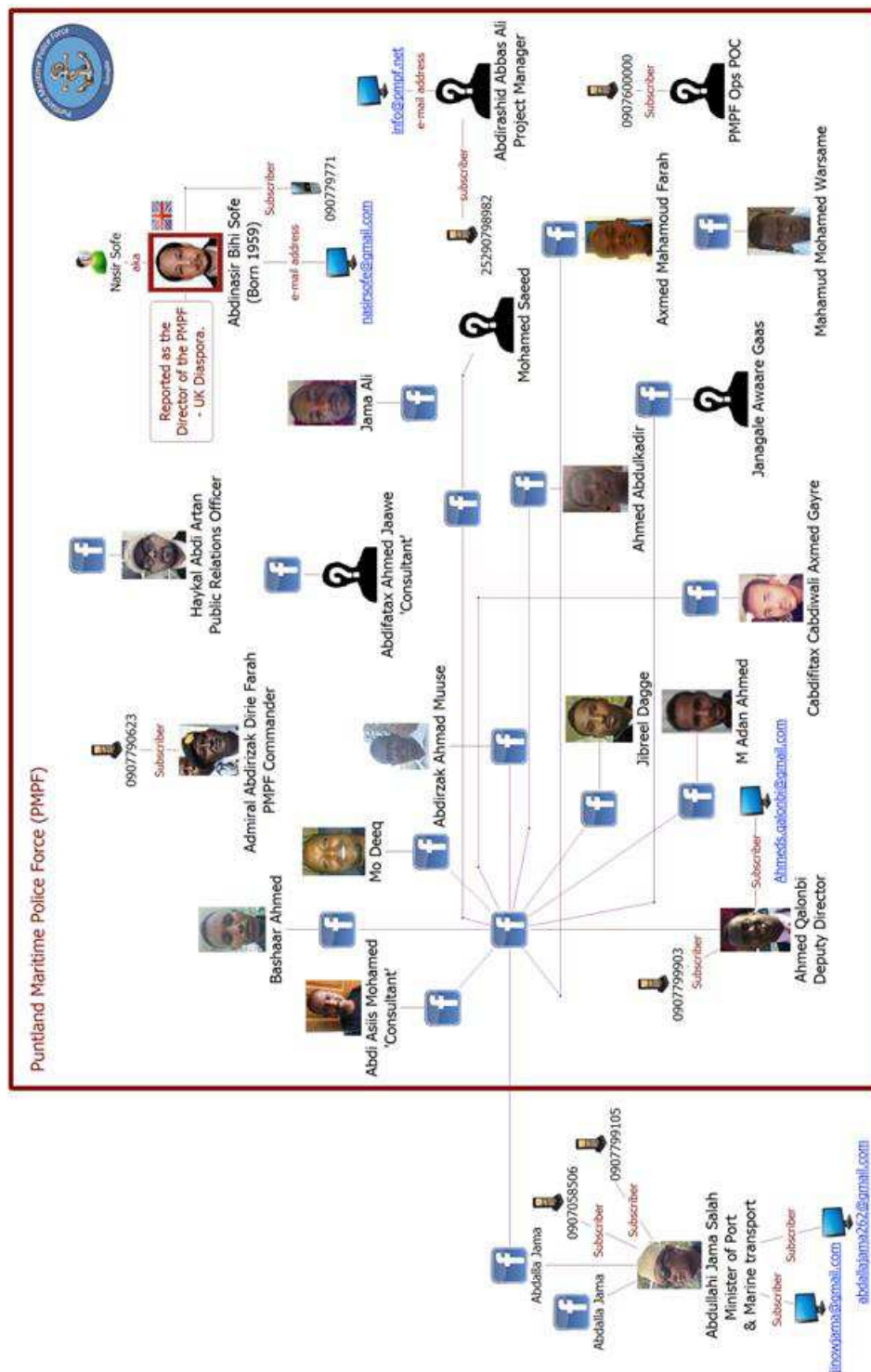
### Annexe 8.9: Puntland Maritime Police Force and Puntland Security Forces

*Figure 1: Satellite images of the Puntland Maritime Police Force (PMPF) base in Bosaso on 16 November 2015 (top) and 8 April 2016 (bottom), highlighting the construction of new structures over the period (coordinates: 11.271206, 49.099084)*





219/257



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





## Annex 8.10: Abdisamed Gallan's insurgency against the Puntland administration and the Qandala-Hafun arms smuggling network

### Dismissal of governor of Bari region and the launch of an insurgency

105. From 2011 to 2015, Abdisamed Gallan, a former school teacher, served as governor of Puntland's Bari region, the heartland of his Ali Salebaan clan. In May 2015, Gallan was sacked by Puntland President Abdiweli Mohamed Ali and replaced by Yusuf Mohamed Dhedo.

106. Following violent protests in Bosaso on 1 February 2016, during which a police officer and a protester were killed, Dhedo accused Gallan of having masterminded the unrest. The Puntland security forces subsequently raided Gallan's house in Bosaso, but he escaped before they arrived, fleeing to his clan homeland in Bari region.<sup>585</sup> Gallan told the SEMG that he had played no role in the protests and had been the victim of unprovoked aggression by Puntland forces.<sup>586</sup> Gallan claimed that 200-300 Puntland soldiers surrounded his house and opened fire for between two and a half and three hours, causing the roof of his house to catch fire and collapse, with two of his bodyguards sustaining injuries.<sup>587</sup>

107. On 15 June 2016, Gallan announced local media that he had launched an insurgency with the aim of overthrowing the Puntland administration, which Gallan charged as being dictatorial and unrepresentative of the population.<sup>588</sup> On 21 June, Gallan, at the head of a roughly 175-strong militia, briefly entered the town of Armo, 80 km south of Bosaso, prior to withdrawing (see Figures 3 and 4, below, for photographs of Gallan's militia in Armo). Puntland forces subsequently engaged Gallan's militia 20 km east of Armo, resulting in an unknown number of casualties before clan elders succeeded in mediating a ceasefire.<sup>589</sup> As of the publication of this report, negotiations between the Puntland administration and Gallan were ongoing.

108. Prior to and following the declaration of Gallan's insurgency, three shipments of arms and ammunition arrived in the Qandala area, a port town lying 80 km from Bosaso, inhabited by the Ali Salebaan clan (see "2016 Qandala weapons shipments", below). Some of these weapons were likely used to arm Gallan's militia (see Figure 1).<sup>590</sup>

109. Gallan has received active support from the former pirate and arms dealer Isse Mohamoud Yusuf "Yullux", also a member of Gallan's Ali Salebaan clan. Both Gallan and Yullux are supported by the leader of the pro-Islamic State in Iraq and the Levant (ISIL) faction of Al-Shabaab, Abdulqadir Mumin, who is a cousin of Yullux.<sup>591</sup> Gallan denied having a relationship with "Yullux", though confirmed that some of Yullux's militia had been present during the takeover of Armo on 21 June.<sup>592</sup>

110. While Bari region has never been under the firm control of the central Puntland authorities, Gallan's insurgency represents a stark escalation in the longstanding animosity between the Ali Salebaan clan and the administration. With the region in financial crisis and payment to the security forces sporadic, and with the forces already overstretched on account of Al-Shabaab's March 2016 incursion into Puntland—Gallan's insurgency, while not an existential threat to the Puntland administration—poses significant and ongoing detriment to the peace and stability of the region. The further isolation of Bari region from the reach of the Puntland administration may allow Abdulqadir Mumin's pro-Islamic State in Iraq and ISIL faction of Al-Shabaab—based near Qandala—space to gain momentum and attract additional fighters and material support from within Somalia or abroad.

<sup>585</sup> "Somalia: Puntland Security forces hunt former Governor after violent protest", *Horseed Media*, 1 February 2016. Available from <https://horseedmedia.net/2016/02/01/somalia-puntland-security-forces-hunt-former-governor-after-violent-protest/>.

<sup>586</sup> SEMG phone interview with Abdisamed Gallan, 31 August 2016.

<sup>587</sup> Ibid.

<sup>588</sup> "Waraysi: Cabdisamad Gallan "Puntland cusub ayaan samaynayaa", *Puntland Today*, 15 June 2016. Available from <http://www.puntlandtoday.com/waraysi-cabdisamad-gallan-puntland-cusub-ayaan-samaynayaa/>.

<sup>589</sup> SEMG interviews with a local journalist and senior Puntland administration official, 21 June 2016.

<sup>590</sup> Information provided to an SEMG interlocutor by an individual involved in the arms shipment.

<sup>591</sup> See S/2013/413, annexes 1.7 and 3.1.c.

<sup>592</sup> SEMG phone interview with Abdisamed Gallan, 31 August 2016.

