



安全理事会

Distr.: General
30 October 2016
Chinese
Original: English

2016年10月7日安全理事会关于索马里和厄立特里亚的第 751(1992)号和第 1907(2009)号决议所设委员会主席给安全理事会主席的信

我谨代表安全理事会关于索马里和厄立特里亚的第 751 (1992) 号和 1907 (2009) 号决议所设委员会，并根据安全理事会第 2244 (2015) 号决议第 32 段的规定，随函转递索马里和厄立特里亚问题监测小组关于索马里的报告。

请将此信和本报告提请安全理事会成员注意并作为安理会文件分发给荷。

安全理事会关于索马里和厄立特里亚的
第 751(1992)号和第 1907(2009)号决议
所设委员会主席

拉菲尔·达里奥·拉米雷斯·卡雷尼奥(签名)



2016年9月28日索马里和厄立特里亚问题监测组给安全理事会关于索马里和厄立特里亚的第 751(1992)号和第 1907(2009)号决议所设委员会主席的信

谨根据安全理事会第 2244(2015)号决议第 32 段的规定，随函转递索马里和厄立特里亚问题监测小组关于索马里的报告。

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索马里和厄立特里亚问题监测组依照安全理事会第 2244(2015)号决议提交的报告：索马里

摘要

“2016 年愿景”为索马里在 2016 年 9 月前成功完成政治过渡的设想确立了三个广为接受的基准：“一人一票”的全国选举、完成联邦国家组建进程和通过新宪法。到编写本报告时，选举形式出现改变，选举时间推迟；联邦国家组建进程尚未将希兰和中谢贝利合并为一个地区州，亦未解决贝纳迪尔州的地位问题；新宪法谈判因更迫切的选举要务而被搁置。与此同时，即使成功的目标发生变动，国际社会和联邦政府仍把“如期”举行选举作为优先事项，并尽力强调逐步取得进展。然而，索马里和厄立特里亚问题监测组的调查显示，过渡进程存在不彻底和各自为政的情况，对和平与安全、安全部门改革、武器禁运执行工作、人道主义和人权问题、资助冲突行为与自然资源治理及腐败问题产生不利影响。

青年圣战运动(青年党)仍是索马里和平与安全的最直接威胁。尽管普遍认为平叛和反恐努力取得成功，但监测组的评估却大相径庭，认为索马里安全局势在本任务规定期间没有改善。青年党依然具备对非洲联盟驻索马里特派团(非索特派团)特遣队发动大规模袭击的行动能力，例如，2016 年 1 月 15 日对驻守盖多州 El Adde 前方行动基地的肯尼亚军方一个连队发动进攻。青年党还继续在摩加迪沙发动复杂袭击；在本任务规定期间对若干家旅馆发动 6 次袭击，共造成约 120 人丧生，其中包括 3 名议员和环境部长。邦特兰的戈利斯山区还出现一个新的青年党敌对派别，该派别由 Sheikh Abdulqader Mum'in 领导，由约 20 多名成员组成，宣誓效忠伊拉克和黎凡特伊斯兰国(伊黎伊斯兰国)。出于消灭该派别的明显意图，青年党于 2016 年 3 月 13 日对邦特兰发动一次未遂两栖入侵，在与邦特兰和加勒穆杜格临时行政当局部队的冲突中，有 300 多名成员被打死。最后，自 2015 年 4 月 2 日肯尼亚加里萨大学学院屠杀发生后，青年党一直未能在索马里境外成功发动重大恐怖主义袭击，但监测组认为，青年党依然有再次发动此类袭击的能力，而且也有其所号称的、把非洲联盟驻索马里特派团(非索特派团部队)派遣国作为袭击目标的动机。

虽然联邦政府致力于开展实质性的安全部门改革，但腐败、管理不善和财政制约依然存在，有损于索马里国民军的成效。尽管为解决这一问题作出努力，但索马里国民军部队人员的身份验证和登记进程仍未完成，包括消除索马里国民军薪资单上的所谓“影子士兵”。监测组的调查还发现，索马里国民军薪资发放的账目存在严重出入。由于持续无法正常发放军饷，撤离索马里南部和中部各地战略阵地的情况有所增加，导致青年党卷土重来，尽管在某些情况下属于临时现象。监测组的调查还发现，通过联邦政府与一家私营公司的合同向索马里国民军士兵

提供的口粮和用品可能被挪用。会员国向索马里国民军提供的支助也可能遭到挪用，特别是通过第三方承包商而非直接向部队提供的大宗货物。

在本任务规定期间，武器禁运的执行工作遭遇了若干严峻挑战：联邦政府未能遵守报告义务、会员国在支持联邦政府部队以外的索马里安全部门机构时存在违规行为、及针对民航使用简易爆炸装置。联邦政府在部分解除武器禁运时，对遵守报告义务的某些方面作出改进，但向安理会提交的报告不够充分，而且依然缺乏有效管理武器和弹药的机构能力。联邦政府呼吁完全取消武器禁运是基于一个错误假设，即禁运对联邦政府进口武器和弹药构成阻碍；然而，会员国自 2013 年 3 月部分解除武器禁运以来，已提交关于为联邦政府部队提供 20 000 多件武器和 1 300 万发弹药的预先通知。与此同时，会员国还加强了对不属于联邦政府的地区部队的军事支持，但一直未能遵守通知要求，因此，向这些实体移交的武器和弹药事实上不受约束。这不利于总体禁运工作，并使得对安全部门采取的办法日益趋于分散。在本任务规定期间，海上拦截非法武器有所增加，海上联合部队开展了三次缉查行动，一个会员国开展了一次缉查行动。最后，2016 年 2 月 2 日对达洛航空公司从摩加迪沙飞往吉布提的第 159 次航班的简易爆炸装置袭击表明，该区域内的民航面临严重的新威胁。

阻碍人道主义援助以及违反国际人道主义法的侵害平民行为仍是根本问题。各种障碍包括因青年党的经济封锁而无法提供人道主义援助、袭击人道主义工作人员以及转用和挪用人道主义援助。在极端情况下，少数人的关系网通过垄断政治权力和财务以及使用武力的方式严格控制人道主义行动，已达到实际构成犯罪同盟的地步。在本任务规定期间，在前几次任务规定期间，违反国际人道主义法侵害平民的趋势更为突出，特别是青年党的袭击强度高和范围广，国际部队实施了侵害平民的暴力行为(包括使用空投武器)，以及与政治和部族间纠纷有关的武装冲突影响通常涉及联邦和地区部队及当地民兵。青年党定点击杀的平民包括政府官员、公务员、议员、国际机构工作人员、民间社会活动分子和记者。此外，已核实的招募和使用儿童兵情况总体增加，特别是青年党在 2016 年 3 月对邦特兰的未遂进攻之前招募和使用儿童兵。最后，武装冲突和不安全局势在 2015 年 1 月 1 日至 2016 年 6 月 30 日期间导致近 598 000 名索马里人成为境内流离失所者，许多人被强迫迁离城市中心的非正规住区。

在本任务规定期间，在执行木炭禁令和自然资源治理方面出现了一些积极趋势。监测组在 2015 年年底首次发现，青年党继续战略性撤出木炭贸易，转而在其势力范围地区经常袭击或监禁烧炭工或木炭商。进口国在执行木炭禁令方面也有所改进，特别是阿拉伯联合酋长国，截至 2016 年 5 月对索马里木炭出口商产生了明显的威慑效果。这两个因素促使索马里木炭出口与前几年相比呈现不断减少的格局。然而，维持索马里木炭出口及阿拉伯联合酋长国木炭进口的商业网络仍然存在；监测组继续收到关于运载木炭的道船从索马里抵达阿拉伯联合酋长国的报

告；目前还没有任何有效办法来防止青年党再次对木炭生产和运输进行系统性征税。事实证明，青年党还善于通过增加对其他自然资源和大宗商品的征税来抵消木炭收入的不断减少，如非法食糖贸易、索马里南部的农业生产以及索马里中部的牲畜业。在自然资源治理方面，石油和矿产资源部采取了建立石油业监管框架的积极步骤，包括起草一份关于勘探和开发合同的示范生产共享协议，但仍然存在其他挑战，如创建可行的执行机构以及联邦政府与地区实体签订合宪的收入共享协议。

虽然采取了一些改善金融部门监管的步骤，但联邦政府缺乏充足的机构能力加以有效执行。来自国外的汇款在索马里经济中仍占很大比重，2015 年至少有 12 亿美元通过哈瓦拉汇款公司汇入。虽然汇款仍是许多索马里人的重要生命线，特别是对生活在农村地区的民众而言，但哈瓦拉汇款公司没有建立充分的监测制度和尽职调查程序，以确保这些汇款不被用来资助恐怖主义。通过电信公司提供的国内手机汇款服务造成类似的问题，由于上述服务在索马里仍然基本不受监管，也让青年党有了可乘之机。为了解决此类问题，该国总统在 2016 年 5 月签署了一项反洗钱和打击资助恐怖主义法；然而，执行机构缺乏财政资源和机构能力。总体而言，监测组认为，联邦政府目前没有能力以可信的方式执行安全理事会对索马里个人和实体实施的定向资产冻结。最后，腐败仍是一个问题，包括公共部门合同及挪用公共土地谋取私利等其他问题。

对于协助索马里完成解决冲突和建立国家这一艰巨的双重进程而言，制裁具有前所未有的现实意义：青年党仍是和平与安全的紧迫威胁；索马里安全部门改革仍远未完成；联邦政府不遵守部分解除武器禁运条款以及会员国在支持地区部队时不遵守报告义务等问题需要解决；阻挠人道主义援助及违反国际人道主义法侵害平民的行为依然困扰索马里；利用自然资源为冲突提供资助仍是一个严重问题，而在建立有效的自然资源治理方面仅采取了初步步骤；由于新的监管框架缺乏正常运行的执行机构，腐败仍是一个问题。监测组依照任务规定提出了供安全理事会审议的 14 项建议，以改善制定和执行制裁工作的成效。

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一. 导言

A. 任务规定

1. 索马里和厄立特里亚问题监测组的任务规定载于安全理事会第 2244(2015)号决议第 31 段和第 2060(2012)号决议第 13 段。第 2093(2013)号和第 2142(2014)号决议为监测组规定了其他任务。
2. 根据第 2244(2015)号决议第 31 段和第 2060(2012)号决议第 13(l)段, 监测组通过安全理事会关于索马里和厄立特里亚的第 751(1992)号和第 1907(2009)号决议所设委员会, 于 2016 年 4 月 22 日向安全理事会提交了中期最新通报。监测组还在整个任务规定期间向委员会提交了每月进度报告。
3. 监测组成员在调查期间前往安哥拉、巴林、比利时、加拿大、科摩罗、吉布提、埃塞俄比亚、芬兰、法国、伊朗(伊斯兰共和国)、荷兰、挪威、罗马尼亚、塞舌尔、索马里、南非、瑞典、瑞士、乌干达、阿拉伯联合酋长国、大不列颠及北爱尔兰联合王国、坦桑尼亚联合共和国和美利坚合众国。监测组成员得以定期访问索马里(拜多阿、博萨索、卡尔卡拉、加罗韦、哈尔格萨、基斯马尤和摩加迪沙)。
4. 监测组设在内罗毕, 由下列专家组成: Christophe Trajber(协调员)、Jay Bahadur(武装团体问题)、Charles Cater(自然资源)、Bogdan Chetreanu(财务)、Dáirdre Clancy(人道主义事务)、Tapani Holopainen(财务)、Rufus Kalidheen(武器问题)、James Smith(区域问题)。

B. 方法

5. 监测组前几份报告中概述的证据标准和核查程序适用于本报告所述任务规定期间开展的工作。监测组重申根据以往报告采取的方法。本报告所用方法如下:
 - (a) 尽可能从多个来源收集关于事件和议题的信息;
 - (b) 尽可能从拥有事件第一手资料的来源收集信息;
 - (c) 从信息的规律中找到一致性, 将已经了解的情况与新信息和新趋势进行比较;
 - (d) 在判断信息的可信度和信息来源的可靠性方面, 始终考虑到监测组有关专家的专业知识和判断以及监测组的集体评估意见;
 - (e) 收集实物、照片、音像和(或)书面证据, 用以证明收集到的信息。
6. 监测组做出了审慎而系统的努力, 通过那些直接了解违反行为的细节的人或与直接了解违反行为的细节的人相识的人, 接触到那些参与违反行为的人。在某些情况下, 监测组亲眼目睹了违反行为。

7. 监测组约谈了掌握有关信息的各种消息来源，包括政府官员及外交使团、民间社会组织和援助机构的代表。监测组成员会晤了各种政府官员，包括总统和部长及安全机构的代表。监测组还与邦特兰、索马里兰及临时地区行政当局官员、政治和武装团体代表、叛逃者及企业界和索马里民间社会成员进行了会晤或沟通。

8. 为了向委员会提供最重要的信息，并使其及时了解重要事态发展，监测组作出了增加每月报告内容的决定。

9. 依照关于信息的敏感性、分类和处理的秘书长公报(ST/SGB/2007/6)，监测组已随本报告向委员会一并提交了若干份绝密附件，其中的信息如被披露，可能有损于联合国的正常运作或者联合国工作人员或第三方的福祉和安全，或违反本组织的法律义务。这些附件将不作为安全理事会的文件印发。

二. 威胁索马里和平、安全与稳定的行为

A. 青年圣战运动

现状

10. 伊斯兰好战团体“青年圣战运动”(下称“青年党”)是索马里和平与安全的最直接威胁，并仍是更广泛的东非和非洲之角区域的破坏稳定因素。

11. 正如监测组上一任务规定期间的情况一样，由于会员国、联邦政府和地区行政当局针对青年党主要领导人具体采取的致命行动，一些人遭到暗杀。最重要的定点击杀发生在 2015 年 12 月 2 日，青年党情报局高级行动人员 Sultan Mohamed Sandhere(别名“Ukash”)死于美国无人机袭击。据信他与 2013 年 9 月 23 日内罗毕西门购物中心的袭击事件以及 2014 年 5 月 24 日吉布提 La Chaumière 餐厅的自杀炸弹袭击有关联(见 S/2014/726，附件 2.1 和 2.3)。2016 年 5 月下旬，朱巴临时行政当局部队在下朱巴州 Bulagadud 附近发动突袭，杀死了青年党在中朱巴州和下朱巴州的最高军事指挥官 Mohamed Mohamud Kuno(别名“Dulyadeyn”或“Gamadhere”)。Kuno 是肯尼亚加里萨人，据信他参与组织了 2015 年 4 月 2 日对加里萨大学学院的袭击事件，造成 148 人丧生，大多数遇害者为(见 S/2015/801，附件 4.2)。Ma'alim Daud(别名“Yusuf Haji”)也在这次袭击中被杀；美国政府认为，他负责“针对联邦政府和西方目标开展规划、招募、培训和行动”，并悬赏 500 万美元捉拿他。¹ 但尚不确定的是，当前定点击杀青年党领导人的政策将对削弱该团体能力产生何种长期影响。青年党拥有强有力、思想忠诚的“中管理层”，能天衣无缝地填补遇刺高级领导人空出的职位。

¹ 美国国务院，“Rewards for Justice--Reward Offers for Information on al-Shabaab Key Leaders”，新闻稿，2015 年 11 月 10 日。另一名青年党重要领导人 Ali Hassan Dhoore 在 2016 年 5 月 31 日死于美国无人机袭击。据美国官员称，Dhoore 策划了 2014 年 12 月 25 日对驻亚丁-阿德国际机场综合体的非索特派团部队的袭击，以及 2015 年 3 月 27 日对摩加迪沙 Makka al-Mukarama 旅馆的袭击。

12. 在 2015 年 7 月开始的“朱巴走廊行动”的最后阶段，非索特派团攻占了青年党在巴尔代雷和丁索尔的据点，非索特派团此后的进攻行动停滞不前。因此，青年党仍然直接控制朱巴河谷的大部分领土，这使青年党得以维持一个重要的收入来源：朱巴农地的税收(天课)。

13. 正如监测组在上一任务规定期间的情况一样，青年党的总体战略包括撤回农村和切断通往非索特派团和索马里国民军占领的城市中心的道路(见附件 6.1)。青年党力求通过这种做法削弱当地民众对负责打击青年党的部队的支持，同时将非索特派团的军事阵地变成日益难以为继的孤岛。还反复出现了青年党在国民军和非索特派团撤离后重新占领城镇的情况。

袭击非洲联盟索马里特派团特遣队

14. 监测组在 2015 年的最后报告中关切地指出，青年党恢复了对军事目标的常规袭击，这是该团体在 2011 年撤出摩加迪沙后力求避免的做法(S/2015/801，第 88 段)。监测组尤其重点指出，青年党于 2015 年 6 月 26 日和 9 月 1 日分别袭击了驻扎在 Leego 和贾纳勒的非索特派团布隆迪特遣队和乌干达特遣队。

15. 2016 年 1 月 15 日拂晓，驻扎在 El Adde(盖多州境内靠近与肯尼亚接壤边境的非索特派团前方行动基地)的肯尼亚军方的一个连队遭遇了更大规模的袭击。两个车载简易爆炸装置被引爆，第一个在大门口引爆，第二个在营地中心位置引爆，² 数百名武装分子随后攻占营地，而肯尼亚军队几乎没有进行抵抗。

16. 虽然肯尼亚政府尚未正式公布伤亡数字，但监测组认为，约有 150 名肯尼亚国防军士兵在袭击中丧生，这是肯尼亚历史上最大的军事失利。³ 此外，至少有 11 名士兵被俘，他们随后被青年党在中朱巴州分成两组，扣为人质。他们遭绑架后，监测组收到了关于俘虏的所在地点不断变化和俘虏状况的情报，并通过中间人与肯尼亚当局分享。

17. 此外，青年党 2016 年 1 月 17 日发布的新闻稿和照片显示，该团体在 El Adde 缴获了大量军事装备，其中包括装甲运兵车和自走火炮(见附件 1.1)。

18. 2016 年 4 月 9 日，青年党发布了一段主要以英语和斯瓦希里语配音的 48 分钟宣传视频，题为“袭击 Sheikh Abu-Yahya al-Libi: 攻占肯尼亚十字军基地”。⁴ 虽然视频中青年党袭击协调极差且战术失当，但肯尼亚部队还是未能实施基本的防御措施，例如未在营地入口建造加固屏障，也没有派人把守机枪和迫击炮台。

² 2016 年 3 月 17 日，袭击事件后到过现场的一个安全部门消息来源人士告诉监测组，车载简易爆炸装置载有 30 至 50 公斤爆炸物，由软皮车辆运送，而非媒体广泛报道的装甲车。

³ 基于媒体报道以及监测组对安全专家和袭击事件后果目击证人的约谈，2016 年 3 月 17 日。

⁴ 可查阅：<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. 此外，上述袭击突出表明，非索特派团部队派遣国之间缺乏协调，而且非索特派团的指挥和控制机制各自为政。尽管距离 El Adde 最近的非索特派团增援部队就驻扎在 Busaar(位于西南方的埃塞俄比亚部队驻防基地)，但由于非索特派团没有可靠的通信系统，肯尼亚部队无法联络埃塞俄比亚部队并向其求援。相反，在作出回应的军事人员中，距离最近的是部署在肯尼亚境内的肯尼亚部队，但到前来援助时已为时过晚。⁵

20. 非索特派团缺乏有效的情报收集以及没有与当地社区接触都是袭击奏效的因素。⁶ 索马里安全部门消息来源人士告诉监测组，他们虽然不清楚确切目标，但是知道青年党战斗人员在 El Adde 周边集结，并向肯尼亚军队对话者传递了情报。⁷ 然而，肯尼亚部队在袭击发生之后否认收到了预警。⁸

21. 对 El Adde 的袭击和对 Leego 和贾纳勒的前两次袭击所产生的积累效应是，非索特派团更趋于以“军营模式”开展行动，将部队整合至集中阵地，从而进一步阻碍了与地方社区的接触。例如，1月26日，肯尼亚部队撤出了位于 El Adde 及下朱巴州 Badhaadhe 和 Bulagadud 的阵地。2月，非索特派团进一步撤离若干前方行动基地，包括位于盖多州 Fafadum 和 KhadijaHaji 的基地。青年党的典型做法是，借机占领非索特派团撤离后留下的空间；例如，3月初，有人在 Khadija Haji 地区发现 200 名青年党战斗人员。⁹

22. 2016 年 3 月 5 日，对非索特派团部队的另一次潜在袭击受到遏制。美国对位于摩加迪沙以北 120 公里的青年党 Raaso 训练营地发动空中打击，消灭了至少 150 名好战分子，这是美国历史上杀伤人数最多的无人机袭击。据五角大楼发言人称，袭击目标是青年党的一个毕业典礼，并补充说，战斗人员按照计划将离开营地并“对索马里境内的美国和非索特派团部队构成紧迫威胁”。¹⁰

⁵ 见 Paul D. Williams, “The Battle at El Adde: The Kenya Defence Forces, al-Shabaab, and Unanswered Questions”, International Peace Institute, July 2016.

⁶ 当地占主导地位的马雷汉部族认为肯尼亚国防军积极支持敌对的欧加登部族，这增加了社区接触的难度。

⁷ 监测组与联邦安全官员的会议，2016 年 2 月 3 日。此外，盖多州的一名索马里军方指挥官公开声称，肯尼亚部队收到了即将发生袭击的警告。见 Harun Maruf, “Somali general: Kenyans were warned of Al-Shabaab attack”, VOA News, 18 January 2016.

⁸ 见 “[VIDEO] KDF camp had 240 soldiers, half missing”, Star, 20 January 2016. 可查阅：www.the-star.co.ke/news/2016/01/20/video-kdf-camp-had-240-soldiers-half-missing_c1279464。

⁹ 肯尼亚警方的机密报告，2016 年 3 月 2 日。关于非索特派团和索马里国民军撤离的更多资料，见下文第二.B 节。

¹⁰ 见 United States Department of Defense, “U.S. conducts airstrike against terrorist camp in Somalia”, 7 March 2016. 可查阅：www.defense.gov/News/Article/Article/687353/us-conducts-airstrike-against-terrorist-camp-in-somalia。

23. 尽管遭受这一挫折, 2016 年 6 月 9 日黎明, 约 500 名武装分子在引爆一个车载简易爆炸装置后, 袭击了埃塞俄比亚部队驻守的非索特派团 Halgen 前方行动基地, 该基地位于希兰州布洛布尔提与贝莱德文之间的主要道路沿线。另有 100 至 150 名青年党战斗人员封锁了通往布洛布尔提的道路, 以防止驻扎在布洛布尔提的吉布提特遣队进行增援。虽然埃塞俄比亚部队成功击退袭击, 但双方伤亡惨重, 至少有 30 名士兵丧生。¹¹ 外国战斗人员 Khattab al-Masri(埃及国民, 遭暗杀的美国青年党成员 Omar Hammami 的前亲密助手, 别名“Abu Mansour al-Amriki”)¹² 在这次袭击中丧命。¹³

袭击摩加迪沙旅馆

24. 在本任务规定期间, 青年党继续以约两月一次的频率对联邦政府官员经常光顾的摩加迪沙各旅馆发动复杂袭击, 监测组在 2015 年的最后报告中重点指出了这一趋势(S/2015/801, 附件 4.1)。上述袭击的标准行动模式颇为一致, 先是引爆车载简易爆炸装置来突破房地外围, 然后通常由 3 至 6 名自杀枪手发动袭击。

25. 本任务规定期间发生了 6 次对摩加迪沙旅馆的重大袭击: Sahafi 旅馆(2015 年 11 月 1 日); Beach View 旅馆(2016 年 1 月 22 日); SYL 旅馆(2016 年 2 月 26 日和 8 月 30 日); Ambassador 旅馆(2016 年 6 月 1 日); Naso Hablod 旅馆(2016 年 6 月 25 日)。这些袭击共造成约 120 人丧生, 其中包括 3 名国会议员和环境部长 Buri Hamza。¹⁴ 相比之下, 青年党在监测组上一任务规定期间对旅馆发动了四次复杂袭击, 这表明该团体在索马里首都开展不对称行动的能力在过去一年中并未明显弱化。

出现伊拉克和黎凡特伊斯兰国派别

26. 2015 年 10 月 22 日, 位于邦特兰戈利斯山区的一名青年党神职人员 Sheikh Abdulqader Mu'min (Majeerteen/Ali Salebaan) 宣布效忠伊拉克和黎凡特伊斯兰国(伊黎伊斯兰国)。他曾在伦敦担任伊玛目, 后于 2010 年 9 月返回索马里, 在那里充当青年党东北区“思想领袖”的角色(见 S/2013/413, 附件 1.7)。

27. Mu'min 可能认为, 如果他投向伊黎伊斯兰国, 就会引发青年党不再效忠基地组织的广泛转变。相反, 青年党领导人迅速反应, 在邦特兰和索马里南部镇压团体内支持伊黎伊斯兰国的人员。2015 年 11 月, 忠于基地组织的东北部青年党人员在武装冲突后将 Mu'min 和他的几十名追随者逐出戈利斯山区。Mu'min 随后逃往巴里州 Iskushuban 地区, 即他所属的 Ali Salebaan 部族的家乡。

¹¹ 联合国机密安全报告, 2016 年 6 月 13 日。

¹² Omar Hammami 的情况介绍见 S/2013/413, 附件 1.2。

¹³ 未经证实的可靠资料表明, al-Masri 与伊斯兰马格里布基地组织有关联, 还可能曾为在也门的一个伊黎伊斯兰国协调人担任过中间人。2016 年 7 月 8 日监测组与地区情报官员的约谈。

¹⁴ 遇害的国会议员包括: Abdi Mohamed Abtidon、Abdullahi Jama Kabaweyne 和 Mohamud Mohamed Gure。关于青年党对平民目标的暴力行为愈演愈烈的讨论, 另见附件 7.1。

28. 虽然 Mu'min 及其约二十多名手下在思想上仍与伊黎伊斯兰国保持一致，但监测组不清楚两个团体之间存在任何行动关联。然而，据知 Mu'min 从他在 Ali Salebaan 部族的表弟(军火商和前海盗 Isse Mohamoud Yusuf “Yullux”)那里获得了物质援助(见 S/2013/413，附件 1.7 和 3.1.c)。Mu'min 和 Abdisamed Gallan——后者是巴里州前州长，2016 年 6 月对邦特兰当局发动公开叛乱——在 “Yullux” 的协调下从甘达拉港获得进口武器(见附件 1.2)。

29. 附件 1.2 详细介绍了巴里州效忠伊黎伊斯兰国的 Mu'min 派别的情况。

邦特兰的青年党

戈利斯山区的东北部青年党

30. 监测组在 2015 年最后报告中介绍了有关东北部青年党在戈利斯山区持续不断开展反对邦特兰当局的反叛活动的近况，并表示担心戈利斯山区已成为青年党好战分子躲避索马里南部的军事压力的一个潜在安全避难所，以及青年党和阿拉伯半岛基地组织之间的一个联络管道(S/2015/801，第 96 段)。

31. 2016 年 2 月 24 日，监测组访问了博萨索西南 30 公里处的 Galgalo，邦特兰当局在 2014 年 10 月发动一场重大攻势解放该镇之前，这里曾经是戈利斯山区叛乱组织的总部所在地。监测组与驻扎在当地的邦特兰军事和警察指挥官进行的约谈表明，叛乱组织的战斗人员人数已从 2013 年的约 120 至 150 人左右减至 70 至 100 人(见 S/2013/413，附件 1.7)。¹⁵ 邦特兰安全架构(包括常规部队、安全部队、海事警察和警察)在 Galgala 及周边地区部署了约 850 名成员。青年党好战分子的实力和武器相对较弱，因此无法与邦特兰部队直接交战，但他们继续针对邦特兰部队使用简易爆炸装置，特别是在通往 Galgala 的道路沿线。¹⁶

32. 附件 1.3 全面介绍了东北部青年党在戈利斯山区的现有兵力和领导层情况，以及邦特兰部队的战术布局。

2016 年 3 月青年党入侵邦特兰

33. 2016 年 3 月 13 日，一支由 350 至 400 名战斗人员组成的青年党部队 Khalid ibn al-Walid 旅通过两栖登陆入侵邦特兰。这些战斗人员乘坐五艘道船从哈拉尔代雷地区出发，在 Garacad 镇和 Garmaal 镇附近的邦特兰海岸沿线的两处地点登陆。

34. 好战分子手里没有可以动用的车辆，邦特兰部队展开行政当局所称的“雷霆”行动，快速逼近其阵地，并迅速果断地击溃了好战分子。根据当局的官方说法，

¹⁵ 邦特兰行政当局的估计数一直要高出许多，在 250 至 500 人之间。行政当局估计，截至 2016 年 8 月，在整个邦特兰的东北部青年党成员约有 400 至 500 人。2016 年 8 月 17 日邦特兰总统办公室给监测组的信中作出这一估计。

¹⁶ 例如，2016 年 5 月 25 日，一辆正在驶往 Galgala 山区的邦特兰海事警察部队车辆遭到一枚简易爆炸装置袭击，造成 2 名海军陆战队成员死亡，6 人受伤。2016 年 5 月 29 日国际机构绝密安全报告。

共有 208 人被击毙，其中大多数是在 Garacad 附近的交战中阵亡。冲突发生后，加勒穆杜格临时行政当局部队堵截逃往南部的青年党战斗人员，声称打死 115 人，抓获 110 人。¹⁷

35. 2016 年 5 月 10 日和 11 日，监测组约谈了在这次行动中被俘后关押在加罗韦监狱的青年党被拘留者。¹⁸ 根据这些约谈和对军人、非政府组织和海上情报来源的间接约谈，监测组的评估是，这次行动的可能目标是与巴里省由 Abdulqader Mu'min 领导、与伊黎伊斯兰国结盟的派别作战，并一举歼灭之。

36. Khalid ibn al-Walid 旅主要由普通战斗人员组成，许多人显然是被强征或以其他胁迫方式成为战斗人员的。在这场行动中，没有已知的青年党高级领导人参与。许多人是儿童；截至编写本报告时为止，在行动期间抓获的 54 名未成年人仍被关押在加罗韦监狱(见附件 7.2)。此外，加勒穆杜格临时行政当局表示，已向摩加迪沙一家由联合国儿童基金会提供支助的重返社会中心移交 44 名儿童囚犯。¹⁹

37. 该旅入侵邦特兰是青年党在其存在期间发动的唯一一次海上重大行动。该旅全军覆没，是青年党遭受的一次重大人员损失；该旅的战斗人员最多达 400 人，可能占青年党总兵力的 5%至 10%。至少有几百名武装分子向邦特兰和加勒穆杜格当局投降，这也是青年党历史上人数最多的一次投降。鉴于这次海上行动以失败告终，监测组估计，青年党今后企图再发起一次复杂两栖行动的可能性不大。

38. 附件 1.4 全面记录了该旅入侵邦特兰的经过。

邦特兰的抓放政策

39. 监测组在 2014 年最后报告中介绍了邦特兰行政当局采取的逮捕青年党嫌疑分子后又将其释放的系统性政策。在某些情况下，有大量证据表明，这些嫌疑分子与青年党确有关联(S/2014/726，附件 1.4，脚注 48)。

40. 监测组在本任务规定期间获得了书面证据，证明邦特兰当局继续采用“抓放”政策，即尽管有可信证据证明与青年党确有关联，仍然释放被拘留者；第二手资料来源也证实了这些书面证据的真实性。监测组获得了 2015 年 6 月至 2016 年 4 月 16 日期间释放 7 名青年党嫌疑人和罪犯的指令副本，均由不同的邦特兰高级官员签署。监测组还掌握了邦特兰情报局的内部记录，其中对每个嫌犯进行特征分析，并概述其与青年党的关联。

¹⁷ 见“Somalia: Galmudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas”，press release, AllAfrica, 28 March 2016。可查阅：<http://allafrica.com/stories/201603280382.html>。

¹⁸ 在监测组访问时，该监狱关押了 97 名属于 Khalid ibn al-Walid 旅的青年党被拘留者。

¹⁹ 见“Somalia: Galmudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas”，press release, AllAfrica, 28 March 2016。

41. 邦特兰官员称,青年党罪犯是在完成合法的法庭程序后获释的,他们因证据不足或邦特兰总统阿布蒂威里·穆罕默德·阿里·加斯在 2015 年 8 月颁布大赦令而获释。²⁰

42. 附件 1.5 载有这 7 名个人的简况和释放命令的副本(严格保密)。

青年党所构成的区域威胁

43. 虽然青年党仍然是一个跨国恐怖威胁,特别是对非索特派团的部队派遣国构成恐怖威胁,但在本任务规定期间,该组织开展区域行动的成功率下降。特别是,作为历史上最容易受到青年党恐怖袭击的会员国,肯尼亚在 2015 年 4 月 2 日青年党屠杀加里萨大学学院学生之后,设法防止在本国领土上再次发生重大袭击。

44. 青年党企图屠杀 Mandera 附近一辆公共汽车上的乘客,其手法与 2013 年 11 月 23 日得逞的屠杀十分类似,但由于穆斯林乘客保护非穆斯林乘客免遭处决,这场图谋在很大程度上遭到了挫败。²¹ 2016 年 7 月 9 日,青年党公然在夜间袭击肯尼亚,据报有 100 名武装分子越过边界,袭击瓦吉县 Diff 地区警察局。据当地媒体报道,武装分子抢走了约 10 000 发弹药和十几支 AK-47 步枪,有一名警察受伤。²²

45. Jaysh Ayman 是青年党的一支部队,发动了一些致命的简易爆炸装置袭击,此外还袭击了肯尼亚 Lamu 县的肯尼亚安全部队和非当地平民目标。²³ 这支部队由数百名战斗人员组成,他们利用跨越肯尼亚和索马里的广袤博尼森林为基地,对沿海地区发起袭击。²⁴ 2015 年 9 月,肯尼亚当局在林区发起由多个安全机构参与的“琳达·博尼行动”,以驱逐这支部队。Lamu 县和沿海地区遭受袭击的次数和频率已有所降低,但零星攻击仍在继续。由于情报收集工作得到改进,并采取了积极主动的反恐行动,肯尼亚安全机构在 2016 年期间成功瓦解了青年党计划在沿海城市蒙巴萨和 Kilifi 发起的数次袭击,其预定袭击目标包括“Likoni”

²⁰ 2015 年 9 月 2 日在内罗毕与邦特兰总统办公厅主任 Deeq Yusuf 的会晤和 2016 年 9 月 7 日在加罗韦与邦特兰情报官员的会晤。

²¹ 见“Kenyan Muslims shield Christians in Mandera bus attack”, BBC News, 21 December 2015。可查阅: www.bbc.co.uk/news/world-africa-35151967。

²² 见 Lucas Barasa and Angira Zadock, “Shabaab militants attack Diff police station in Wajir”, Daily Nation, 9 July 2016。可查阅 www.nation.co.ke/counties/Shabaab-militants-attack-Diff-Police-Station-in-Wajir/1107872-3287386-6ufkg7/index.html。

²³ 例如,可参阅:“Kenyan soldiers hurt as gunmen ambush convoy in Lamu”, Standard Digital, 3 January 2016。可查阅: www.standardmedia.co.ke/article/2000186885/kenyan-soldiers-hurt-as-gunmen-ambush-convoy-in-lamu。

²⁴ Jaysh Ayman 还吸引了许多外国战斗人员,包括坦桑尼亚国民和欧洲国家的国民。英国公民托马斯·埃文斯和德国公民安德烈亚斯·马丁·穆勒(又名 Abu Nusaybah)就是 Jaysh Ayman 的知名外国战斗人员。前者于 2015 年 6 月 12 日在 Lamu 县与肯尼亚军人的交战中被打死。