### Ali Salebaan grievances against the Puntland administration

111. The Monitoring Group communicated on multiple occasions by phone with Abdisamed Gallan, and also met with a representative of Gallan's in Nairobi and with a group of Ali Salebaan clan elders in Garowe. Their overwhelming grievance against the Puntland administration was the underrepresentation of the Ali Salebaan in the civil service and the security forces, especially in their native territory of Bari region. According to documentation provided by the Ali Salebaan elders, only six senior civil service and military positions in the Puntland administration are currently occupied by members of the Ali Salebaan, less than 4 per cent the total.<sup>593</sup>

112. Sixteen Ali Salebaan elders arrived in Garowe in July 2016 to conduct conflict resolution negotiations with the President Abdiweli Mohamed Ali "Gass"; as of 6 September, they claimed to have only met three times with the President, and had not agreed on any way forward with him.<sup>594</sup> According to a delegation of elders, President Ali had shown them disrespect, and was "not interested in negotiating".<sup>595</sup>

### Qandala-Hafun network

113. Since fleeing Bosaso, Gallan has been based in his hometown of Qandala, in Bari region. Qandala has long-standing smuggling ties to the Yemeni port of Al Mukalla, controlled by Al-Qaida in the Arabian Peninsula (AQAP) until it was recaptured with the support of the Saudi-led coalition in April 2016. The Qandala area offers a series of natural bays and beaches, such as Butiyalo and Kooriga, which have been used by smugglers for decades.<sup>596</sup> While only 80 km east of Bosaso, Qandala is shielded by mountainous terrain to the west that makes it virtually inaccessible to the Puntland authorities, except by sea.<sup>597</sup>

114. In its 2013 final report, the Monitoring Group described in detail an Ali Salebaan-dominated nexus of arms traffickers, pirates, and Al-Shabaab affiliates that was dubbed the "Qandala-Hafun network".<sup>598</sup> Members of the Qandala-Hafun network included Abdulqadir Mumin, who, prior to his declaration of loyalty (*bayah*) to ISIL (see annex 1.2), was the spiritual leader and putative second-in-command of the Al-Shabaab insurgency in Puntland (Al-Shabaab Northeast), associated with the arm of the insurgency based in the Bari region. Abdihakim Dhuqub (Majeerteen/Ali Salebaan)—an arms smuggler also linked to both Al-Shabaab in Bari region and the Qandala-Hafun network, and a cousin of Mumin—is now aligned with Mumin's ISIL faction (see annex 1.2).<sup>599</sup>

115. Likewise, Abdirisak Ali Said Hussein "Shahdon" a.k.a. Shahdon Ali Yare, a former fisheries and ports Minister from Puntland and a license broker for Iranian illegal fishing vessels, was previously named by the Monitoring Group as a member of the Qandala-Hafun network and an associate of "Yullux".<sup>600</sup> Phone records from 2016 in possession of the Monitoring Group demonstrate that "Shahdon" is still frequently in contact with other arms smugglers, including "Yullux", Mohamed Mire Ali Yusuf "Soodareeri", and Said Gul Ismail.

### Members of the Qandala-Hafun network identified by the SEMG

- (a) Abdulqadir Mumin (Majeerteen/Ali Salebaan)
- (b) Isse Mohamoud Yusuf "Yullux" (Majeerteen/Ali Salebaan)

<sup>593</sup> Independent documentation listing over 120 senior civilian and military and police positions in Puntland, provided to the SEMG by Ali Salebaan clan elders, Garowe, 6 September 2016.

<sup>594</sup> SEMG meeting with a delegation of five Ali Salebaan clan elders, Garowe, 6 September 2016.

<sup>595</sup> Ibid.

<sup>596</sup> One of the largest weapons seizures in Puntland's history took place on 17 October 2012, when local authorities seized a shipment of 37 sacks at Butiyalo containing a large amount of munitions and explosive equipment. See S/2013/413, annex 6.1.

<sup>597</sup> The Puntland Maritime Police Force (PMPF) regularly patrols the waters from Bosaso to Qandala, and has seized a number of dhows fishing illegally in Puntland waters since October 2015.

<sup>598</sup> See S/2013/413, annex 3.1.d.

<sup>599</sup> SEMG interview with Puntland security forces official assigned to Bari region, Bosaso, 12 April 2016.

<sup>600</sup> For a background on "Shahdon", see S/2013/413, annex 3.1.

- (c) Abdisamed Gallan (Majeerteen/Ali Salebaan)
- (d) Mahad Isse Aden “Laboballe” (Majeerteen/Ali Salebaan)
- (e) Said Gul Ismail (Majeerteen/Ali Salebaan)
- (f) Mohamed Mire Ali Yusuf “Soodareeri” (Majeerteen/Ali Salebaan):
- (g) Abdirisak Ali Said Hussein “Shahdon” a.k.a. Shahdon Ali Yare (Majeerteen/Ali Salebaan)
- (h) Abdifatah Hayir (Majeerteen/Ali Salebaan)
- (i) Abdilatif Yusuf Barre (Deshishe)<sup>601</sup>
- (j) “Razak” (clan unknown)
- (k) Abdimalik Mohamed Abdi Muse (clan unknown)
- (l) Mohamed Abdullahi Abdirahman Nur a.k.a. Garad Caynab (clan unknown)
- (m) Mohamed Abdi Muse (clan unknown)
- (n) Faiso Said Hasan Ismail a.k.a. Aisha Said Hasan Abdirahman (clan unknown)
- (o) Mohamed Hussein Said Yusuf (clan unknown)
- (p) Liban Dheere (Majeerteen/Ali Salebaan)
- (q) Mohamed Aydiid Jama (Warsangeli)<sup>602</sup>
- (r) Ali Samatar (Majeerteen/Siwaqron)

## 2016 Qandala weapons shipments

116. On 2 May, a shipment of arms consisting of an unknown number of AK-47s, PKMs, DShK heavy machine guns, and ZU-23 light anti-aircraft guns, as well as small calibre ammunition, arrived at Kooriga (Qandala) before being transferred on to Bosaso.<sup>603</sup> The shipment was brokered by Mahad Isse Aden “Laboballe” (“Two Wings”), a well-known Ali Salebaan arms dealer based in Bosaso, and Isse “Yullux”, who took possession of approximately half of the shipment.<sup>604</sup> “Yullux” in turn supplied a quantity of these weapons to Abdisamed Gallan, who used them to equip members of his militia in Darjale, southwest of Qandala (see Figure 1 for a photo of Gallan’s militia; Figure 2 displays a photo of 7.62mm ammunition forming part of the 2 May shipment). The SEMG has determined that the weapons were transported by the Oman-based dhow *Dayiba*.<sup>605</sup>

117. The SEMG has confirmed that two subsequent shipments of arms arrived in the Qandala area, on 15 June—the same day that Gallan declared his insurgency—and on 25 June 2016.<sup>606</sup> While the security conditions in Qandala precluded the

<sup>601</sup> See S/2012/544, annex 2.3, for background information on Abdilatif Yusuf Barre.

<sup>602</sup> See S/2012/544, annex 2.3, for background information on Mohamed Aydiid Jama.

<sup>603</sup> The date and location of the shipment was provided to the SEMG by a security source in Puntland on 26 May 2016 and confirmed by a senior Puntland official on 15 June 2016. The composition of the shipment was described to an SEMG interlocutor by a subordinate of the arms dealer Mahad Isse Aden “Laboballe”, who was involved in delivering the shipment.

<sup>604</sup> Information provided by a subordinate of the arms dealer Mahad Isse Aden “Laboballe” involved with the shipment.

<sup>605</sup> Information provided by an SEMG security source with access to Bosaso port, 26 May and 8 June 2016.

According to this source the *Dayiba* regularly calls at the port, and has brought consignments of rice, sugar, and oil owned by businessman—and member of the Qandala-Hafun network—Liban Dheere.

<sup>606</sup> Information provided by a confidential international agency security report, a former Puntland security forces officer, and a Puntland security source.

SEMG from obtaining photographs of the shipments, an international agency security report indicated that the second shipment included AK-47 rifles, machine guns, rocket propelled grenades (RPGs), mortars, and hand grenades.<sup>607</sup>

118. The SEMG has been unable to determine whether the two subsequent shipments were also transported by Oman-based vessels. However, phone records in possession of the SEMG show that Gallan made calls to eight mobile phones in Oman during the month of June. At least one number was identified as belonging to Mustafa Mire Said, the owner of Al Astool Marine Services, a maritime shipping agency based in Salalah.<sup>608</sup>

119. The Monitoring Group sent official correspondence<sup>609</sup> on 12 July 2016 to the Government of the Sultanate of Oman requesting information on the individuals associated with the phone numbers contacted by Gallan, as well as the ownership of the dhow *Dayiba*, but did not receive a response. As a result, the Group has so far been unable to confirm whether Al Astool Marine Services is responsible for operating the *Dayiba*, or served as the shipping agent for the subsequent shipments to Qandala in June.

120. Gallan's phone records also show him to have been in contact with the FGS Minister of Information, Mohamed Hayir Maareeye, as well as ISWA President Sharif Hassan Sheikh Aden and GIA President Abdikarim Hussein Guled during the month of June. Gallan denied having any relationship with the three individuals.<sup>610</sup>

121. Abdisamed Gallan's mobile phone activity in June 2016 is presented through a link chart in annex 8.10.a, below (strictly confidential).

### **Said Gul Ismail, illegal fishing, and connection to Abdisamed Gallan**

122. The Qandala-Hafun network includes Said Gul Ismail, an agent for fishing vessels from Iran based in Qandala, as well as Abdifatah Hayir, another agent for illicit fishing activities.<sup>611</sup>

123. These fishing vessels typically engage local agents in Puntland, who protect them from the Puntland authorities and provide onboard security detachments, typically at a cost of USD 10,000.<sup>612</sup> While the Puntland administration accuses fishing dhows from Iran of being engaged in illegal fishing activities,<sup>613</sup> the SEMG has obtained documentary evidence demonstrating that Ismail makes monthly payments to the Puntland Ministry of Finance of approximately USD 4,000 for each vessel under his protection. Figure 5, below, provides examples of two receipts for these payments from September and November 2015.

124. Said Gul Ismail is also a prolific importer of weapons into Puntland. When contacted by an interlocutor of the Monitoring Group on 15 September 2016, Ismail admitted to being currently engaged in importing a weapons shipment on behalf of Abdisamed Gallan into Kooriga-Qandala. Ismail told the Group that Gallan was "the head of the whole operation", adding, "he is the elder, we are the juniors".<sup>614</sup> Ismail said that the insurgency against the Puntland administration would continue, regardless of the outcome of the talks between Ali Salebaan elders and Puntland officials in Garowe. He

<sup>607</sup> Confidential international agency security report, corroborated by a former Puntland security forces officer, 19 June 2016.

<sup>608</sup> Phone records demonstrate that Gallan made five calls to Mustafa Mire Said between 2 June and 18 June 2016. When interviewed by the SEMG on 31 August 2016, Gallan denied knowing Said.

<sup>609</sup> S/AC.29/2016/SEMG/OC.55.

<sup>610</sup> SEMG phone interview with Abdisamed Gallan, 31 August 2016.

<sup>611</sup> On 12 April 2016, Bosaso, the SEMG interviewed the captain of a fishing dhow from Iran that had been seized by the Puntland Maritime Police Force (PMPF) for illegal fishing activities. Present at the interview was Abdifatah Hayir, who was serving as the vessel's agent and attempting to have it released from Puntland custody.

<sup>612</sup> SEMG interview, 6 July 2016, with an Iranian dhow owner who has admitted to smuggling weapons into Somalia, and confirmed by Puntland security officials.

<sup>613</sup> When the SEMG interviewed Puntland Ministry of Fisheries and Marine Resources officials in Bosaso on 12 April 2016, they told the Group that only four vessels had been granted fishing licenses, none of them of Iranian origin.

<sup>614</sup> SEMG phone interview with Said Gul Ismail, 15 September 2016, via an interlocutor. The SEMG subsequently relayed this information to the appropriate authorities.

also told the Group that Gallan loyalists were attempting to gain the support of other Puntland clans for their insurgency, particularly the Majeerteen/Siwaqron clan, and that their aim was to “take control” of the entirety of Puntland.<sup>615</sup>

125. Abdisamed Gallan had told the SEMG previously that he knew Said Gul Ismail only as businessman who worked with fishing vessels from Iran, and stated that he had no relationship with him.<sup>616</sup>

#### **MV *Nasir* seizure**

126. On 24 September 2015, a dhow en route from Chabahar port in Iran, MV *Nasir*, was intercepted and boarded by the Australian naval vessel HMAS *Melbourne*. The dhow was found to be carrying a cargo primarily consisting of 75 anti-tank missiles, specifically BGM-71A TOWs and 9M113M-AT Konkurs.<sup>617</sup> While the *Nasir* crew reported the dhow’s destination to be Hurdiyo,<sup>618</sup> a littoral town on Puntland’s Indian Ocean coast opposite Hafun, a US report on the incident listed Yemen as the final destination of the consignment.<sup>619</sup>

127. Satellite phone records obtained by the Yemen panel of experts established pursuant to resolution 2140 (2014) and shared with the SEMG showed the *Nasir* crew to have been in contact while at sea with several known weapons smugglers and members of the Qandala-Hafun network in Puntland, including Said Gul Ismail and Abdirisak Ali Said Hussein “Shahdon” a.k.a. Shadon Ali Yare.

128. The Monitoring Group has also obtained mobile phone records dating between April and September 2016 for a number of members of the Qandala-Hafun network identified above. The relationships between members of the network, as well as their ties to the MV *Nasir* arms smugglers, are presented in a link chart in annex 8.10.b (strictly confidential).

<sup>615</sup> Ibid.

<sup>616</sup> SEMG phone interview with Abdisamed Gallan, 31 August 2016.

<sup>617</sup> Confidential naval report, 19 January 2016.

<sup>618</sup> Ibid.

<sup>619</sup> Confidential US naval report.

*Figure 1: Weapons belonging to the 2 May 2016 Khooriga-Qandala shipment on display with female militia members in the village of Darjale, Bari region*



*Figure 2: 7.62mm ammunition of Chinese origin, part of the 2 May 2016 Khooriga-Qandala shipment brokered by Mahad Isse Aden "Laboballe". Photo taken in Bosaso by an SEMG interlocutor on 17 May 2016.*





*Figure 3: Abdisamed Gallan with his militia in Armo town, 21 June 2016*



*Figure 4: Abdisamed Gallan's militia in Armo town, 21 June 2016*



Figure 5: Receipts showing payments by Said Gul Ismail in September and November 2015 to the Puntland Ministry of Finance

**FORM 10**

**DAWLADD  
EE SOO LIYA  
W. MAALIYADDA  
XISAABIYAHU GUUD**

A

Xaashida Sare  
(Original)

811563

LACAGQABASHADA GUUD

Meesha Measha Keshana Taariikh 01/11/2015

Maxaa laga qabtay SACID Guud

Lacag dhan Sh. 4208 Afar kun iyo Labo Boqol oo ah Sideed Lacag marabaad doon To Cabool

**FAAHHAAHIN**

Madax	M/xige	Sh.	Sent
	7 4x100 =	4000/-	
	Rat.	126	
Hoykun lababo boqol sideed lacag doon		4208	

Saxiixa lacag qabta Jagada

Xaashida Sare (Original)  
Nuquuka 1aad (First Copy)  
Nuquuka 2aad (Sec. Copy)  
Nuquuka 3aad (Third Copy)

Dhiibaha Lacagta  
Xafiiska Xisaabiyaaha Guud  
Xafiiska Lacag qabashada  
Buugguu ku harayaa

**DAWLADD PUNTLAND  
EE SOOMAALIIYA  
W. MAALIYADDA  
XISAABIYAHU GUUD**

A

Xaashida Sare  
(Original)

908779

LACAGQABASHADA GUUD

Meesha Jandala Taariikh 30/9/2015

Maxaa laga qabtay Siid guud Ismaaciil

Lacag dhan Sh. \$ 4208 oo ah afar kun w.s. kullum maxsiiga G.K si'aara

**FAAHHAAHIN**

Madax	M/xige	Sh.	Sent
4x100	#4000		
Rasid rayoonan Bulo	126		
maxaalaga farakun lacagdhan afar kun yoo labo boqol yoo sideed doolan			

Saxiixa lacag qabta Jagada

Xaashida Sare (Original)  
Nuquuka 1aad (First Copy)  
Nuquuka 2aad (Sec. Copy)  
Nuquuka 3aad (Third Copy)

Dhiibaha Lacagta  
Xafiiska Xisaabiyaaha Guud  
Xafiiska Lacag qabashada  
Buugguu ku harayaa



**Annex 8.10.a: (STRICTLY CONFIDENTIAL)\***

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

**Annex 8.10.b: (STRICTLY CONFIDENTIAL)\***

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

## **Annex 9**

### **Violations of the charcoal ban**

## **Annex 9.1: Satellite imagery and aerial photos of charcoal stockpiles**

### ***Kismayo southern stockpiles***

1. Satellite imagery indicates gradual but significant depletion of the Kismayo southern stockpiles between 16 September 2015 and 9 September 2016.

*Figure 1: Kismayo southern stockpiles, 16 September 2015*



*Figure 2: Kismayo southern stockpiles, 22 July 2016*



*Figure 3: Kismayo southern stockpiles, 9 September 2016*



*Figure 4: Kismayo southern stockpiles, 20 April 2016*





### *Kismayo northern stockpiles*

2. Satellite imagery indicates gradual depletion of the Kismayo northern stockpiles between 9 January 2016 and 9 September 2016.