号轮渡、一家颇受欢迎的夜总会和一个警察局。²⁵ 最近的一些案件表明，青年党人员(特别是坦桑尼亚国民)继续利用肯尼亚作为前往索马里的通道，肯尼亚安全机构逮捕了若干名嫌疑人。²⁶

46. 在过去两年中，包括吉布提和埃塞俄比亚在内的其他非索特派团部队派遣国都面临青年党的现实威胁，在本任务规定期间成功阻止了对本国发起的恐怖主义行动。但是，监测组并不认为青年党构成的区域威胁已降低，因为该组织认为非索特派团正在非法占领穆斯林的领土，其首要目标仍然是将非索特派团部队从索马里驱逐出去。

Mohamed Abukar Zubeyr

47. 监测组在 2014 年最后报告中误称，一个名叫 Mohamed Abukar Zubeyr 的人 2014 年 8 月 4 日在博萨索中央警察局发起了一次自杀性爆炸事件，而这起事件应由青年党承担责任(S/2014/726，附件 1.4，第 22 段)。附件 1.8 载有关于这起事件的更正信息。

B. 安全部门

48. 监测组在 2015 年最后报告(S/2015/801，附件 3)中，对索马里国民军内部普遍存在的挪用现象表示关切。2015 年 9 月初监测组与联邦政府举行讨论后，哈桑·谢赫·马哈茂德总统宣布，他将致力于实质性的安全部门改革。²⁷ 虽然一些行为者——包括财政部部长和新任命的国防部队总司令穆罕默德·亚丁·艾哈迈德少将——显然在本任务规定期间努力解决这一问题，但在高级军官中，特别是在索马里国民军后勤部内部依然存在腐败现象。

49. 监测组发现的证据表明，薪金专用资金和索马里国民军业务资金都遭到挪用，一项有缺陷的身份证系统启动后的应计资金也遭到挪用(见附件 2.2 和 2.3)。截至编写本报告时，尽管总统于 2015 年 9 月 9 日承诺对索马里国民军的后勤用品将采取公开招标办法，但一家与后勤部部长 Abdullahi Moalim Nur 准将有密切关系的公司仍然保持着一份有利可图的、代表索马里国民军分发口粮和现金合同，其中许多

²⁵ 见 Alloys Musyoka and Brian Otieno, “Police foil two attacks in Kilifi and Mombasa, Star, 2 January 2016。可查阅：www.the-star.co.ke/news/2016/01/02/police-foil-two-attacks-in-kilifi-and-mombasa_c1268590。

²⁶ 例如，见 Abdimalik Hajir, “Police in Garissa arrest 6 Tanzanians heading to Somalia, recover weapons”, Daily Nation, 25 August 2015。可查阅：www.nation.co.ke/counties/Tanzanians-arrested-Garissa/1107872-2845738-3oqjmwz/index.html。监测组还获得了肯尼亚警方的一份机密报告，记叙了 2015 年 9 月 16 日在蒙巴萨以北的 Mtwapa 逮捕企图加入索马里青年党的 6 名嫌疑人的详细过程。

²⁷ 见 Office of President of Somalia, Directorate of Communications, “The President: We are committed to substantive security sector reform”, newsletter, 9 September 2015。可查阅：<https://madmimi.com/s/b368a6>。

资金可能正在遭到挪用。2016 年 9 月 10 日，监测组和联邦政府就这一问题举行了进一步讨论，后者最终通过财政部网站发布了该合同的招标书(见附件 2.4)。

50. 由于持续存在的预算危机等原因，久久未能向士兵支付军饷，在本任务规定期间从索马里南部和中部地区的军事战略阵地撤出部队的情况有所增加，青年党乘虚重返这些地区。不过，在很多情况下这种撤退都是暂时性的。²⁸ 拿不到工资或工资过低的军人敲诈勒索的行为同样有所增加，特别是通过设立非法路障，这不仅加重了对平民的影响，也进一步削弱了民众对新建政府机构的信心(见附件 2.6)。

51. 索马里国民军部队的构成大多以部族为基础，这仍然影响到其公正性，特别是在族裔间关系复杂的地区。在 2015 年最后报告(S/2015/801，附件 6)中，监测组记录了某些部队在冲突期间与地区部族民兵和/或青年党借机结成同盟的情况。在本任务规定期间，专家组从下谢贝利州、希兰州和加勒穆杜格州收到多份报告，其中记录了类似事件的发生。在这些事件中，索马里国民军某些成员不仅没有阻止地方冲突的发生，反而导致冲突长期存在(见附件 7.5)。

52. 将地区部队编入索马里国民军的进程十分缓慢且管理不善。在上一任务规定期间，在下朱巴州基斯马尤正式收编近 1 350 名军人，但截至编写本报告时，联邦政府只为他们配备了 100 多件武器，因此他们不可能参加即将发起的对朱巴谷的进攻。联邦政府推动收编进程不力，有人指责说，仅有某些部族的军队获得了武器。²⁹

53. 如果安全部门无法获得相当于当前程度的国际支持，索马里国民军可能崩溃。尽管为解决这一问题作出一些努力，监测组在本任务规定期间发现，对索马里索马里国民军的国际支持缺乏协调。监测组收集的证据还表明，一些捐助者大批供应给索马里国民军的口粮也遭到广泛挪用。最后，监测组感到忧虑的是，如果未能适当考虑部族成分并确保对军队进行严格监督，培训方案可能在无意中导致对和平与安全的潜在威胁(见附件 2.5)。

54. 监测组关切的是，如果不能推进实质性的改革，并认真考虑其总体结构和组成，索马里国民军本身就可能会对索马里的和平、安全与稳定构成威胁。关于监测组在本任务规定期间对索马里国民军的调查结果，更多详情载于附件 2。

邦特兰安全部门

55. 监测组关切地注意到，邦特兰行政当局在支付安全部队薪金方面持续面临困难。在本任务规定期间，邦特兰军人就欠饷问题举行抗议，邦特兰国防部队负责

²⁸ 财政部坦承，由于前几年所作的预算估算不够现实，许多部队的薪金已拖欠数月。非索特派团从索马里南部和中部的战略阵地撤出同样令人不安。

²⁹ 2016 年 4 月和 9 月在基斯马尤和内罗毕与安全部门支助工作人员的约谈。

人威胁说，如果军队和警察仍然无法拿到薪金，他就辞职。³⁰ 行政当局应对预算危机的措施更加令人关切：行政当局向安全部队和公务员支付了新印制的假币，造成该地区内外的通货膨胀，破坏了稳定(见附件 4.1)。

56. 部分出于减轻财务负担的考虑，邦特兰行政当局在 2015 年 4 月与联邦政府达成了一项协议，以把 3 000 名邦特兰军事人员并入索马里国民军。但是，协议执行工作进展缓慢。³¹ 在本任务规定期间，邦特兰还面临其他一些安全挑战，包括 2016 年 3 月青年党的两栖入侵(见附件 1.5)和一位前州长发动的叛乱(见附件 8.10)，这使得加快这一整编项目更加必要。

C. 搅局政治

57. 监测组在 2015 年报告(S/2015/801)中指出，青年党和族群间冲突所构成的威胁，可以日益归因于政治行为者没有能力通过包容透明的政治进程解决腐败问题，藉此促进和解。在本任务规定期间，获取和确保政治资源在很大程度上仍然优先于建立有效的治理形式和努力实现地区间和地区内和解。

58. 由于在确定领土共同边界方面没有取得任何进展，邦特兰和加勒穆杜格临时行政当局之间的关系仍然十分紧张。2015 年 11 月 22 日，由于在将城市分为两半的加勒卡约“绿线”附近修建公路，双方迅速调动部队，发生了短暂而又激烈的暴力冲突，造成约 20 人死亡、120 人受伤，当地约有 9 万人暂时流离失所(见附件 7.4，第 39-43 段)。

59. 加勒穆杜格临时行政当局仍然时常面临来自北部的“先知的信徒”组织加尔古杜德派的暴力反抗，后者继续控制着对首都杜萨马雷布和周边地区。2015 年 9 月和 2016 年 3 月，双方在爆发冲突后两次试图通过谈判达成一项政治解决方案，但无果而终。“先知的信徒”组织派别积极参与 2011 年和 2012 年的《加罗韦原则协定》谈判，根据该协定成立了自 1991 年国家崩溃以来索马里第一个非过渡政府。但是，由于被排除在地区领导人谈判之外，该派不再积极参与 2016 年的联邦过渡进程。

60. 西南临时行政当局巩固了在拜多阿的权力，但该市在很大程度上仍然孤立于该地区其他地方。行政当局对下谢贝利州的广泛冲突几乎已经失去控制力(见附件 7.6，第 58 段)。由于未能以令人满意的结果吸收 Aulihan(欧加登/达罗德)社群加入新成立的地区议会，“上巴科勒州”宣布独立。2016 年 8 月，由 Mohamed Abdi

³⁰ 见“Somalia: Puntland soldiers stage protest over unpaid salaries”，Garowe Online, 11 June 2016，可查阅：www.garoweonline.com/en/news/puntland/somalia-puntland-soldiers-stage-protest-over-unpaid-salaries；“Puntland army chief threatens to resign if the forces are not paid”，Goobjoog News, 28 September 2015，可查阅：<http://goobjoog.com/english/?p=20011>。

³¹ 监测组了解到，这 3 000 个名额中有 600 个预留给了邦特兰安全部队，这是一支由美国训练的精英部队，驻扎在博萨索。其余的 2 400 个名额将分配给目前正在接受审查的邦特兰正规军；监测组 2016 年 9 月 2 日在内罗毕与邦特兰总统办公厅主任 Deeq Yusuf 的约谈。

Affey 率领的政府间发展管理局代表团试图修复双方关系未果，但分离地区继续宣称独立，尽管这可能只是为了最终在西南临时行政当局获得更大的代表性。

61. 由欧加登部族(达罗德)主导的朱巴临时行政当局于 2015 年 3 月启动相对成功的和解进程后，在将马雷汉部族(达罗德)代表纳入其新设立的地区议会和内阁方面取得切实进展。但是，朱巴临时行政当局仍然是想要成为联邦成员州、但还有一整个州被青年党控制的唯一行政当局——截至本报告编写时，整个中朱巴州仍然处于青年党的控制之下。由于过度依赖日益减少的非法木炭贸易收益来维持政治稳定和给驻 Ras Kamboni 的地区安全部队发放薪金，朱巴行政当局如不能实现收入来源的多样化或获得更多的外部援助，就可能很快将在该国历史上争夺最激烈的城市基斯马尤面临越来越多的挑战。³²

62. 截至编写本报告时，通过合并希兰州和中谢贝利州建立最后一个地区行政当局的进程仍在继续，虽然这一进程早在监测组上一任务规定期间即已启动。占主导地位的部族之间就行政当局组建会议的地点和由谁出任新的行政当局主席产生了纷争，导致各个利益攸关方退出这一进程和一再发生拖延。监测组收到的多份报告指出，联邦政府企图操纵这一进程，这和组建加勒穆杜格州临时行政当局时的情形类似。截至编写本报告时，尽管有关方面试图在乔哈尔重新启动会议，但有报告显示，希兰州的长老仍主张继续搁置，直至联邦过渡进程完成为止(见附件 3.1)。

63. 联邦政府在成立后的头三年基本忽视了 2016 年的过渡期，最后不得不公开承认“一人一票”的民主选举不可能在 2016 年 10 月实现。由于政治空间日益受到限制，随后一年的过渡谈判被联邦政府和新成立的国家领导论坛里的现有地区行政当局(不包括索马里兰)的领导人所主导。

64. 民间社会在很大程度上被排除在这一进程之外，反对派团体则经常报告说，有人企图阻碍政治辩论。监测组收到的报告称，媒体网络要么受到威胁，不得对该进程进行负面报告，要么遭到收买，支持现任领导人的竞选。³³ 由于议会下议院成员的甄选再次采用“4.5 模式”引发了争议，专家组还收到多份报告称，有人企图操纵负责启动这一进程的 135 位“部族长老”的名单。监测组感到关切的是，如果过渡进程被广泛视为非法，特别是如果国家领导论坛的成员继而赢得选举，那么，随着更多社群退出更广泛的建国项目，族群间冲突将会增加(见附件 3.2)。

D. 公共财政管理和挪用公款行为

公共财政管理

65. 资源分配不平等、腐败现象和联邦政府无法为提供基本安全筹集资金等问题，是索马里形势持续不稳的根本原因。索马里中央银行采取的经济正规化和调控举措

³² 关于当地木炭经济的更多资料，见下文第六节。

³³ 2016 年 7 月和 8 月在内罗毕和摩加迪沙与总统候选人和联邦间接选举执行工作队成员的约谈。

取得一定的成果，但未能阻止经济与全球金融市场渐行渐远。由于国家债务超过国内生产总值以及联邦政府苦于应对财政机构效率低下问题，索马里仍然是世界上最贫穷、最腐败的国家之一。³⁴ 中央银行准许营业的六家商业银行仅在城市地区开办业务，虽然颁发此类营业执照的前提是这些银行愿意在农村地区开办业务。³⁵ 中央银行行长认为，银行不能提供商业贷款，是索马里经济增长的最大障碍。³⁶

66. 索马里经济在很大程度上仍然以现金为基础，所有重大交易都是以美元进行的。最后一批索马里先令纸币是在 1990 年印制的，当前流通的货币绝大多数都是伪造的。然而，令人惊讶的是，汇率一直保持稳定，约为 23 400 至 23 600 索马里先令兑换 1 美元。但是，2016 年 5 月初，加罗韦和博萨索发生了抗议商品价格飙升的暴力示威。设在博萨索的邦特兰国家银行的印钞机被用来印钞，支付公务员和安全部队的欠薪，结果在当地引发通货膨胀，汇率后来在 5 月上升到每 30 000 索马里先令兑换 1 美元。地方当局采用固定汇率之后，抗议活动平息。³⁷ (见附件 4.1)

67. 美元假钞的流通仍在破坏索马里的财政稳定。虽然假币的质量仍然很差，但犯罪分子利用假币从事各种犯罪活动屡屡得手。2016 年 8 月，中央银行的分行经理和出纳将保管库中面值 100 美元的真钞换成假钞，侵吞了 530 000 美元(见附件 4.2)。

68. 2016 年 5 月，索马里中央银行和国际货币基金组织的代表在坎帕拉就索马里先令的货币改革问题开启谈判。虽然监测组承认，中央银行已经作出努力，货币改革可能有利于促进索马里经济和实现经济正规化，但 2017 年初开始印制新货币的公开时间表似乎过于雄心勃勃。³⁸ 国际货币基金组织已宣布不会为这一进程提供财政支持，估计高达 4 500 万美元的改革成本将由联邦政府独自承担。³⁹

69. 2015 年，侨居国外的索马里人通过地下汇款公司向索马里汇出至少 12 亿美元。⁴⁰ 在本任务规定期间，监测组多次约谈地下汇款公司经纪人，以评估其所

³⁴ 国内生产总值：54 亿美元；国债：56 亿美元。统计司(2014 年)：191 个国家中排名第 191 位的最贫困国家。世界银行集团(2015 年)：183 个国家中排名第 172 位。统计数据中未能反映的汇款收入可将人均收入调高 20-40%。在透明国际组织发布的 2015 年清廉指数中，索马里和朝鲜民主主义人民共和国的得分均为 8/100。

³⁵ 这些银行是阿迈勒银行集团、Dahabshiil 国际银行、索马里国际银行、萨拉姆索马里银行、Premiere 银行和非洲信托银行。

³⁶ 2016 年 5 月在内罗毕与中央银行行长阿里·巴希尔·伊萨的约谈。

³⁷ 买入价为 23 600 索马里先令兑换 1 美元，卖出价为 1 美元兑换 23 400 索马里先令。

³⁸ 见 Felix Njini, “Somalia intends to print its own currency by early next year”, Bloomberg, 27 May 2016。可查阅：www.bloomberg.com/news/articles/2016-05-27/somalia-intends-to-print-its-own-currency-by-early-next-year。

³⁹ 2016 年 8 月 13 日在内罗毕与联邦政府代表的约谈。

⁴⁰ 见世界银行集团：《索马里经济最新情况：2015 年 10 月》。可查阅：www.worldbank.org/content/dam/Worldbank/document/Africa/Somalia/somalia-economic-update-october-2015.pdf。

使用的合规和监测工具。⁴¹ 汇款仍然是许多索马里人至关重要的生命线，特别是对于生活在农村地区的人。但是，由于地下汇款公司和经纪人缺乏实施监测系统和基本尽职调查措施的动力，与国际监管机构采取的额外监管措施形成鲜明对照，因此许多国际银行都关闭了地下汇款系统的账户。在为保持汇款渠道畅通开展持续努力后，一些银行已同意继续与地下汇款公司打交道。

70. 监测组进行的约谈和调查表明，索马里当局在对受制裁的个人和实体执行资产冻结方面存在能力上的差距。地下汇款公司经纪人要么不具备适当的监测工具，要么干脆选择不使用这些工具。另一个严重缺陷是，在索马里支付汇款的地下汇款公司经纪人不了解其客户。他们可能会要求出示身份证明，但他们会向汇款人指定的移动电话号码持有人支付汇款，而不管收款人的真实姓名。由于个人的姓名拼写不同和缺乏可核实的身份证件，多数交易以收款人的电话号码为凭据。监测组认为，这对于执行安全理事会实行的资产冻结措施有着重大的负面影响。⁴²

71. 索马里的金融情报机构(财务报告中心)成立于 2016 年初。这个新设立的机构由两名雇员构成，是在中央银行内办公的独立机构。2016 年 5 月由总统签署的《反洗钱和打击资助恐怖主义法》规定了该机构的任务。新的立法旨在满足金融行动任务组的大多数要求。⁴³ 此外，这项法规还载有关于出入境货币申报、冻结资产、建立金融情报机构、设立国家反洗钱和打击资助恐怖主义委员会等条款。虽然新的法规和财务报告中心的成立都是积极的事态发展，但监测组对执行新立法时可能面临的多重困难表示关切。这些困难包括缺乏资源和机构能力、缺乏国际合作网络、未来的报告实体(如地下汇款公司和其他非正式货币或价值转移服务商)可能不合规等。监测组还表示关切对立法最后文本的改动，在作出改动后，将提名财政部长而不是中央银行行长担任反洗钱和打击资助恐怖主义委员会主席，但财政部又是一个报告实体，其中明显存在利益冲突。

公共合同和特许权

72. 2016 年 8 月，总统签署了新的《公共采购、特许权和处置法》，设立了一些新的公共机构，以期提高透明度。根据现有条例，任何超过 500 万美元的合同应向公众披露，由临时国家采购委员会核准，并提交金融治理委员会审查。监测组发现一些新的公共合同并未遵循这些原则。

⁴¹ 2016 年 2 月至 6 月在迪拜、摩加迪沙、赫尔辛基、伦敦、明尼苏达(美国)和斯德哥尔摩进行的约谈。

⁴² 虽然委员会制裁名单上的识别资料包括姓名和化名，但条目缺少充分的识别资料，不足以高效率地针对受制裁人执行资产冻结措施。此外，汇款公司和移动货币服务提供商没有采取足够的措施来遵守资产冻结措施。

⁴³ 负责制定标准及促进有效执行法律、监管和业务措施以打击洗钱和资助恐怖主义行为的政府间机构。索马里不是金融行动任务组或其附属机构东部和南部非洲反洗钱小组的成员。

73. 监测组了解到, 财政部长穆罕默德·易卜拉欣·亚丁于 2015 年 9 月 15 日与公共服务智能公司签署了一项协议, 授予该公司在索马里征收道路税的特许权。2016 年 4 月, 他在萨拉姆银行开户收集公共服务智能公司缴纳的税款, 但根据索马里立法, 所有这些收入应转交中央银行。审计长 Nur Farah Jimale 介入此事后, 易卜拉欣部长授权公共服务智能公司直接通过其代理人收缴税款(见附件 4.3, 图 1、2、4 和 6)。

74. 2016 年 7 月 22 日, 易卜拉欣部长发函, 授权现代技术有限公司直接收缴税款。穆罕默德·赛义德·赫西法拉(又名“Suldan”)代表该公司签订了合同(同上, 图 7-8)。

75. 让监测组还感到关切的是, 联邦政府同负责管理摩加迪沙港和亚丁-阿德国际机场的两家土耳其公司签订了不够透明的公共合同。摩加迪沙港管理合同于 2016 年 3 月由财政部和 Albayrak Turizm Insaat Ticaret A.S. 重新谈判达成, 联邦政府能否有效创收受到质疑(同上, 图 14)。⁴⁴ 联邦政府同 Favori LLC 公司签订的机场管理合同似乎是一份技术性不够强的合同遭到一家私营公司利用的另一例证。⁴⁵

76. 关于联邦政府同奇努克人城市采矿国际公司之间的合约流产的情况, 请参见附件 4.4。

电信部门

77. 具有竞争性的电信市场由在索马里南部和中部运营的霍木德电信公司主导。⁴⁶ 霍木德电信公司在索马里占有 45% 的市场份额, 有 6 000 多名雇员和 5 000 多名股东。它还参加了在索马里兰和邦特兰运营的一个企业集团。

78. 对电信公司(包括对汇款服务提供商)的监管不足, 可能会威胁到索马里的和平与安全。青年党人员主要通过霍木德电信公司的 EVC-PLUS 汇款服务支付薪酬。⁴⁷ 据联邦政府的消息来源称, 霍木德电信公司在分享资金转移记录的数据方面拒绝合作(见附件 4.5)。

私占公共土地

79. 根据监测组的记录, 摩加迪沙在 2014 年至 2016 年期间多次发生挪用公共土地进行私人交易的情况。各部委持有的公共土地历来由巴纳迪尔州行政当局分配, 转为私人所有, 这一情况至少自哈桑·穆罕默德·侯赛因(又名“Mungaab”)2014

⁴⁴ 尽管由索马里执法机构负责港口的安全保障, 该合同允许该公司每月扣除 60 000 美元用于安保。

⁴⁵ 金融治理委员会多次建议重新谈判该协议; 联邦议会于 2014 年 5 月 27 日正式对该承包商的遴选程序提出反对意见, 但联邦政府未接受这些建议。

⁴⁶ 美国外国资产管制处 2012 年宣布制裁霍木德电信公司。由于据称与青年党有关联, 该公司的主要股东 Nur Jim'ale 受到联合国制裁。2014 年, 这两项制裁均被取消。

⁴⁷ 2016 年 2 月在摩加迪沙与被拘青年党成员的约谈。

年 2 月就任州州长以来一直如此。据广泛报导，他在行政当局任职期间直接利用重新分配公共土地转为私有的机会，从中牟利。⁴⁸

80. 2016 年 7 月 28 日，奥马尔·阿卜迪拉希德·阿里·舍马克总理颁布一项设立保护公共财产委员会的法令，由该委员会负责收集有关目前内阁各部及其下属机构所拥有财产和被非法私占的公共土地的数据。这项法令已发给所有内阁部长、总检察长、议长和总统办公室，命令所有内阁部委和下属机构停止授权出售或租赁公共土地，除非出售或租赁条款已由总理办公室审查并获得内阁批准。⁴⁹

81. 关于在摩加迪沙私占公共土地的详情和证据，详见附件 4.6。

E. 自然资源

82. 自然资源开采继续对索马里和平与安全构成威胁。在上一次报告中，监测组对索马里各地区族群之间围绕获得土地和水源发生的冲突加剧表示关切 (S/2015/801, 第 30-32 段)。这依然是一个风险，在索马里南部尤其如此，因为在肯尼亚决定关闭 Dadaab 难民营后，难民回返可能使本已稀缺的资源受到更大压力。在资助冲突问题上，青年党已越来越依赖来自对非法蔗糖贸易、农业和畜牧业的征税所得，有鉴于来自木炭的收入减少，这种情况尤其突出。关于自然资源治理问题，尽管在石油和天然气部门取得了进展，但尚未建立适当的管制框架和执行体制。最后，肯尼亚与索马里之间持续存在海上边界争端，此事攸关大量石油和天然气储备的所有权。争端的解决方式可能对肯尼亚与索马里之间的关系产生重大影响，从而也影响到该地区的和平与安全。

青年党的筹资活动

83. 在本任务规定期间，青年党更加依赖于来自对非法的蔗糖贸易、农业生产和畜牧业的征税所得，尤其是因为来自木炭的收入已经减少。监测组以前的估计是，青年党从索马里南部的检查站获得收入，在这些检查站对从基斯马尤港进入肯尼亚的非法蔗糖贸易按每辆卡车 1 000 美元收税，但新的资料显示，青年党后来增加了对下朱巴州大型民用卡车的税收，按每车 1 500 美元的税率收税(见 S/2015/801, 第 93-94 页)。⁵⁰ 一项估算指出，非法蔗糖贸易的数量可能高达每周 230 卡车。⁵¹ 这可能为青年党每年提供相当于 1 200 到 1 800 万美元的收入。在上一次报告中，监测组援引了国家情报与安全机构的一项估算，认为青年党从对下朱巴谷农业生

⁴⁸ 2015 年 12 月至 2016 年 8 月在摩加迪沙和内罗毕与巴纳迪尔地区行政当局前工作人员、联邦政府现任和前任官员以及国际机构工作人员的约谈。2016 年 8 月 11 日，“Mungaab”被正式任命为司法部长。

⁴⁹ 联邦政府向监测组发送了该法令的一份副本，已在秘书处存档。

⁵⁰ S/2015/801, 第 93-94 段；一名联合国工作人员的电子邮件来文，2016 年 6 月 1 日。

⁵¹ 见 Journalists for Justice, “Black and White: Kenya's Criminal Racket in Somalia”, 2015 年 11 月，可查阅：<http://www.jfjustice.net/downloads/1457660562.pdf>。

产的征税中获得 950 万美元的收入(S/2015/801, 脚注 56)。同时, 畜牧业占索马里面国内生产总值(国内总产值)的 40%, 2015 年出口总值达到 3.84 亿美元, 因此, 这很可能是青年党大量收入的来源。⁵² 可是, 在中谢贝利州、加尔古杜德州和穆杜格州发生了许多当地人抵抗青年党越来越严苛的征收畜牧税的事件, 导致了平民和部族民兵之间的冲突, 这也显示青年党向当地民众逼税的能力是有限度的。⁵³

自然资源管理: 石油

84. 石油和矿产资源部部长在 2016 年 2 月 2 日与监测组的会谈中指出了 2016 年的三个核心优先事项: 索马里联邦政府与国州达成一项自然资源收益分享协议; 制定一项示范生产分享协议; 编纂一个追溯到 1991 年以前不可抗力索赔的索马里使用权特许中央登记册。在世界银行和非洲开发银行非洲法律支助基金的帮助下, 完成了一项新的示范生产分享协议, 现已发送到财政治理委员会供进行保密审查, 截至编写本报告时, 审查仍在进行。尽管没有达成一项全面的收益分享协议, 但索马里联邦政府已经与加勒穆杜格临时行政当局和西南临时行政当局达成双边石油收益分享协议, 但没有与朱巴临时行政当局和邦特兰达成协议。⁵⁴ 在建立一个石油特许权中央登记册方面进展甚微。

联邦政府与各地区的关系

85. 在索马里石油工业内发生争执的一个可能根源是, 索马里联邦政府与各地区之间没有对收益分享和开发权作出明确规定。2015 年 9 月 5 日, 索马里联邦政府与 Spectrum ASA 公司签署了一项关于近海地震勘测合同(见附件 5.1)。⁵⁵ 并未与索马里联邦政府达成收益分享协议的朱巴临时行政当局和邦特兰两方均强烈反对这一协议。2015 年 12 月 24 日, 朱巴石油管理署代理署长 Abdi A. Raghe 在给 Spectrum 公司副总裁 Graham Mayhew 的信中表示, 在没有朱巴临时行政当局批准的情况下开展地震勘测作业将“带来严重后果, 包括没收地震勘测船只和拘押相关人员”。⁵⁶

⁵² 见粮农组织, “索马里出口 530 万头牲畜, 2015 年增长 6%”, 2016 年 4 月 14 日, 可查阅: <http://www.fao.org/somalia/news/detail-events/en/c/410266/>。

⁵³ 见 Cedric Barnes, “Somalia’s Al-Shabaab Down but Far from Out”, 2016 年 6 月 27 日, 可查阅: <https://www.crisisgroup.org/>; “Minister: 22 killed as residents, Al shabaab clash over Zakah”, 谢贝利新闻, 2016 年 2 月 22 日, 可查阅: <http://www.shabellenews.com/>; “Locals clash with Al-Shabaab over alms collection, 4 people killed”, Goobjoog News, 2016 年 5 月 11 日, 可查阅: <http://goobjoog.com>。

⁵⁴ 石油与矿物资源部在 2016 年 8 月 22 日给监测组的答复(S/AC.29/2016/SEMG/OC.82)中向监测组提供了与贾穆杜格临时行政当局和西南临时行政当局达成的有关石油的收益分享协议案文。

⁵⁵ Spectrum 公司, “Spectrum signs Seismic Data Agreement to Kick-Start Oil Exploration Offshore Somalia”, 2015 年 9 月 7 日, 可查阅: <http://www.spectrumgeo.com/press-release/ground-breaking-seismic-data-agreement-to-kick-start-oil-exploration-offshore-somalia>。

⁵⁶ 此信可在以下网页查阅: <http://jubalandtv.com/wp-content/uploads/2015/12/Protest-Letter-to-Spectrum-.pdf>, 于 2016 年 9 月 16 日查看。

同样,邦特兰石油和矿业管理署署长 Issa Mohamud Farah 在 2016 年 2 月 18 日的一项新闻声明警告说,“邦特兰安全部队将登上这些公司非法进入邦特兰水域的任何船只,并将随后逮捕这些船上的船员。”这些争议归因于有关自然资源开发的各项权利和义务的分配模糊不清,包括 2008 年《石油法》和 2012 年《临时宪法》之间存在无法调和的矛盾。

Soma 石油和天然气控股有限公司

86. 在上一个任务规定期间,监测组对 Soma 石油和天然气控股有限公司(Soma)进行了大量调查,事涉该公司通过一项石油与矿物资源部能力建设方案行贿的方式从事腐败活动并破坏国家体制(见 S/2015/801,第 48-51 段和附件 2.5)。英国严重欺诈办公室最初依据监测组提供的证据,在 2015 年 7 月 31 日就 Soma 公司在索马里从事腐败活动的指控立案调查。2016 年 8 月 17 日,Soma 公司要求对这项调查进行紧急司法审查,但以败诉告终。Soma 公司以该公司在调查完成前面临破产的风险,“调查对该公司的存在构成生存威胁”为由,要求中止这项调查。在司法审查中,严重欺诈办公室透露,该办公室自 2015 年 12 月以来还在调查 Soma 公司在石油与矿物资源部能力建设方案以外的“严重犯罪行为”。⁵⁷

87. 同时,2016 年 7 月 25 日至 28 日,Soma 公司和石油与矿物资源部在内罗毕进行了初步谈判,以便达成一项涵盖在至少八个区块内进行勘探和开发生产共享的合同。8 月 22 日,监测组写信给该部,对尚未建立石油勘探和开发所必需的管制框架和执行机构表示关切。依然需要最后确定示范性生产共享协议,以便使《石油法》与《临时联邦宪法》相一致,达成一项全面的收益共享协议,并建立职能机构,尤其是建立索马里石油管理局,由其负责实施示范生产共享协议。此信还对 Soma 公司仍然受到刑事调查表示关注(见 S/AC.29/2016/SEMG/OC.82)。在 2016 年 8 月 26 日收到的答复中,该部承认目前不具备就石油勘探和开发的合同进行谈判的技术能力,例如石油经济学家与合同谈判人员等,并表示已请求世界银行提供进一步帮助。2016 年 9 月 5 日,哈桑·谢赫·马哈茂德总统发布了一项总统令,其中规定在即将举行的选举之前,索马里联邦政府将不会签订任何新合同,从而实际再次推迟了与 Soma 公司的谈判。

肯尼亚与索马里的海上争端

88. 正如监测组在 2013 年的报告中指出的,肯尼亚与索马里之间的海上边境争端可能对区域和平与安全产生重大影响。有争议海域地处印度洋中的三角形领海,面积大约为 100 000 平方公里,石油和天然气储量很可能达到商业开发的规模。肯尼亚主张,海上边境应当与纬线平行(南纬 1 度和 2 度之间),而索马里却主张,边界应当

⁵⁷ Suzi Ring, “Soma loses U.K. Court Bid to Force SFO to End Bribery Probe”, 彭博社, 2016 年 8 月 17 日。可查阅: <http://www.bloomberg.com/news/articles/2016-08-17/soma-loses-u-k-court-bid-to-force-sfo-to-end-corruption-probe>。

作为陆地边界的延伸,从海岸朝东南方向延伸。肯尼亚把索马里过渡联邦政府于 2009 年 4 月签署的两国备忘录作为支持本国立场的证据。可是,索马里议会并没有批准该备忘录,联合国在 2010 年 3 月表示,该备忘录“无法执行”。2012 年,肯尼亚向国际石油公司(例如 Anadarko 石油公司、道达尔和埃尼公司)发放了在有争议海域内进行近海勘探的许可证(见 S/2013/413, 附件 5.5, 第 27-30 段, 及附件 5.5.k)。

89. 在解决海洋争端的外交谈判显然失败之后,包括联邦政府表示反对肯尼亚放在有争议海域内进行勘探的许可,索马里于 2014 年 8 月 28 日向国际法院提出起诉。肯尼亚于 2015 年 11 月 7 日提出了初步反对立场。肯尼亚司法部长在了一项声明中将这一有关海洋争议的案件与其他双边问题明确联系起来。他表示:“肯尼亚士兵与青年党开展斗争。肯尼亚公民遭受恐怖主义袭击。在近 25 年的时间里,肯尼亚接纳了 50 多万名索马里难民。肯尼亚对索马里的最低期待就是该国能够履行双边协议”。⁵⁸ 国际法院已安排在 2016 年 9 月 19 日至 23 日举行公开审理。

三. 对人道主义援助的阻碍

A. 人道主义援助准入⁵⁹

90. 安理会在第 2244(2015)号决议第 22 段中再次要求所有各方允许全面、安全和不受阻碍地进出并为此提供方便,以便及时把人道主义援助送交给索马里各地需要援助的人。然而到 2016 年初,人道主义援助合作伙伴在实际进入索马里南部和中部 28 个区时依然面临严重困难。⁶⁰ 最大的障碍来自青年党的经济封锁,尤其是在巴科勒、拜州、盖多和希兰,青年党包围了反对青年党力量所控制的城镇和地区,并阻止货物和人员流动,包括人道主义工作人员和救济用品的流动。⁶¹ 其他国家和非国家武装行为体也带来一些挑战,安全部门各自为政、权力主张重叠和指挥及控制不力造成非法检查点泛滥,致使主要供应路线越来越无法通行。

91. 监测组在 2015 年报告,全国各地各级权力机构继续存在的官僚主义障碍阻碍了人道主义援助,而联邦政府无法在地区和县一级对管制人道主义行动行使中央控制,从而使这一问题更加严重(见 S/2015/801, 附件 5.2, 及本报告附件 6.1)。

⁵⁸ 见 Koome Kimonye, “Kenya challenges Somalia's case on Indian Ocean Boundary”, Citizen Digital, 2015 年 10 月 7 日,可查阅:<https://citizentv.co.ke/news/kenya-challenges-somalias-case-on-indian-ocean-boundaries-102623/>; 和 Olive Burrows, “Somalia thankless, AG says over maritime boundary law”, Capital FM, 2015 年 10 月 8 日,可查阅: www.capitalfm.co.ke/news/2015/10/somalia-thankless-ag-says-over-maritime-boundary-row/。