*Figure 5: Kismayo northern stockpiles, 9 January 2016*



*Figure 6: Kismayo northern stockpiles, 20 June 2016*



*Figure 7: Kismayo northern stockpiles, 9 September 2016*



*Figure 8: Kismayo northern stockpiles, 20 April 2016*





***Buur Gaabo stockpiles***

3. Satellite imagery indicates gradual depletion of the Buur Gaabo stockpiles between 3 September 2015 and 17 June 2016.

*Figure 9: Buur Gaabo stockpiles, 3 September 2015*



*Figure 10: Buur Gaabo stockpiles, 29 May 2016*

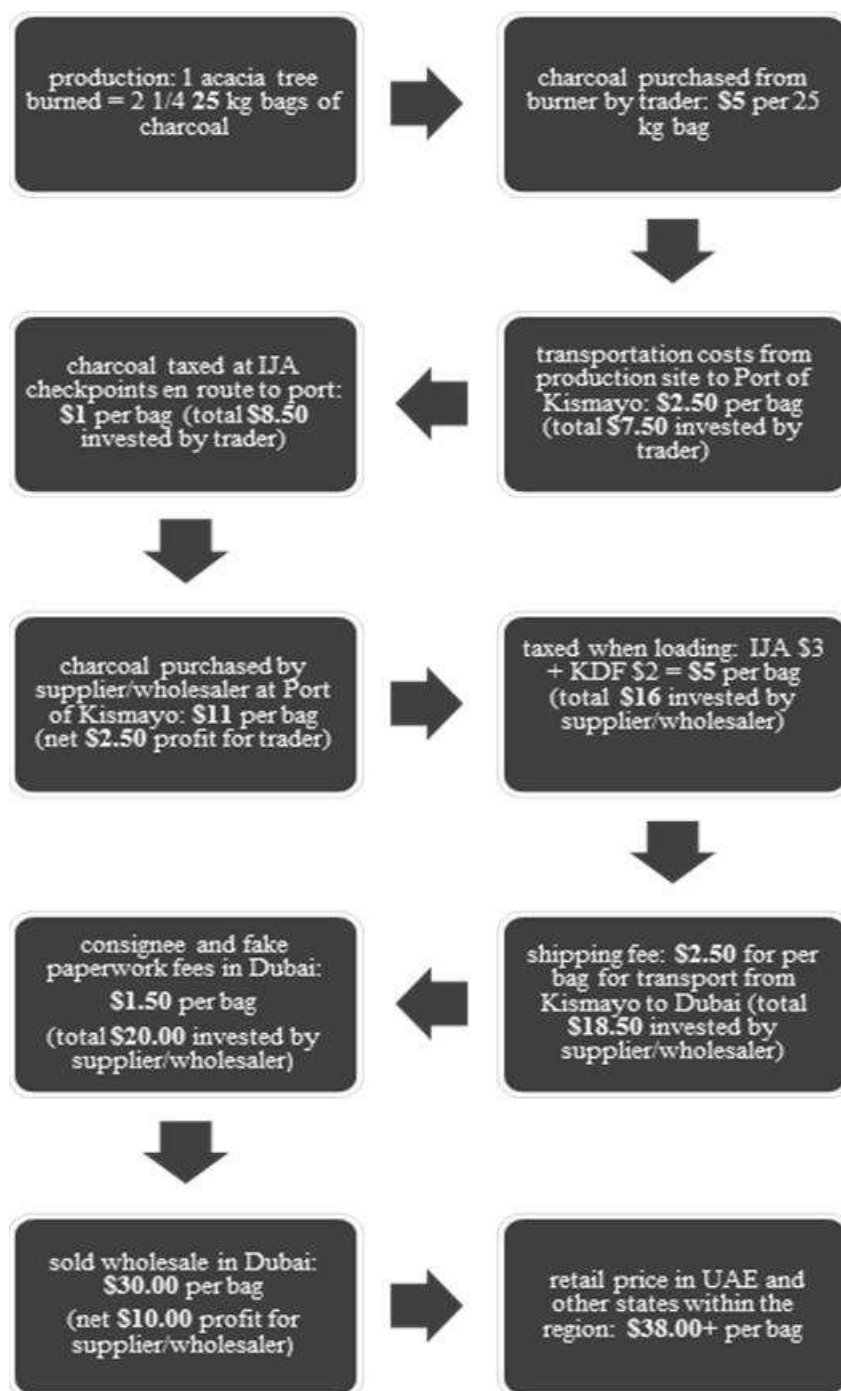


*Figure 11: Buur Gaabo stockpiles, 17 June 2016*





*Figure 12: Buur Gaabo stockpiles, 20 April 2016*



Annex 9.2: Somali charcoal value chain<sup>620</sup>

<sup>620</sup> Figures are merely estimates for the purpose of understanding the structure of the illicit Somali charcoal trade. Estimates have been derived from cross-referencing confidential information from sources in Kismayo and Dubai with open-source information, including extrapolation from a previous report of the Monitoring Group (S/2014/726, annex 9.1).

**Annex 9.3: United Arab Emirates charcoal import data (million kilograms)**

Country	2011	2012*	2013	2014	2015
Comoros	0	0	0	12.4	39.7
Djibouti	0	12.8	22.0	40.8	11.6
Kenya	0	.2	80.1	12.2	.1
Pakistan	0	0	<.1	<.1	17.1
Somalia	142.4	121.8	0	0	0
other countries	5.7	19.0	66.8	50.1	81.8
total imports	148.1	153.8	169.0	115.6	150.2
estimated total illicit	NA	107.5 (70%)**	102.1 (60%)	65.4 (57%)	68.4 (46%)
*=the charcoal ban was authorised with resolution 2036 (2012) on 22 February 2012 **=estimated as 7/9 Somalia 2012 imports (March-July and November-December; not January-February when legal and not August-October when shipping stops during monsoon season) plus Djibouti imports  =legal charcoal imports up to 22 February 2012, illicit charcoal imports after 22 February 2012  = suspected illicit Somali charcoal imports using a false certificate of origin					

4. The table above is based on official charcoal import data provided to the Monitoring Group by the UAE. The data has been cross-referenced with information derived from SEMG investigations during this mandate and previous mandates regarding the use of false certificates of origin for Somali charcoal at UAE ports.

5. The data indicates that the UAE imported 142.4 million kilograms of Somali charcoal in 2011, representing 96 per cent of total charcoal imports in the last full year prior to the imposition of the charcoal ban on Somalia. Although the Somali charcoal ban was imposed on 22 February 2012, 121.8 million kilograms of Somali charcoal were nonetheless officially imported into the UAE in 2012, accounting for 79 per cent of imports.

6. According to official data, Djibouti did not export charcoal to the UAE in 2011, but then increased its exports to 12.8 million kilograms in 2012, 22.0 million kilograms in 2013, and 40.8 million kilograms in 2014, before decreasing to 11.6 million kilograms in 2015. The Djiboutian authorities have since confirmed to the SEMG that Djibouti does not export charcoal and its certificates of origin are no longer accepted by the UAE.

7. Despite virtually no UAE charcoal imports from Kenya during 2011 and 2012, official data indicates an increase to 80.1 million kilograms in 2013, then a decline to 12.2 million kilograms in 2014, followed by reverting to almost no imports in 2015. This data is consistent with previous findings by the SEMG regarding the use in 2013 and 2014 of false Kenyan certificates of origin, which were no longer accepted as of 2015.

8. According to official data, the UAE did not import charcoal from the Union of Comoros during 2011, 2012, or 2013, but then the UAE imported 12.4 million kilograms in 2014 and 39.7 million kilograms in 2015. During the current mandate, the authorities of Comoros confirmed to the SEMG that the country does not export charcoal, and the UAE authorities have stopped accepting Comoros charcoal certificates of origin.

9. The official data indicates that the UAE imported virtually no charcoal from Pakistan until imports spiked to 17.1 million kilograms in 2015. The SEMG identified the use of false Pakistan certificates of origin at UAE ports in 2016, but this data suggests they were likely in use from 2015. Unofficial sources have informed the SEMG that Pakistan certificates of origin for charcoal are no longer being accepted at UAE ports.

10. Cumulatively, cross-referencing official UAE import data with the findings of SEMG investigations suggests clear patterns regarding the use of false certificates of origin at UAE ports for the purpose of evading the charcoal ban on Somalia. While the official data states that no charcoal has been imported from Somalia as of 2013, the information in the table above suggests that more than half of the total charcoal imported into the UAE from 2013 to 2015 was most likely exported from Somalia in violation of the ban. This estimate probably understates the actual total as there may be other false paperwork yet to be identified by the SEMG.

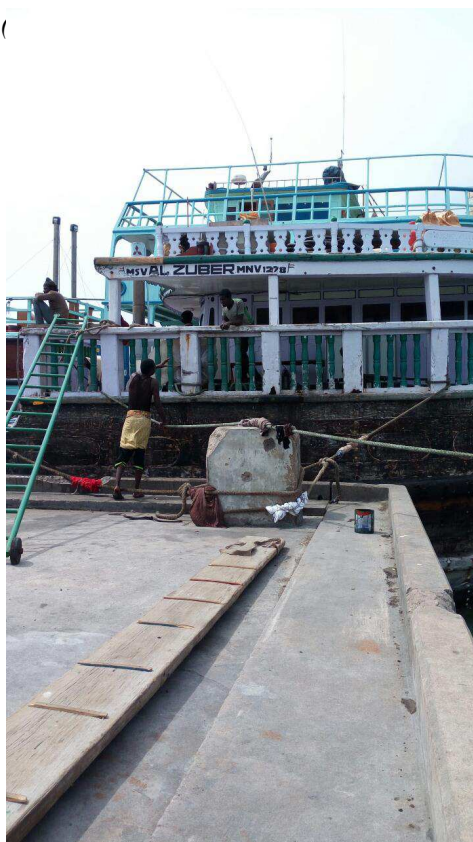


## Annex 9.4: Selected cases of charcoal trafficking and sanctions enforcement

### Annex 9.4.a: Al Zuber, Shree Nausad, and Yasin

11. On 26 February 2016, the Monitoring Group wrote to the Government of the UAE regarding three dhows: *Al Zuber*, MNV 1278 (India); *Yasin*, MNV 2121 (India); and *Shree Nausad*, MNV 2087 (India). According to information received by the Monitoring Group, each had been loaded with cargos of charcoal and had departed from Kismayo, with an anticipated destination of Dubai. As of 26 February 2016, *Al Zuber* was estimated to have already arrived, while *Yasin* and *Shree Nausad* were projected to still be *en route* to Dubai. A recent photo of *Al Zuber* docked in the Port of Kismayo was included as an annex to the letter (see below).

Figure 1: *Al Zuber*, MNV 1278 (February 2016)



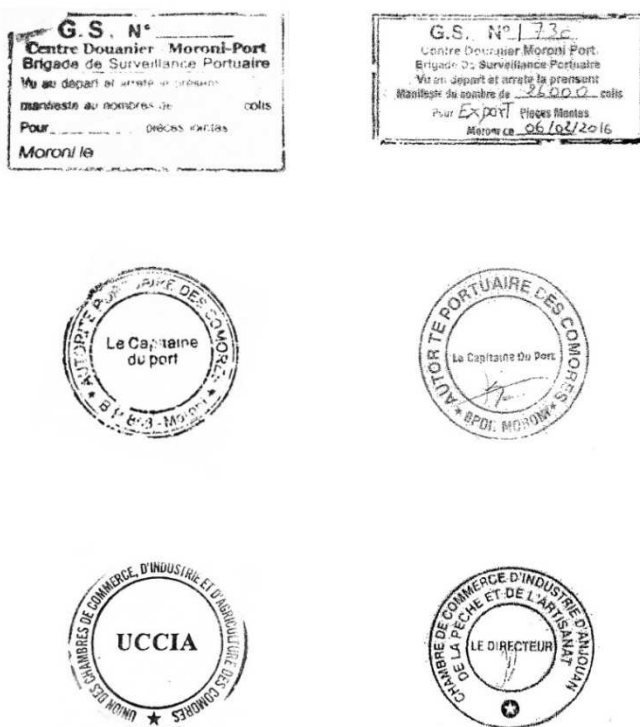
12. On 7 April 2016, the Government of the UAE replied with a letter regarding the three dhows. *Al Zuber* arrived in the UAE on 23 February, three days before receipt of the Monitoring Group's letter, and unloaded its cargo of 18,000 bags of charcoal. *Yasin* arrived in the UAE on 9 March with a cargo of 27,000 bags of charcoal; 24,000 bags of charcoal were unloaded and 3,000 bags of charcoal were confiscated by the UAE authorities. The letter stated that an investigation regarding the unloading of *Yasin* was ongoing. *Shree Nausad* arrived in the UAE on 15 March; its entire cargo of 26,000 bags of charcoal was confiscated by the UAE authorities. All three dhows possessed documentation claiming their cargo of charcoal had originated in Moroni, Comoros. Copies of the paperwork were attached to the letter (see annex 9.6.a for *Shree Nausad* documents).

13. The Monitoring Group undertook an official mission to Moroni, Comoros 1-5 May 2016 in order to investigate the paperwork from *Al Zuber*, *Yasin*, and *Shree Nausad*. During the course of its investigation in Moroni, the Monitoring Group consulted with representatives of customs, port authority, chamber of commerce, national post, and national telecom. It was subsequently able to conclude the following:

- the certificates of origin, commercial invoices, and manifests have fake stamps intended to replicate those from the customs, port authority, and the chamber of commerce (see below);
- the certificates of origin for the three vessels are not authentic, as these are officially issued by a ministry of the Government of Comoros not the chamber of commerce;
- Moon Transport and Services – the shipping company identified on the certificates of origin, the commercial invoices, manifests, and bills of lading – does not exist on the database of the chamber of commerce, nor was it familiar to any authorities consulted by the Monitoring Group;
- the telephone number and post office box listed on the documents for Moon Transport and Services are officially registered to other individuals in Comoros rather than a business by that name; and
- according to customs and the port authority, Comoros neither imports nor exports charcoal.

14. The Monitoring Group communicated this information regarding the paperwork for *Al Zuber*, *Yasin*, and *Shree Nausad* to the Government of the UAE in a letter dated 9 May 2016.

Figure 2: authentic Comoros stamps on the left and fake Comoros stamps on the right





15. On 12 May 2016, the Monitoring Group met with the UAE authorities in Dubai in order to discuss recent developments regarding implementation of the charcoal ban on Somalia. The Monitoring Group thanked the Government of the UAE for its cooperation and shared the conclusions of its official mission to Comoros. The UAE authorities stated they had independently confirmed with the Embassy of Comoros to the UAE that Comoros does not export charcoal and that the documents for *Al Zuber*, *Shree Nausad*, and *Yasin* are fake. The UAE authorities informed the Monitoring Group that an order has been issued to UAE ports to no longer accept Comoros paperwork for charcoal cargos. When asked why only 3,000 out of 27,000 bags were confiscated from *Yasin* on 9 March 2016, the UAE authorities replied that the investigation's outcome is still pending. The UAE authorities also confirmed that they had not opened an investigation into the Dubai-based consignee for all three dhows, Mohammed Ali Shaheen General Trading Company LLC. When the Monitoring Group met with representatives of the company on 14 July 2016, they denied involvement with these three charcoal cargoes despite being listed as the consignee on all three sets of paperwork.

Figure 3: Dubai storefront of Mohammed Ali Shaheen General Trading Company LLC



16. In accordance with paragraph 10 of Implementation Assistance Notice #1, 7 May 2014, the UAE held an auction on 18 May 2016 of the charcoal confiscated from *Yasin* on 9 March and *Shree Nausad* on 15 March. The auction was observed by the Monitoring Group. Although a total of 29,000 bags of charcoal were confiscated from *Yasin* and *Shree Nausad*, 25,000 bags of charcoal were for sale at the public auction. When the Monitoring Group noted the discrepancy, the UAE authorities present at the auction did not have an explanation for the missing 4,000 bags. The charcoal sold for a total of AED 1,860,000 (USD 500,000), or about AED 75 (USD 20) per bag, in comparison to a local wholesale price of AED 110 (USD 30) per bag. The Monitoring Group wrote a letter to the Government of the UAE on 24 May 2016 requesting the identity, contact details, and business affiliations of the winning bidder of the auction. The Monitoring Group repeated this request on 5 July 2016 in another charcoal-related letter to the Government of the UAE. On 9 September, the UAE replied to these requests for further information regarding the auction, providing documentation that an individual representing Yasmin General Trading LLC purchased the charcoal at auction.