⁵⁹ 拒绝给予人道主义准入造成人道主义援助无法自由通行或及时送到需要援助者手中,还包括蓄意袭击人道主义工作人员的行为。

⁶⁰ 见人道主义事务协调厅 2016 年 7 月 28 日发布的关于索马里的人道主义公报。索马里有 90 个行政区。

⁶¹ 2016 年 3 月 3 日在拜多阿与拜州州长的约谈; 2016 年 3 月至 8 月在摩加迪沙与人道主义工作人员的约谈。见附件 6.1 中的讨论。

在本任务规定期间，由于越来越多的各种行为体，其中包括安全机构，试图对人道主义行动的所有方面行使权力，造成这些阻碍的事件有所增加。这一情况给援助交付造成延误和中断，在有些地方完全阻碍了援助准入。

B. 对人道主义工作人员的袭击

92. 2014 年至 2015 年之间，对索马里境内的人道主义人员的袭击增加了一倍，并有 17 人丧生。⁶² 但在本任务规定期间，由于没有发生造成大量人员伤亡的单一袭击，直接由于参与人道主义行动而丧生的人道主义工作者的总数有所减少。⁶³ 然而，自上次任务规定期间以来，伤及人道主义工作者的安全事件的绝对数量有所增加，增加了人道主义行动的总体危险。⁶⁴ 对平民的武装暴力严重程度总体增加，也影响到人道主义工作人员(见附件 6.2)。虽然他们每天面临冲突各方和所有政治行为体及政府行为体的袭击、威胁和骚扰，但大多数图谋害命并造成致命后果的袭击都是青年党所为。

C. 人道主义援助物资的转用和挪用

93 越来越多的各种行为体，特别是在地区一级，为了谋求政治或经济利益，企图操纵人道主义行动和行为体，因此需要不断进行谈判。同样，监测组在本任务规定期间收到的资料表明，在人道主义援助整个过程中的任何环节均有捐助方的把关人、承包者中间人、直至官方机构和地方领导人转用援助物资的情况。在一些地方，一个小圈子内的人，有时甚至是单独一人通过独揽政治权力、财政资源及动用武力，牢牢控制了人道主义行动，从而在许多方面构成了一种犯罪卡特尔。⁶⁵ 有一些迹象表明，由于在选举进程中围绕权力和资源进行的谈判涉及到更多的利益，就促动了对人道主义援助资源的挪用，在地区当局与人道主义捐助方的互动中尤其如此。例如双边援助的分配仍然特别容易受到操纵(见附件 6.3)。

94. 与此同时，联合国和非政府组织的实体进一步加强了援助分配的监督办法，其中包括电话联系中心、卫星图像、电子档案评估、采用生物鉴别技术进行受援助者登记等，而且还增加了新的遵守规定要求。⁶⁶ 为此，还尽力审查整个索马

⁶² 2016 年 1 月 29 日一名联合国工作人员的电子邮件。

⁶³ 2015 年 4 月 20 日，在加罗韦有人使用人体携带简易爆炸装置袭击一辆联合国儿童基金会的小型公共汽车，致使 6 人丧生。

⁶⁴ 据联合国指出，2016 年上半年有 80 多起伤及人道主义工作者的安保事件记录在案：包括 5 人死亡、8 人受伤、10 人被捕、3 人被绑和 5 人受到殴打。见人道主义事务协调厅印发的人道主义简报，2016 年 7 月 28 日。

⁶⁵ 见附件 7.8 中关于在 Doolow 活动的卡特尔情况的讨论。乔哈尔和贝莱德文存在类似的网络，但 Doolow 在控制的彻底性和使用暴力实施控制的能力方面属于最连贯、力度最大的之列。

⁶⁶ 例如，2015 年 2 月，世界粮食计划署启动了名为“SCOPE”的受援者数码登记，含有生物身份鉴别的记录，从而采用生物特征控制来管理援助资源的分配。截至 2016 年 7 月，已对 130 万人进行登记。

里人道主义援助系统——并考虑到其社会、文化和政治经济因素，因为这一系统已经把转用援助资源当作业务模式中的内在要素。⁶⁷ 一些联合国机构还在发现欺诈后如何解决欺诈难题方面取得长足进展(见同上)。⁶⁸ 然而，那些执意转用援助资源的人有很高的适应能力：他们掌握了新的风险监测机制中一些环节，并利用这些环节进行挪用(见同上)。因此，尽管总体风险环境几乎没有变化，但令人失望的是，联合国各实体对坚定维护 2013 年以来制定的集体风险管理和问责制措施的决心显得越来越弱。⁶⁹

四. 涉及袭击平民的违反国际人道主义法行为

A. 青年党

95. 本任务规定期间发生的大量定点击杀要么由青年党声称负责，要么被归咎于青年党。受害者包括政府官员和公务员(从县到联邦一级)、国际机构工作人员(包括联合国工作人员)、民间社会活跃人士和记者。青年党在 2015 年 12 月 30 日的声明中宣布，今后的袭击将特别针对安全官员和公务员。⁷⁰ 青年党在后来声明中对参与 2016 年选举的议员和个人、联合国和支持选举过程的西方行为体发出明确威胁。

96. 在本任务规定期间，对旅馆和餐馆等“软性”平民目标的复杂袭击有所增加，尤其在摩加迪沙、拜多阿和北加爾卡尤，造成大量伤亡(见附件 7.1)。⁷¹

97. 青年党经常把绑架作为控制民众的一种手段，包括针对与国家协作行为、惩罚某个社区或维持征税。⁷² 监测组在 2015 年报告(S/2015/801)中指出，有时在青

⁶⁷ 例如，见在透明国际领导的索马里南部“在紧急情况下加强问责制和透明度的集体解决方案”个案研究过程中进行的研究。这项研究的目标是提出证据依据，涉及在索马里南部提供人道主义援助方面的腐败风险和预防及(或)缓解措施。预计研究结果将于 2016 年 10 月公布。

⁶⁸ 联合国各机构在发现转用援助资源时没有能力采取果断行动，这是造成索马里境内人道主义援助制度中有罪不罚现象周而复始的一个主要因素。见 S/2014/726，附件 7.6 和 7.7。

⁶⁹ 然而，应当指出，一些机构在集体行动减少之时加强了个人努力。见附件 6.3。

⁷⁰ 见“Al Shabaab Oo Dilal iyo Qaraxyo Ugu Hanjabtay Saraakiisha iyo Jawaasiista DF-ka Ee Ku Sugan Magaalada Muqdisho”，SomaliMemo，2015 年 12 月 30 日。可查阅：<http://somalimemo.net/articles/4131/Al-Shabaab-Oo-Dilal-iyo-Qaraxyo-Ugu-Hanjabtay-Saraakiisha-iyo-Jawaasiista-DF-ka-Ee-Ku-Sugan-Magaalada-Muqdisho>。

⁷¹ 青年党在一次声明中宣布，旅馆是正当的袭击目标，因为旅馆被政府官员及其同盟用来策划对索马里人民的伤害。

⁷² 例如，2016 年 6 月 12 日，13 个当地长老被青年党从中朱巴州的 Ganbole Sharw 绑到了希兰州的 Sharw。他们在 7 月 25 日最后期限之前缴付了一笔“税款”并同意定期缴付天课之后最终获释。监测小组的信息来源人士与中朱巴州政府官员的约谈，以电子邮件通讯方式转送，2016 年 8 月 8 日。

年党的绑架事件后发生政府部队对青年党家庭成员的绑架。青年党还处决涉嫌与敌人“勾结”的平民，特别是在非索特派团和索马里国民军撤离后。⁷³

98. 面对越来越重的财政压力，青年党日益依赖针对平民动用暴力来确保支付税收和天课，违背民众意愿进行招募(见附件 6.3)。与此同时，青年党还试图展现一种法律和秩序的正当仲裁者的形象，声称自行对其他部队所犯的侵权行为进行调查，解除部族民兵的武装，并举行和平谈判。

99. 随着青年党扩大争夺地盘的行动，那些无论是出于部族原因或其他原因而被认为与青年党有牵连的境内流离失所者、难民和其他人，在袭击发生后有时成为地方社区发泄怒气的主要对象。例如，在北加尔卡尤，境内流离失所者和收容社区之间在过去保持良好关系，一些政府官员也敦促力行克制，但是，在被认为是青年党所为的一系列谋杀事件发生后，这都没能让境内流离失所者、难民和外来者免遭杀害。⁷⁴

B. 联邦和地区安全部队及当地民兵

100. 监测组收到多份报告，指出联邦和地区安全部队及地方民兵为了勒索、实施部族报复，或达到政治目的而涉入侵害平民行为，包括在路障处的行为、非法拘留或法外处决。

101. 在一些情况下，索马里国民军和地区部队加入了族群间冲突，从而加剧了平民遭受的危险。但是，监测组前两份报告中记载的联邦政府部队大规模袭击平民事件并没有重复发生(S/2015/801，附件 6.3；S/2014/726，附件 8.1 和 8.2)。然而，潜在的争夺资源冲突和安全部队缺乏有效的中央指挥和控制虽然是这些袭击的根源，但基本没有得到解决。⁷⁵

102. 在建立地区州和 2016 年政治过渡的筹备过程中，联邦和地区安全部队及地方民兵为实现政治计划对平民使用暴力或威胁使用暴力。例如，2015 年 11 月和 12 月，加勒穆杜格临时行政当局和邦特兰之间的紧张关系升级为武装冲突，导致多名平民伤亡和大规模的流离失所。同样，在存在争议的苏勒州和萨纳格州持续发生的冲突就包含索马里兰、邦特兰、当地的“哈土莫”民兵部队和当地民兵实施的侵犯平民行为。

103. 尽管联邦政府正式承诺暂停执行处决，联邦和地区行政当局更多地执行处决。⁷⁶ 仅 2016 年 1 月至 8 月间就执行了 20 次处决，索马里兰有 7 次。在许多

⁷³ 本任务规定期间索马里国民军撤退情况表见附件 2.2。例如，2015 年 12 月和 2016 年 7 月之间，基斯马尤西南的 Berhani 镇三次“易手”，对平民的伤害包括住房被毁及居民遭到逮捕。

⁷⁴ 例如，监察组记录了一次用人体携带简易爆炸装置的袭击杀害了一名高级政府官员及另外七人，包括两名儿童，之后在加尔卡尤发生了杀害四名寻求庇护者和境内流离失所者的事件，2016 年 3 月 31 日。2016 年 4 月 5 日加尔卡尤在与联合国工作人员的约谈，；2016 年 6 月 24 日在加尔卡尤与非政府组织工作人员的电话约谈。

⁷⁵ 见附件 7.5 关于索马里国民军涉足下谢贝利州持续不断的冲突的讨论。

⁷⁶ 2016 年 3 月至 8 月在摩加迪沙和地区首府与联合国和非政府组织工作人员的一系列约谈。

情况下，在缺乏基本正当程序的审判过程之后，对平民(包括儿童)作出了判决，从而违反了 1949 年 8 月 12 日《日内瓦四公约》共同第三条。⁷⁷

C. 国际部队

104. 在本次任务规定期间，针对平民和军事目标的空袭均有所增加，尤其是在盖多、希兰、下谢贝利、中朱巴和下朱巴州，造成平民伤亡、丧失生计和流离失所(见附件 7.7)。其中一些袭击发生后，据称青年党收集未爆弹药，用来制造简易爆炸装置(见同上，第 83 段)。

105. 还有记录显示，国际部队的地面进攻造成平民伤亡，其中一些进攻行动违反国际法，无论其原因是直接打击，还是对青年党实际构成或被认为构成的威胁采取了不分青红皂白或不成比例的反击(见附件 7.6)。

D. 招募和使用儿童兵

106. 在本任务规定期间，经联合国核实的招募和使用儿童兵情况总体上有所增加，特别是青年党在下朱巴州、中朱巴州、下谢贝利州和巴科勒州招募和使用儿童兵的情况，包括在青年党在 2016 年 3 月在邦特兰发动未遂攻击之前。⁷⁸ 在青年党进犯期间，邦特兰和加勒穆杜格临时行政当局的部队抓获了 100 多名儿童，其中一些儿童年仅 11 岁(见附件 7.2)。经联合国核实，索马里国民军在 2015 年发生 218 次招募和使用儿童的情况，而 2014 年有 197 次。⁷⁹ 然而，2016 年 9 月，国防部队指挥官向监测组保证，在采用生物鉴别技术进行登记后，“索马里国民军内没有儿童战斗员”。⁸⁰ 在外界扩大了对联邦控制以外行动的地区部队的支持的同时，经联合国核实，先知的信徒集团在 2015 年发生 40 次招募和使用儿童的情况，加勒穆杜格临时行政当局的部队有 17 起招募儿童情况。⁸¹

⁷⁷ 虽然考虑到执行死刑的具体情况，执行死刑本身并不违法，但可能违反了 1949 年 8 月 12 日《日内瓦四公约》共同第三条，这是国际法中的一条强制法准则。《日内瓦四公约》共同第三条适用于索马里所有各方，该条禁止的情况包括，“事先未经正规组成的提供文明人所承认且不可或缺的司法保证的法院审判而逕行宣判和判刑”(第 3(1)(四)条)。

⁷⁸ 2015 年期间，联合国记录了招募和使用 903 名儿童的情况，其中 555 种情况确定是青年党作为(见 A/70/836-S/2016/360, 第 113 段)。仅在 2016 年头 3 个月就记录了招募和使用 472 名儿童的情况(其中有 442 名男孩，30 名女孩)，其中 276 种情况经确定由青年党所为。2016 年 7 月 22 日一名联合国工作人员的电子邮件。

⁷⁹ 2016 年 3 月，联合国支持索马里国民军启动为期一年的工作计划，以支持分别执行消除和防止招募和使用以及杀害和残害儿童的行动计划。

⁸⁰ 穆罕默德·亚丁·艾哈迈德少将给监察组的信，未注明日期，于 2016 年 9 月 6 日收到。

⁸¹ 见 A/70/836-S/2016/360，第 113 段。国防部长告诉监察组，联邦政府已任命官员与各地区州合作，结束招募和使用儿童行为，其中提及了所有四个地区当局和贝莱德文参与的一系列工作。2016 年 9 月 5 日国防部长给监察组的信，监察组的非正式译文。

107. 监测组在 2015 年的报告中报告,有人指控国家情报与安全机构违反国际法,利用脱离武装团体的儿童收集情报(S/2015/801,附件 6.4,第 56 段)。2016 年 7 月,总理办公室建立的部长级实况调查委员会确认其中一些指控属实,但表示这种做法已经停止。⁸²

E. 强迫流离失所

108. 2015 年 1 月 1 日至 2016 年 6 月 30 日期间,武装冲突、部族交战和不安全局势迫使近 598 000 名索马里人沦为境内流离失所者。⁸³ 将弱势群体从非正式住区强行驱逐出去的事件仍在继续,在摩加迪沙和其他市区中心都是如此,包括内加尔卡尤和基斯马尤:到当年年中,共有 46 000 多人流离失所。⁸⁴ 在土地和财产的腐败和非法转移过程中,经常发生的情况是,驱逐的同时也往往发生侵犯平民的事件(见附件 4.6)。2016 年 7 月,安全理事会在第 2297 (2016)号决议第 39 段中表示关切境内流离失所者被强行驱赶的情况有所增加,强调任何此类驱赶都应符合相关国家和国际框架。⁸⁵

五. 武器禁运

A. 索马里联邦政府遵守根据部分解除禁运规定的义务

109. 为了协助联邦政府打击青年党并支助新建立的安全部门,2013 年,安理会在第 2093(2013)号决议中部分取消了对索马里的武器禁运。联邦政府获准进口无限量的武器弹药(不超过一定口径和类型)及其他军事装备。还允许部队接受其他形式的援助,例如训练和财政援助。另一方面,联邦政府也承担某些义务:在收到武器弹药交付和援助前,联邦政府必须事先通知委员会;直接向安理会报告其部队的结构和组成情况;建立一个有效的武器和弹药管理架构(第 39 段)。

110. 有报告称发生了根据部分解除禁运的条件进口的武器遭到转用、报告不充分和在 2014 年没有遵守安理会第 2142(2014)号决议第 6 和 7 段规定的通知要求的情况,安全理事会随后提高了允许联邦政府进口武器、弹药和接受援助的审查等级(例如见 S/2014/726,附件 6.2 和 6.4)。监测组注意到,2015 年联邦政府在通知委员会方面有些改进,但委员会对继续转用武器的情况表示关注(见 S/2015/801,附件 7.1)。

⁸² 部长级委员会就《华盛顿邮报》关于索马里情报机构和使用儿童叛逃者充当间谍的指控的文章提出的调查结果;2016 年 6 月 12 日,由监测组存档。见附件 7.2 关于这些指控的讨论。

⁸³ 2016 年 9 月 5 日联合国工作人员提供的资料。

⁸⁴ 2016 年 9 月 5 日人道主义组织一名工作人员的电子邮件。

⁸⁵ 然而,监察组注意到,总检察长在 4 月向人权理事会介绍情况时宣布“在摩加迪沙或索马里任何其他地方都没有强迫驱逐的情况”(见 A/HRC/32/12,第 33 段)。

111. 在本任务规定期间，联邦政府改善了向委员会提交的武器弹药交付预先通知的质量和及时性，并加强了其与一些会员国的协调。然而，对武器和弹药交付后分两个步骤提交通知的程序仍然没有适当遵守：只有一份向委员会提交的交付后报告完全符合要求。然而，联邦政府在这些情况下未能提出充分和及时的武器交付信息，这可以归因于联邦政府安全部门各个实体内部以及联邦政府与会员国之间缺乏信息流动，而不是联邦政府缺乏遵守规定的意愿。

关于向索马里联邦政府安全部队提供援助的通知

112. 下表向索马里联邦政府安全部队提供援助的通知一览表

要求	联邦政府	会员国/国际组织
预先通知	14	7/0
交付后确认	5	1
分配后的信息	2(与上述 2 份交付后确认书一并提交)	

113. 在本任务规定期间，联邦政府及会员国均没有按规定将联邦安全部门收到的所有物资和援助通知委员会(见附件 8.2 和 S/2015/801, 附件 6.2)。这种未通知的援助大多为非致命性援助，例如向索马里国民军、警察和国家情报和安全机构提供的工资、津贴、建设基础设施、军服和训练。

114. 联邦政府根据第 2244(2015)号决议第 7 段和第 2182(2014)号决议第 9 段提交的关于部队结构和武器和弹药管理制度的报告依然缺少最重要的内容(见附件 8.1)。尽管整编民兵和同时建立地区部队的工作还在继续进行，联邦政府没有提供任何资料，说明 2014 年以来部队兵力变化的数据，仅提供了索马里国民军人员的数量。从未提交过关于其他三个安全部队(警察、国家情报与安全机构及守卫部队)的人员数量资料。在本任务规定期间，联邦政府也没有提供任何资料，说明民兵的整编情况、民兵的现状地区部队的情况，但对于后者而言，地区当局可能不会允许联邦政府进行很多监督。⁸⁶ 联邦政府提供这一信息不仅是遵守部分解除禁运条款的问题，这对确保会员国提供适当而有针对性的援助也是必不可少的。⁸⁷

部分解除禁运的延长

115. 在本任务规定期间，联邦政府一再敦促安理会完全解除对联邦政府部队的武器禁运，指出禁运阻碍了联邦政府部队打击青年党的努力。非洲联盟和平与安

⁸⁶ 安理会在第 2244(2015)号决议第 7 段，理事会增加了一项关于联邦政府须报告地区部队现状的要求。有关这方面挑战的讨论见附件 8.1。

⁸⁷ 2016 年 7 月，安全理事会在第 2297(2016)号决议序言部分强调，联邦政府“必须进一步确定索马里国家安全部队的构成，查明能力空白，以指导非索特派团和捐助方确定安全部门援助的重点，表明与国际社会合作的领域”。

全理事会也呼吁安理会取消禁运，并将此作为“作为索马里安全机构能力建设的一个重要方面”。⁸⁸ 但禁运并不妨碍联邦政府进口武器弹药。事实上，在 2013 年准许部分解除禁运到 2016 年 9 月 1 日期间，联邦政府和会员国就用于支持联邦安全部队的 20 679 件武器和 13 007 276 发弹药提出事先通知(见附件 8.2)。尽管联邦政府在哈兰对进口物资进行武器标识和管理的工作正在改善，但在摩加迪沙以外地区分配和跟踪武器的工作仍然存在重大挑战，这一情况在各部队普遍存在。

116. 因此，在作出对联邦政府安全部队部分解除武器禁运的决定时必须充分认识到，联邦政府在遵守要求方面面临各种挑战，无论是在管理进口武器还是就部队的结构、人员组成、兵力和部队配置提供准确资料方面。

关于被缴获的武器和军事装备的文件记录

117. 安全理事会根据第 2182(2014)号决议第 6 段的规定，要求索马里国民军和非索特派团记录和登记在军事进攻行动中缴获的所有军事装备，并在重新分配或销毁这些装备前协助监测组进行检查。与上一个任务规定期间相比，联邦政府在正式函件中没有提供任何关于缴获武器和军事装备的信息。⁸⁹ 2016 年 9 月 16 日，非索特派团在收到监测组的正式信函后，向监测组提供了一份缴获武器清单，并表示这些武器已按部门转交联邦政府。⁹⁰

B. 支助索马里安全部门机构

118. 2013 年批准部分解除禁运时的设想是，联邦政府安全部门会逐渐合并地方部队，这样在联邦政府控制之外几乎没有安全实体。但是，在武器禁运方面保留了另一窗口，以便可以支持已经成立并正常运作的两个实体的安全部队，即邦特兰和索马里兰的安全部队。因此，根据第 2111(2013)号决议第 11(a)段，在索马里联邦政府的安全部队之外，仅可以为帮助建立索马里安全部门机构目的提供武器或军事装备和技术援助或培训，但条件是“向委员会提交适当通知供其考虑”并得到委员会批准。

119. 无论是为了建立国家还是出于对索马里国民军运作情况的关切，会员国事实上正在加强其对非联邦部队的支持(见附件.8.3)。与此同时，由于长期不履行通知义务，武器、弹药、其他物资和援助事实上不受控制地流向这些实体。⁹¹ 实

⁸⁸ 见非洲联盟和平与安全理事会 2016 年 6 月 29 日公报。可查阅：www.peaceau.org/en/article/communique-of-the-608th-meeting-of-the-psc-on-the-situation-in-somalia-and-the-african-union-mission-in-somalia-amisomthash.sOZ7oBeX.dpuf。

⁸⁹ 监察组在 2015 年报告附件 7.4 中评估了在提出要求后第一年的遵守情况(S/2015/801)。

⁹⁰ 2016 年 9 月 16 日非洲联盟委员会主席索马里问题特别代表 Franciso Madiera 给监测组协调人的信。

⁹¹ 这一现实不同于委员会对向联邦部队的援助所作的大量审查，因为委员会监督根据部分解除禁运条款遵守广泛规定的情况。

际上，委员会在本任务规定期间仅收到三个关于非联邦部队的通知：所有这三个通知都涉及索马里兰安全部队，而且仅来自一个会员国，仅针对非致命性物资。例如，阿拉伯联合酋长国和美利坚合众国实施的援助邦特兰海事警察部队和邦特兰安全部队的计划都没有征得委员会批准(见同上.)。尽管这些计划为打击青年党和伊黎伊斯兰国的前线部队提供了关键援助，但这对于提供和接受援助的所有各方而言均构成违反禁运行为。

120. 会员国和其他捐助方在向非联邦部队提供援助时没有征得委员会批准，这损害了武器禁运的总体实施，甚至鼓励对安全部门采取各自为政做法。⁹² 监测组发现，对涉及非联邦安全部队的现行武器禁运框架作了一些调整，这可以更好地反映安全部门发展及实地安全需求的实际情况。

C. 武器贩运网络

海上拦截武器弹药⁹³

121. 监测组监测了作为海上联合部队组成部分的国际海军部队查缴大量藏匿武器的三起案件。这些案件的特点都是使用无国籍道船，索马里是走私武器的目的地国或过境点。详情载于附件 8.4。

邦特兰和索马里兰的军火走私网络

122. 监测组注意到，大多数非法武器继续从邦特兰进入索马里，很小一部分从索马里兰进入。2016 年 5 月和 6 月，监测组调查了运送到邦特兰沿海城镇甘达拉的小武器；甘达拉是一个武器走私中心，与也门的穆卡拉港有历史渊源。这些武器的一部分很有可能用于装备邦特兰巴里地区前州长 Abdisamed Gallan 的民兵；Abdisamed Gallan 曾在 2016 年 6 月发起旨在推翻邦特兰行政当局的叛乱活动。2015 年 10 月下旬，一票数量不明的小武器货物抵达索马里兰迈德港以西约 5 公里处，据信其中包括 RPG-7 型发射器的推进装置。⁹⁴ 这些货物分别在附件 8.5 和 8.10 中讨论。

简易爆炸装置

123. 青年党越来越多地在其行动中使用先进的简易爆炸装置技术，这得益于持续抵达的外国培训人员的协助，并涉及其他冲突地区的知识转让。在本任务规定

⁹² 例如，继对联合国支助非洲联盟驻索马里特派团进行了战略审查后，包括彻底审查所有合作伙伴向非索特派团提供的援助后，秘书长向安理会就支助邦特兰部队整编的模式提出建议，他强调，提供支助的方式必须能推动建立联邦安全构架的目标，并有助于平民对索马里国民军指挥和控制系统的全面监督(S/2015/762，第 64 段)。

⁹³ 在某些情况下，安理会授权会员国在索马里领海和公海拦截被认为装载武器或军事装备的船只(第 2182 (2014)号决议，第 15 段)。

⁹⁴ 2016 年 2 月 18 日与一名该地区以外会员国安全官员的约谈；2016 年 2 月 20 日与一个该地区情报来源的约谈。

期间，在针对非索特派团和其他高级目标的一系列攻击中，已经感受到这种更新技术的影响，如爆炸形成的穿甲物和传压板装置。更有效地使用自制炸药还增加了大规模车载简易爆炸装置袭击中的平民伤亡人数(见附件 7.1)。关于青年党简易爆炸装置技术进展的进一步细节载于附件 8.6。

非法武器市场

124. 监测组发现，AK 型突击步枪和其他小武器是在索马里非法武器市场上出售的最常见物品。也门依然是流入索马里的武器的主要来源，绝大多数通过邦特兰的一些小港流入，而联邦部队士兵仍是非法流通武器的另一个来源。索马里主要军火市场供应的武器弹药表见附件 8.8。

D. 达洛航空公司

125. 2016 年 2 月 2 日，在摩加迪沙飞往吉布提的达洛航空公司 159 号航班上，一个藏匿在笔记本电脑中的爆炸装置被引爆。由于爆炸物被引爆时的高度不准确，只有自杀炸弹手 Abdullahi Abdisalam Borleh 一人死亡。青年党于 2 月 13 日宣称对此次袭击负责。⁹⁵

126. 虽然已经知道，青年党此前至少在 2013 年 11 月袭击摩加迪沙时使用过藏匿在笔记本电脑中的简易爆炸装置，这是青年党以航空器为直接目标的第一起已知案件。选择索马里商人作为自杀炸弹手，实施广泛的行动安全措施，包括一些同谋者在袭击发生后显然遭到暗杀，再加上有迹象表明青年党制造简易爆炸装置可能得到了外部援助，凡此种种都反映出青年党在战术、方法和步骤方面的演变。在袭击发生之前，监测组收到的报告称，青年党正在加强其袭击航空目标的能力，因此更有必要在索马里和该区域采取有效航空安全措施。

127. 这次袭击还表明，青年党和某些国际行为体之间有重要联系。监测组关于这次袭击的调查结果载于严格保密的附件 8.7 中。

六. 违反木炭禁令

128. 在本任务规定期间，在执行木炭禁令方面出现了一些积极趋势。监测组在 2015 年年底首次发现，青年党继续战略性退出木炭贸易，转而在其势力范围内袭击或监禁烧炭工或木炭商。禁令执行情况也有所改善，特别是阿拉伯联合酋长国。这两个因素促使索马里木炭出口与前几年相比呈现不断下降的格局，自 2016 年 5 月以来，这一情况特别显著。然而，维持索马里木炭出口和阿拉伯联合酋长国木炭进口的商业网络依然存在，监测组继续的收到报告称，载有木炭的道船从基斯

⁹⁵ 见“Al-Shabaab claims Somalia plane bomb attack”, Al Jazeera, 13 February 2016. 可查阅：www.aljazeera.com/news/2016/02/al-shabab-claims-somalia-bomb-plane-attack-160213130832329.html。

马尤和布尔加博出发，抵达阿拉伯联合酋长国迪拜，因此，目前没有任何有效障碍可以阻止青年党恢复对木炭生产和运输的系统性征税。

A. 生产、运输和储存

129. 出口木炭的生产和运输方面最显著的趋势是，青年党已经改变做法，监测组在上一次任务规定期间首次发现这一点。青年党已不再在通往港口的检查站向木炭征税，而是在索马里南部其势力范围内下达木炭禁令(虽然一些青年党分子可能依然临时对木炭征税)，并通过监禁和攻击烧炭工和木炭商的方式强制执行禁令。青年党的这一转变可追溯到在 2015 年初停止执行与艾哈迈德·穆罕默德·伊斯兰(别名“马多贝”)的收入分享协定，因为这占木炭收入的很大一部分，特别是在 2012 年 9 月和 2014 年 10 月分别失去对基斯马尤和巴拉维的控制之后。⁹⁶ 当“马多贝”不再与青年党分享木炭出口收益后，青年党利用胁迫方式进行报复，其动机明显是要减少朱巴临时行政当局从继续进行的木炭贸易中获得的收入。青年党的木炭贸易收入减少对安全局势终将有何影响仍不明确，特别是考虑到它有能力用其他收入来源来抵消这一损失。同样，根据现有证据，监测组仍然无法确切核实青年党已完全退出木炭贸易。

130. 基斯马尤和布尔加博(位于基斯马尤西南方约 125 公里)是两个被经常用于木炭出口的主要储存地点。4 月 20 日，监测组乘坐直升机飞越这两个城镇，确认了木炭储存的地点和规模并对其进行拍照。值得注意的是，正如 2016 年 4 月 22 日监测组在向委员会提交的中期最新通报中所述，在布尔加博木炭储存处附近有一个肯尼亚非索特派团基地。附件 9.1 是基斯马尤和布尔加博这些储存地点的航拍图片和卫星图像。

131. 2016 年 2 月和 3 月，联邦政府和西南临时行政当局请监测组就巴拉维的木炭储存问题提供建议，青年党曾在 2014 年 10 月非索特派团和索马里国民军联合进攻夺取巴拉维之前，使用该港口作为主要的出口地点。监测组的意见是，联邦政府应与西南临时行政当局协商后致函委员会，请其就遵守木炭禁令问题提供指导意见。据监测组了解，联邦政府尚未这样做。根据 2016 年 4 月 14 日转递联邦政府的关于武器弹药报告的信函，将成立一个联邦政府和西南临时行政当局联合委员会，以确定巴拉维储存的规模，并探讨有哪些就地消费的选项。然后，收益将存入一个信托基金，部分用于重新造林和社区发展项目(见 S/AC.29/2016/NOTE.25)。监测组仍然感到关切的是，巴拉维的木炭储存对和平与安全构成威胁。仍存在的风险是，木炭可能是导致想要利用木炭的商业潜力的武装团体之间发生冲突的根源，木炭销售所得资金可能被挪用，或有人可能违反制裁制度出口木炭(尽管最近的卫星图像似乎证实，在本任务规定期间，木炭储存尚未用罄)。

⁹⁶ 2016 年 7 月 13 日与前木炭商的约谈：S/2015/801，第 152 段。

B. 非法出口木炭

132. 根据广泛了解木炭行业的消息来源向监测组提供的估计数字,在2016年5月非法交易大幅下降之前,每年从索马里出口约150至200道船の木炭量。⁹⁷假定每艘船平均载有3万袋木炭,这相当于每年从基斯马尤和布尔加博出口450万至600万袋木炭。每袋木炭重25公斤,每年总重量相当于11.25至15万公吨。按主要出口市场阿拉伯联合酋长国的年度总价值计算,批发价值为1.35至1.8亿美元(每袋110迪拉姆,即30美元),零售价值为1.71至2.28亿美元(每袋140迪拉姆,即38美元)。

133 索马里木炭出口经济的运作有赖于朱巴临时行政当局和当地工商界的结盟,在基斯马尤尤其如此。这种关系中一个不可或缺的角色是阿里·艾哈迈德·纳吉,他目前是朱巴兰工商商会的一位金融代理人。此前,监测组在2013年和2014年的报告中曾认定他是青年党的征税者、非法木炭的主要贩运者和现任朱巴临时行政当局主席艾哈迈德·“马多贝”的合作伙伴(见S/2013/413,附件9.2,第11和第26段;S/2014/726,第141-143段;附件6.8,脚注94;附件9.2,第48和63段)。朱巴临时行政当局已通过检查站和港口收税从非法木炭出口中获得大量收入;据估每袋收税约3美元,根据上文估计的木炭出口量,每月创收100至150万美元。⁹⁸然而,朱巴临时行政当局依赖木炭出口收入也有某些风险。由于阿拉伯联合酋长国加强执行木炭禁令,2016年5月,道船不愿在基斯马尤和布尔加博装载木炭。因此,朱巴临时行政当局遭遇财政困难,向当地商人贷款,并且没有支付警察部队的工资。基斯马尤方面的关切是,如果朱巴临时行政当局无法找到替代收入来源,用以支付地区安全部队的工资,那么他们就可能叛逃至青年党。⁹⁹

134. 正如监测组以前的报告所述,非索特派团的肯尼亚特遣队继续在索马里的非法出口木炭中发挥重大作用(见S/2013/413,附件9;S/2014/726,附件9)。据木炭行业和非政府组织的消息来源称,肯尼亚对基斯马尤出口的木炭每袋收取2美元费用,作为允许在其实际控制下的港口装载木炭的交换条件。¹⁰⁰监测组还证实,在布尔加博储存地附近驻扎着一个非索特派团肯尼亚基地(见附件9.1)。虽然这不能确证非索特派团的肯尼亚特遣队积极参与从布尔加博出口木炭,但确实表明肯尼亚部队没有按照安全理事会第2111(2013)、2182(2014)和2244(2015)号决议要求,阻止木炭出口。2016年2月23日,监测组写信给非索特派团团长弗朗西斯科·马德拉大使,要求提供资料,说明已采取了哪些步骤制止出口木炭,并确保部队派遣国遵守第2036(2012)号决议规定的木炭禁令。监测组尚未收到答复。

⁹⁷ 季风季节从8月持续至10月。用道船运输木炭主要是在一年中的其他九个月。

⁹⁸ 2016年7月13日与前木炭商的约谈。

⁹⁹ 2016年9月1日与地方政治分析人士的约谈。

¹⁰⁰ 2016年7月13日与前木炭商的约谈; Journalists for Justice, “Black and white: Kenya’s criminal racket in Somalia”, (Nairobi, 2015)。

C. 木炭运输者

135. 木炭运输者及其在港口的同伙使用多种不同方法协助逃避制裁。利用布尔加博等偏远地点储存和装载木炭，在很大程度上可能是为了避免被发现。同样，在本任务规定期间至少发生一次因一名联合国机构工作人员即将到来而中断在基斯马尤的多个道船上装载木炭的情况。道船还没有装满就驶离出海，在港口视察完成后恢复装载。恐吓基斯马尤港工人的行为，包括逮捕朱巴临时行政当局疑似线人的做法，也变得越来越普遍。¹⁰¹ 此外，在装载木炭时经常遮住道船船名和登记信息，以避免遭人识别，而安装了自动识别系统收发报机的船只也将它们关闭，以防止所在位置遭到跟踪。在卸货港，主要是在阿拉伯联合酋长国，道船使用伪造文件掩盖其实际装货港(见附件 9.7)。