#### Annex 9.4.b: *Al Islami*, *Sv Quba*, and *Taranhar*

17. On 29 April 2016, the Monitoring Group wrote a letter to the Government of the UAE regarding three dhows: *Al Islami*, VRL 16625 (India); *Sv Quba*, MNV 2183 (India); and *Taranhar*, MNV 1878 (India). The Monitoring Group informed the Government of the UAE that the three dhows had recently departed Kismayo, Somalia with cargos of charcoal and were most likely *en route* to Dubai, UAE. The authorities of the UAE were requested to intercept the vessels in order to confirm the contents of their cargo and to share any relevant documentation with the Monitoring Group. Meanwhile, confidential sources informed the Monitoring Group regarding the arrival in Dubai of *Taranhar* (27 May 2016), *Sv Quba* (10 June 2016), and *Al Islami* (14 June 2016). The Monitoring Group followed up with emails to the UAE focal point in Dubai on 10 June and 14 June, but did not receive a reply regarding the status of the three dhows. On 5 July 2016, the Monitoring Group wrote another letter to the Government of the UAE requesting an update on the status of *Al Islami*, *Sv Quba*, and *Taranhar*, including any action taken by the UAE authorities and copies of their paperwork.

18. On 12 July 2016, the Government of the UAE replied to the Monitoring Group's letters of 29 April and 5 July, confirming that *Al Islami* had arrived with a cargo of 34,000 bags of charcoal, *Sv Quba* had arrived with a cargo of 25,000 bags of charcoal, and *Taranhar* had arrived with a cargo of 30,000 bags of charcoal. *Al Islami* possessed paperwork claiming its cargo had originated in Accra, Ghana; *Sv Quba* and *Taranhar* possessed paperwork claiming their cargos had originated in Karachi, Pakistan. Copies of the documentation were attached to the letter (see annex X.6.b for *Taranhar* and annex X.6.c for *Al Islami*). The UAE stated that distribution of the charcoal from the three dhows had been blocked, but also requested further evidence from the Monitoring Group that the dhows had departed from Somalia rather than either Ghana or Pakistan.

19. On 18 July 2016, the Monitoring Group wrote to the Government of the UAE, providing further evidence regarding the charcoal cargos of *Al Islami*, *Sv Quba*, and *Taranhar*. It was clarified that the information regarding the loading of the three dhows in Kismayo had been provided by two independent, credible sources who had also identified Ali Ahmed Naaji, a Kismayo-based charcoal trader previously mentioned in multiple Monitoring Group reports, as the agent or owner of the charcoal cargos. The Monitoring Group further noted constraints in obtaining information regarding Port of Kismayo operations, including the threat of arrest by the IJA for potential informants and dhows delivering covering their name and registration while in port.

20. An email from the Karachi Chamber of Commerce and Industry (KCCI) dated 16 July 2016 was attached as an annex to the Monitoring Group's letter of 18 July 2016. The email confirmed that the certificates of origin for *Sv Quba* and *Taranhar* had not been issued by the KCCI and are fake. Regarding *Al Islami*, a list of licensed charcoal export holders from the Ghana Energy Commission was also included as an annex; it did not include the alleged charcoal exporter indicated on the *Al Islami* documents, Kwame Shipping Services Limited. The Monitoring Group expressed its concern that if the charcoal cargoes of the three dhows were released—despite clear evidence that they had loaded charcoal in Somalia rather than Pakistan or Ghana—then it could be a catalyst for a resumption of large-scale charcoal trafficking from Somalia to the UAE.

21. Having recently received new information regarding *Al Islami* from the Ghana Ports and Harbours Authority (GPHA), on 21 July the Monitoring Group wrote a follow up letter to the Government of the UAE. The letter summarised several unequivocal conclusions made by the GPHA in an email dated 19 July 2016:

- GPHA has no record of a vessel named *Al Islami* docking at either one of Ghana's only two ports, Tema or Takoradi, and loading with 34,000 bags of charcoal;
- GPHA has no record of the shipping agent identified as Kwame Shipping Services Limited;
- the stamp allegedly provided by GPHA on the bill of lading is fake; and
- the port of loading identified on the bill of lading as Accra does not exist.

22. Following its own enquiry, the GPHA concluded that the “documents are all fake” and the “cargo was not loaded in Ghana”. A copy of the 19 July 2016 email from the GPHA to the Monitoring Group was included as an annex to the Monitoring Group’s letter of 21 July 2016 to the Government of the UAE.

23. In a letter to the Monitoring Group dated 9 September 2016, the UAE confirmed confiscation of the full charcoal cargoes from *Al Islami* and *Taranhar*. However, only 1,800 bags of charcoal were confiscated from *Sv Quba*. According to an investigation by the UAE authorities, this was due to an “unintended oversight” by a customs officer who allowed the other 23,200 bags of charcoal to be released to the local market. In the letter dated 9 September, the UAE also indicated its preference to hold another public auction to sell the confiscated charcoal. While the Monitoring Group has received information from confidential sources indicating that Ghana and Pakistan paperwork are no longer accepted for unloading charcoal at UAE ports, this has not yet been officially confirmed by the UAE (as was done previously with Comoros paperwork).

**Annex 9.4.c: Al Farid (aka Rahma)**

24. On 11 August 2016, the Monitoring Group wrote to the Government of the UAE regarding a dhow, *Al Farid*, that had arrived at Port Al Hamriya anchorage on 1 August with a cargo of charcoal. According to information received by the Monitoring Group from confidential sources, *Al Farid* possessed Pakistan paperwork but the dhow had actually loaded charcoal at Kismayo under the name *Rahma* and departed on 18 July. In an apparent attempt to deceive the UAE authorities, the dhow changed its name from *Rahma* to *Al Farid* prior to arrival in Dubai. On 4 August, *Al Farid* was given permission to dock at Port Al Hamriya. In a 9 September letter to the Monitoring Group, the UAE confirmed that *Al Farid* and its cargo of charcoal had been confiscated.

**Annex 9.5: Dhows trafficking Somali charcoal (January 2016 – August 2016)**

25. The following table is a list of 29 dhows that the Monitoring Group has been able to reliably confirm have transported charcoal from Somalia to the UAE in violation of UN sanctions during this mandate. The information in the table below is based on multiple confidential sources located in Somalia and the UAE, confirmation of certain cases provided by the Government of the UAE, as well as an official registry of vessels provided by the Directorate General of Shipping, Government of India.

26. The list is not comprehensive. The Monitoring Group has received information on numerous other dhows that were not included in the table below due to insufficient corroboration, including positive identification of the registration. Thus, the Monitoring Group estimates that the actual number of dhows regularly trafficking charcoal from Somalia to be substantially more than the 29 dhows listed below.

27. The dhows identified during this mandate have also been cross-referenced with previous reports of the Monitoring Group, particularly S/2013/413 and S/2014/726. Approximately three-quarters (22 out of 29) of the dhows had already been identified as having violated the charcoal ban. The high incidence of repeat offenders suggests there may be a need for authorising a more effective deterrence mechanism so that charcoal transporters (i.e. dhow owners) no longer continue to violate UN sanctions with impunity.

<b>Name of dhow</b>	<b>Registration</b>	<b>Country</b>	<b>Dhow Owner</b>	<b>Previously identified in SEMG report(s)</b>
<i>Al Aalam</i>	MNV 2172	India	Salemand Adam Sameja and Ebrahim Adam Sameja	S/2013/413
<i>Al Amin</i>	MNV 2002	India	Yusuf Adam Sameja and Rajak Adam Sameja	S/2013/413
<i>Al Aqsa</i>	BDI 1396	India	Rustam Haji Osman Bhaya	S/2013/413
<i>Al Ashif</i>	MNV 2069	India	Momina Bai Hasam Palija	S/2013/413
<i>Al Azmat</i>	MNV 2137	India	Al Kausar Marine Transport Company	S/2014/726
<i>Al Faizul Barkat</i>	MNV 1967	India	Hajiyani Romat Bai Jusub Agariya	S/2013/413
<i>Al Fahad</i>	1025	Sri Lanka	Hamed Ahmed Bin Fahad	S/2013/413
<i>Al Fahad 3</i>	18910	Sri Lanka	Hamed Ahmed Bin Fahad	NA
<i>Al Fahad 4</i>	7178	Sri Lanka	Hamed Ahmed Bin Fahad	NA
<i>Al Faizane Mohammed</i>	MNV 2179	India	Ali Abhu Sodha	NA
<i>Al Islami</i>	VRL 16625	India	Chauhan Farook A. Rehman	S/2013/413
<i>Al Kabir</i>	MNV 1000	India	Salemand Adam Sameja	S/2013/413