136. 除最近少数几艘悬挂斯里兰卡国旗的道船外，监测组在本任务规定期间发现，几乎所有从索马里非法运输木炭的道船都悬挂印度国旗。监测组利用机密信息来源并在印度航运总局协助下获得悬挂印度国旗船只的清单，确定至少有 29 艘道船在本任务规定期间违反木炭禁令。其中许多道船还是累犯，曾在监测组之前的报告中被提到(见附件 9.5)。监测组建议安全理事会授权会员国根据本国法律，在其领水和港口扣押装载索马里木炭的船只；建议安全理事会要求有关会员国向委员会通报任何这类行动，包括扣押和处置船只的相关细节(见第八节)。

D. 非法进口木炭

137. 在本任务规定期间的调查进一步证实了监测组先前的看法，即迪拜是索马里非法木炭的主要目的地(对阿拉伯联合酋长国官方木炭进口数据的分析见附件 9.3)。2016 年 6 月前，载有木炭的道船在拉希德港停靠，之后改停哈姆利亚港。¹⁰² 然而，由于阿拉伯联合酋长国当局加强了禁令执行工作，也有迹象表明，索马里木炭出口商现在可能正在考虑其他的出口目的地。¹⁰³

138. 规避木炭禁令的最重要工具是伪造海关文件——包括原产地证书、发票、提单和载货单。监测组以前的报告记载了使用虚假文件的做法，这些文件声称从索马里运往阿拉伯联合酋长国的木炭是从吉布提、肯尼亚或科摩罗出口的(见 S/2013/413, 附件 9.2; S/2014/726, 附件 9.4; S/2015/801, 第 156-161 段)。调查显示，在本任务规定期间，提交给阿拉伯联合酋长国海关当局的索马里木炭货运虚假文件有三种：科摩罗、加纳和巴基斯坦(见附件 9.7)。虚假文件来自阿拉伯联合酋长国国内，协助者从每袋木炭获得约 5 至 6 迪拉姆(1.36 至 1.63 美元)的佣金。

¹⁰¹ 2016 年 9 月 1 日与地方政治分析人士的约谈。

¹⁰² 2016 年 7 月 14 日经一名迪拜海关官员确认。

¹⁰³ 2016 年 9 月 1 日与地方政治分析人士的约谈。

139. 在保密消息来源的协助下并通过比对以往的报告，监测组已查明目前参与索马里非法木炭贸易的一个供应商、投资者和批发商网络(见附件 9.6)。这一生意获利甚丰，因为每袋索马里木炭产生的净利润约为 10 美元，即投资的 20 美元和在阿拉伯联合酋长国批发价 30 美元之间的差价(见附件 9.2)。

E. 成员国执行木炭禁令

140. 在本任务规定期间，阿拉伯联合酋长国执行木炭禁令的情况大为改善。阿拉伯联合酋长国当局最初从两艘道船中查缴了运送的木炭(一艘是半船货，一艘是整船货)，随后于 2016 年 5 月 18 日在迪拜将其公开拍售，当时监测组在场(见附件 9.4.a)。最近，该国当局从另外四艘道船(一艘是半船货，三艘是整船货)查缴了运送的木炭，可能将再次公开拍售(见附件 9.4.b 和附件 9.4.c)。

七. 国家和非国家与监测组的合作

A. 联邦政府

141. 在本任务规定开始时，联邦政府及其机构代表对监测组的支持非常令人鼓舞。在监测组的一份机密信函泄露之后，这种支持有所减弱，但监测组还是继续得到联邦政府的良好配合。中央银行行长巴希尔·伊萨亲自提供了实质性投入和详细答复，以支持监测组的调查。石油和矿产资源部也对监测组索取资料的要求作出了回应。

B. 其他各国

142. 监测组得到了肯尼亚政府及其安全部门的有限配合。监测组还对肯尼亚发表关于监测组中期最新情况机密报告的公报感到关切，因为该公报在监测组在纽约向委员会提交报告之前已被分发。截至编写本报告时，监测组没有收到对其致肯尼亚的正式信函的回复。

143. 在监测组调查“达洛”航空公司案的框架下，安哥拉欢迎监测组进行为期三天的访问。监测组得到了安哥拉当局高度专业的合作和广泛支持。

144. 监测组启动了与伊朗伊斯兰共和国的合作并访问该国。伊朗伊斯兰共和国为监测组提供机会，以便交换关于海上威胁、武器走私和金融网络的看法和关切。

145. 监测组得到了阿拉伯联合酋长国的不对等配合。监测组在调查木炭贸易方面与阿拉伯联合酋长国当局展开富有成效的合作。关于财务问题，监测组尚未收到该国当局关于在迪拜注册公司情况的答复。在安全部门方面，监测组还注意到阿拉伯联合酋长国军事顾问在博萨索起到阻挠作用，在 2016 年 2 月和 4 月两次阻止监测组进入邦特兰海事警察部队基地。

C. 非国家

146. 监测组得到了联合国各实体和处理人权问题的国际非政府组织的良好合作。

147. 监测组指出，邦特兰行政当局，尤其是总统办公厅主任 Deeq Yusuf 和总统首席礼宾官 Abdisalaam Hasan 与监测组开展了出色合作。此外，监测组感谢邦特兰安全部队提供援助。

八. 建议

A. 和平和安全威胁

148. 监测组建议安全理事会：

(a) 再次呼吁联邦政府、地区当局、非索特派团和会员国与监测组充分合作，分享关于青年党在索马里和该区域活动的信息；

(b) 鼓励联邦政府为索马里国民军设立一个由文职人员领导的专职审计委员会，该委员会有充分权利接触后勤部门，并每月向财政部和提供安全部门支助的国际捐助者汇报情况；

(c) 敦促联邦政府和地区当局确定一个全面、包容和可负担的国家安全结构，并承诺开展务实的部队整编进程；

(d) 修改挪用财政资源的列名标准(第 2060(2012)号决议，第 2(c)段)，明确包括地区行政当局和联邦各州的挪用情况；

(e) 敦促联邦政府在完成以下工作之前，不要达成任何石油勘探和开发合同：

(一) 最后完成示范生产共享协议，包括适当考虑财务治理委员会的保密评估；

(二) 设立正常运作的执行机构，特别是石油管理局和索马里国家石油公司；

(三) 相关联邦和地区当局之间缔结一项全面、合宪的收入共享协定。

B. 武器禁运

149. 监测组建议安全理事会：

(a) 提醒联邦政府，它有义务提供关于其安全部队结构、人员组成、兵力和配置的全面准确信息，包括地区部队和民兵部队的现状，并敦促地区当局视情况与联邦政府合作编写这一报告；

(b) 修订第 2111(2013)号决议第 11(a)段，其中说明了向联邦政府安全部队以外的索马里安全部门机构提供援助的豁免，以澄清豁免的范围，包括允许将津贴和建设基础设施等援助形式作为豁免对象，以加强委员会对致命性和非致命性物资流动和这些实体所获援助的监督；敦促提供这种援助的会员国和国际组织严格遵守通知和请求规定。

C. 阻碍人道主义援助

150. 监测组建议安全理事会要求联合国机构加倍努力，参与并推动联合国索马里国家工作队建立的集体风险管理和问责系统，特别是那些涉及信息共享的要素，并且重新审查可能会抑制这种共享的组织任务或程序。

D. 违反国际人道主义法袭击平民目标

151. 监测组建议安全理事会：

(a) 敦促联邦政府调查和起诉在索马里严重和一再违反国际法袭击平民目标的安全部门成员，并考虑指认个人和实体以对其采取定向制裁措施；

(b) 请联邦政府考虑制定一个框架，以在今后审查联邦和地区文职机构和军事机构的高级任命时，考虑这些人选的人权纪录；

(c) 敦促在索马里的所有国际部队根据国际最佳做法，传播具体的接战规则和打击目标规程，以在使用空投武器时充分遵守区分、相称和必要原则；

(d) 鼓励非索特派团执行在联合国人权尽职政策框架内制定的建议，并鼓励其他国家直接或间接援助索马里安全部队，以根据联合国政策确定的措施量身调整援助内容。

E. 违反木炭禁令的行为

152. 监测组建议安全理事会：

(a) 授权会员国根据本国立法，在其领水和港口没收已被证明违反索马里木炭出口禁令的船只，并在随后由相关没收机构以公开拍卖方式处置这些船只，而船东有义务承担船员遣返费用；

(b) 再次呼吁非索特派团协助联邦政府防止从索马里出口木炭，并呼吁非索特派团协助监测组定期(即至少每季度)进入木炭出口港，包括视需要提供装甲运输和其他相关安保措施。

Annex 1

Harakaat al-Shabaab al-Mujaahidiin

Annex 1.1: captured material

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



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

Emergence of the ISIL faction

1. Late 2015 witnessed the first appearance of an Islamic State of Iraq and the Levant (ISIL)-aligned militant faction in Somalia. On 22 October 2015, an Al-Shabaab religious leader based in Puntland's Golis Mountains, Abdulqadir Mumin, declared allegiance (*bayah*) to the Islamic State of Iraq and the Levant (ISIL).
2. Mumin likely believed that his declaration would trigger a broad shift in the loyalty of Al-Shabaab fighters away from Al-Qaida and towards ISIL. However, Mumin's fellow militants in the Golis Mountains quickly turned on him, and in November 2015 they expelled him and several dozen fighters that were loyal to him from the area following armed clashes. Al-Shabaab dispatched between 50 and 60 fighters from the Golis Mountains to Bari region in order to track him down and eliminate his faction;¹ on 24 December 2015, the two forces clashed near the village of Timirshe in Bari region, 40 km from Iskushuban, with minor casualties on both sides.
3. In southern and central Somalia, forces loyal to Al-Shabaab emir Ahmad Umar Abu Ubaidah cracked down on pro-ISIL militants within the group, carrying out arrests and executions, particularly in Lower and Middle Juba, beginning in November 2015.² In an audio response released on Twitter on 12 December 2015, Mumin decried the killing of pro-ISIL members of Al-Shabaab, stating that those "who refuse the pledge of allegiance to the Caliph [Abu Bakr al-Baghdadi] should be killed".³ However, ISIL's influence within Somalia has thus far been limited, and the Monitoring Group has found no reliable evidence to date of Al-Shabaab's operational connections with or material assistance from ISIL.
4. However, Somalia's ISIL faction does appear to have ties to ISIL media outlets. For instance, On 15 April 2016, al-Furāt Media Foundation, affiliated with ISIL, released an online video depicting Mumin's faction at a small training camp in Puntland.⁴ The camp—the precise location of which is not known—was named in honour of Abu Nu'man al-Yintari, a fighter in southern Somalia reportedly assassinated by Al-Shabaab due to his pledge of allegiance to ISIL. The video featured roughly a dozen militants engaged in rudimentary training exercises, and included an address by Abdulqadir Mumin in which he called on all Muslims to "join the caravan of the caliphate". Figure 2, below, displays a still from the 15 April ISIL faction video.
5. On 31 August 2016, the US Department of State designated Abdulqadir Mumin for financial sanctions as a Specially Designated Global Terrorist.⁵ Mumin, according to the State Department, "has expanded his cell of ISIL supporters by kidnapping young boys aged 10 to 15, indoctrinating them, and forcing them to take up militant activity".⁶

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

² Confidential international agency security report, 22 November 2015.

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

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

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

⁶ Ibid.

Strength and leadership

6. At the time of his declaration of allegiance to ISIL in October 2015, the strength of Mumin's following numbered at most a few dozen fighters, and the Monitoring Group does not believe it has substantially grown since that time.⁷ However, it is difficult to disentangle the strength Mumin's ISIL movement from Puntland clan dynamics, namely the longstanding opposition of his Ali Salebaan clan to the traditional ruling clans in Puntland. By remaining in the Ali Salebaan homeland in Bari region, Mumin has effectively shielded his small pro-ISIL faction from the reach of the central authorities.

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

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

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

Links to Yemen

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

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

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

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

⁹ Information provided by a Western intelligence agency.

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

¹¹ S/2013/413, annex 1.7.

¹² Ibid.

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

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

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

12. During the period it was active, 25290600[REDACTED]jk was in contact with two unidentified phone numbers in Yemen, 967739775847 and 967730432115, a total of three times and eight times, respectively.¹⁶ 25290600[REDACTED] was also in contact seven times in April 2016 with Telesom number 25263373[REDACTED] in Somaliland, associated with Nuradin a.k.a. Abdirahman (Isaaq/Haber Yunis), an active member either of Al-Shabaab or the ISIL faction.¹⁷ Nuradin worked briefly as an accountant for a construction company in Hargeisa before departing for Yemen, via Garowe, on 5 May 2016.¹⁸ Mumin's association with Nuradin, as well as the duration¹⁹ and frequency of Mumin's calls to Yemen, support the reports of his ties to militants in that country.

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



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

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

¹⁸ Ibid.

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

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

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

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

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

Background: October 2014 and January 2015 Puntland offensives

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

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

²⁰ S/2015/801, paragraph 96.

²¹ Ibid.

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

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

²⁴ Ibid.

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

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

Disposition of forces

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

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

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

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

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

²⁵ Ibid.

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

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

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

²⁹ Confidential international agency security report, 29 May 2016.

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

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

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

ASNE leadership structure

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

29. Yassin Khalid Osman, a.k.a. "Yassin Kilwe", the former emir of the ASNE from 2010-2014, is no longer believed to be present in the Golis Mountains, but is reported to be located in south-central Somalia and in poor health. "Kilwe" had taken over leadership of the insurgency from Mohamed Said Atom, a former arms trafficker who had launched the Golis Mountains insurgency in 2010 primarily as a resource-based Warsangeli clan

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

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

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

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

³⁴ S/2014/413, annex 1.4.

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

insurrection against the Puntland authorities. Atom, who was listed on the 1844 sanctions list until December 2014, has since received amnesty from the FGS; as of March 2016 is reported to be seeking asylum in Qatar.³⁶

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

- (a) Omar Mohamed Aden (Issaq/Haber Jaalo): Emir of ASNE
- (b) Mohamed Abdullahi Batar (Dir/Gadabursi): Aden's deputy and overall head of military operations of ASNE
- (c) Bashir Shire Maxamed (Deshishe): former manager in Golis Telecom, 2002-2012, ex-MP, worked at Golis' predecessor, Barkad prior to 2002
- (d) Mohamed Ahmed Haji a.k.a. Kuwait (Majeerteen/Osman Mohamud): Leader of the *Amniyat*, director of intelligence for ASNE.
- (e) Ali Ahmed Hassan "Ga'amey" (Harti/Tinle): involved in the creation in 2004 of the first Bosaso cell of Al-Itihaad al-Islamiya (AIAI), an ideological forerunner to Al-Shabaab.³⁷ As of February 2016, "Ga'amey" is reported to be based in the village of Madarshoon.
- (f) Mukhtar Abdinur Ahmed a.k.a. Ahmed Guray: ASNE military commander; captured in Garowe 25 December 2014 while fleeing south from the Golis Mountains.³⁸ Puntland authorities reportedly later released Guray as part of an amnesty programme.
- (g) Hassan Abdullahi a.k.a. Hamas (Hawiye/Hawadle) part of an ASNE tasked with eliminating Mumin's faction in Qandala/ Beledediin, Bari region
- (h) Ali Macane (Issaq/Haber Jaalo): from Burao, Somaliland; other details currently unknown
- (i) Yasin Mohamud Abdi: head of an ASNE force in Bari region (unconfirmed)
- (j) Abdullahi Saxiibow (Issaq/Haber Yunis): leader of a logistics/ transportation team based near Erigavo (Daallo Mountain)
- (k) Harun Dheere: native of Puntland; other details currently unknown
- (l) Hassan Afgoye: Member of Al-Shabaab's Shura Council and head of its Finance Department. On 20 November 2015, the US Department of State offered up to a USD 5 million bounty for information on the whereabouts of Afgoye.³⁹ Although multiple SEMG sources have placed Afgoye in the Golis Mountains during this mandate, his exact role within ASNE is currently not understood.
- (m) Yassin Khalid Osman "Kilwe" (Warsangeli/Dubeis/Hanif): close relative of former Al-Shabaab emir Ahmed Godane. Sent to the Golis Mountains in early 2010 by Godane with 40 fighters to assume the leadership of

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

³⁷ Ibid.

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

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

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.

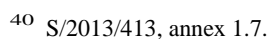


Figure 3: Members of the Puntland Security Forces (PSF) at the entrance to the Golis Mountains, 24 February 2016



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



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



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



Annex 1.3.a: (STRICTLY CONFIDENTIAL)*

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

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

36. 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.

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

Description of the operation

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

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

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

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

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

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

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

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

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

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

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

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

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

Leaders of the operation

⁴⁴ Ibid.

⁴⁵ Ibid.

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

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

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

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

- (n) “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.
- (o) “Abu Layth”: Deputy of “Omar”. Aged approximately 40 years old. Confirmed killed during the fighting at Suuj.
- (p) “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.
- (q) “Numaan”: perhaps from Hiran region. Present at fighting in Garacad. Between 35 and 40 years old. Accompanied unit from training camp at Bula Fulay to Harardhere district.

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

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

Objective of the operation

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

46. While the intended disembarkation point of the mission is still uncertain, it is probable to have been somewhere in Puntland’s Bari region, particularly if the mission’s overall objective was the elimination of Abdulqadir Mumin’s faction. One detained fighter claimed that the intended disembarkation point was Habo, a town on Puntland’s north

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

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

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

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

coast lying between Alula and Qandala—the latter being one of the centre of operations for Mumin’s ISIL faction.⁵⁴ Had the brigade managed to reach the northern part of Bari region, which is inhabited by Mumin’s Ali Salebaan clan, openly hostile to the Puntland administration, it is unlikely that Puntland forces would have been able to intercept the militants without meeting strong local resistance.

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

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

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

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

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

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

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

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

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

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

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

rehabilitation and reintegration of the children, electing not to send them to a reintegration facility operated under the aegis of the FGS.

51. On 19 June 2016, a Puntland court sentenced 43 of the detainees to death.⁶⁰ The Monitoring Group is concerned that some of those designated for execution appear to be minors. At the time of writing, the sentences are yet to be carried out; however, a Puntland representative informed the Group in September 2016 that the administration intended to proceed with the executions, particularly in light of a twin Al-Shabaab suicide bombing in Galkayo on 21 August.⁶¹ The Puntland representative also told the SEMG that the administration had no intention to transfer the 59 detained minors to a rehabilitation centre in Mogadishu, which he referred to as “revolving doors”, and said that requests had been made for the international community to build a rehabilitation facility in Puntland.⁶²

Significance of the operation

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

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

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

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

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

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

⁶² Ibid.

Sidebars: Testimony from Al-Shabaab detainees in Garowe prison⁶³

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

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

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

...

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

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

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

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

...

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

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

Mohamed, from Sablale, Lower Shabelle region

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

...

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

Ali, aged approximately 50 years, from Hargeisa, Somaliland

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

...

I received three months' basic military training outside of Sakow [Middle Juba]. About one month after the training, I joined the 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)*

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

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

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

Expenditure

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

Revenues

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

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

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

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

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

⁶⁶ Interview conducted in Mogadishu on 24 July 2016.

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

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

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

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

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

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

Annex 1.7: Mohamed Abukar Zubeyr

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

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

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.

⁷⁰ Ibid.

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

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

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

⁷⁴ S/2014/726, annex 1.4.

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

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

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

⁷⁶ S/AC.29/2016/SEMG/OC.27.

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

Annex 2

Security Sector

Annex 2.1: Somali National Army composition and strength

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

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

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

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

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

Annex 2.2: Somali National Army salaries, stipends and arrears

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

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

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

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

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

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

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

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

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

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

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

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

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 Abisage

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Email: Absuge07@hotmail.com

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

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

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

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

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

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

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



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



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



Annex 2.4: Somali National Army rations and supplies

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

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

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

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

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

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

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

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

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

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

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.

Annex 2.5: Somali National Army support

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

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

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

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

23. The SNA also receives training support from the US, the UAE, Turkey, and the European Union Training Mission (EUTM). The Monitoring Group met with resistance from the EUTM after having received multiple and consistent complaints about its training program—particularly regarding the clan homogeneity of its trainees—from a broad variety of interlocutors. In a presentation given by the European Union Military Committee in Brussels on 17 May 2016, the newly appointed EUTM Commander, Brigadier General Maurizio Morena, stated that they have

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

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

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

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

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

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

no way of knowing where EUTM trained soldiers are, or whether they are in a position to implement the skills they were taught.¹⁰¹ When asked by the Monitoring Group what criteria are used for selecting individuals to be trained an EUTM representative stated that trainees are selected by the SNA.¹⁰² The EUTM also has a dedicated advisory team, intended to provide strategic advice to Somali security institutions including the Ministry of Defence and SNA General Staff. However, full-time EUTM advisory counterparts to individuals within the SNA Logistics Department—including J1 Personnel, J4 Logistics and J8 Finance—have little to no engagement with the SNA despite being based permanently in Mogadishu.¹⁰³

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

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

¹⁰² Email correspondence with EUTM representative, 3 August 2016.

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

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

Date	Description¹⁰⁴
02/09/2015:	SNA (and AMISOM/ENDF) withdraw from Tuulo Barwaqo, Gedo.
03/09/2015:	SNA (and AMISOM/ENDF) temporarily withdraw from El Garas, Bakool.
04/09/2015:	SNA (and AMISOM/UPDF) withdraw from El Salini, Lower Shabelle.
04/09/2015:	SNA (and AMISOM/UPDF) withdraw from Kurtunwarey, Lower Shabelle.
06/09/2015:	SNA (and AMISOM/ENDF) temporarily withdraw from Garas Weyne, Bakool.
06/09/2015:	SNA (and AMISOM/ENDF) withdraw from Buqdaaqable, Hiran.
07/09/2015:	SNA temporarily withdraw from Moro Gabey, Bakool.
09/09/2015:	SNA and AMISOM (UPDF) retreat from Ambarey, Lower Shabelle.
10/09/2015:	SNA (and AMISOM UPDF) withdraw from Busley, Lower Shabelle.
14/09/2015:	Goobjoog News reports of roadblocks on the road from Mogadishu to Baidoa quoting President Sharif Hassan stating “a hungry soldier with a gun can do everything.” ¹⁰⁵
16/09/2015:	Radio Dalsan reports of SNA troops besieging themselves in the Parliament building over non-payment of salaries for several months in Adado. ¹⁰⁶
17/09/2015:	SNA (and AMISOM/UPDF) withdraw from Janale, Lower Shabelle.
18/09/2015:	SNA withdraw from Yaq Biri Weyne, Lower Shabelle, following AS attack.
15/10/2015:	SNA (and AMISOM/UPDF) withdraw from Bullo Jan neighbourhood of Merka, Lower Shabelle.
23/10/2015:	Reports of an increase in the number of illegal checkpoints set up by armed men dressed in Somali military uniform on the highway linking Mogadishu to Afgoye.
03/11/2015:	Hiiraan Online cites former military general Ahmed Hassan claiming, “You can’t maintain security with hungry and unpaid soldiers services.” ¹⁰⁷

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

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

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

Date	Description¹⁰⁴
01/12/2015	Goobjoog News cites Colonel Adan Jelle Farah claiming his soldiers in Gedo had not been paid since 2014. ¹⁰⁸
04/12/2015:	Disgruntled SNA troops protest with regards to non-payment of salaries resulting in the temporary closure of Jazeera Camp in Mogadishu.
05/12/2015:	SNA soldiers close the road that links Wadajir District to Jazeera Training Camp over non-payment of salaries.
30/12/2015:	Men in SNA uniforms open fire on a public mini-bus in Tixsile, Lower Shabelle, following an escalated dispute over money extortion.
04/01/2016:	SNA withdraw from Warmahan, Lower Shabelle, following AS attack.
05/02/2016:	SNA withdraw from Merka, Lower Shabelle over non-payment of salaries (AMISOM/UPDF repositioned south of the town).
10/02/2016:	SNA withdraw from Kamoor, Gedo.
14/02/2016:	SNA (and AMISOM/ENDF) withdraw from Burweyn, Hiran.
17/02/2016:	Senior SNA officer beaten by soldiers over lack of pay and hospitalised.
20/02/2016:	Armed clash between two groups of SNA in Beled Hawo after one group tried to stop the other from taking taxation from the market and public transports.
22/02/2016:	Shabelle Media Network reports intra-SNA clash in Adado, Galgadud, following a dispute over payment of salaries. ¹⁰⁹
29/02/2016:	SNA withdraw from Lantabur, Lower Shabelle, over non-payment of salaries, leaving 8 military vehicles to AS.
29/02/2016:	European Union Training Mission (EUTM) temporarily cease training operations at Jazeera Training Camp over fears of insecurity prompted by unpaid salaries.

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

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

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

Date	Description ¹⁰⁴
06/03/2016:	Hiiraan Online cites President Hassan Sheikh claiming, “I assure you that each soldier does receive his basic salary.” ¹¹⁰
08/03/2016:	Intra-SNA clash in Burdhubo, Gedo, after troops refuse to take orders from their commander.
13/03/2016:	Hiiraan Online and Goobjoog report parliamentarians seeking “better welfare for armed forces.” ¹¹¹
20/03/2016:	Dalsan Radio reports Colonel Mohamed Korontow “pausing” his service to the SNA. ¹¹²
26/03/2016:	SNA withdraw from El Baraf, Middle Shabelle, over non-payment of salaries.
29/03/2016:	Al Jazeera reports that troops injured in Al-Shabaab attack on Villa Somalia have not received any wages or compensation since. ¹¹³
09/04/2016:	SNA (and AMISOM/ENDF) withdraw from Adan Yabal three days after recovering it from Al-Shabaab.
10/04/2016:	Washington Post cites President Hassan Sheikh claiming, “The Somali government cannot afford to pay the soldiers and at the same time to purchase lethal equipment.” ¹¹⁴
14/04/2016:	Intra-SNA clash in Mahaday, Middle Shabelle, over revenue accrued at a SNA roadblock.
26/04/2016:	SNA (and AMISOM/UPDF) withdraw from Janale again.
01/05/2016:	SNA withdraw from Ruun-Nirgood, Middle Shabelle, following AS attack.
02/05/2016:	Goobjoog News cites President Hassan Sheikh claiming, “We do not get any income from oil or any

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

¹¹¹ “Amid attacks, Somali parliament seeks better welfare for armed forces”, *Hiiraan Online*, 13 March 2016. Available from http://www.hiiraan.com/news/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>.

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

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

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

Date	Description ¹⁰⁴
	other source safe for Mogadishu and surrounding areas but we have regularly paid our soldiers.” ¹¹⁵
13/05/2016:	SNA withdraw from Merka, Lower Shabelle, again over non-payment of salaries.
26/05/2016:	SNA (and AMISOM/UPDF) withdraw from Tortorow, Lower Shabelle, shortly after recovering the village from Al-Shabaab.
01/06/2016:	SNA (and AMISOM/ENDF) withdraw from Rabdhure, Bakool.
06/06/2016:	Intra-SNA clash in Mukayga, Lower Shabelle, over revenue accrued at a SNA roadblock.
12/06/2016:	Intra-SNA clash in Adado, Galgadud, resulting in death of 3 soldiers, over salary distribution.
01/07/2016:	SNA (and AMISOM/ENDF) withdraw from Rabdhure, Bakool.
01/07/2016:	SNA (and AMISOM/ENDF) withdraw from Burdhuule, Bakool.
11/07/2016:	Shabelle Media Network reports intra-SNA clash in Belet Weyne, Hiran, resulting in the death of two soldiers over revenue accrued at an SNA roadblock.
11/07/2016:	SNA withdraw from Lantabur, Lower Shabelle, again following AS attack.
11/07/2016:	SNA temporarily withdraw from Merka, Lower Shabelle, again.
19/07/2016:	SNA temporarily withdraw from Qoryoley, Lower Shabelle.
24/07/2016:	SNA (and AMISOM/ENDF) withdraw from Garasweyne, Bakool.
14/08/2016:	Shabelle Media Network reports intra-SNA clash in Adado, Galgadud, resulting in the death of four soldiers, over salary distribution. ¹¹⁶

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

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

Annex 3

Spoiler politics

Annex 3.1: Hiran and Middle Shabelle state formation

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

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

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

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

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

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

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

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

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

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

5. Hawadle frustrations were aired again in late June 2016 when it emerged that Ugas Hassan Ugas Khalif was not included in the list of 135 clan elders tasked with establishing electoral colleges to select members of the next federal parliament (see below). In June and July 2016, IGAD Ambassador Mohamed Abdi Affay visited Belet Weyne for meetings with Ugas Hassan Ugas Khalif and Yusuf Ahmed Hagar “Dabageed” in an ultimately unsuccessful attempt to persuade them back to Jowhar to revive the conference.
6. On 13 August 2016 Governor “Dabageed” banned meetings between individuals opposed to the state formation process, and ordered the arrest of a prominent local journalist, Mr. Ali Ali Dahir Herow “Kuluc”, known to have close ties to Ugas Hassan Ugas Khalif.
7. At the time of writing, attempts were being made to reinitiate the state formation conference in Jowhar—with President Hassan Sheikh travelling to the city on 15 September to push the process along—though important Hawadle elders remained absent, intent on postponing the state formation process until after the political transition in the hope that they may receive greater support from the next government.¹²³
8. The prolonged process to establish the final remaining regional administration has demonstrated again the challenges of state-building when a ‘zero-sum’ approach is adopted by all major stakeholders, and the focus on the immediate capture of available political resources outweighs attempts to foster reconciliation.

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

Annex 3.2: 2016 transition challenges

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

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

Political process

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

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

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

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

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

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

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

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

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

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

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

Concerns

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annex 4

Public financial management and misappropriation

Annex 4.1: Currency printing in Puntland

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

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

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

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

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

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

¹⁴⁶ S/AC.29/2016/SEMG/OC.88.

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



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

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

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

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

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

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

¹⁴⁸ See annex 4.1.

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

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

¹⁵¹ Ibid.

Annex 4.3: Public contracts and concessions

Annex 4.3.a: Smart Company for Public Service

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

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

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

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

Annex 4.3.b: Modern Technologies Inc.

15. On 24 July 2014, a contract was signed by former Minister for Transport and Civil Aviation, Said Ali Jama Korshel and Modern Technologies Inc. (“MT”), represented by Mohamed Farah Hirsi¹⁶⁰, to produce vehicle number plates, driving licences, and vehicle registration certificates in Somalia and create a database for all registered cars

¹⁵² See figure 1.

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

¹⁵⁴ See figure 2.

¹⁵⁵ See figure 3.

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

¹⁵⁷ See figure 5.

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

¹⁵⁹ See figure 6.

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

and drivers in Somalia. According to the terms of the agreement, MT and the Ministry of Transport and Civil Aviation would share the profits, 40 per cent and 60 per cent respectively.¹⁶¹

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

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

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

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

Annex 4.3.c: Mogadishu Port

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

21. According to the contract, Albayrak is entitled to 45 per cent of the gross income of the port. At the end of 2015, Albayrak unilaterally announced that it would limit its payments to the FGS to USD 1 million per month, claiming that the costs of management of the port were too high, thereby jeopardising their investment program. The Minister of Finance met with the representatives of Albayrak on 14-15 March 2016 in Mogadishu and signed an Interim Agreement.¹⁶⁹ The contract allows Albayrak to deduct more expenses, thus increasing their share of the revenue generated by the port. According to the contract, the FGS would contribute to Albayrak USD 60,000

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

¹⁶² See figures 9.a and 9.b.

¹⁶³ S/AC.29/2016/SEMG/OC.91.

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

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

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

¹⁶⁷ See figure 15.

¹⁶⁸ See figure 10.

¹⁶⁹ See figure 12.

monthly, retroactively from 1 December 2015, for security expenses although Albayrak does not provide such services.¹⁷⁰ The cost of the perimeter walls to be built will be shared as follows: 60 per cent for FGS and 40 per cent for Albayrak. The service charge paid for the subcontractors will remain at USD 3.5 per ton, but the FGS will subsidise the expense with USD 2.5 per ton while Albayrak's support is limited to USD 1 per ton, making it a favourable deal to Albayrak.

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

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

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

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

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

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

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

¹⁷² See figure 11.

¹⁷³ See figures 13 and 14.

Figure 1: First and last page of Smart contract

HESHIIS TAARUKAAYI FARSAMO EE DHEXIMARAT WASAARADDA MAALIYADDA
(DOWIADDA FEDERAALKA SOOMALIA)
IYO
SHIRKADDA SMART EE ADEEGGA GUUD

Maanta oo ay taariikhdu tahay 20th September 2015 waxaa heeshiis kaalimo farsamo magaalada Muqdisho ku dhacday dhinacrada kale ah.

1) Wasaaradda Maaliyadda oo halka loogu yeeri doono Wasaaradda Iyo

2) Shirkadda Smart ee Adeegga Guud oo halka loogu yeeri doono Shirkadda.

Qodobade Heshiiska
Qod. 1aad
Rukhsad

Wasaaraddu waxey Shirkadda rukhsad u siiyey in ay darsaad ku sameeyo qaabka loo qaabo cashuurta wadadda ciqaabta dhammaan gawaarida kale duwan ee istimaarka waddooyinka gobolka Banaadir iyo dalka inta kale hada inta suuragal ah, si loo tayeeyo loona kordhiyo ururinta cashuurta wadadda.

Qod. 2aad
Wajjibowadka Shirkadda

Shirkadda waxaa saran wajjibowadka soo socda:

1. In ay tira koobto dhamaan gaadiidka isla markaana dhiso nidaam casriyaysan oo lagu maamulayo hab sami ubuntka cashuurta gaadiidka.
2. In ay wasaaradda farsamo ahaan ka kaalimayo ururinta cashuurta wadadda iyo habsaminta ubuntada, iyadoo meel marintayo qaab ku salaysan technologyda casriga ah ee suura gelin kara in oolkaaraba uu baabuurta si habsam ah ugu bixiyo cashuurta wadadda.
3. In ay dayactiro qalabaysana shan xarumood oo loo adeegsado ururinta cashuurta wadadda oo loo yaqaano tere mesteraale
4. In ay tababarto 80 qof oo ka mid ah howl wadeenada wasaaradda ee ku shaqada leh ururinta cashuurta wadadda.
5. In ay keento shan gaari oo loogu talo galay ururinta cashuurta wadadda kuna xiro qalab iuduleeyaya kale ogaashaha baabuurta laga bixiyo cashuurta wadadda iyo kan lagu leeyahay.
6. Qalabka gaadiidka, nidaamka ama systemka iyo xogta waxaa bhaanaya wasaaradda.
7. Shirkaddu waxay masuul ka tahay dayactirka iyo beddelka qalabka ama gaariga ciidoodba.
8. Shirkadda awood uma lahan iney qabato cashuurta dowladda.

Qod. 3aad
Sharcinimada Heshiiska iyo Dhaqan Gaalka

1. Heshiiskan waxaa loo cusaday Qod. 1aad ee Xeer Sharci L. 1 ee 7dii Febraayo 1995 (dib u habeynta Sharci L. 14 ee 3dii Junn 1962 kuna saabsan Xeerka Nidaamka Xukumadda).
2. Heshiiskan wuxuu dhaqan gelayaa markii labada dhinac ay kala saxiixdaan, iyadoo laga diwaan geliyo Garigaanka Guud iyo Hantidhowrta Guud laguna soo saarayo Faafinta Rasmiga ah ee Jamhuuriyadda Federaalka Soomaaliya.

Qod. 4aad

Saxiixa Wasaaradda
Mudane Maxamed Aadan Ibrahim
Wasiirka Wasaaradda

Saxiixa Shirkadda
Maxamud Cali Cabdulle
Guddoomiyaha Shirkadda

SMART GENERAL SERVICE LTD

Waa 680 gaariyo qalabka guud ayuu ka
uuna qalabka, heshiiska, wadadda
aga heshiiska
13.01.2016
Dr. Siyaad Ali Hassan
Guddoomiyaha

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



Figure 3: Letter from Director Amina Sheikh Osman Mohamed

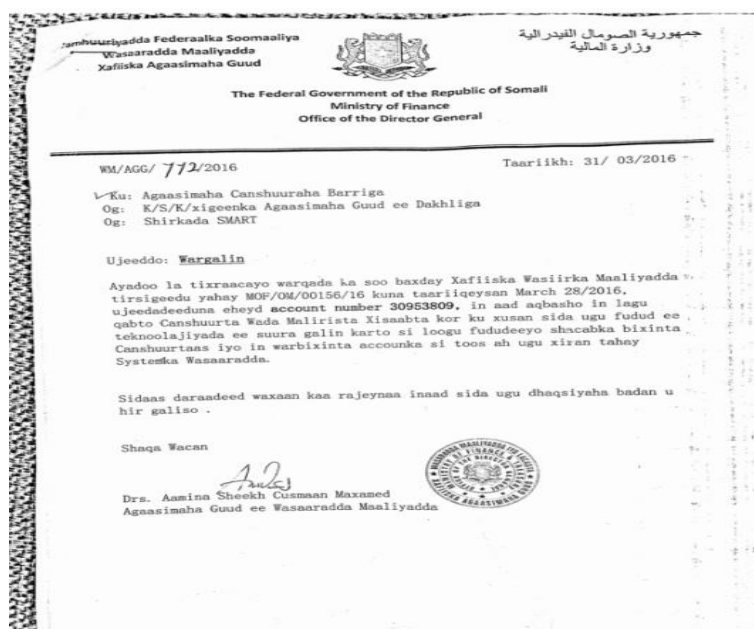




Figure 4: Letter from the Auditor General ordering to transfer the money collected in Salaam Somali Bank for road tax to the Central Bank



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

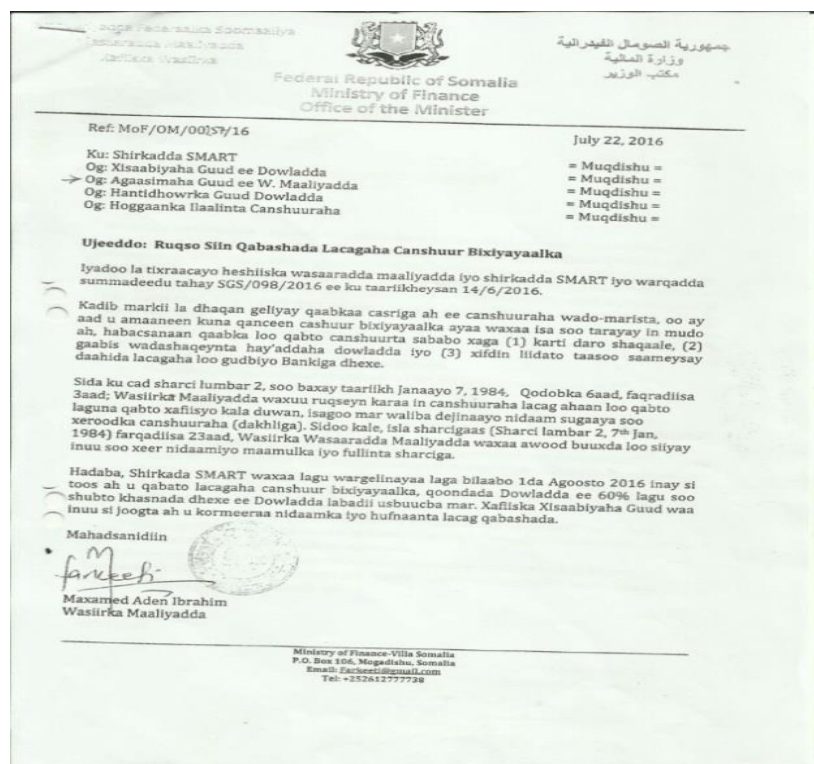


Figure 6: Letter of the Minister of Finance, authorizing Smart to directly collect road tax

Figure 7: First and last pages of the MT contract



<p>Heshiiska u dhexeeya wasaaradda Gaadiidka iyo Duulista Hawada</p> <p style="text-align: center;">iyo</p> <p style="text-align: center;">Shirkadda Modern Technologies INC</p> <p>Hordhac</p> <p>Si loo dhiingaliyo ganacsatada Soomaaliyeed inay maalgashi ku sameeyaan Daalkooda, isla markaana la dhiingaliyo ilahe wax-soo-saarka iyo adeegga bulshada, taasoo qayb ka ah qaabka shaqo u abuurrda bulshada si loo yareeyo shaqaa la'aanta, ayaa Wasaaradda gaadiidka iyo Duulista Hawada ayadoo gudamayna wajaibadeedda horumarka adeegga loo qabo gaadiidlayda isla markaana la kaashanaysa ganacsatada doonaysa in ay maalgashadaan dalika, in la Caayeeeyo, lana gaarsiyo heer Caalamii (international standard) qaabka loo maamulo dhiwaan galka, lambarada baabuurta iyo Carshuurta Jidka (Tax Road) iyo buugga lahaanshaha baabuurta (Log Book) si looga hortago dambiyada lagu galo gaadiidka, isla markaana ay ugu fududziiso hay'adaha nabadgalyada in ay si sahlan u raadraacaan faldambiyeeyada lagu galo gaadiidka.</p> <p>Wasaaradda gaadiidka iyo Duulista Hawada waxay u soo bandhigtay Ganacsatada iyo ciddii kale ee damaynaysa Qandaraas (Tender) ay ku bixiirayso adeegga gaadiidka (services) ay wasaaraddu u qabto jiray gaadiidlayda, ayadoo Wasaaraddu ka mid noqonaysa milkiilayaasha shirkadda saamlayda ah ee lagu abuurayo heshiiskan.</p> <p>Qodobka ka Taad: Ujeedada Heshiiska.</p> <p>Waxaa heshiiskan dhexmaray Wasaaradda gaadiidka iyo Duulista hawada iyo Shirkadda Modern Technologies INC, ujeedadiisuna tahay inay shirkaddu maalgasho Caayiyinta dukumintiga iyo adeegga la xiriira gaadiidka sida summadada Baabuurka ama Tarigada, Lahaanshaha baabuurka (Log book or ownership), Ilaalinta Xaaladda baabuurka (M.O.T), nugaada waddida gaadiidka, Carshuurta Jidka (Tax Road) iyo wixii kale ee dukumintii ah oo sharciyo farayo inuu haysto qofka baabuurka leh, waxaa kale oo ay samaynaysaa saldhigga taasoo ciidamada amniga iyo kuwa nabadgalyada wadooyinku ku heikaraan 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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Figure 8: Letter from the Minister of Finance allowing MT to collect taxes directly

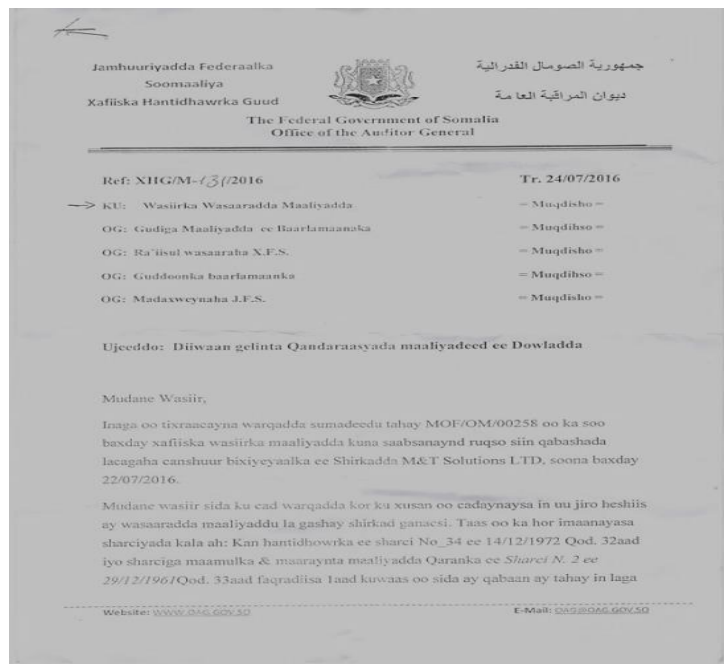


Figure 9a: First page of the AG's letter regarding the illegality of the tax collecting concession awarded by the Minister of Finance to MT

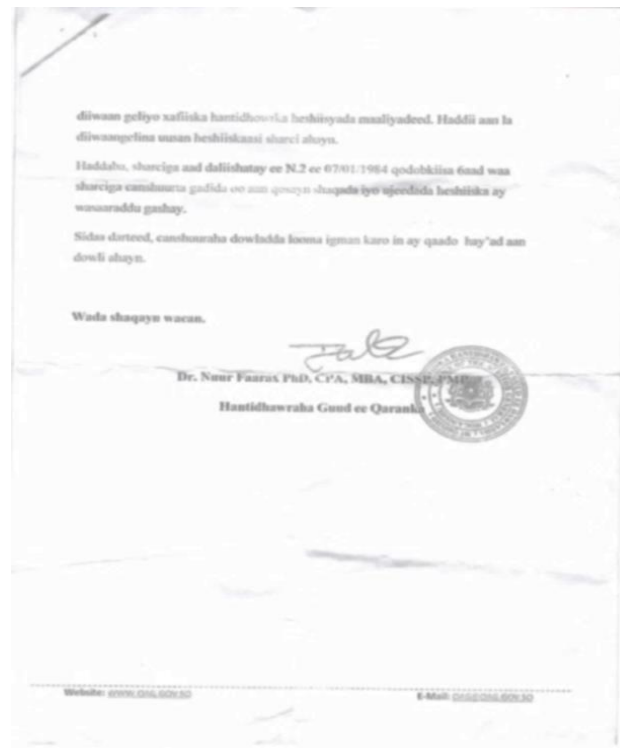


Figure 9b: Second page of the same document to directly collect taxes

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

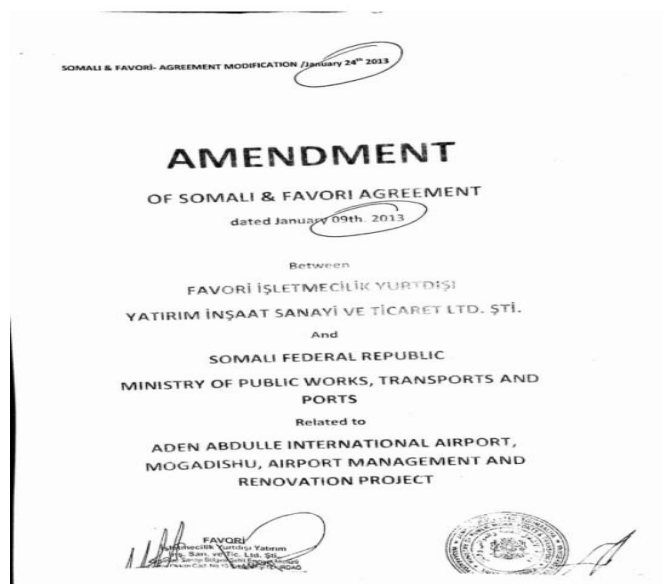


Figure 12: Interim agreement between the Minister of Finance and Albayrak

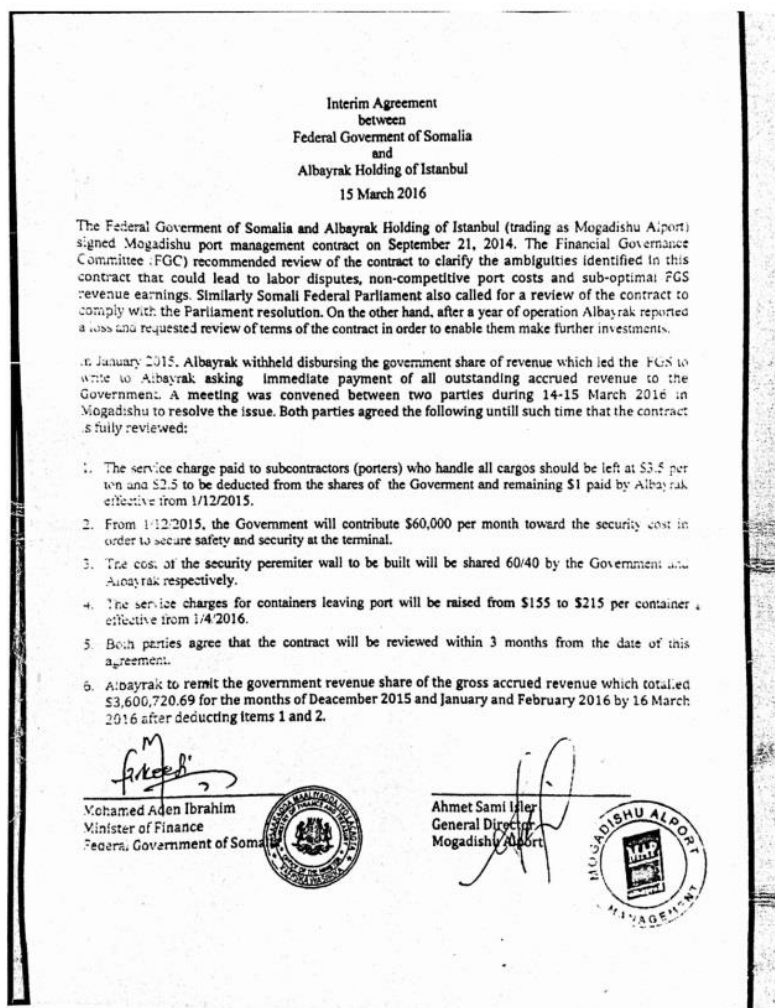


Figure 13: FAVORI financial report for the first 6 months

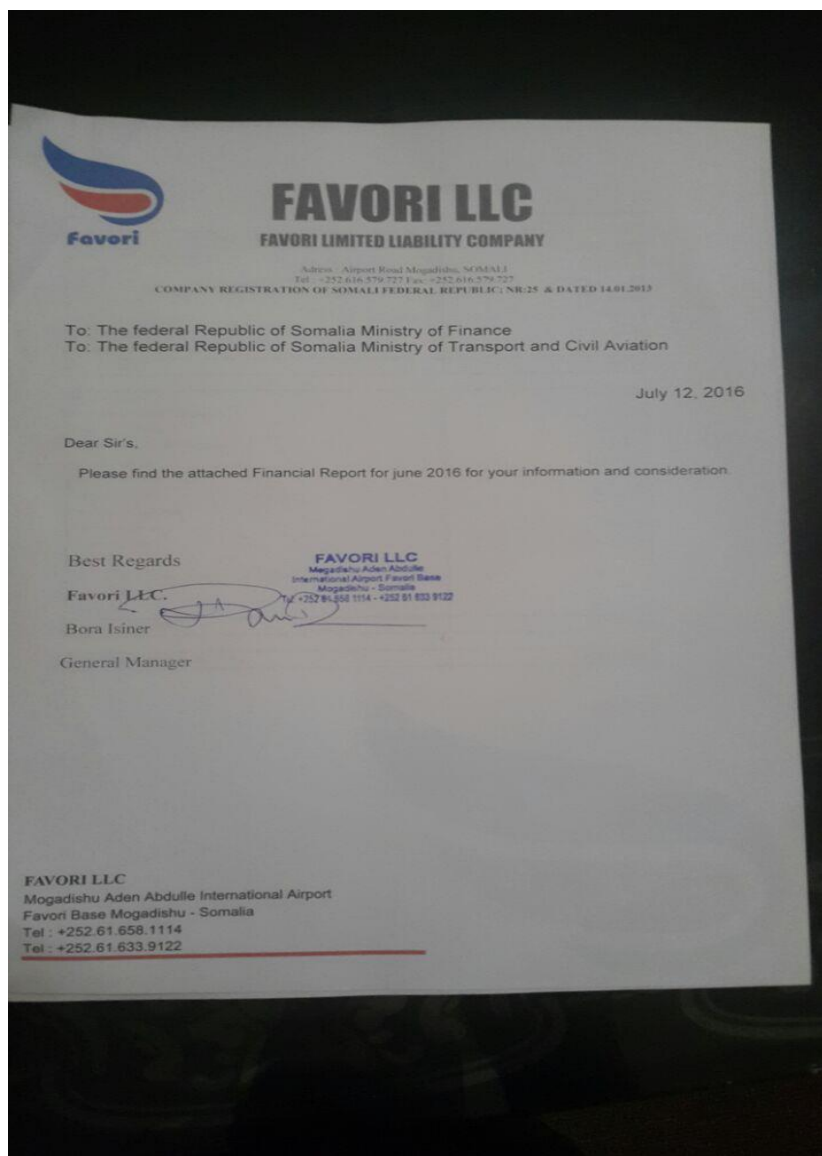


Figure 14: Financial situation for June 2016

FAVORI LLC	
INCOME STATEMENT	
	2016 JUNE
Landing Fee&Extra Charges	248,547.14
Navigation Fee	161,855.00
Handling Charges	286,759.14
Pax International Charges	232,000.00
Pax Domestic Charges	39,831.00
Cargo Freight Charges	88,334.19
Fuelling Concession incomes	107,923.26
TOTAL SALES	1,165,249.74
Netto Salaries	159,042.00
Terminal Cleaning Company	8,600.00
Cleaning material	372.00
Repair (building and vehicles)	9,564.00
Fuel oil Expenses	51,384.80
Communication expenses	145.00
Travel Expenses	21,033.60
Operational expenses	1,995.75
Internet expenses	7,500.00
Freight expenses	0.00
Insurance Accruals	34,957.49
Personel Accomodation and Food Expenses	18,947.58
Bank charges	487.25
Depreciation	297,379.15
TOTAL EXPENSES	611,408.62
NET PERIOD PROFIT OR LOSS	553,841.12

249,228.50

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

Smart
General Services Ltd

Tar: 20/8/2016

Ref: SGS/104/2016

Ujeedo: Cadayn

Aniga oo ah **Ibrahim Mohamed Mohamud** Gudoomiyaha Shirkada Smart General Service waxaan halkaan ku cadaynayaa shaqsiyadka hoos ku xusan in ay yihiin Milkiilayasha Shirkada:

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

Gudoomiyaha Shirkada
Ibrahim Mohamed Mahamud




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

Annex 4.4: Chinook Urban Mining International

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

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

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

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

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

30. In an 11 March 2016 email (see below), a Somali middleman discussed a proposed meeting between State Minister Hamza and Chinook Chairman Tariq Al Haidary, to take place in Dubai on 16 or 17 March. The email

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

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

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

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

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

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

made reference to a document that Hamza was required to sign, and promised that "...the project will also offer significant financial proposition to the participating officials, however that will be discussed in details up our forth coming meeting". However, the Dubai meeting never took place. Emails in possession of the SEMG show that once the CBS Governor, Bashir Issa Ali , and Minister of Finance, Mohamed Ibrahim Aden, became aware of the letter of approval, Buri Hamza was quick to disavow the deal. In an 11 March 2016 email forwarded to the CBS Governor, Hamza wrote "As a Minister of State for Environment of the Federal Republic of Somalia, I will BY NO MEANS allow anyone to dump wastes in our country." Hamza forwarded the same message to other FGS officials on 26 March, adding, "Those fellows thought that I would be lured to their lucrative compensation. How could they be so stupid!"¹⁸⁰

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

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

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

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

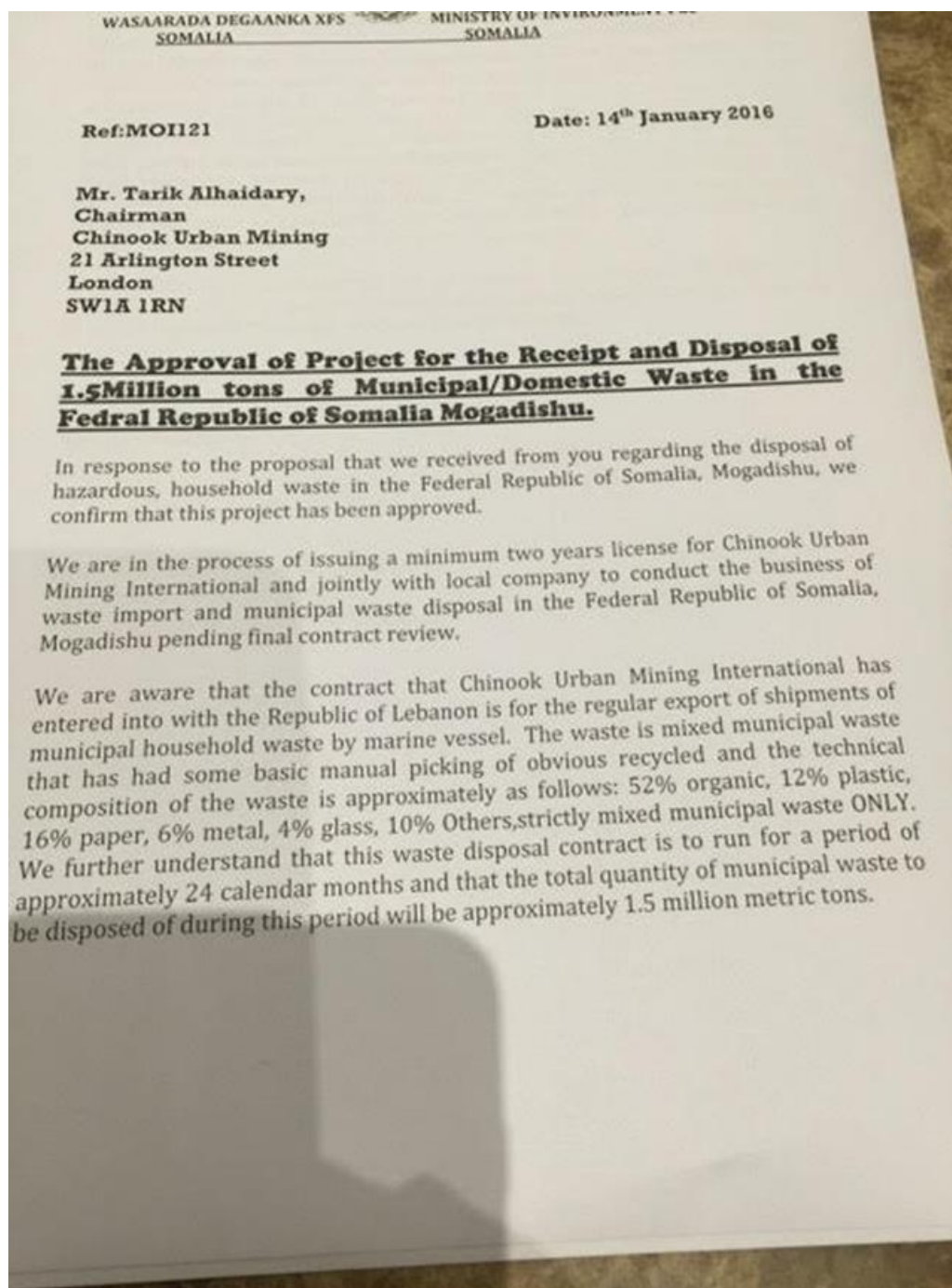
34. The SEMG notes the positive steps taken by the FGS, in particular Governor Issa and Minister Ibrahim, with regards to identifying and forestalling the signing of the contract with Chinook Urban Mining International. The exposure of the Chinook letter of approval provides an indication of the ongoing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

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

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

¹⁸² Ibid.

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



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

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

Yours Faithfully

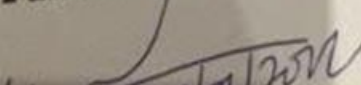


Figure 2: Emails outlining the proposed Dubai meeting and offering “significant financial proposition” to public officials involved in the deal

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

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

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

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

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

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

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

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

Dear Mohamed,

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

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

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

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

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

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

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

In summary this is what I need from you urgently:

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

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

Kind Regards

Saeed

Annex 4.5: Telecommunications sector

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

Annex 4.5.a: Taxation and regulation

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

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

Annex 4.5.b: Mobile money and security risks

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

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

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

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

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

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

- E-MAAL offered by Nationlink in southern Somalia.

39. Hormuud launched the first mobile money service in south and central Somalia, at the end of 2009, called ZAAD. At that time ZAAD was compliant with international standards for money transfer services, including with anti-money laundering regulations. It was mandatory that a person opening a mobile money account would also attach a telephone number registered under the same name. Procedures also required the user to fill a registration form containing the following information: full name (four names), mother's name, date, and place of birth and residence. An ID photo and the name of a family member who could vouch for the user were also required. But ZAAD only functioned for less than one year in south and central Somalia.¹⁸⁷

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

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

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

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

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

Annex 4.6: Public land appropriation

Ministry of Civil Aviation and Transport land in Dharkenley district

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

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

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

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

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

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

¹⁹² Official correspondence reference: S/AC.29/2016/SEMG/OC.77.

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



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



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



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



Figure 5: Min. of Transport & Civil Aviation approval

JAMHUURIYADDA SOOMAALIYA
Xukuumadda Federaalka
Wasaaradda Gaadiidka iyo Duulista Hawada

جمهورية الصومال
الحكومة الاتحادية
وزارة النقل والطيران الجوي

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

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

Ku: Guddoomiyaha G/Banaadir Ahna Duqa Magaalada Muqdisho.

Ujeedo: Oqolaansho kamaarimid dhul (Noolo Oosto)

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

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

Sidaa daraadeed waxaanu kamaarney dhulkaa, bacadnaa dadkii laga dumiyey dhulka aan kor ku xusney ladajinayo.

Wadashaqeyn Wacan,

Said J. Ali Korshel
Wasiirka Wasaaradda

Email: minister@mtca.gov.so, saidkorshel@yahoo.com Tel: +252-61-5774444+252-69-777444

Figure 7: Benadir Regional Administration approval

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

جمهورية الصومال
بنادر
إدارة محافظة بنادر
بلدية مقديشو
مكتب المحافظ

JAMHUURIYADDA FEDERALKA SOOMAALIYA
Maamulka Gobolka Banaadir
Dawlada Hoose Ee Muqdisho

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

Ku: Madaxweynaha Jamhuuriyadda Soomaaliya Muqdisho.

Ujeedo: Codsi Noolo oosto dhul (Oqolaansho ka maarmid dhul)

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

Mudane Madaxweyne, Waxaan halkan kugu soo gudhinyaa codsi ku aadan in aad noolo oosto saarto dhulka ku yaalla Degmada Dharkeynley cabirkisuna yahay 600X650mt, ayna leedahay Wasaaradda Gaadiidka iyo Duulista Hawada, dhulkaas oo aan u doonayno in aan dib u dajin ugu sameyno dadkii laga dumiyay 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 rajeynayaa in aad iya aqbali doonto codsiga ujeedada sare ku xusan.

Iga guddoon Salaam & Ixtiraam Badan.

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

Figure 6: Office of the President approval

Jamhuuriyadda Federaalka Soomaaliya
Xukuumadda Madaxweynaha

جمهورية الصومال
الحكومة الاتحادية
مكتب الرئيس

Federal Republic of Somalia
Office of the President

JFS/XM/OKMD/H02/2015 Febraayo 10, 2015

KU: GUDDOOMIYAH GOBOLKA BANAADIR AHNA DUQA MAGAALADA MUQDISHO -MUQDISHO

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

Mudane Guddoomiye,

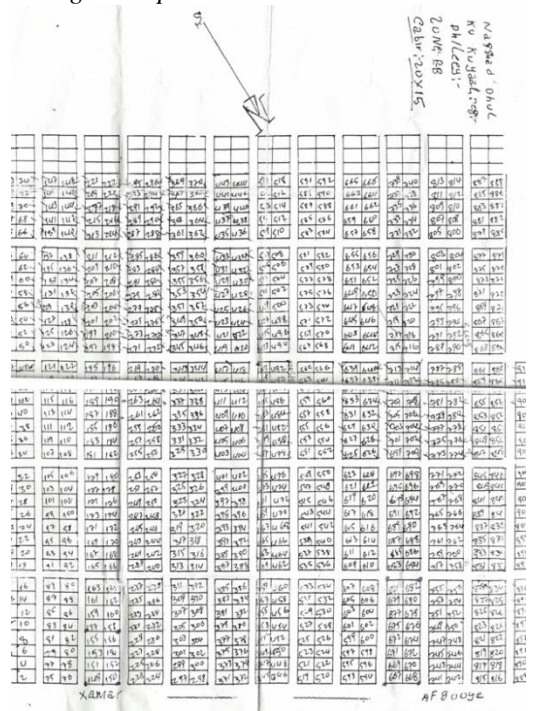
Iyada oo la tixraacayo oggolaansha Wasaaradda Gaadiidka iyo Duulista Hawada ee ku aaddan ka maarmida dhulka ku yaalla Degmada Dharkeynley (600 X650 mt) islamarkaana la tixgalineyo codsigaaga ah in aad dhulkaas dib u dejin ugu sameyso dadkii Soomaaliyeed ee laga dumiyay hareeraha iskuulka 21 Oktobaar ee Degmada Waaberi, waxaa lagu oggolaaday codsigaas.

Fulin wacan

Xasan Sheekh Maxamuud
Madaxweynaha JFS

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

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



Ministry of Commerce and Industry land in Yaaqshid district

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

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

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

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

¹⁹³ [S/AC.29/2016/SEMG/OC.77](#).

Figure 9: Ministry of Commerce and Industry approval

Xukuumadda Federaalka
Jasaraadda Ganacsiga & Warshadaha

الحكومة الفيدرالية
وزارة التجارة والصناعة

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

SUMMAD/011/015 Date: 06/04/2015

Ku: Madaxwaynaha Jamhuuriyadda Federaalka Somaliya -Mogadishu-

Ujeedo. Warbixin dhuleed

Mudane madaxwayne unaan halkaan kuugu soo gudbinayna warbixin ku saabsan dhul aylahayd wasaaradda warshadaha & ganacsiga xaslaadisa waan sidan dhulkaasi waxuu ku yaalla wadada warshadaha Was (100*100m)

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

Mahadsanid

Mohamed Hassan Adam
Wasiir, dowlada Wasaaradda Ganacsiga & Warshadaha
E-mail: ms_adam39@hotmail.com/moc@moc.gov.so
Contact phones: +252 615251879/+252618977466
Tel/Fax No: 252 61 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/11/AG/GGDM/011/2015
Taariikh: 14/06/2015

Ku: Agasimaha Waaxda Maamulka Dhulka Dhoose ee Xamar
Muqdisho.
Muqdisho.

Ujeedo Lacag shubis.

Tix-rax warqadda summadeedu tahay 011/2015 ee ku taariikheysan 08/04/2015 ujeedadeeduna tahay Warbixin & ka maamid Dhuleed kana soo baxday Xafiiska Wasiir-dowlaha Wasaaradda Ganacsiga & Warshadaha.

Iyadoo la fulinayo Amarka Madaxweynaha J.F.S ee ku taariikheysan 03/06/2015 kasoo baxay Magaalada Muqdisho lagu farayso in uu fuliyo soo jeedinta Wasaaradda Ganacsiga & Warshadaha ee tix-raxa sare ku xusan.

Haddaba, Agasimaha Waaxda Maamulka dhulka Dhoose ee Xamar oo ay warqaddani kula tooska ah ugu soooto waxaa lagu fureyaa in aad lacagta ka qeeybiyay: Mudayaashii Magacyadeeda 100 ku xusan yihii, una dhameystirto wixii hab raxa dukumiin ah, dhulkaasi oo ku yaalla Degmada yaqshiid.

1. Maxamed Xasan Aadan	Cabirka dhulka 20X100 L.No: 11-13-15-17
2. C/raxmaan Ibraahim Cali	Cabirka dhulka 20X100 L.No: 12-14-16-18-20
3. Jimcaale Gaal Xasan	Cabirka dhulka 20X40 L.No: 1/2 -
4. C/raxmaan Aadan Cismaan	Cabirka dhulka 20X20 L.No: 9
5. Xasan macallin Khaliif	Cabirka dhulka 20X20 L.No: 10
6. Faddumo Cumar Cabdi	Cabirka dhulka 20X20 L.No: 8
7. Ibraahim Jimcaale Calasow	Cabirka dhulka 20x20 L.No: 7
8. Ibraahim Muuse Abukar	Cabirka dhulka 20x20 L.No: 6
9. C/raxmaan Maxamed Tuuryare	Cabirka dhulka 20x20 L.No: 4
10. Maxamed Rooble Jimcaale	Cabirka dhulka 20X20 L.No: 3
11. C/qaadi Cali Mire Diyaar	Cabirka dhulka 20X20 L.No: 19
12. Hiibo Xasan Xaaji Axmed	

Sidoo kale, Agasimaha Waaxda Farsamada dhulka waxaa lagu farayaa in ka guuto Wasajbaadka uga aadan arintan.

Sidaas darteed, Waxaa laydiinku adkeynayaa in aad fududayso.

Hawi-Wacan.

S/guuto: Xasan Maxamed Xuseen (Muungabo)
Guddoomiyaha G/Banadir Xms Duqa Magaalada Muqdisho.

Figure 10: Director General of the Presidency order

Jamhuuriyadda Federaalka Soomaaliyeed
Madaxtooyada
Xafiiska Agasimaha Guud

جمهورية الصومال الفيدرالية
الرئاسة
مكتب المدير العام

Federal Republic of Somalia
The Presidency
Office of the Director General

Ref: JFS/XM/AG/SCDH/016/06 Sitembar 01, 2016

KU: GUDOOMIYAHA GOBOLKA BANAADIR
OG: XEER-ILAALIYAH GAUD EE QARANKA
OG: GUDDIGA BADBAADINTA HANTIDA QARANKA
OG: WASAARADDA GANACSIGA IYO WARSHADAH

=MUQDISHO
=MUQDISHO
=MUQDISHO
=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, Ujeedadeeduna ahayd Warbixin Dhuleed, kuna caddayd in aney dhulkaasi Wasaaradda u haynin wax maalgelin ah isla markaana ay soo dhaweynaynaa ciddii maalgelin ku samaynayso.
2. Warqadda Summadeedu tahay DH/MG/GGDM/011/214/2015 Tr. 14/06/2015 Ujeedadeeduna ahayd: Lacag Shubis, Nuurkeeduna ahaa in lagu qeybiyo dhulka sare ku xusan ee ay Wasaaradda maalgelin in lagu sameeyo ku soo codsatay, isla markaana loo isticmaalay Ujeedadii laga lahaa si ka duwan loona qeybiyay muwaadiniin caadi ah oo aan wax maalgelin ah ku sameyn karin, uuna ka mid yahay isla wasiir-dowlaha uu qoraalka kasoo baxay taasoo muujineysa in ay jirto dano iska horimaanaya (conflict of interest).
3. Amarka madaxweynaha ee ku taariikheysan 07/06/2015 ujeedadeeduna ahayd: in la fuliyo talo soojeedinta Wasaaradda kana hadlayay in loo raadiyo qaabkii iyo ciddii maalgelin ku samaynaya kaasoo loo isticmaalay si ka duwan taladii madaxweynaha.

Somalia Presidency, Villa Somalia, Mogadishu, Office Tel: (+2525) 941000,
Email: somalipresidency.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 baah'iso dhammaan mulkiyadaha ay dhulkaasi ee sida shurci-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
Agasimaha Guud ee Madaxtooyada

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

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

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

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

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

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

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

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

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

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

¹⁹⁸ Ibid.