Name of dhow	Registration	Country	Dhow Owner	Previously identified in SEMG report(s)
<i>Al Kausar</i>	MNV 2088	India	Firoz Hasam Thaim	S/2013/413
<i>Al Majid</i>	MNV 2092	India	Abdul Majid Kasam Thaim	S/2013/413
<i>Al Nazir</i>	MNV 2102	India	Hajiyani Romat Bai Jusub Agariya	S/2013/413 S/2014/726
<i>Al Rafique</i>	MNV 2071	India	unknown	S/2013/413 S/2014/726
<i>Al Sidiki</i>	MNV 1019	India	unknown	NA
<i>Al Yashin 1</i>	MNV 2153	India	Al Yaseen Shipping Company	S/2014/726
<i>Al Zuber</i>	MNV 1278	India	Jusab Umar Agariya	S/2013/413 S/2014/726
<i>Harsh Sagar</i>	PBR 3807	India	Ranchhod Gagan Shiyal	S/2013/413
<i>Haseena</i>	17892	Sri Lanka	Salem Al Khattal Group Marine Contracting and Trading LLC	NA
<i>Laxmi Sagar</i>	MNV 1014	India	Haresh Jitender Siyarvala	NA
<i>Mishal 1</i>	PBR 2853	India	Bhikubhai Velji Lodhari	S/2013/413
<i>Nemh Tualah</i>	VRL 11675	India	Issa Sidiq Thaim	S/2013/413 S/2014/726
<i>Shree Nausad</i>	MNV 2087	India	Nausad Isha Thaim	S/2013/413 S/2014/726
<i>Sv Quba</i>	MNV 2183	India	Abdul Matin Iqbal Maklai	NA
<i>Taranhar</i>	MNV 1879	India	Pardeep Naran Bhadreser	S/2013/413
<i>Vishvakalyan</i>	VRL 2315	India	Chunilal Devji Anjani and Company	S/2013/413
<i>Yasin</i>	MNV 2121	India	Kutch Marine Shipping Company	S/2014/726

**Annex 9.6: Somali charcoal trade networks**<sup>621</sup>**Annex 9.6.a: Kismayo-based charcoal suppliers**

Name of supplier	Nationality of Supplier	Affiliation	Charcoal Trafficker Partner(s) in UAE
Said Ahmed <sup>622</sup>	Somalia	•charcoal dealer	
Farah Jama Awil (a.k.a. “Degdeg”) <sup>623</sup>	Somalia	•charcoal dealer	Mohamud Ali Osman
Jama (a.k.a.) “Dhuxul” <sup>624</sup>	Somalia	•charcoal dealer	
Ali Ahmed Naaji <sup>625</sup>	Somalia	•Jubbaland Chamber of Commerce, Industry, and Agriculture •former tax collector for Al-Shabaab in Kismayo and Barawe	Ahmed Mohamed Barre
Hassan Mohamed Yusuf (a.k.a. “Awlibaax”) <sup>626</sup>	Somalia	•Juba Business Committee (coalition of charcoal traders) •former business representative of Al-Shabaab in Kismayo	Abdirahman Ali Warsame

**Annex 9.6.b: Dubai-based charcoal traffickers**

Name of trafficker	Nationality of trafficker	Company/ Affiliation	Dhow cargos identified by SEMG
Ahmed Mohamed Barre <sup>627</sup>	Somalia	• Bahaya General Trading Company LLC • partner with Kismayo-based supplier Ali Ahmed Naaji and investor Youssef Moussa Sahu	<i>Victoria</i> (2013) <i>Hari Dham</i> (2014) <i>Haseena</i> (2016)
Mohamud Ali Osman (a.k.a. “Qonof”) <sup>628</sup>	Somalia	•partner with Kismayo-based supplier Farah Jama Awil and investor Baba Mansoor Ghayedi	<i>Raj Milan</i> (2013)

<sup>621</sup> Information in annex 9.6 tables compiled during this mandate from multiple confidential sources in Somalia and the UAE, as well as cross-referencing with official government documents and fake paperwork from charcoal dhows. Wherever relevant, previous references from Monitoring Group reports have also been cited in footnotes.

<sup>622</sup> S/2014/726, paragraph 142.

<sup>623</sup> S/2014/726, annex 9.2, paragraph 48.

<sup>624</sup> S/2014/726, paragraph 142 and S/2014/726, annex 9.2, paragraph 48.

<sup>625</sup> S/2013/413, annex 9.2, paragraphs 11 and 26; S/2014/726, paragraphs 141-142; and S/2014/726, annex 9.2, paragraphs 48 and 63.

<sup>626</sup> S/2013/413, annex 9.2, paragraphs 11, 15, and 33; S/2014/726, paragraphs 141-142; and S/2014/726, annex 9.2, paragraphs 44 and 48.

<sup>627</sup> S/2014/726, annex 9.2, paragraph 41; S/2014/726, annex 9.4, paragraph 120; and S/2014/726, annex 9.4.o.

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



Name of trafficker	Nationality of trafficker	Company/ Affiliation	Dhow cargos identified by SEMG
<b>Farah Hussein Hassan</b> <sup>629</sup>	Ethiopia Somalia	•Wadi Al Hijaz Coal Trading LLC	<i>Al Nazir</i> (2014)
<b>Abdi Siad</b>	Ethiopia	•Midnimo General Trading LLC •partner with investor Hassan Mohamed Ahmed	<i>Al Rafique</i> (2016) <i>Al Fahad 3</i> (2016)
<b>Siad Hassan</b>	Somalia	•Sharjah-based charcoal wholesaler	<i>Yasin</i> (2016)
<b>Abdi Shakur Sheikh Ibrahim</b> <sup>630</sup>	Somalia	•self-employed resident	<i>Raj Milan</i> (2015) <i>Al Zuber</i> (2016) <i>Al Faizul Barkat</i> (2016) <i>Al Kabir</i> (2016) <i>Al Islami</i> (2016)
<b>Abdirahman Ali Warsame (a.k.a. “Dhaqalayste”)</b> <sup>631</sup>	Ethiopia	•partner with Kismayo-based supplier Hassan Mohamed Yusuf	<i>Energy 3</i> (2013) <sup>632</sup> <i>Al Safa</i> (2014)
<b>Abdullahi Dheere</b>	Ethiopia Somalia	•partner with investor Youssef Moussa Sahu	<i>Sv Quba</i> (2016) <i>Al Aqsa</i> (2016)

#### Annex 9.6.c: Dubai-based charcoal investors

Name of Investor	Nationality of Investor	Company	Charcoal Trafficker Partner(s)
<b>Baba Mansour Ghayedi (a.k.a. “Haji Baba”)</b> <sup>633</sup>	Iran	Al Qaed International General Trading LLC	Mohamud Ali Osman (a.k.a. “Qonof”)
<b>Hassan Mohamed Ahmed (a.k.a. “Masry”)</b> <sup>634</sup>	Egypt	Al Baroudi International Coal Trading LLC	Abdi Siad
<b>Yousef Moussa Sahu (a.k.a. “Siri”)</b> <sup>635</sup>	Syria	Al Bahi Coals	Ahmed Mohamed Barre and Abdullahi Dheere

<sup>629</sup> S/2012/555, annex 2.1, paragraph 8; S/2013/413, annex 9, paragraph 12; and S/2014/726, annex 9.2, paragraph 88.

<sup>630</sup> S/2015/801, annex 8.3.

<sup>631</sup> S/2014/726, paragraphs 141-143; and S/2014/726, annex 9.2, paragraphs 44 and 76.

<sup>632</sup> *Energy 3* was not a dhow; it was a larger vessel with a cargo of 140,000 bags of charcoal.

<sup>633</sup> S/2013/413, annex 9.2, paragraphs 12-13 and 18-25; and S/2014/726, annex 9.2, paragraph 91.

<sup>634</sup> S/2014/726, annex 9.2, paragraphs 51 and 63-64, 78, 87, and 92.

<sup>635</sup> S/2014/726, annex 9.2, paragraphs 79-80; S/2014/726, annex 9.3, paragraphs 96-97; and S/2014/726, annex 9.4, paragraphs 106-107.

## Annex 9.7: Use of false documentation

## Annex 9.7.a: Shree Nausad (aka Shere Naushad), MNV 2087

Figure 1: Fake certificate of origin (Comoros)

UAE Mission 2016-04-07 16:15:56 (GMT -05:00) Page 12/26

UNION DES COMORES  
Union - Solidarité - Développement  
UNION DES CHAMBERS DE COMMERCE  
INDUSTRIEL ET DE LA PÊCHE  
DES COMORES

UCCIA

جمهورية القمر المتحدة  
وحدة - تضامن - تنمية  
الاتحاد غرف التجارة والصناعة  
والزراعة في جزر القمر

## Certificat d'origine

### Certificate of Origin شهادة منشأ

Nous certifions d'après les connaissances et autres documents que nous ont été présentés que les marchandises désignées ci-dessous  
This is certified according to bills of lading and other documents produced that the following goods:  
أشهاد أن البضائع المذكورة هي بوجهة الحقيقة باسم البائع كما يلي: البضاعة المذكورة أدناه