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

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.

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

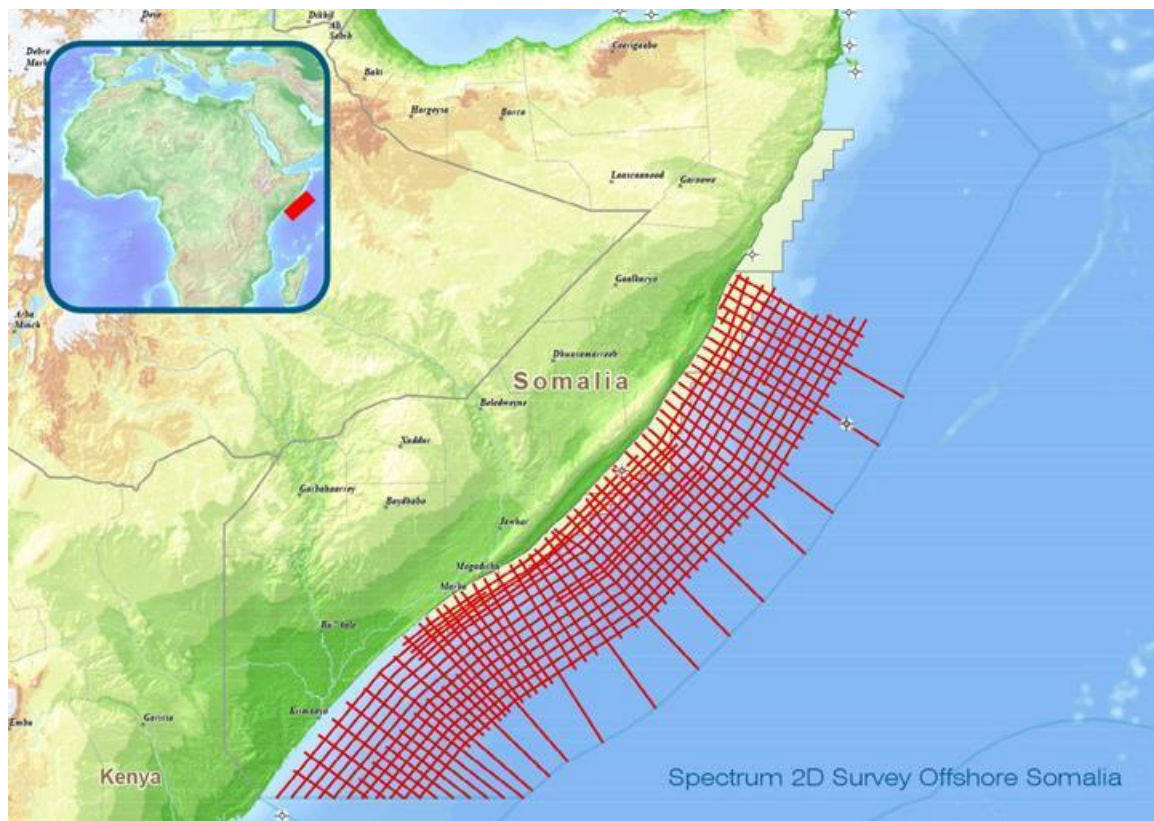


Figure 14: Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land adjacent to Adan Adde International Airport, 1 September 2016



Annex 5

Natural resources



Annex 6

Obstruction of humanitarian assistance

Annex 6.1: Access to humanitarian assistance

Main supply routes and unlawful taxation

1. The operation of illegal checkpoints on main supply routes (MSRs) by state and non-state armed actors intensified in scope, number and nature during the mandate, affecting movement of population and basic commodities and constituting one of the most problematic obstacles to humanitarian access. Spurred by a range of factors, from lack of payment of security forces, to the proliferation of armed groups with putative claims to official status, and weak or absent command and control, the level of extortion and violence at these checkpoints rendered some key MSRs practically impassable. In March 2016 the Mogadishu to Baidoa artery, for example, some traders judged it preferable to pass through Al-Shabaab-controlled territory—adding approximately 600 miles to the journey—as taxation was predictable and demanded only once.²⁰⁰ Receipts issued by Al-Shabaab were honoured throughout its territory. The alternative was to face multiple checkpoints manned by local militia, regional forces and the Somali National Army (SNA), all of which expected their own fee.

2. In March 2016 humanitarian organisations initiated a dialogue with national and regional level officials, which resulted in assurances from the Interim South-West Administration (ISWA), Middle Shabelle regional authorities and the FGS Ministry of Interior and Federal Affairs that they would clear roads and facilitate the movement of humanitarian and other essential supplies. A major obstacle to such efforts, however, was the variety of forces and command controlling checkpoints in highly contested areas such as Lower Shabelle. Although local authorities had the formal responsibility to secure such routes they often had no *de facto* authority: on one occasion, for example, humanitarian workers were told that the best they could hope for was a case-by-case clearance for each individual convoy to be attempted.²⁰¹

3. The SNA's inability to effectively support African Union Mission in Somalia (AMISOM) forces in the holding of 'recovered' areas was also a major challenge: this stretched AMISOM's resources and in turn undermined its capacity to clear supply routes as urged by the Council.²⁰² It also led to a dynamic of cyclical capture and withdrawal from 'recovered' locations by anti-Al Shabaab forces with serious implications for both the protection of civilians and the safe passage of humanitarian aid.²⁰³

Al-Shabaab

4. One of the most significant impediments to humanitarian access during the mandate continued to be Al-Shabaab's violent enforcement of blockades of urban areas controlled by anti-Al Shabaab forces, particularly in parts of Bay, Bakool and Hiran.²⁰⁴ Al-Shabaab targeted the passage of both relief and commercial supplies, driving

²⁰⁰ By August 2016, costs for a convoy on the Mogadishu-Baidoa-Dolow route were still running at USD 4,000 to 5,000. Interviews with civil society and government officials in Baidoa, 2 to 3 March 2016; For more information, see also Transparency Solutions, "Beyond Isbaaro: Reclaiming Somalia's Haunted Roads", Nairobi, 2016.

²⁰¹ There was clearly no facility for a general directive to be issued and adhered to. Interview with humanitarian worker, Mogadishu, 19 June 2016. Interview regional administration official, Baidoa, 3 March 2016.

²⁰² Skype interview with UN staff member, 28 July 2016. In resolution 2297 (2016), the Council charged AMISOM, *inter alia*, with contributing "within its capabilities as may be requested, to the creation of the necessary security conditions for the provision of humanitarian assistance" (paragraph 7 (b)). Within this it is specifically mandated to secure key supply routes, in particular those essential to improving the humanitarian situation (paragraph 6 (d)). The Council has also asked the Secretary-General to report, in consultation with the FGS and AMISOM, on progress in this latter (paragraph 8).

²⁰³ See discussion of SNA withdrawals at section II B of this report.

²⁰⁴ In Baidoa in March, for example, security officials told the Monitoring Group that the regional capital continued to be completely "disconnected" from the 'recovered' towns of Wajid, Dinsor, Hudur and Berdale. Interviews with regional government officials, 2 March 2016.

up prices of key commodities in affected communities.²⁰⁵ As was its *modus operandi* during 2014 and 2015, goods themselves, the modes of transport, and those who transported them were all vulnerable to attack, destruction and murder. In November 2015, for example, 11 donkey carts and their loaders were attacked in Alemow village on their way from Buur Dhuhunle to Wajid in Bakool region: the donkeys were slaughtered, the carts and goods destroyed and the loaders tortured but released.²⁰⁶ In late June 2016 three civilians were killed in their homes in El Lehili outside Hudur, also in Bakool region, reportedly connected with their engagement in delivering livestock and related goods to Hudur.²⁰⁷ In July 2016 in Lower Shabelle, Al-Shabaab publically destroyed food aid originating from Turkey, further to threatening businessmen in the area not to deal in Turkish goods.²⁰⁸ Local level negotiation with Al-Shabaab in areas such as Hudur (Bakool) did have some success in facilitating intermittent access. Nevertheless, by the end of August 2016, humanitarian organisations were still only able to approach Buloburde (Hiran), Dinsor (Bay), Garbaharey (Gedo) and Wajid (Bakool) by air.

5. The cyclical engagement and withdrawal of AMISOM and the SNA from towns and villages in Lower Shabelle, Hiran, and Gedo regions created great uncertainty for civilians and, as a result, humanitarian actors. Access to humanitarian aid was perceived within a political calculus, granted or denied depending on the interest served. In October for example when Al-Shabaab took over Kurbeyso and Meerii, south-east of El Wak town in Gedo region, they reportedly declared a ban on humanitarian agencies. The SEMG notes, in contrast, that Federal and regional authorities rarely questioned the movement of humanitarian aid into Al-Shabaab areas.

6. In areas where Al-Shabaab was the prevailing authority, humanitarian organisations continued to be faced with demands for fees and taxes, generally through a local humanitarian focal point.²⁰⁹ Although there were indications in mid-2015 that Al-Shabaab was attempting to centralise its regulation of humanitarian operations, this trend did not continue during the course of the mandate; organisations still generally negotiated access through local nodes of power.²¹⁰ Some humanitarian workers nevertheless told the SEMG that Al-Shabaab demonstrated greater “hostility” in its interactions with humanitarian workers during the mandate, whether due to the intensity of the violence associated with both sides of the Al-Shabaab conflict, internal tensions within Al-Shabaab itself, or the greater pressure on Al-Shabaab to raise finance for its operations.²¹¹

7. In early August 2016, Al-Shabaab released photographs of the establishment of an Islamic police (*Hisba*) in Jilib in Middle Juba.²¹² Declaring it would operate as a non-armed force to promote virtue and prevent vice, Al-Shabaab also noted that the Hisba would have a role in protecting “the quality of food and medicine and clothing in the market and all products in the markets”. The SEMG has not yet been able to assess the extent to which this development has impacted local humanitarian operations in Middle Juba. Meanwhile, on 4 September 2016, the

²⁰⁵ S/2015/801, annex 5.1. In March officials in Baidoa told the Monitoring Group, for example, that the price of sugar had been pushed up to USD 4 in Dinsor.

²⁰⁶ Email from non-governmental organisation (NGO) staff member, 22 November 2015.

²⁰⁷ Email from UN staff member, 26 June 2016.

²⁰⁸ Email from UN staff member, 17 July 2016. See also www.dhacdonews.com.

²⁰⁹ Interview with NGO staff member, Nairobi, 4 August 2016.

²¹⁰ S/2015/801, annex 5.3.

²¹¹ Interview with UN staff member, Mogadishu, 19 June 2016. For more on Al-Shabaab financing see annex 1.8.

²¹² See, Caleb Weiss, Shabaab promotes ‘newly established’ Islamic police, The Long War Journal, 9 August 2016 available at <http://www.longwarjournal.org/archives/2016/08/shabaab-promotes-newly-established-islamic-police.php>. In October 2015 sources told the Monitoring Group that ISIS-affiliated fighters had a strong influence in the town. Interview with local elder in exile, Nairobi, 27 October 2016.

SEMG received a report that a new cadre of young men between 16 and 18 years of age had been trained as tax collectors and had begun operating between Jilib and Jamame, distinguished in their role by a special uniform.²¹³

The humanitarian ‘carve out’

8. In resolution [2244 \(2015\)](#) the Council extended the humanitarian ‘carve out’ until 15 November 2016, determining that the payment of funds necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the UN or specified partners would not be subject to the assets freeze imposed on designated entities.²¹⁴ Against the background of the widespread influence or control exerted by Al-Shabaab—a designated entity—over large parts of the territory, the maintenance of the ‘carve out’ contributes to enabling the delivery of assistance to people in need wherever they are found in Somalia.²¹⁵ Not only does the ‘carve out’ create an atmosphere which reassures humanitarian actors as well as prospective private and public partners: it encourages the UN country team to develop and implement more rigorous due diligence mechanisms in order to protect its renewal. More broadly the ‘carve out’ can be considered as an element of the toolbox which facilitates humanitarian operations in zones of ambiguity, especially where rapid and reversible shifts of authority leave territorial control in flux and civilians caught in the middle. In 2016, more than 600 millions worth of humanitarian assistance was delivered to Somalia, including areas either wholly or partially controlled by Al-Shaabab, against the background of 4.7 million people in need of assistance in Somalia.²¹⁶

Bureaucratic impediments amounting to obstruction

9. In late July 2016 the UN Office for the Coordination of Humanitarian Affairs confirmed that administrative impediments to humanitarian operations were on the rise and continued to cause delays and interruptions in aid programming.²¹⁷ Most challenges occurred at the regional or district level. Even as the process to create a national framework governing humanitarian activities coalesced at the Federal level, authorities in ISWA and the Interim Jubba Administration (IJA) all continued to develop NGO bills or policies, and attempted to raise revenue from humanitarian operations.²¹⁸ In January 2016 the FGS circulated a draft NGO policy for discussion with line ministries. Since then progress of the Bill has stalled.²¹⁹

10. In the absence of a clear federal framework, uncoordinated regional approaches to regulation continued to complicate and raise the costs of humanitarian action, facilitating manipulation and obstruction of inputs and programs and the imposition of arbitrary taxation. These undermined the independence of humanitarian action, constrained access to beneficiaries in need, and frequently amounted to unlawful extraction of revenues. The safety and security of humanitarian workers were also affected. During the mandate there was a range of purportedly ‘official’ impediments with which the humanitarian community grappled, and which amounted to obstruction, from

²¹³ Email from a representative of the community in the area in exile in Kenya, 4 September 2016.

²¹⁴ The entities to which the carve out applies are, “the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded NGOs participating in the United Nations Humanitarian Response Plan for Somalia”. See paragraph 23 of resolution 2244 and paragraph 3 of resolution [1844 \(2008\)](#).

²¹⁵ The space created by the ‘carve out’ is tempered by other internationally and bilaterally imposed sanctions regimes.

²¹⁶ OCHA Somalia, Humanitarian Bulletin August 2016, 1 September 2016.

²¹⁷ OCHA Somalia, Humanitarian Bulletin, 28 July. Multiple sources of the Monitoring Group confirmed this assessment.

²¹⁸ Most local NGOs were compelled to pay some form of access fee to regional and district authorities. INGOs were better able to defy such requests—although not always.

²¹⁹ Federal registration of NGOs is currently conducted by the Ministry for Interior and Federal Affairs

control of project oversight committees to refusal to authorise project activities in the absence of a ‘cut’ for senior officials, to imposition of ‘registration’ fees.²²⁰ Examples include:

- **Puntland State of Somalia:** In early January 2016, a directive from the Puntland Minister of the Interior, Local Government and Rural Development, Ahmed Elmi Osman ‘Karash’ purported to require aid organisations to install “Rubaab vehicle tracking devices” on their vehicles from a list of three “authorised” companies with the ostensible aim of strengthening measures against diversion.²²¹ Imposition of the measure would have entailed considerable additional risks to humanitarian operations at a time when the overall security environment in Puntland was increasingly fragile. Later, on 27 January 2016, a circular from the FGS Ministry of Planning and International Cooperation (MoPIC) urged humanitarian agencies to ignore all general directives which were not issued by MoPIC. Although the matter was partly resolved²²², the incident serves to highlight the extent to which the humanitarian sector is vulnerable to uncoordinated efforts by regional authorities to control humanitarian action in a way which can also undermine not just the independence, but also the safety, of operations.
- **Interim Galmudug Administration (IGA):** On 25 April 2016 the IGA Ministry of Health demanded a 3.5 per cent project tax from its partners, ostensibly to facilitate monitoring.²²³ The international humanitarian community was able to push back on the request, but local NGOs were forced to pay.
- **ISWA:** In late April 2015 a draft NGO bill was promulgated, based on the Somaliland framework.²²⁴ Despite efforts to encourage coordination with a Federal legislative process underway on 21 July the bill was approved by cabinet and transferred for consideration to parliament. In the meantime, it is understood that local NGOs are being compelled to pay state registration fees in addition to being put under pressure to contribute sums of USD 5000 to USD 7000 per project.²²⁵
- **‘Khatumo State’ administration:** Against the background of rising armed violence in Sool and Sanaag, and efforts by multiple administrations to exercise control over the same territory, the Khatumo administration in Buhodle purported to ban the operation of one international NGO and one UN agency in May on the grounds that they were contributing to insecurity. It subsequently transpired that the underlying reason for the obstruction related to the perception that the Puntland administration was bringing its influence to bear on beneficiary lists.²²⁶

11. Some local authorities responded positively to advocacy by the humanitarian community around inappropriate constraints: In April 2016, for example, Puntland authorities agreed that it would grant tax exemptions for certain

²²⁰ Interviews conducted with UN, INGO and NGO staff throughout the mandate. See also annex 7.8 on the situation in Dolow.

²²¹ Letter from Minister of the Interior, Local Government and Rural Development to “United Nations and International NGOs Agencies in Puntland,” undated, on file with the Monitoring Group.

²²² There were sporadic instances where humanitarian missions were halted for reasons related to the absence of a tracking device since the MoPIC circular was issued. Email from humanitarian worker, 9 September 2016.

²²³ Interview NGO staff member, Nairobi, 4 August 2016.

²²⁴ Interviews with with NGO and UN staff members, Nairobi, 4 August 2016.

²²⁵ 500USD was the requirement for most organisations. Interview NGO staff member, Baidoa, 3 March 2016.

²²⁶ Email from NGO staff member, 26 May 2016; email from local leader with knowledge of the incident, 7 June 2016; interview with humanitarian worker 31 August 2016; Letter from Khatumo State of Somalia (Buhodle Local Government) to UN agency, 31 May 2016, on file with the Monitoring Group.

elements of the drought response.²²⁷ In Benadir the humanitarian community was eventually able to clarify that demands from the Mayor of Mogadishu for contributions to a road construction project (\$5,000 to \$10,000) were to be considered as voluntary with no consequences for non-payment.²²⁸

12. The SEMG urges that the FGS, in close collaboration with regional authorities, expedite the process to agree and implement a national level framework to govern independent, impartial and non-discriminatory humanitarian action by non-governmental organisations in Somalia, including to ensure, *inter alia*, a consistency of approach between Federal and regional authorities and one step registration process.

13. Further, against the background of a complex, evolving—and often violently contested—federal and regional architecture, a number of aid organisations have suggested that donors can play a more positive role in helping to resolve situations in which humanitarian workers face official obstruction in the course of project implementation. This would assist humanitarian organisations to maintain their independence from political conflicts, particularly those around legitimacy of authority, and especially where donors are engaged in large-scale development support for the administration in question.

Interference by security agencies in humanitarian operations

14. As noted in the Group's 2015 report, and exacerbated by the fragmented and increasingly contested political and security context, the range of armed and political actors purporting to appropriately exercise control over humanitarian operations, broadened and added to the uncertainty faced by humanitarian workers.²²⁹ One of most alarming developments was the effort by the security/intelligence services in Mogadishu and the IJA to control elements of humanitarian operations. This has potential not only to obstruct access, but also to significantly undermine the independence—and safety—of humanitarian operations.

15. In Kismayo, for example, in June 2016 the IJA administration established an Office of Monitoring Humanitarian Agencies (OMHA) within the Jubaland Intelligence and Security Service. The new office quickly advised organisations that they were to keep it informed of trainings, meetings, recruitments and contracting companies and that there would be penalties for non-compliance.²³⁰ In July 2016 the Office wrote to agencies declaring that an “approval letter” from the services would be required for company contracts.²³¹ Any agency which did not comply would, “face the consequence of the repercussion”.²³² In the light of the frequent interference by IJA militia in humanitarian operations, including through use of force, this was an ominous warning.²³³

16. In Mogadishu in late 2015, NISA called for a meeting with all aid organisations where they were told that NISA had set up an NGO office to “support” the sector. Later NISA officers were deployed to accompany Ministry of Labour officers to NGO offices as part of the Ministry's efforts to collect staff lists. Ultimately the situation cooled with the issue of a letter from the Office of the Prime Minister in October 2015 clarifying that until a federal NGO policy was adopted, ministries were to refrain from attempting to implement and enforce bi-lateral

²²⁷ See Letter from the Office of the Vice President, 11 April 2016 on file with the Monitoring Group.

²²⁸ Email from humanitarian worker, 13 April 2016.

²²⁹ [S/2015/801](#), annex 5.2.

²³⁰ Email from humanitarian worker, 13 September 2016.

²³¹ Notice to “all humanitarian and development agencies/companies interesting in Jubaland State” from the “Head of Monitoring Organisations in Jubaland State, of the Jubaland Intelligence and Security Services”, 12 July 2016, on file with the Monitoring Group.

²³² Ibid.

²³³ See discussion on attacks on humanitarian workers in Kismayo in annex 6.3.

regulations.²³⁴ At the end of July 2016, however, a new letter was circulated by NISA to all international organisations demanding that “all relevant detail regarding the staffs of your Agency/organization and any further details such as premises of operations for your agency in Mog and/or in the country” be submitted to the agency.²³⁵ Accompanied by ongoing intrusion of NISA humanitarian activities around staff registration, visits to humanitarian premises and attendance at humanitarian meetings, these developments caused great disquiet in the humanitarian community.

Cross border movement and access

17. Although most incidents in which cross-border movement was denied to humanitarian personnel or goods on security grounds were ultimately resolved, increased tension surrounding Al-Shabaab’s infiltration into the North Eastern Province of Kenya, and the attack on the KDF base in El Adde made negotiating access difficult. In early February 2016, for example, the Kenyan authorities publicly announced that they had impounded three trucks contracted to the World Food Program and bound for Dolow on suspicion of support to Al-Shabaab.²³⁶ The goods were eventually allowed to move with the intervention and personal accompaniment of the cargo by senior members of the local administration on the Somali side, and strenuous efforts by the UN agency.²³⁷ The incident served, however, to demonstrate the fragility of the context and the level of suspicion which existed on the Kenyan side of collusion between the local community and anti-Al-Shabaab forces.

²³⁴ Phone interview with humanitarian worker, 25 August 2016.

²³⁵ The letter was signed by NISA Director of International Agencies and Diaspora. Letter from NISA Director of International Agencies and Diaspora to all international agencies/organisations, 27 July 2016, on file with the Monitoring Group.

²³⁶ See, for example, The Nation, “Kenya seizes Somalia bound WFP trucks”, 2 February 2016. Available from <http://www.nation.co.ke/counties/Kenya-seizes-Somalia-bound-WFP-trucks/-/1107872/3059050/-/2ieskd/-/index.html>.

²³⁷ Interviews with UN staff member, 7 March 2016 and 30 August 2016.

Annex 6.2: Attacks on humanitarian workers

Al-Shabaab

18. Al-Shabaab attacked medical staff, medical facilities and related humanitarian assets throughout the mandate.²³⁸ On 29 December 2015, a driver and a medical officer from Dhusamareb hospital travelling in an ambulance rented by a humanitarian organisation were kidnapped by Al-Shabaab at Labi-Dule.²³⁹ They were released on 9 January 2016 although the ambulance was retained.²⁴⁰ On 30 March 2016, two Turkish, and three Somali, doctors at the Deva hospital in Mogadishu were killed alongside one other colleague when their vehicle was attacked.²⁴¹ In late June 2016, another ambulance was stolen from Belet Hawo hospital in Gedo region, allegedly because it had been used previously to assist wounded SNA personnel, a practice Al-Shabaab had reportedly warned against.²⁴² Mortars attributed to Al-Shabaab hit the Baidoa hospital on 6 August 2016 killing one civilian and injuring five.²⁴³ In another case a medical doctor working for an international entity was arrested by Al-Shabaab for 28 days and forced to cease his employment.²⁴⁴

19. Incidents in which Al-Shabaab abducted humanitarian workers during the reporting period were all safely—and swiftly—brought to an end through local intervention.²⁴⁵ On 27 December 2015 three staff members of a Bardera-based local humanitarian organisation, and their driver, were kidnapped by Al-Shabaab for a number of hours in the course of their work during a vaccination campaign in Tubako.²⁴⁶ In May and June 2016, warnings were received by the SEMG relating to the preparation of a kidnapping operation against humanitarian and international staff present in Galkayo or Garowe allegedly by pirate networks, highlighting the range of threats to which humanitarians were vulnerable.²⁴⁷ More broadly as many as 48 people (46 civilians and two soldiers)

²³⁸ The Council in resolution 2286 (2016) determined that, “that acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and obstructing the delivery of humanitarian assistance, including medical assistance, may exacerbate ongoing armed conflicts and undermine the efforts of the Security Council to maintain international peace and security under the Charter of the United Nations” (preamble).

²³⁹ Email from UN staff member, 29 December 2015.

²⁴⁰ Email from UN staff member, 9 January 2016.

²⁴¹ Shabelle News, “Somali PM slams murder of Turkish Doctors”, 31 March 2016. Available at <http://www.shabellenews.com/2016/03/pm-condemns-murder-of-turkish-nationals-in-mogadishu/>.

²⁴² Email from UN staff member, 28 June 2016.

²⁴³ Email from UN staff member, 6 August 2016.

²⁴⁴ Interview with local elder from the area of the abduction (unspecified for safety reasons) who conducted interview with the freed doctor, Nairobi, 27 October 2016.

²⁴⁵ During the first four months of 2016 there were only four brief abductions of humanitarian workers by Al-Shabaab. One abduction out of Kenya and into Somalia was, however, the subject of armed intervention: on 16 October 2015, KDF and SNA soldiers conducted a joint operation to rescue a teacher Judy Mutua, who had been abducted by Al-Shabaab from the Hagadera refugee camp in northern Kenya and taken to Somalia. See, Daily Nation, “Kidnapped Kenyan teacher rescued from Somalia in joint operation”, 16 October 2015. Available from <http://www.nation.co.ke/news/Kidnapped-Kenyan-teacher-rescued-in-Somalia-in-joint-operation/1056-2916526-10s0r44/index.html>.

²⁴⁶ See Hiiran News, “Gunmen abduct health workers in Central Somalia”, 31 December 2015. Available at http://hiiraan.com/news4/2015/Dec/103364/gunmen_seize_health_workers_in_central_somalia.aspx.

²⁴⁷ Information received by the SEMG from source in Galkayo with in depth knowledge of the security situation; email from UN staff member, 28 June 2016.

continue to suffer in captivity in Somalia, held by pirates or unknown actors, two since 2008, with no proof of life.²⁴⁸

20. UN installations housing humanitarian workers were particularly a target. Not only were there at least nine attacks during the year which affected UN compounds, there were numerous instances of suspected surveillance of UN facilities.²⁴⁹ National staff of UN and international humanitarian and development agencies were particularly subject to phone threats and harassment.²⁵⁰ In many cases victims receiving phone calls or text messages were unsure of the real origin of the threat. On 14 December a UN High Commissioner for Refugees (UNHCR) national staff member was shot and killed alongside a staff member from a UNHCR partner NGO while travelling in a car in Mogadishu.²⁵¹

21. The increase in the intensity of Al-Shabaab armed violence against civilians more generally during the mandate also affected humanitarians.²⁵² Abdinor Osman Wehelie, the Executive Director of Organisation for Somalis Protection and Development (OSPAD) was killed on 1 June 2016 in the course of an attack attributed to Al-Shabaab on the Ambassador Hotel in Mogadishu.²⁵³ A UNHCR staff member, also lost his life in the attack on the Mogadishu International Airport on 26 July 2016, the third killing of a UNHCR staff member in eight months.²⁵⁴ In the same attack, 11 UN security personnel (contractors) were killed and 12 injured.

FGS, regional and other entities

22. Federal and regional authorities were also the origin of threats and attacks on humanitarian workers during the mandate. The SEMG documented and verified two cases of unlawful arrest and detention of staff working on humanitarian issues by security forces of IJA in Kismayo during the mandate.²⁵⁵ The findings of the SEMG with respect to the misuse of authority by the administration in Dolow, including conduct amounting to attacks on humanitarian workers, are set out in annex 7.8. Humanitarian workers suspected of engagement with the SEMG were also threatened.²⁵⁶

23. Violence meted out to humanitarian workers by local militia as a result of contracting disputes around the business elements of managing humanitarian aid were also noted.²⁵⁷ One security expert told the SEMG that risks

²⁴⁸ Email from UN staff member from the Hostage Support Partnership, 4 September 2016. The Hostage Support Partnership (supported by the Contact Group on Piracy off the Coast of Somalia (CGPCS) Trust Fund and the UN Office of Drugs and Crime, and coordinated by Oceans Beyond Piracy) seeks to track, provide medical support, recover and repatriate hostages held in Somalia. In addition, AMISOM force have also been abducted by Al-Shabaab.

²⁴⁹ On 7 December 2015, for example, Puntland Intelligence officers arrested a suspected Al-Shabaab operative near the UN compound in Garowe. Email UN staff member, 8 December 2016. Stand off attacks: Mogadishu, AMISOM protected areas: 4 attacks (1 January, 11 February, 3 May and 4 June 2016); Baidoa airstrip near UN compounds: 3 attacks (21 February, 2 July and 6 August 2016); Kismayo airport: 2 attacks (14 and 27 February 2016).

²⁵⁰ The SEMG received information on a number of incidents involving receipt of telephoned threats by NGO, INGO and UN agency staff, including in Baidoa, Galkayo (North), Kismayo, and Mogadishu.

²⁵¹ See UNHCR, Statement on the murder of a staff member in Mogadishu, Somalia, 14 December 2015, available at <http://www.unhcr.org/news/press/2015/12/566fcde56/unhcr-statement-murder-staff-member-mogadishu-somalia.html>.

²⁵² For a discussion on the increasing intensity of Al-Shabaab violence against civilians see annex 7.1.

²⁵³ Email from UN staff member, 2 June 2016.

²⁵⁴ Email from UN staff member, 2 August 2016.

²⁵⁵ Phone interviews with victim, 10 May 2016; phone interview with victim, 31 August 2016. Details on file with the Monitoring Group: for reasons of safety details of the cases are not provided here.

²⁵⁶ Email from former government minister in the Interim Jubba Administration (IJA), 20 August 2016. Details of the incident have been kept confidential to protect the NGOs involved.

²⁵⁷ In one incident in Hiran in late June 2016, for example, an INGO team was attacked but left unharmed by a local militia in

relating to operations, human resources and day-to-day contracting and management, harboured the most frequent threats to NGOs.²⁵⁸

24. The SEMG also received information on incidents of disorder and violence during aid distributions which threatened the safety of humanitarian workers and halted operations across Somalia, including, on average, three incidents a month in the northern part of Somalia during 2016.²⁵⁹ The situation in Awdal in Somaliland was particularly fragile as the impact of the drought and flooding, coupled with a history of perceived exclusion from resources controlled by the central authority, rendered communities volatile. The SEMG received information on four incidents of looting during food distributions by people upset at being absent from the beneficiary list.²⁶⁰

Measures to enhance compliance

25. During the mandate the effectiveness and independence of two critical modalities intended to enhance safety and security for humanitarian actors came under threat; the International NGO Safety Organisation (INSO) and the Special Protection Units in Somaliland and Puntland.

26. In mid May 2016, the Executive Director of the Kenyan NGO Co-ordination Board ordered the suspension of operations of the International NGO Safety Organisation (INSO), the entity providing safety information and advice to humanitarian NGOs in Kenya and Somalia.²⁶¹ Subsequently, INSO bank accounts were frozen and some international staff work permits were not renewed or delayed with no rationale given. Eventually, an injunction and related administrative remedies obtained from the High Court—suspending the initial order of the NGO Co-ordination Board—allowed the organization to resume operations in mid July. The obstruction of the work of INSO, including in particular the suspension of the daily Somalia update service for 55 days, affected access to vital security and safety information for humanitarian operations.

27. The Special Protection Units (SPU) in Somaliland and Puntland provide essential security to UN and non-governmental organisation (NGO) staff and operations, acting as enablers, *inter alia*, of humanitarian access and preventing attacks on humanitarian workers. During the mandate there were negotiations between the UN and Somaliland and Puntland authorities around changes in the management of, and international financial support for, the operation of the SPU.²⁶² Intended to enhance the efficiency and oversight of payments, the negotiation period saw frequent harassment and threats against humanitarian workers by SPU and periodic withdrawal of SPU support as the authorities attempted to secure the most beneficial deal.²⁶³ This created additional vulnerabilities for humanitarian operations, in particular for INGOs which found themselves on the margins of the discussions.

28. An Memorandum of Understanding signed in May 2016 finally clarified procedures and payments but left support for INGO missions beyond the main cities outside the framework.²⁶⁴ Not only did this necessitate a

a dispute over car hire. Email from UN staff member, 27 June 2016.

²⁵⁸ Interview with NGO security expert, Nairobi, 30 August 2016.

²⁵⁹ Email from humanitarian worker, 6 September 2016.

²⁶⁰ Emails from NGO staff members, 13 November 2015, 25 November 2015, and 6 August 2016.

²⁶¹ Information on the situation of INSO was gathered from interviews with various NGO and diplomatic sources between June and August 2016.

²⁶² The charges were partially spurred by the identification of fraud and misappropriation of funds within the scheme. Interviews with NGO and UN staff members, September 2015 to August 2016.

²⁶³ On 10 December 2105, for example, SPU forced the abandonment of a planned mission warning that missions outside Garowe would not be supported if payment was not forthcoming. Email from UN staff member, 11 December 2016. Protests around delayed payments were still occurring in June 2016, including through suspension of operations. Email from UN staff member, 19 June 2016.

²⁶⁴ Memorandum of Understanding on file with the Monitoring Group.

significant cost increase for INGOs but it also rendered INGO operations vulnerable to shut down in the event that a temporary emergency escort arrangement negotiated with UN agencies was not extended or replaced.²⁶⁵ Finally, the SEMG notes that NGOs and INGOs in particular lack a mechanism to engage the SPU in compliance with the requirements of the arms embargo.²⁶⁶

²⁶⁵ The new scheme increases the payments to SPU officers but also entails additional administration and management costs: NGOs in particular will need enhanced support from Member States to meet these *de facto* mandatory expenses.

²⁶⁶ See discussion at annex 8.3.

Annex 6.3 — Diversion and misappropriation of humanitarian aid

29. Despite progressive recognition by the humanitarian community of the reality and scope of the phenomenon of diversion in Somalia, and enhanced efforts to address it, tackling misappropriation of aid remained a complex challenge. The system as a whole continues to be suspended on a framework in which sharing of resources or ‘*shahad*’ was accepted is intrinsic to operations. During the mandate, humanitarian workers, however well-intentioned, were forced to grapple with, and were often captured by, systematic practices which have become ‘normal’ in the Somali context, both within and outside of Somalia.

30. This expectation of ‘*shahad*’ is enfolded throughout all phases of the distribution cycle, from donors and UN agencies to contractors to NGOs—local and international—and those who control beneficiary communities. Nevertheless, it has been the Somali space with which UN risk monitoring and management has been almost exclusively preoccupied during the last few years. SEMG analysis over the course of this mandate therefore has attempted to highlight some of the transnational elements of the system—the challenges which lie outside Somalia, in Nairobi and in donor headquarters. As a research team working on corruption risks in Somalia emphasized, governance failures are not only related to governance issues in Somalia itself but are a function of relationships between individuals and networks linking Somalia with Kenya and national with international actors.²⁶⁷

UN and donor ‘Gatekeepers’

31. During the mandate the Monitoring Group received serious and credible allegations of the involvement of staff of UN agencies in diversion of humanitarian assistance through solicitation of bribes. The SEMG collected testimony of allegations of a promise to pay, and subsequently, the delivery of “fees” to, an intermediary staff member of a UN agency intended to facilitate processing of a contract or project proposal.²⁶⁸ The details of this case were shared with the UN agency concerned. The involvement of a senior UN official in similar conduct in the Somalia humanitarian system is also under investigation by another UN agency: in previous mandates the SEMG received information from different sources that the same individual regularly sought and obtained money to ensure stewarding of a project through the cluster system, including through the use of Somali agents to negotiate and collect the bribes on his behalf. The SEMG shared this information with the UN agency concerned. He is no longer working in Somalia.

32. The reality and perception that staff of UN agencies are engaged in fraud not only fundamentally undermines the system of aid but sets up Somali NGOs and local contractors as potential violators even before they begin their implementation of a project. Initiated by those in a position of power in the ‘system’, this corruption from the top co-opts local NGOs and contractors, and forces them into unlawful behaviour for survival. As one Somali interlocutor of the SEMG was told by his colleagues when he complained that he was finding it difficult to get funding: “Mohamed, but you are coming with closed hands!”²⁶⁹ In order to recoup the bribe paid out, the local actor must build-in opportunities for diversion into both budgets and operational planning..

33. The incidents documented by the Monitoring Group in three different UN agencies do not appear to be isolated examples. Researchers working on humanitarian action and corruption risks in Somalia confirmed that they had collected similar accounts of how bribes are paid in order to secure project and contract awards in some INGO and

²⁶⁷ Interviews with researchers working on corruption risks in Somalia, Nairobi, multiple occasions, June to August 2016.

²⁶⁸ Interviews with NGO staff member, June and July 2016.

²⁶⁹ Interview with “Mohamed”, Nairobi, 15 June 2016.

UN entities.²⁷⁰ They also noted that the use of middlemen or fixers to facilitate contracts and project awards was a regular occurrence.

Capture of monitoring and risk reduction mechanisms

34. In its 2015 report ([S/2015/881](#)) the SEMG noted that with the increased focus on risk management, monitoring and due diligence, third party monitors and external auditors had become an increasing part of the humanitarian aid landscape.²⁷¹ At the same time there was a danger that they too would be co-opted by the corruption pervasive in the system.

35. During the mandate the SEMG received information that bribes were solicited and paid in cash in Somalia and in Nairobi in the context of assessments conducted for a UN agency by an international consultancy on at least two occasions.²⁷² The interlocutor described in detail the circumstances leading up to and then the payment of bribes, in two locations, during the assessment. SEMG has shared the information collected with the UN agency concerned. The same firm was also involved in the conduct of audits of NGO projects, a number of which were investigated and in respect of which questions were raised regarding the quality of due diligence conducted. The SEMG also spoke to a researcher who reported that he had received testimony of similar allegations involving the same consultancy.²⁷³

36. In another case documented by the SEMG a small local NGO was directed to pay by a staff member of an INGO conducting an assessment of capacity in the context of grant-making.²⁷⁴ Researchers interviewed by the SEMG confirmed that they had also received information relating to the payment of bribes during an INGO assessment.

37. These incidents highlight the extent to which the measures put in place to improve accountability within humanitarian operations may themselves be compromised by a system in which diversion and fraud is intrinsic to the operating model.

Diversion of bi-lateral aid

38. There continue to be challenges around the management and distribution of bi-lateral aid. In 2015 the SEMG reported on the arrest of seven government officials following FGS investigations into Turkish food aid diversion in Hiran.²⁷⁵ In July 2016 a series of allegations were made by local officials that a significant portion of a shipment of 11,000 tonnes of food aid donated by Turkey had been diverted by officials of the ISWA and IJA administrations.²⁷⁶ There were also allegations that logistics contractors for the movement of the food had been paid in food aid.²⁷⁷ The original aid shipment from Turkey arrived in May 2016 and was received by the Ministry for Interior and Federal Affairs before being sent to Bosaso—for onward transfer to Galgudud and Hiran regions—and to the ISWA and

²⁷⁰ Interviews with researchers working on corruption risks in Somalia, Nairobi, multiple occasions, June to August 2016.

²⁷¹ [S/2015/801](#), annex 5.3, paragraph 55.

²⁷² Series of interviews conducted with NGO staff members, 14 and 24 April 2014 and 23 July 2016.

²⁷³ Interviews with researcher working on corruption risks in Somalia, Nairobi, July 2016

²⁷⁴ Interview NGO staff member, Nairobi, August 2016.

²⁷⁵ [S/2015/801](#), annex 5.3.

²⁷⁶ See series of articles (in Somali) on the Markacadey website, 27, 28 and 31 July 2016 and on the Dhacdo website, 25 July 2016.

²⁷⁷ See, for example, Garowe Online, “Corruption surfaces over Turkish food aid in Puntland”, 7 August 2016. Available from <http://www.garoweonline.com/en/news/puntland/somalia-corruption-surfaces-over-turkish-food-aid-in-puntland>

IJA.²⁷⁸ The Monitoring Group received information that at least some of the food aid which arrived in Kismayo was both sold in the market, and given to IJA forces as rations.²⁷⁹ In 2015, aid from another donor provided bi-laterally was used by the IJA authorities to pay members of the IJA Regional Assembly and IJA officials.²⁸⁰

39. These allegations arose too late in the mandate for the SEMG to conduct a full investigation. Nevertheless, the SEMG reiterates its 2015 recommendation that donors require greater levels of accountability from both the Somali federal and regional entity responsible for receiving and distributing bilateral aid, and provide enhanced support for the process of distribution and monitoring.²⁸¹ As noted by the Ministry for Interior and Federal Affairs in a meeting with the SEMG in early 2016, lack of support for the Ministry affected its capacity to operationalise donations.²⁸²

Diversion and non-governmental organisations (NGOs)

40. Investigations into diversion of UN aid during the last few years have, in the main, focused on local Somali NGOs and contractors at the Somali end of the distribution cycle. In 2015 a number of enquires were conducted into the activities of international NGOs (INGOs). In contrast to the high level of unaccounted for or fraudulent expenditure identified during the last two mandates, however, the culmination of a series of investigations completed by the Office of Internal Oversight Services (OIOS) during this mandate—one self-reported—identified fewer questionable transactions and what appeared to be isolated, rather than systematic, practices.²⁸³ The reason for this may be twofold: one, that completed investigations are now occurring outside the time period of the 2010/2012 famine where there was combination of extreme need, large flows of aid and remote management of operations which produced many more opportunities for diversion; and two, that risk management mechanisms and a new approach to accountability in UN agencies is bearing fruit.²⁸⁴

Humanitarian aid and the conflict cycle²⁸⁵

41. In 2015 the SEMG reported that it had received credible information that humanitarian actors abused humanitarian principles and misused humanitarian inputs in the pursuit of clan dominance, including through use of violence in a number of places, but in particular in Lower Shabelle and Hiran.²⁸⁶ The SEMG recommended that conflict, clan and power dynamics be better understood and incorporated in project planning in addition to suggesting that mixed clan management structures be encouraged. During the current mandate the SEMG recorded persistent allegations—from NGO, UN, Member State and local community sources—relating to the involvement of staff of an NGO in Marka, in the Haber Gedir/Biimaal conflict cycle. The Group's investigation is ongoing.

Al-Shabaab

²⁷⁸ See, for example, Hiiraan News, "Turkish aid ship arrives in Somali capital", 29 May 2016. Available at http://www.hiiraan.com/news4/2016/May/105651/turkish_aid_ship_arrives_in_somali_capital.aspx.

²⁷⁹ Email from former IJA minister, 20 August 2016.

²⁸⁰ Interview with former official, Interim Juba Administration, Nairobi, 20 June 2015.

²⁸¹ S/2015/801, annex 5.3.

²⁸² Meeting with Minister of Interior and Federal Affairs, Mogadishu, 2 February 2016.

²⁸³ See S/2015/801, annex 5.3 where it was noted that, for example, in one project implemented by an international organization, 100 per cent of costs incurred were found to be unaccounted for or unsubstantiated.

²⁸⁴ See discussion below.

²⁸⁵ In resolution 2111 (2013) the Security Council condemned "any politicization of humanitarian assistance, misuse or misappropriation" and called upon the UN and Member States to "take all feasible steps to mitigate these [...] practices in Somalia". Resolution 2111 (2013) at paragraph 11.

²⁸⁶ S/2015/801, annex 5.3.

42. In areas where it was the recognized authority, patterns of taxation and control of humanitarian inputs by Al-Shabaab noted in the Group's previous reports continued. In a number of places an increase in the nature and frequency of Al-Shabaab's taxation demands on individuals and their families was noted, with new forms of '*zakat*' identified as payable.²⁸⁷

Measures to enhance compliance

43. During the mandate the energies invested by UN agencies in 2013 and 2014 in collective risk management waned.²⁸⁸ In December 2015, the Office of the Resident and Humanitarian Coordinator (RC/HC), took the decision to suspend the Risk Working Group (RWG) due to poor attendance and lack of engagement by agencies.²⁸⁹ The meeting forum itself was not the only element of the risk management framework to which agencies appeared uncommitted. One critical objective of the risk management framework, for example, was to enhance information sharing. Although a draft of an information sharing protocol was circulated by the Risk Management Unit (RMU),²⁹⁰ there has been little feedback.²⁹¹ As a result there is still no agreement on modalities for sharing information relating to risk management, whether in terms of the outcome of internal investigations or broader situational profiles.

44. Despite the increasingly significant sums being spent by UN agencies on third party monitors and special audits therefore, information sharing still takes place on an occasional informal level, with agencies rarely even sharing with the RMU itself. Although sharing of investigation outcomes may be constrained by agency mandates and other legal requirements, it is unclear why, at a minimum, organisational profiles or situational analysis cannot be shared with the RMU, not least to avoid duplication of efforts and costs within the UN system.

45. At the same time, while stepping back from engagement in collective mechanisms, some agencies have in fact deepened and expanded their own internal investigative capacity during the mandate: nevertheless, it appears that some agencies are determined to keep information in house, whether for reputational or other reasons. As emphasized by the SEMG in [S/2015/801](#), the ability to track the networks of individuals involved in diversion across local and international NGOs and UN agencies, and to understand how they may mutate into new positions or entities, is critical, and requires sharing of information.²⁹² Connections also operate vertically: staff members of INGOs and UN agencies often operate or are affiliated to local NGOs and are considered as investors with an interest in the success of the latter. Although the RWG was reconvened in June 2016, it is important that UN agencies enhance information sharing and coordinate efficient use of resources, *inter alia*, through the RMU.

²⁸⁷ The SEMG received information on particularly intensive *zakat* and taxation demands in Bakool, Hiran, Lower Shabelle and Middle Juba, both in the form of levies on agricultural production (Middle Juba/Bakool) but also in the form of bi-weekly 'protection' levies (Lower Shabelle). Interview UN staff member, Mogadishu, 19 June 2016. Interview traditional elder from Lower Shabelle, Nairobi, 2 June 2016. Interviews with Bantu elders from Middle Juba, March to June 2016. Interview with woman from Sakow, United States, 17 January 2016. See also annex 1.8 on Al-Shabaab financing.

²⁸⁸ In [S/2014/747](#) and [S/2015/801](#) the SEMG noted increased efforts by UN agencies to create and participate in collective mechanisms. By November 2015, however, the RC/HC was compelled to write to the UN Country Team (UNCT) to urge UN entities improve their engagement in the collective mechanisms which they had developed and committed to. Email from the Office of the RC/HC to the UNCT, 22 November 2015.

²⁸⁹ The Risk Working Group is a cross-agency risk management working group (RWG) convened under the Office of the Resident Coordinator/Humanitarian Coordinator and established in May 2014. It comprises the Risk Management Unit (RMU) and Risk Focal Points from the United Nations Country Team (UNCT).

²⁹⁰ Established in 2011 for Somalia, the Risk Management Unit (RMU) ensures that the UN, its partners, and donors better understand and mitigate the risks associated with operating in Somalia. The RMU has designed and developed a number of risk management tools and services for this purpose. See <http://so.one.un.org/content/unct/somalia/en/home/what-we-do/Risk%20Management%20Unit/>

²⁹¹ This protocol covers key aspects and considerations that need to be taken into account by all actors when sharing information related to fraud and investigations and provides recommendations towards a common approach.

²⁹² [S/2015/801](#) at annex 5.3.

Pursuing accountability

46. The increased willingness of UN and NGOs to acknowledge and investigate diversion during the last three years, is now finally being matched by new initiatives to manage what emerges from these enquiries. These include options such as partner ‘rehabilitation’ through arbitration and amicable settlement, submission of investigation findings to national jurisdictions where appropriate (standard practice now in some agencies)²⁹³, and the creation of “Vendor Sanctions Committees” to steer the process.²⁹⁴

47. Tackling the more serious cases remains challenging, however, whether for understandable security and safety reasons on the ground, or difficulties in interacting with reluctant national criminal jurisdictions. As noted above, the more minor the violation and the more established the NGO the greater has been the capacity of the donor or UN entity to engage and pursue a solution or settlement. Where fraud has been extensive and perpetrated by powerful actors, the pursuit of accountability for misappropriation uncovered in investigations has tended to run aground. UN dispute resolution systems have proved ill-suited for pursuing egregious cases and donors and Member States that have jurisdiction to pursue the cases—unlike the UN—have not taken up them up.

48. As a result, the discovery of large scale fraud and diversion has generally not led to penalties for those involved, beyond the dissolution of a small number of notorious organisations. Conversely, some others have found themselves *de facto* blacklisted, whether as a result of rumours or the tense atmosphere created around the conduct of investigations.²⁹⁵ The result has been both ongoing impunity and a perception of a lack of fairness in the system as a whole.²⁹⁶

49. The African Rescue Committee (AFREC) scandal ([S/2013/413](#)) is one which is regularly cited by Somali humanitarian workers as an example of impunity for the powerful. In 2013 AFREC was exposed as responsible for the unaccounted or diverted expenditure of millions of dollars of UN funds.²⁹⁷ In September 2012, over USD 11 million worth of AFREC contracts had been registered in the central UN contract management database.²⁹⁸ One investigation found that in 12 projects implemented by AFREC between July 2010 and August 2012 alone, 79 per cent of the USD 2.94 million costs only had been either fraudulently claimed or unsubstantiated.²⁹⁹ The director/owner of AFREC Abdi Ali Raghe is now both a senior regional administration official in the IJA and a businessman with whom the international community has daily engagement.³⁰⁰

²⁹³ As a result of these efforts, criminal cases against individual staff members at the national are, for example, under consideration in some jurisdictions.

²⁹⁴ Interviews with UN agency staff, Nairobi, August 2016

²⁹⁵ Interview NGO staff member, Nairobi, July 2016.

²⁹⁶ Multiple interviews with Somali humanitarian workers during the mandate.

²⁹⁷ The SEMG conducted an investigation into diversion of humanitarian aid by AFREC in 2013. [S/2013/413](#), annex 7.2

²⁹⁸ Interview with UN staff member, Nairobi, 26 September 2012.

²⁹⁹ [S/2014/747](#), annex 7.6.

³⁰⁰ AFREC effectively ceased operations after its conduct was first exposed by UN internal investigations and subsequently publically in the US media. See, inter alia, Millions in UN Somalia aid diverted, hints that some went to terrorists, available at <http://www.foxnews.com/world/2015/01/20/millions-in-un-somalia-aid-diverted-hints-that-some-went-to-terrorists.html>. AFREC subsequently replicated itself as another NGO, Heal International. Heal International, was “introduced” to the health cluster at a meeting in Feb 2014 employing a profile almost exactly equivalent to that of AFREC. See, Health Cluster Coordination Meeting, Wednesday 5 February 2014, available at <https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/events/agendas/NBO%20Health%20Cluster%20Meeting%20Minutes-Feb%202014.pdf>.

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.

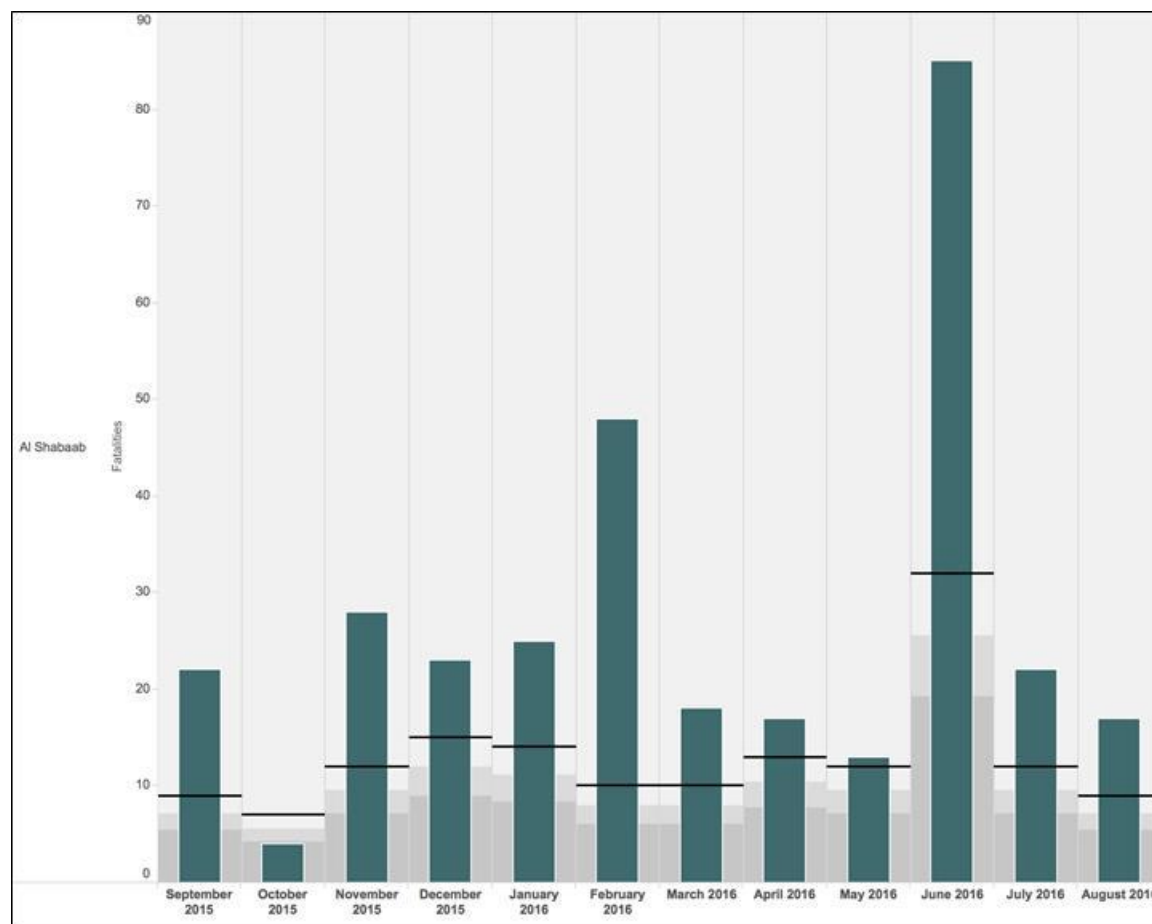
Annex 7

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.³⁰¹ During this period Al-Shabaab has been responsible for the largest share of all civilian fatalities (37 per cent). Although the average number of Al-Shabaab attacks on civilian targets has not significantly changed since last year, the intensity of the violence has increased, with each incident now involving a greater number of deaths and injuries.

Figure 7.1 (a)



Graph showing the number of incidents attributed to Al-Shabaab per month contrasted with the number of fatalities associated with those incidents. Graph created for the SEMG by ACLED/Professor Clionadh Raleigh.

2. In addition to its ongoing campaign of targeted assassinations, Al-Shabaab ensured it generated high civilian casualties through enhanced targeting and means of attack in its operations involving improvised explosive devices

³⁰¹ The Armed Conflict Location and Event Data Project (ACLED) conducted analysis for the SEMG, Draft Conflict Analysis of Somalia, August 2016. ACLED is a project which collects and analyses data on political violence in developing states. For more, see www.acleddata.com.

(IEDs).³⁰² On 28 February 2016, for example, an attacking combining a person borne IED (PBIED) and vehicle borne IED (VBIED) on two popular cafes in Baidoa killed at least 38 people. During its visit to the town of Baidoa between 2 and 5 March 2016, the SEMG met with local medical staff and government officials, including first responders, who noted that the explosion had caused a large number of deaths and injuries across a wide area with wound characteristics not previously seen.³⁰³ Officials described victims with severe burns and surmised that Al-Shabaab had employed a special kind of material which had caused intense heat.

3. The SEMG spoke with experienced medical personnel and explosives experts who responded to multiple PBIED and VBIED attacks in Somalia during the mandate to understand if there had been a change in the Al-Shabaab's IED techniques and tactics. According to those consulted, there has been no major evolution in the nature of the explosives which Al-Shabaab employs in its IED operations.³⁰⁴ It is rather the size of the IED, the increasing scope of the method of delivery, and the choice of target which are creating stronger and more violent explosions. In recent attacks, for example, Al-Shabaab has not only used high volumes of explosives, packed in fuel-bearing vehicles (cars and small trucks), it has also placed steel plates or other metal scrap around the main charge to increase fragmentation. As a result of all these factors, larger pieces of material are generated when the IED explodes, contributing to the seriousness of the injuries. An expanded blast radius also increases the number of people affected. In addition, depending on the location of the attack, other accelerants augment the explosion: the kitchens of the cafes in Baidoa, for example, most likely contained gas or other fuels which likely accounted for the descriptions of first responders to the SEMG that blood was "burning" on the ground.³⁰⁵

4. More broadly it is understood that during the last two years Al-Shabaab has been joined by explosives experts who have higher level technical skills, including in the creation of homemade explosives from commercial materials which are widely available.³⁰⁶

5. The complex attack launched by Al-Shabaab during the mandate in Mogadishu and Baidoa were all initiated by VBIEDs equipped with homemade explosives. These components can be extracted from a variety of ordinarily available materials such as fertilizer or household products. This makes it easier to find IED source material at scale: IEDs with 200 to 400 kg payloads have been regularly deployed this year. As a result of Al-Shabaab's new IED capacities, the slow work of harvesting military grade explosives from captured weapons and unsecured ammunition dumps—in which latter children have been engaged—is no longer a priority for Al-Shabaab when preparing such large IEDs, although small amounts are used as boosters for the detonation.

6. Although control of these materials is not possible, consideration could be given by the FGS and its partners to efforts to track and monitor of patterns of import and distribution of large volumes and/or unusual purchaser identities for materials which can be easily exploited to manufacture homemade IEDs.

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

³⁰³ Interviews with regional security officials, Baidoa, 2 March 2016. A source of the Monitoring Group visited Baidoa hospital on behalf of the SEMG and collected information (testimonies and pictures) on the situation of the victims.

³⁰⁴ Interviews with military experts with knowledge of developments on the ground in Somalia, Mogadishu, 5 September 2016.

³⁰⁵ Al-Shabaab also conducted an attack on 21 August 2016 in the center of Galkayo (North) in which two VBIED explosions caused the death of over 27 civilians and the injury of up to 90 people, many seriously. See the statement of the UN Assistance Mission in Somalia on the attack at <https://unsom.unmissions.org/srsg-keating-condemns-terrorist-attack-galkacyo>.

³⁰⁶ See also annex 8.6 (confidential) for a detailed discussion of Al-Shabaab's developing capacity to deploy sophisticated IEDs in its military targeting.

Annex 7.2: Al-Shabaab: recruitment and use of children³⁰⁷

7. During the mandate the SEMG received multiple reports of forced recruitment of children by Al-Shabaab in Middle and Lower Juba and Lower Shabelle, from the relatives of communities living in those areas, and from refugee families in camps in Kenya.³⁰⁸ The Group also monitored the capture of children fighting with Al-Shabaab by the forces of the Puntland and Galmudug Interim Administration (IGA) in March 2016.

8. Al-Shabaab used increasing force in its recruitment of children this year. During the first three months of 2016 alone there were 268 incidents of child abduction verified by the UN and its partners, the majority of which were attributed to Al-Shabaab.³⁰⁹ Against the background of this aggressive general recruitment drive (primarily in Bay, Lower Shabelle, and Middle Juba), evidence collected by the SEMG points to an increasing focus by Al-Shabaab on the recruitment of very young children, particularly prior to, and after, Al-Shabaab's failed attack on Puntland. From the patterns observed, Al-Shabaab appears to be filling immediate operational needs to deploy large numbers of relatively untrained foot soldiers, but also to be implementing a longer-term strategy to build a cadre of loyal fighters indoctrinated from a young age.³¹⁰

- In September 2015 sources of the Monitoring Group described the beginning of an aggressive recruitment drive around Jamame, particularly in areas near Kamsuma and Makalongo.³¹¹
- In December 2015, the SEMG received reports that over 150 children had been abducted by Al-Shabaab from madrassas in Bay region.³¹² Subsequently a number of former Al-Shabaab fighters told the SEMG that they had seen significant numbers of children being trained and/or marshalled in a camp outside Bulo Fulay in Bay region.³¹³
- In early 2016 Bantu/Wagosha elders told the SEMG that around 260 children and youth, between the ages of 12 and 24 years old, primarily from Mahaway and Wazigua sub-clans of the Jareer community from Lower and Middle Juba, were abducted and taken to locations in Puntland.³¹⁴ The elders provided the

³⁰⁷ Precise details of some of the incidents listed in this annex were omitted to protect SEMG sources and their families from retributive attacks.

³⁰⁸ In the first three months of the year the recruitment and use of 472 children (442 boys; 30 girls) was documented. Al-Shabaab was responsible for the majority of the cases (276) followed by clan militias (123). Email from UN staff member, 22 July 2016. Al-Shabaab's recruitment drive since the failed Puntland attack is not captured in these figures.

³⁰⁹ Report of the Secretary General on Somalia, S/2016/43, 9 May 2016, paragraph 58. During the whole of 2015 the UN verified 523 cases of abduction of children of which Al-Shabaab was responsible for 492, primarily in the context of recruitment Report of the Secretary General, Children in armed conflict, 20 April 2016, A/70/836-S/2016/360, paragraph 118.

³¹⁰ It may be—and those entering defector programs reflect this—that older recruits are seen as most likely to question and desert. Discussion with security expert, Mogadishu, 5 September 2016.

³¹¹ Telephone interviews conducted by a relative of community members from the area and shared with the Monitoring Group, Nairobi, 28 June 2016.

³¹² See A/70/836-S/2016/360, paragraph 113. The UN was only able to verify 26 of these cases.

³¹³ Interview with former Al-Shabaab fighters, Garowe, 10 May 2016.

³¹⁴ Interview with Bantu elders, Nairobi, 25 January 2016; correspondence dated 22 July 2016 from Bantu elders on file with the Monitoring Group; email from Bantu elder to the SEMG, 31 August 2016; see also S/2015/801, annex 6.2 for detailed information on the persecution of the Bantu/Wagosha community—including forced recruitment Lower and Middle Juba between 2013 and June 2015.

SEMG with the names of some of the children taken from Migwa, Shongol and Isaqbul villages, a number of whom died, and others still in the hands of Al-Shabaab.³¹⁵

- In March 2016, the local community in two villages in Lower Shabelle rejected Al-Shabaab's specific request to 'provide' children in the age range of eight to fifteen years old and presented an older group of potential recruits for consideration.³¹⁶ Al-Shabaab did not accept the substitution, and abducted 60-70 small children from Koranic schools in the area. Later rumours circulated that the children were intended to be used as suicide bombers to interrupt the 2016 political elections.
- In March 2016 representatives of the security services in Baidoa told the Monitoring Group how Al-Shabaab in the sector had begun a new approach to recruitment.³¹⁷ Children from 10 years old in the area were being given "an offer of education", for which parents paid fees, and through which military training was initiated. The officials described this new approach as a "long term threat which needs to be brought to the attention of the international community".
- In March 2016 the SEMG was informed of a forceful recruitment program underway between Eel Addow and Kurtunwarey in Lower Shabelle, particularly focussing on schools.³¹⁸ Hundreds of children are estimated by the UN to have been the target of such sweeps in Lower Shabelle alone during the first months of 2016, including further to attendance at madrassa or public or religious gatherings.³¹⁹
- In May 2016, the SEMG received reports of a surge in recruitment of children from madrassas in Harardhere district in Mudug region.³²⁰
- In June 2016, the SEMG spoke to recently arrived refugee families in Kenya who cited a child recruitment drive, particularly of boys between 12 and 15, around Afgoye, Lower Shabelle, as their reason for fleeing the area.³²¹
- In June 2016, the SEMG verified UN reports that teenage recruits had recently completed four months of training in Bu'ale, Middle Juba.³²²
- By the end of June 2016 there had been 521 cases of Al-Shabaab recruitment of children verified by the UN.³²³

³¹⁵ It was also reported, but could not be confirmed, that some of the identities of the children were changed and that Al-Shabaab "claimed they are from Tanzania and Kenya". Individual from these clans speak their own language which is similar to Swahili. Children from Migwa were among those who detained by the Puntland authorities when they captured Al-Shabaab fighters in March.

³¹⁶ Email from member of parliament from Lower Shabelle, 4 April 2016; The name of the two villages are withheld for safety reasons.

³¹⁷ Interviews with representative of the security sector in Baidoa, 2 March 2016.

³¹⁸ Email from prominent elder in Lower Shabelle, 1 April 2016.

³¹⁹ Email from UN staff member, 22 July 2016. These cases are still being verified by the UN and its partners.

³²⁰ Email from UN staff member, 16 May 2016.

³²¹ Interviews with members of the Biimaal community, Kenya, 2 June 2016. They noted that if there was only one son in the family there was an option of paying to avoid recruitment.

³²² Email from UN staff member, 5 June 2016; Skype call with relative of a resident of Bu'ale with knowledge of Al-Shabaab operations.

³²³ Email humanitarian worker, 18 September 2016.

Capture of over 100 children associated with Al-Shabaab

9. Al-Shabaab's failed attack on Puntland and Galmudug particularly exposed the expanding pattern of Al-Shabaab recruitment and use of very young children. When the kinetic operations ended, the Puntland and Interim Galmudug administrations found themselves with over a hundred children in their custody who had been separated from Al-Shabaab—some as young as 11.³²⁴ The children had in the main been hastily trained: among the children captured in Puntland, few of them had spent more than one year with Al-Shabaab, one had spent only one month with the group before being deployed.

10. In a video interview of the children conducted just after they were captured by Puntland forces at Tugga Suui, four of the boys described their different trajectories to Al-Shabaab through madrassa, promises of education and abduction.³²⁵ A second set of interviews conducted later that day revealed that a number had been provided basic training, particularly on use of an AK47—others none—and then had been sent to Puntland without explanation: “we just followed orders”. The boys had been gathered from different areas of south central Somalia, taken to the landing point at Harardhere, and told to fight. A number of testimonies collected by the SEMG from family members of children abducted by Al-Shabaab in Middle Juba in early 2016 confirm this pattern of recent recruitment, cursory training and rapid deployment.³²⁶

11. In May 2016, in line with the Somalia Standard Operating Procedures on the reception and handover of children separated from armed groups, 43 children were transferred by the authorities in Galkayo into the care of the United Nations Children's Fund (UNICEF): one child was released to his mother in Galkayo. Negotiations to secure the release of the children from Puntland, however, stumbled.³²⁷ On 20 June 2016, 12 of the children were sentenced to death further to summary trials in the military court in which the children were not represented and in which they were cursorily found guilty of “association with Al-Shabaab”.³²⁸ Although the Puntland authorities have given assurances to the UN that the children will not be executed, the manner of their trial, and their continued detention is of concern.³²⁹ In a positive development however, in July 2016 a joint age assessment team comprised of Puntland government officials, international NGO experts and the UN was established to evaluate at least 19 of those sentenced to death whose currently determined ages are on the borderline.³³⁰ The SEMG learned in September

³²⁴ Interviews with UN staff members, March to June 2016. The SEMG visited the facility in Garowe where the children were held on 10 May 2016. At that point the children were being held separate from the adult former combatants and in adequate conditions.

³²⁵ The SEMG reviewed some of the basic information available on the detained children from official sources and reviewed TV interviews conducted by journalists with the children captured in Puntland and other footage of children detained in Galkayo.

³²⁶ In August 2016 the SEMG received testimony from a refugee in Kenya who described how her son had been abducted from Jiriki in Lower Juba in January 2016. In March 2016 she received a phone call from her son informing her that he had been critically injured in a battle. A week later she received a photograph of her son's body. A refugee father also told how his son (16) had been abducted around the same time from the same area but was later killed: he continued, however, to receive communications from his son's friends who were still being held by Al-Shabaab “around Garowe and Bosasso”.

³²⁷ Interview with UN staff member, 17 June 2016.

³²⁸ Altogether 43 fighters received the death penalty. See <http://www.garoweonline.com/en/news/puntland/somalia-puntland-court-sentences-43-al-shabaab-fighters-to-death>. The 12 children were transferred to Bossoso and held alongside the other prisoners who had been sentenced to death.

³²⁹ Phone interview with UN staff member, 20 August 2016; email UN staff member 27 June 2016.

³³⁰ Interview UN staff member 13 July 2016.

that 9 of the 19 were assessed as children and a tenth recommended for release on health grounds. All ten had been sentenced to death.³³¹

12. Al-Shabaab's willingness to increasingly use children in direct military encounters raises questions about the need for international and national security forces in Somalia to examine whether there are special tactics, techniques and procedures that may need to be deployed before and during active hostilities. Encountering children on the battlefield creates complex moral, ethical and military doctrine and rules of engagement dilemmas. Training, scenario running and other interventions, tailored to the Somali context, might be considered.³³²

Detention and use of children separated from Al-Shabaab

13. The SEMG reported to the Council in 2015 that it had received credible testimony on the victimisation and use of former child soldiers or children separated from armed groups and detained by the authorities at the Mogadishu Serendi camp, including for intelligence gathering, in breach of international law.³³³ During the current mandate the SEMG also received allegations from sources with direct knowledge of the facility, of sexual and physical abuse of the children and adults in previous years at the camp.³³⁴ On 8 May 2016 a story in *The Washington Post* exposed the practice of using former child soldiers as intelligence assets by the National Intelligence and Security Agency (NISA).³³⁵ The Director of NISA, Gen. Abdirahman Turyare was quoted in the article acknowledging the practice, and even suggesting it was ongoing—although only for children held as “high value” ex-combatants. He was subsequently removed from his post. In the first six months of 2016 there were at least 250 children detained on security related charges, primarily by FGS security forces.³³⁶

14. On the same day as the *Washington Post* article was issued, the FGS Office of the Prime Minister announced the appointment of a ministerial-level Fact Finding Committee.³³⁷ The Committee reported quickly in June 2016 and the FGS shared a copy with the SEMG. The Committee found that “while underage children were used by NISA in the past to identify members of Al-Shabaab through the finger pointing technique, that practice is no longer applied at any of the detention centers nor are underage children kept under NISA custody”.³³⁸ The Committee also acknowledged also that “the previous situation in which children and adults were kept in the same facility has created an environment of systematic human rights violations”. The Committee urged that a human rights policy be developed for NISA, including standard operating procedures relating to detainees and that training for NISA and other law enforcement agencies be conducted.

³³¹ Email from humanitarian worker, 18 September 2016.

³³² See, for example, the work of the Romeo Dallaire Child Soldiers Initiative at <http://www.childsoldiers.org/what-we-do/#training>

³³³ S/2015/801, annex 6.4.

³³⁴ Interview with individual regularly present at the facility in 2014 and 2015, undisclosed location, 2 August 2016.

³³⁵ Kevin Sieff, “US-funding Somali intelligence agency has been using kids as spies”, *The Washington Post*, 8 May 2016. Available from https://www.washingtonpost.com/world/africa/exclusive-us-funded-somali-intelligence-agency-has-been-using-kids-as-spies/2016/05/06/974c9144-0ce3-11e6-a6b6-2e6de3695b0e_story.html.