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

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

PRODUIT D'ORIGINE COMORES  
PRODUCT OF

Moroni, le 06 FEB 2016  
موروني، في

Déclaration de sortie N° CEG / EXP 544  
Declaration out حسب القرار رقم

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

500  
500

CHAMBRE DE COMMERCE D'INDUSTRIE D'ARTISANAT  
DE LA PÊCHE ET DE LA PÊCHE  
LE DIRECTEUR

CHAMBRE DE COMMERCE D'INDUSTRIE D'ARTISANAT  
DE LA PÊCHE ET DE LA PÊCHE  
LE DIRECTEUR

Received Time Apr. 7. 2016 3:59PM No. 3397



## Annex 9.7.b: Taranhar, MNV 1876 Fake

Figure 1: Fake certificate of origin (Pakistan)

UNE Mission 2016-07-12 22:40:44 (GMT -05:00) Page 8/19




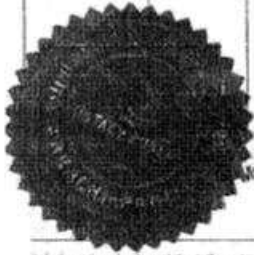



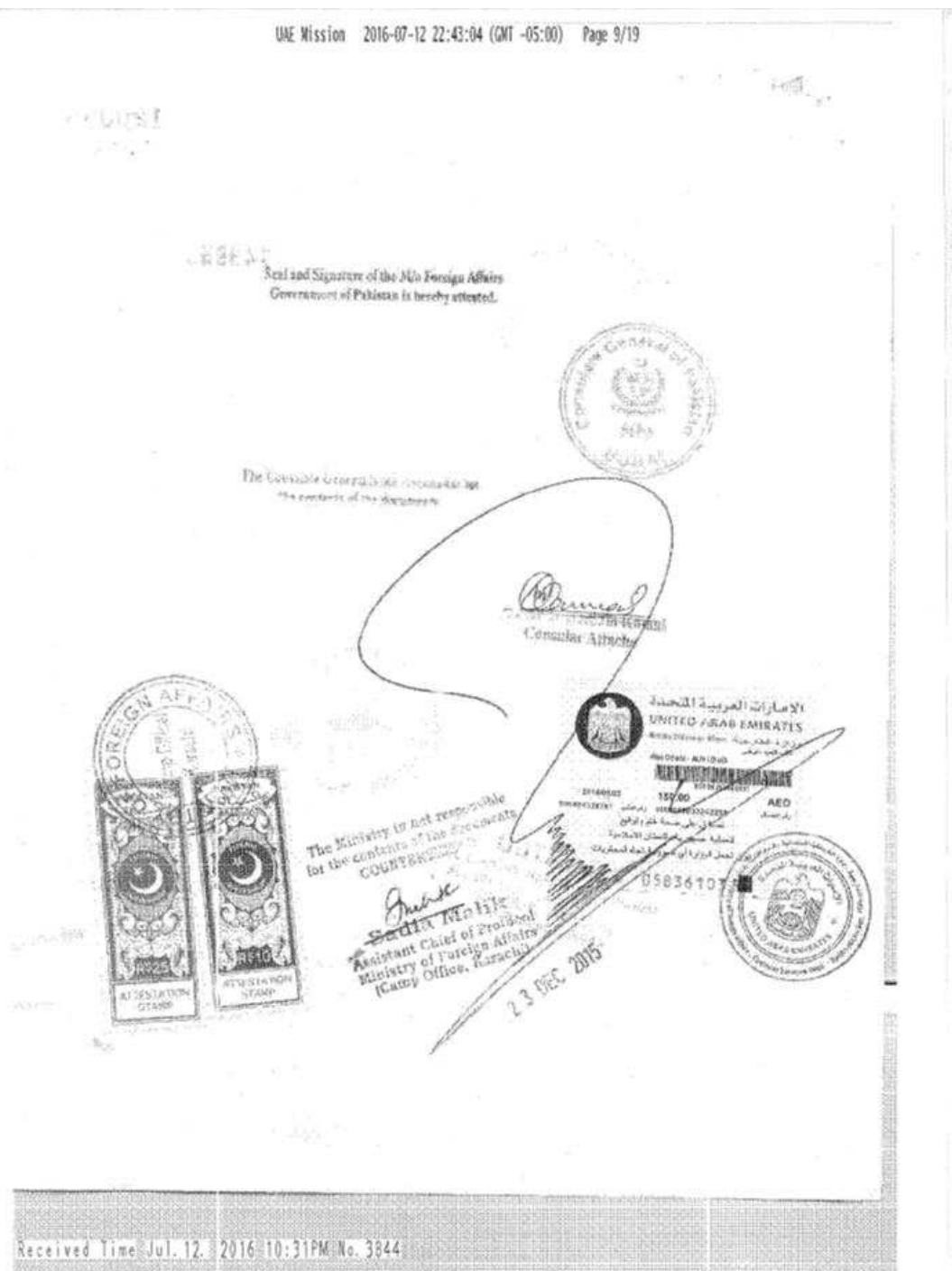
Exporter (Name, Address and Country) M/S UNITED INTERNATIONAL OFFICE # 21-A, MEZZANINE FLOOR, NAGINA CENTRE M.A. JINNAH ROAD, KEAMARI, KARACHI-PAKISTAN		REFERENCE NUMBER  120095		
Consignee Importer (Name, Address and Country) M/S ARABIAN SCANDINAVIAN GENERAL TRADING P.O. BOX # 86637 DUBAI UNITED ARAB EMIRATES		CERTIFICATE OF ORIGIN 149665 Karachi Chamber of Commerce & Industry P.O. Box No. 4158, Alwan-e-Tijarat Road, Off: Shahrah-e-Liaquat, Karachi-74000, Pakistan. T: +92 21 99218001-09 F: +92 21 99218010 E: info@kcci.com.pk msmt@kcci.com.pk U: www.kcci.com.pk		
Exporter's Membership Number 		Particulars of Transport (as far as known) BY SEA		
Marks & Number	Number and kind of Packages	Description of Goods	Gross Weight or other Quantity	Country of Origin
NULL MARK	30000 BAGS	CHARCOAL	750000 KGS APPROX	 Pakistan
				
It is hereby declared that the above mentioned goods originate in: (PAKISTAN)		It is hereby Certified that to the best of my knowledge and according to the documents produced before me, this declaration appears to be correct.  Attestation Officer Karachi Chamber of Commerce & Industry KARACHI PAKISTAN Place and date of issue 16 DEC 2015 Karachi Chamber of Commerce & Industry Certifying body		
Exporter's Signature: _____ Name: _____ Designation: _____ Company: _____ Place: Karachi Date: _____		Stamp 		
Received Time Jul. 12, 2016 10:31 PM No. 3844				




Figure 2: Fake certificate of origin, reverse side



## Annex 9.7.c: Al Islami, VRL 16625

Figure 1: Fake certificate of origin (Ghana)

UNE Mission 2016-07-12 22:35:35 (GMT -05:00) Page 3/19

1. Goods consigned from (Exporter's business name, address, country) <b>SHANE WHIFFLE SERVICE LIMITED</b>		Reference No <b>88143</b> <b>GENERALIZED SYSTEM OF PREFERENCES</b> <b>CERTIFICATE OF ORIGIN</b> (Combined declaration and certificate) <b>FORM A</b>	
2. Goods consigned to (Consignee's name, address, country) <b>INTERNATIONAL GROUP TRADING CONTRACTING &amp; LTD</b>		Issued in <b>GHANA</b> (country) <small>See notes overleaf</small>	
3. Means of transport and route (as far as known) <b>BY SEA</b>  <b>AL-ISLAMI</b>		4. For official use	
6. Item number	6. Marks and numbers of packages <b>N/A</b>	7. Number and kind of packages, description of goods <b>34000 BAGS OF CEMENTS</b> 	8. Origin criterion (see Notes overleaf) <b>origin</b>
			9. Gross weight or other quantity <b>850000 KG</b>
			10. Number and date of invoices <b>Two (2)</b> <b>26-04-16</b>
11. Certification It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct.  Place and date, signature and stamp of certifying authority		12. Declaration by the exporter The undersigned hereby declares that the above details and statements are correct, that all the goods were produced in <b>GHANA</b> (country) and that they comply with the origin requirements specified for those goods in the Generalized System of Preferences for goods exported to <b>THE UNITED STATES OF AMERICA</b>  Place and date, signature of authorized signatory	

**GEORGE S. KOMUUBONG**  
**NOTARY PUBLIC**  
**P.O. BOX 89, LEGON**  
**E-mail: gkomuubong@gmail.com**

Received Time Jul. 12. 2016 10:31PM No. 3844

[illegible]

## Inequality for production products may

- III. Entries to be a Guide to Boys 5

Preference products must either be clearly labeled as "imitations" with the name of the trademarked description of the product or be clearly labeled as "imitations" with the name of the trademarked description of the product.

- [illegible]

The undersigned hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief, and that he has no reason to believe that the information furnished herein is false or misleading.

DUBAI

Received Time Jul. 12. 2016 10:31PM No. 3844