³³⁶ Cases verified by the UN. Email UN staff member, 18 September 2016.

³³⁷ This ministerial committee included the Minister of Justice (Abdullahi Ahmed Jama), the Minister for Internal Affairs and Federalism (Abdirahman Mohamed Hussein “Odawa”), the Minister for Security (Abdirizaq Omar Mohamed) and the Commander of the Custodial Corps (General Bashir Mohamed Jama “Gobe”).

³³⁸ Findings of the Ministerial Committee on the Washington Post article regarding Somali Intelligence agency and the alleged use of child defectors as spies, 12 June 2016, on file with the Monitoring Group.

15. Approximately 2,430 adults have passed through or are currently in reintegration facilities for ‘low risk’ ex-combatants since programs began in 2013. An additional 64 children have been transferred out of the system in Serendi camp into the care of UNICEF partners. Meanwhile—other than the high profile Serendi and Galkayo caseloads noted above—only 20 children have been transferred to UNICEF and its partners for protection and rehabilitation since early 2014.³³⁹ Taking into account the high percentage of children found within Al-Shabaab units on the battlefield in Puntland (as much as 50 per cent) and multiple testimonies of increasing forced recruitment of children, the question arises: why are children not deserting in proportional numbers and finding their way into child protection programs associated with demobilisation? Are local solutions being found? What are the implications of these discrepancies in the numbers for the development of a more comprehensive FGS and international response to responding to the protection needs of children recruited and used by Al-Shabaab?

16. At the end of July 2016, the Special Representative of the UN Secretary-General for Children and Armed Conflict (SRSG CAC) conducted her second visit to Somalia. She particularly highlighted the need for appropriate treatment and protection for children separated or captured as a result of their association with armed groups and the implementation of special measures to protect children from recruitment and use.³⁴⁰ In this regard, as pressure rises on refugees to repatriate from Kenya, the return environment must be carefully monitored—68 per cent of all those who returned to Somalia from Dadaab camp during 2016, were children.³⁴¹ In April and August 2016 Human Rights Watch collected testimonies from several young men and boys who attempted to go home with their families to Al-Shabaab-controlled areas and had been approached for recruitment—they subsequently fled again to Kenya.³⁴²

Annex 7.3: Violations committed by Federal Government of Somalia (FGS) security forces against civilians held in detention³⁴³

17. Although large scale attacks on civilians were not committed by FGS forces during the mandate, there continued to be systematic compromise of the legitimacy of the security forces in the eyes of local communities, in particular through the abuse of state power to advance clan, political or economic interests. This contributed to undermining the effectiveness and legitimacy of the FGS security forces, and peace and security generally.³⁴⁴ During the mandate, the SEMG examined a number of cases of violations committed by federal security forces against civilians held in detention.

³³⁹ This has been required since the February 2014 when the FGS signed the Somalia Standard Operating Procedures on the reception and handover of children separated from armed groups.

³⁴⁰ Press release, Somalia: Special Representative Zerrougui calls for stronger measures to protect children affected by armed conflict, 26 July 2016 available at, <https://childrenandarmedconflict.un.org/press-release/somalia-special-representative-calls-for-stronger-measures-to-protect-children/>.

³⁴¹ See, UNHCR, Weekly Update, Voluntary repatriation of Somali refugees from Kenya, 5 August 2016, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/VoluntaryRepatriationAnalysis-05082016.pdf>. Email from researcher, 9 September 2016. In a phone interview on 9 September 2016 an NGO expert on child protection and the prevention of recruitment and use of children, including in Somalia, warned that returning refugee children were being targeted.

³⁴² Human Rights Watch, Kenya: Involuntary Refugee Returns to Somalia, Camp Closure Threat Triggers Thousands Returning to Danger, 14 September 2016, available at <https://www.hrw.org/news/2016/09/14/kenya-involuntary-refugee-returns-somalia>.

³⁴³ Precise details of the incidents listed in this annex were omitted to protect SEMG sources and their families from retribution attacks.

³⁴⁴ See annex 7.5 for a discussion on how involvement of FGS security forces in clan conflict in Lower Shabelle is undermining peace and security in the regional and in Somalia as a whole.

Detention and torture by Somali National Army (SNA) officers in Jowhar³⁴⁵

18. In 2014 the SEMG reported on a series of attacks on 20 Bantu villages on 6 and 7 November 2013 launched by Abgaal/Mohamed Muse militias, and SNA personnel, in the course of which civilians were killed, homes burned, assets looted, women were raped and thousands displaced.³⁴⁶ On 11 April 2016, five young Bantu/Shiidle men, all farmers from Daifa or Baroweyne villages in Middle Shabelle, were arrested and detained by a unit of the Somali National Army (SNA). Accused of being members of Al-Shabaab, the five men were first detained for two days at Jowhar Airport military base, subsequently held for seven days at Jowhar Police Station, and finally transferred for 43 days to National Intelligence and Security Agency (NISA) facilities. All five men were regularly beaten and denied water during their detention. Two of the men were particularly signalled out for torture by two named SNA commanders: one man had his finger nails pulled while both were severely beaten with butt of a rifle and had boiling hot water poured on the wounds.³⁴⁷ According to testimonies received by the SEMG, the SNA officers involved in the violation wanted to appropriate the properties of the men, and used the accusation of affiliation with Al-Shabaab as a pretext for their detention. After more than seven weeks in detention, the men were finally freed by the now deceased commander of NISA in Jowhar, Abdiweli Ibrahim Mohamed and cleared of all allegations.

19. Information on this case came to light late in the mandate: the SEMG has shared the names of the officers involved and the details of the case with the UN Human Rights and Protection Group and have requested them to raise the issue with the local authorities and consider relevant protection needs of the victims.

³⁴⁵ Monitoring Group phone interviews with individual with knowledge of the case who conducted interviews on behalf of the SEMG with the men, August 2016.

³⁴⁶ S/2014/747, annex 8.1 and strictly confidential annex 8.2

³⁴⁷ Photographs of injuries sustained by two of the men are held on file with the Monitoring Group, with one attached at figure 7.3 (a). The injuries—some still raw—are broadly consistent with the testimony provided of the torture meted out to the men.

Figure 7.3 (a)

Photograph of one arm injury sustained by one of the five men (name on file with the SEMG,) unhealed, taken by source of the Monitoring Group, four and a half months after its infliction.

Torture and ill-treatment in security detention³⁴⁸

20. In 2014 and 2015 the SEMG documented allegations of ill-treatment and torture, in particular of journalists, in Mogadishu's Central prison, and in security detention as overseen by NISA officials.³⁴⁹ During the current mandate, the SEMG conducted detailed interviews with five civilians who reported being subject to ill-treatment and and/or torture in security detention—in Godka Jillicow (Bondheere District) and Hoggaanka Baarista/Godka Madaxtooyo (Villa Somalia)—during 2014 and 2015.³⁵⁰ All five were detained as a result of, and some found guilty of offenses relating to, their work as journalists or their public expression of political opinion.³⁵¹ Prior to the specific incidents under examination, all had been warned multiple times by various authorities (executive and security

³⁴⁸ Where torture is committed in a context linked to an armed conflict it constitutes a war crime. When committed as part of a part of a widespread or systematic attack directed against any civilian population or an identifiable part of a population it can constitute crimes against humanity.

³⁴⁹ See S/2015/801, annex 6.1 and S/2014/747, annex 8.1

³⁵⁰ Series of interviews conducted in person and on the phone Nairobi, Belgium, Sweden and the United Kingdom, between March and August 2016. One of the reasons for the delayed investigation of these cases was concerns about the safety of the interviewees. There was a need to ensure they were in a place where their protection could be assured.

³⁵¹ For an overview of challenges to freedom of expression in Somalia and the frequent arrest of journalists and shuttering of media houses on state security grounds, including during the current mandate, see UN Assistance Mission in Somalia, Report on the right to freedom of expression, Striving to Widen Democratic Space in Somalia's Political Transition, August 2016; see also, Human Rights Watch, Like Fish in Poisonous Waters, attacks on media freedom in Somalia, 2 May 2106, available at, <https://www.hrw.org/report/2016/05/02/fish-poisonous-waters/attacks-media-freedom-somalia>

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 interviewees. In addition, the SEMG reviewed information and material circulated on social media relating to torture and ill-treatment in detention.

Summary of the testimonies

22. The individuals interviewed by the Monitoring Group claimed that they were subjected to: restrictions on, or denial of, food and drink; confinement in small airless cells; beating and slapping; forced standing and confinement in stress positions using handcuffs or other ties making breathing difficult; interrogation while blindfolded; threats of death, sexual assault and further torture including by senior officials during questioning; hooding with plastic bags; use of electric shocks; forced partial submersion in water to induce fear of drowning, insults and general threats of violence, and denial of access to medical services.

23. Judicial oversight of detention and treatment in custody was minimal and insufficient and involved forum shopping. Four were brought before a military court where requests for extension of the detention period were acceded to: in one case, apparently the judge did reject a request for a 45-day extension of custody, and questioned the appropriateness of the enquiry. Nevertheless, the judge went on to direct a 21-day extension of custody. Another interviewee described how he was brought before a civilian court which ordered his release: he was then taken to a military court where the extension of detention was granted. In two cases it appears that the presiding judge in the military court made rudimentary enquiries into the well-being of the men but ultimately accepted the explanation of security officials as to how visible injuries were sustained. In one of these cases the detainee alleged that he told the judge directly what had been done to him and recounted how he had lost consciousness during the torture.

24. In addition to their personal testimonies, the five men recounted in detail having observed or received information from fellow detainees on the following conduct: extrajudicial killing of prisoners, forced marriage, torture, sexual assault, routine beatings. They also provided information on cases in which it was alleged by fellow detainees that individuals had been released further to the exertion of influence through family connections or money.³⁵²

The case of Ali Abdi Wardhere (Ali Ali Yare)³⁵³

25. Only one of the five principal interviewees was willing to allow details of his case to be shared publicly.³⁵⁴ Between March and May 2015 Ali Yare (Haber Gedir/Ayr), a well-known political activist and blogger, received a series of threats from government actors, on phone and on social media in relation to his political writings. Mr Ali Yare described to the SEMG how in March 2015 he was brought to a meeting with President Hasan Sheikh who

³⁵² The SEMG continues to investigate these cases and will share with appropriate authorities, to the extent that it does not harm potential witnesses.

³⁵³ Mr Ali Yare provided the SEMG with a written statement and supporting documents in addition to engaging in four interviews with the SEMG dealing with his experience between May and August 2016, in person in Nairobi, and on phone and Skype.

³⁵⁴ Mr Ali Yare's public profile and circle of protection both among senior members of the cabinet and the international community, and even, at a personal level, among senior NISA officials, were not sufficient to protect him. But they did allow him to speak out relatively publicly 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.

personally warned him about his conduct in the presence of the Minister for Interior and Federal Affairs and other officials. In late May 2015 Mr Ali Yare was arrested twice and questioned by the security services about his political activities and ordered to attend and sign-in regularly at the station.³⁵⁵ He was informed in particular that the President was “unhappy” with his engagement in the formation of the Interim Galmudug Administration (IGA) including his role as campaign manager for the IGA Presidential aspirant, Ambassador Ahmed Abdelsalam Adan.³⁵⁶ Indeed, in the weeks preceding his detention Mr Ali Yare had been prevented from flying to Adado on four occasions when he presented himself at Mogadishu airport. Finally on 11 June 2015 Mr Ali Yare was arrested from his home by NISA personnel, assaulted and blindfolded and taken to the Madahtoyo NISA investigation facility at Villa Somalia.³⁵⁷

26. During the first period of his detention Mr Ali Yare was regularly blindfolded, taken from his cell, slapped, pushed down on the ground, interrogated and threatened with death. He stated that he was accused of wide variety of illegal activities, including undermining the state and killings (at a time when he was a child). He was not permitted access to a lawyer but members of his family were allowed to visit briefly on 19 June 2016. After about ten days in detention, Mr Ali Yare states that he was taken to the location of the Supreme Court but ultimately not permitted to enter the facility, remaining in the courtyard. When the principal official returned to the vehicle, however, it was implied that an order had been obtained extending his detention but Mr Ali Yare was not provided with any details.³⁵⁸

27. Due to a combination of the treatment meted out to Mr Ali Yare during interrogations, the poor conditions at the facility, and, possibly, other factors,³⁵⁹ Mr Ali Yare eventually collapsed and lost consciousness and was taken to Deva Hospital in Mogadishu. While hospitalized Mr Ali Yare was told he was being treated for kidney problems, malnutrition and a stomach ulcer.³⁶⁰ He was kept under guard in the hospital in the custody of a senior regional NISA official, Abdelqadir Hassan Omar Geleh. Eventually Mr Ali Yare’s friends and family lodged a *habeas corpus* application before the Supreme Court which ultimately ordered his release on 19 July 2015.³⁶¹ The decision of the Court noted that Mr Ali Yare had been in detention since 11 June, had not been charged with a crime, had been refused access to his family or a lawyer and had not been properly brought before a court for a review of his detention. He was released the following day. Approximately nine hours subsequent to Mr Ali Yare’s release, Mr Geleh, the Hodan district NISA official who had been assigned to guard him in hospital, was killed by NISA personnel—including one of the officials engaged in Mr Ali Yare’s 25 May arrest and detention—allegedly further

³⁵⁵ Texted sign-in directions reviewed by the SEMG.

³⁵⁶ See S/2015/801, annex 1.1 for an overview of this process. Mr Ali Yare told the SEMG that his close political affiliation with Ahl al-Sunna wal-Jama’a (ASWJ) was also a point of contention.

³⁵⁷ Photographs purportedly taken from inside Mr Ali Yare’s home during the incursion arrived show, show unmarked vehicles bearing the NISA logo with uniformed personnel manning mounted weaponry. Photographs on file with the Monitoring Group.

³⁵⁸ The Supreme Court order of 19 July 2016 however noted that Mr Ali Yare had never been brought before a court.

³⁵⁹ Mr Ali Yare states that he is not sure whether something was introduced into a drink which he was given a couple of hours prior to his collapse.

³⁶⁰ Mr Ali Yare states that he requested a copy of his medical records from the hospital after his release but this was refused. Deva Hospital was closed by the government at the end of July further to the political fallout from the Turkish coup. See, *inter alia*, Shabelle News, “Troops cordoned off Deva hospital linked to failed Turkish coup”, 20 July 2016. Available at <http://www.shabellenews.com/2016/07/troops-cordoned-off-deva-hospital-linked-to-failed-turkish-coup/>.

³⁶¹ Copy of Supreme Court order on file with the Monitoring Group.

to his refusing an order.³⁶²

28. Further to his release, Mr Ali Yare remained under a number of restrictions, including travel, issued by the President in an informal directive until this was re-negotiated on 22 September 2015.

Publicly available information

29. In late May 2016 a video was widely circulated on Somali social media which purported to be footage taken of two officials of the Mogadishu based NISA interrogating Hussein Hirsi, an official of the Yaqshid district administration, on his links with Al-Shabaab and a named businessman.³⁶³ The NISA officers are shown beating and insulting the prisoner in what appears to be a “safe house”, an unofficial detention facility. One of the senior officers is heard saying to Mr Hirsi: “if you refuse to tell what we want from you, your life is not more valuable than others we kill every day.” The SEMG has identified the two principal officials visible in the video: it is understood that one individual was placed under house arrest for a period of time but is now back in a senior position in NISA³⁶⁴ the other has sought asylum in a European state. Later a video statement from Abdikamil Shukri Moallim, a spokesman of Ministry of Security, was circulated on social media where he indicates that reforms have been made following the release of the footage and that the government formed an independent committee aimed to investigate these allegations against NISA.³⁶⁵ The SEMG requested information from the FGS about this committee and steps taken to address the allegations embodied in the video but did not receive a reply.

30. On 5 February 2016 Somali National TV carried a program containing a series of interviews and confessions with Hassan Hanafi Haji, a former journalist for the Al-Shabaab Radio Andalus, who was later convicted of killing five journalists between 2007 and 2009 by a military court in March 2016.³⁶⁶ In a subsequent interview, Hanafi claimed he had been tortured during his interrogation, including through suffocation, use of hooding with plastic bags and stress positions, electric prods, beating and use of water, including forms of torture and ill-treatment specifically described by three of those interviewed in detail by the SEMG. The interview appears to have been conducted by phone by an interviewer with a pro-Al-Shabaab bias, and posted on 7 April 2016 just three days prior to Mr Hanafi’s execution.³⁶⁷

Conclusions

31. As set out above, consistent and credible testimony was proffered to the SEMG by former detainees which indicated patterns in the nature, circumstances and perpetrators of the use of torture and inhuman and degrading treatment or punishment in NISA detention. It is clear that these incidents were not isolated but part of an accepted practice, including as condoned and directed by those with senior political command. Particular names arose repeatedly in the accounts received by the SEMG, including of individuals who directly carried out the prohibited

³⁶² During the hearing at the Supreme Court there had been contradictions in the account given by the state on the length of Mr Ali Yare’s detention and Mr Geleh had been called into the chamber to clarify. He confirmed that the period of hospitalisation had been under strict guard, with the authorities assuming responsibility for the fees.

³⁶³ Available from <https://www.youtube.com/watch?v=7sMcmxf9XI0>.

³⁶⁴ Phone interview with a Somali journalist, 18 August 2016. The same official featured prominently in a number of the cases reviewed by the SEMG.

³⁶⁵ The video which was original posted at <https://www.youtube.com/watch?v=7sMcmxf9XI0>, and which the SEMG initially reviewed, had been removed at time of writing on 13 September 2016.

³⁶⁶ The program was posted at <https://www.youtube.com/watch?v=xydjJ-FXL7Q>. He was interviewed by Abdiaziz Abdiaziz Mohamud Guled (Afrika), a NISA operative who plays a media role, Mr Afirka has been implicated in a number of previous human rights violations documented by the SEMG, including allegations of sexual violence against a fellow journalist.

³⁶⁷ Video of the interview was posted at <https://www.youtube.com/watch?v=bV3iAViDaRs>. The video was uploaded on 7 April 2016. It is not unusual for detainees to be able to access telephones during their incarceration. He also claimed that Zakariya, the former head of Al-Shabaab’s *Amniyat* unit, conducted some of the interrogations.

conduct, ordered the conduct, or were in a position to prevent the conduct.³⁶⁸ The fact that a number of NISA officers, themselves ex-members of Al-Shabaab or groups formerly associated with the origins of Al-Shabaab, are permitted to engage in interrogations of civilians is extremely problematic.³⁶⁹

32. The misuse of detainees in security detention, whether in pursuit of political ends or to settle private and business scores, not only amounts to a violation of human rights and of the sanctions regime: it also undermines the capacity of NISA to do its vital job, dissipating resources in misuse of authority. Those interviewed by the SEMG were arrested multiple times, in operations which involved large numbers of officers and assets of the force. Further, Al-Shabaab is also quick to use allegations of torture in detention by security forces to enhance its propaganda: after its 31 August 2014 attack on Godka Jillicow Al-Shabaab Wali for Benadir, Sheikh Ali Hussien (Ali Jabel) stated that the group had attacked the centre as “Muslims have been tortured and punished there”.³⁷⁰

33. It is encouraging that two of those interviewed suggested that overall, treatment in security detention—and the Central Prison, under a new prison commander—had improved. One of the interviewees described how his detention in 2015, for example, involved less severe treatment than in 2014. With the greater secrecy surrounding the use of ‘safe houses’ since 2014, however, it was not possible to make assessments about these facilities.³⁷¹ Since June a new leadership at NISA, including a new Director and Deputy Director has indicated that they have instituted reforms, including human rights training for officers and the setting up of a department within the agency to deal with human rights and legal issues.³⁷² Nevertheless, as this report was being prepared, a new case of detention of civilians by NISA—of researchers at a policy institute, the Mogadishu Institute of Research and Studies—came to light. They were held for over six weeks both in NISA detention and subsequently at the Central prison, without charge or access to lawyers.³⁷³

Measures to enhance compliance

34. In resolution 2244 (2015) the Council called upon the FGS to enhance civilian oversight of its security forces, in particular through investigation and prosecuting individuals responsible for violations of international humanitarian law. Later in July 2016, in resolution 2297 (2016) the Council encouraged the FGS to pass legislation aimed at protecting human rights and ensuring investigations and prosecutions of perpetrators of crimes involving

³⁶⁸ The SEMG will share names, and information on the allegations, to the extent agreed with the victims, with relevant authorities.

³⁶⁹ In at least two of the cases assessed by the SEMG the interrogator made reference to his previous connection with Al-Shabaab and Al-Shabaab related groups in an attempt to intimidate.

³⁷⁰ Somalimemo, Dhageyso: Sheekh Cali Jabal oo Shir Jaraa'id Ku Faah Faahiyay Howlgalkii Godka Jilacoow Muqdisho (At a press conference Sheikh Ali Jabala releases further information about the operation on Godka Jilacow Mogadishu, informal SEMG translation), 31 August 2014, available at <http://somalimemo.net/articles/835/DhageysoSheekh-Cali-Jabal-oo-Shir-Jaraaid-Ku-Faah-Faahiyay-Howlgalkii-Godka-Jilacoow-Muqdisho>.

³⁷¹ Interviews with the five victims as noted above. Interview with former detainee, Nairobi, 16 June 2016. See also discussion above of a video publically circulated of an interrogation in a “safe house”.

³⁷² Phone interview with senior NISA official, 13 September 2016. The Director of NISA from May 2013 was General Bashir Jama Mohamed. He was followed in July 2014 by Abdullahi M. Ali “Sanboloshe” and later the same year by Col. Abdirahman Mohamed Turyare. Colonel Turyare was dismissed by Presidential Declaration in June 2016 and succeeded by General Abudllahi Gaafow Mohamed, the former long term Head of Immigration.

³⁷³ The five men were arrested by NISA on 21 July 2016 and held without charge or access to lawyers. They were brought briefly before a military court to “answer questions” on 15 August 2016 but then detained for an additional three weeks at the Central Prison until 6 September 2016. Human Rights Watch, “Five Wrongfully Detained in Somalia Now Free, Intelligence Agency Held Policy Center Staff for Nearly a Month”, 13 September 2016 available at <https://www.hrw.org/news/2016/09/13/five-wrongfully-detained-somalia-now-free>. As recently as 18 August 2016 the offices of Radio Shabelle were once again stormed by NISA troops and two journalists arrested.

violations of international humanitarian law and human rights violations and abuses (paragraph 38). Although there were a small number of prosecutions of lower ranked members of the FGS security forces during the mandate, commanders associated with repeated allegations of serious violations of international law were not investigated.

35. The Council has also noted the importance of the Secretary-General's Human Rights and Due Diligence Policy (UNHRDDP) in relation to the support provided by the UN to the SNA (resolution 2244 (2015), paragraph 11). During the mandate UNSOM human rights conducted a General Risk Assessment of the Somali National Army which the UN HRDDP Task Force has submitted to the SRSG for approval.

36. The SEMG requests that the Council urge the FGS to:

- Implement the recommendations to its security forces formulated within the framework of the UNHRDDP³⁷⁴;
- undertake effective investigations for violations of international humanitarian and human rights law, particularly with respect to those in command responsibility and in decision-making positions³⁷⁵;
- establish a legal framework to govern the operation of NISA and ensure that those who abuse their powers and commit violations of international law are investigated and prosecuted;
- recognise the need to build security through enhancing the legitimacy of Somalia's security forces and in this regard to consider the feasibility of establishing an independent complaint handling (from members of the security forces) and investigation mechanism (adjudication of complaints from members of the public).

³⁷⁴ States giving direct or indirect assistance to Somali security forces might also tailor their support to the measures identified.

³⁷⁵ The Minister of Defense informed the SEMG that a committee had been assigned to investigate the "fighting in K50"—presumably as reported by the SEMG in 2013 (S/2014/747, annex 3.2)—and that it had been decided that the Ministry of Security would deal with the issue. Letter from Minister of Defense to the SEMG, 5 September 2016 (informal translation by the SEMG from Somali).

Annex 7.4: Violations committed by regional security forces against civilians during inter-regional conflicts³⁷⁶

37. As election cycles in Somaliland and at Federal level got underway during the mandate, contestation over the division of power within the federal architecture turned violent, with civilians sometimes bearing the brunt of manoeuvring by the elite through unlawful use of force. Civilians were harmed, for example, in the context of the effort to support the creation of 'Upper Bakool State',³⁷⁷ fighting in Sool and Sanaag throughout the mandate, and conflict in Galkayo in December 2015.

Sool and Sanaag

38. In Sool and Sanaag the long-running conflict between local militia, the forces of the self-declared 'Khatumo' state and the forces of Somaliland and Puntland in various combinations escalated during the mandate. Already buffeted by a severe drought and sustained exclusion from humanitarian and development resources by both administrations, the people of Sool and Sanaag saw weapons and armed personnel flow into the region, particularly as Somaliland voter registration got underway. Although the majority of those killed were armed personnel, there were civilian deaths in the course of violent encounters between the forces, and between forces and a restive public, in addition to allegations of an indirect campaign of assassinations, unlawful arrests and abductions.³⁷⁸ On 18 May 2016, live bullets fired by Somaliland forces at protestors participating in a demonstration in Lasanod against the Somaliland 25th Independence Day celebrations, for example, killed one and injured a second person.³⁷⁹ In August 2016 the political situation began to evolve further to enhanced negotiations between Khatumo leader Ali Khalif and Somaliland, vigorously encouraged by the new Minister of the Presidency, Mohamed Hashi³⁸⁰. Nevertheless in early September 2016, against the background of heavy-handed efforts to promote voter registration, demonstrators in Lasanod protested a number of assassinations in the town, attributed to both Al-Shabaab and the Somaliland authorities.³⁸¹

Galkayo, November/December 2015

39. The fault lines between communities in North and South Galkayo and between the Puntland Administration and authorities in Adado deepened in 2015 with the creation of the Interim Galmudug Administration (IGA) along contested borders.³⁸² Open conflict erupted in late November and early December 2015, pitting the forces of the

³⁷⁶ In terms of state obligations under international human rights law which apply to violent encounters which do not rise to the level of an armed conflict, Somalia is a party, *inter alia*, to the 1966 Conventions on Civil and Political Rights and Economic, Social and Cultural Rights; the 1981 African Charter on Human and Peoples Rights and the 1984 Convention Against Torture. The standards set out in common article 3 of the Geneva Conventions are also widely accepted as constituting fundamental guarantees which apply outside the context of an armed conflict.

³⁷⁷ 'Upper Bakool state' (comprising Yeed, Ato, Ceel Barde) was declared on 25 December, primarily supported by the Aulihan (Ogaden/Darod) community under the leadership of Ahmed Sheikh Mohamed "Mashruuc", and with the support of elements of the Ethiopian authorities. The 'state' was immediately recognized by Puntland.

³⁷⁸ On 28 July, for example, Abdirisaaq Ahmed Warsame (Dhabayaco), a prominent businessman from La Anod was attacked and severely wounded shortly after he had supported journalists to report on resistance to voter registration in Awrbogays. Phone interviews with relative of Dhabayaco, July and August 2016.

³⁷⁹ ACLED data set, 18 May 2016.

³⁸⁰ As a show of good faith, for example, the army chief was replaced, and a Dhulbahante appointed to the Ministry of Interior with responsibility for the security apparatus.

³⁸¹ Email from relative of members of the community in Las Anod, 5 September 2016.

³⁸² The SEMG has described the process leading to the creation of the Interim Galmudug Administration. S/2108/801, annex 1.1.

IGA Administration and its allied militia, against Puntland forces and its allied militia.³⁸³ The immediate cause of the first clashes on 22 November 2015 was a dispute over construction of a road in Garsoor in Galkayo (North) which passed through part of a disputed area claimed by Galkayo (South).³⁸⁴ The second phase of the conflict flared on 28 November 2015 when heavy weapons were used against civilian areas by both sides.³⁸⁵ Amidst intense international engagement and the mediation of Prime Minister Sharmarke, an agreement was finally reached between the parties on 2 December 2015.³⁸⁶ On the following day, however, heavy fighting started again.³⁸⁷ A second truce was agreed on 5 December 2015.

40. Over 30 to 40 people were killed in the fighting as a whole and between 100 and 150 people injured.³⁸⁸ The majority of the town's population (c. 90,000)—from both sides—was temporarily displaced, including over 40,000 IDPs who had taken refuge in the town.³⁸⁹ Homes and businesses were destroyed.³⁹⁰ Women were raped as they fled to safety.³⁹¹ During the fighting an ambulance was attacked, two men and one woman who were in the vehicle were killed and the vehicle completely destroyed.³⁹² The SEMG was unable to ascertain precise figures for civilian deaths during the conflict with various official authorities and other sources providing different accounts from 9 to 30 civilians killed. The UN verified 11 civilian deaths during the two phases of the fighting.³⁹³

41. Multiple accounts of the conflict, from government officials (including some who openly acknowledged the culpability of their own side), civilians and NGO staff confirm that both sides in the conflict targeted civilians and civilian areas, including using heavy weapons. In a joint statement on 3 December key members of the international community declared that they would “not tolerate impunity and the continued needless killing of innocent civilians.” They added that “[t]hose found to be responsible [...] and the killing and displacement of civilians must be held accountable” and that “[a]ny deliberate shelling of civilian areas of Gaalkacyo may constitute crimes against humanity that must be fully investigated and vigorously prosecuted.” No prosecutions have, however, taken place.

42. The ceasefire has held, notwithstanding sporadic outbreaks of fighting. Nevertheless significant tensions remain, including as a result of the intensification of attacks by Al-Shabaab on Galkayo (North) since June

³⁸³ Allegations that FGS forces supported IGA forces and that there was a delivery of weaponry prior to the fighting could not be confirmed. See, for example, Garowe Online, “Somalia: Federal Govt delivers arms consignment to Galmudug”, 27 November 2015. Available at <http://www.garoweonline.com/en/news/puntland/somalia-federal-govt-delivers-arms-consignment-to-galmudug-report>.

³⁸⁴ Some of violence appeared to have been calculated to consolidate support from reluctant allies within the respective administrations.

³⁸⁵ Interview with Puntland government officials, Garowe 23 February 2016 and Galkayo, 8 April 2016.

³⁸⁶ Interview with UN staff member, Garowe, 22 February 2016.

³⁸⁷ See <https://unsom.unmissions.org/international-community-condemns-renewed-outbreak-fighting-gaalkacyo>.

³⁸⁸ Interviews with NGO and UN staff and local authorities in both Galkayo (North) and Galkayo (South), 5 to 9 April, 2016. One senior local authority official suggested that only 2 or 3 civilians were among a total death toll of 27 on the Galkayo (North) side of the town. Human Rights Watch (HRW) reported the deaths of 9 civilians. HRW, “Dispatches: Don’t Forget Somalia’s Civilians”, 14 December 2016. Available at <https://www.hrw.org/news/2015/12/14/dispatches-dont-forget-somalias-civilians>.

³⁸⁹ Most UN agencies and INGOs also suspended their operations and relocated to Garowe. The majority of the population had returned to the town by the end of December. See UNOCHA, “Somalia, Flash Update, Humanitarian Impact of Fighting in Galkayo”, 24 December 2016. Available from <http://reliefweb.int/sites/reliefweb.int/files/resources/Gaalkacyo%20Flash%20update%2024%20December%202015.pdf>.

³⁹⁰ Interview with individual whose home was damaged, Galkayo, 5 April 2016. See Ceelhuur, 3 December 2016, at <http://ceelhuur.net/?p=26218>, for pictures of some of the damage to buildings in Galkayo (North); See also, Puntland Research Development Centre, “Galkayo Conflict: a local issue of a national apprehension”, December 2015, on file with the Monitoring Group.

³⁹¹ The Monitoring Group was told by a medical professional that six women were treated for injuries caused by being subject to sexual violence during the conflict. These accounts were strongly contested by local officials. Interview with NGO staff member, Nairobi, 10 April 2016.

³⁹² Interviews with individuals with direct knowledge of the incident, Galkayo, 7 and 8 April 2016. The burning out of the ambulance is depicted in the following video, as verified by individuals present in Galkayo on the day of the incident: https://www.youtube.com/watch?v=q26T7rpS2_s.

³⁹³ Email from UN staff member, 6 September 2016.

2016.³⁹⁴ At the end of August 2016 in the wake of an Al-Shabaab attack on government buildings and a market in Galkayo (North) which killed 20 and injured over 40, Puntland authorities imposed restrictions on vehicle movement from, inter alia, Galkayo (South).³⁹⁵

43. The call for accountability of regional authorities and forces and reference to the potential commission of crimes against humanity by elements of the international community in the Galkayo conflict—the first of its kind—was a factor of the relatively matched strength of the parties and their prime place in the Somalia power structure. Nevertheless, no one has been held accountable. Further, where regional forces abuse their power and attack weak opponents, such as local clan militia, condemnation must be equally swift.³⁹⁶

³⁹⁴ See, for example, Shabelle News, “Galmudug and Puntland trade blame over insecurity”, 19 June 2016. Available at <http://www.shabellenews.com/2016/06/galmudug-and-puntland-trade-blame-over-galkayo-insecurity/>

³⁹⁵ See, Garowe Online, “Somalia: Puntland government imposes restrictions on road travel”, 9 September 2016. Available from <http://www.garoweonline.com/en/news/puntland/somalia-puntland-government-imposes-restrictions-on-road-travel>.

³⁹⁶ See discussion in annex 7.5 on the deployment of FGS and regional forces into clan conflicts.

Annex 7.5: Clan conflict leveraged by the Somali National Army (SNA), regional forces, and Al-Shabaab

44. Insecurity and fragmented authority created fertile ground for inter-clan conflicts, often manipulated or supported for political ends, directly or indirectly by international, Federal or regional security forces—or by Al-Shabaab, including in Galgaduud,³⁹⁷ Hiran, Sool and Sanaag, and Lower Shabelle.

- In October and December 2015 and January a series of clashes between Gaaljal and Jajele militia in and around Belet Weyne resulted in up to 40 deaths, and as many wounded, primarily combatants but including some civilians. In May 2016 fighting again broke out between the militia, this time in the middle of the town. The toll on civilians was exacerbated by severe flooding of the Shabelle river: as many as 40 people were killed and over 6500 displaced.³⁹⁸ The UN assessed that there were at least 14 civilian deaths as a result of the clan clashes as a whole during the period.³⁹⁹ Although not directly related to the state formation process, the conflict entwined with both the national and regional political dynamic, as Al-Shabaab and international forces weighed in on different sides.
- Reflecting elements of the context and protagonists of the killing of civilians by Puntland forces in Taleh in November 2013,⁴⁰⁰ clan conflict in Qoriley in Sool between the Dhulbahante/Baharsame and Majeerteen/Omar Mohamud in late September saw the involvement of the security forces of the Puntland administration, including personnel from the Presidential Guard and Puntland Marine Police Force (PMPF)⁴⁰¹—and deepened the impact of the violence.⁴⁰² Temporary resolution of the conflict was eventually negotiated with the help of the broader Darod community, and by deployment of the Ethiopian region 5 police (the Liyu police) as guarantors of security. Agreement on attribution of responsibility and payment of compensation for the killing of civilians was complicated by the involvement of regional forces: it is understood that the Omar Mahmoud rejected liability referring the issue to the Puntland government—Darod elders however considered the Omar Mahmoud clan link with the President of Puntland as determinative.⁴⁰³

Lower Shabelle⁴⁰⁴

³⁹⁷ In late October 2015, for example, there were clashes between Haber Gidir sub-clans north of Dhusamareb. On 1 August clashes between Ayr and Murusdaa militia in Ximaced in Galgaduud over a land dispute reportedly resulted in the death of twelve people. Email from UN staff member, 2 August 2016.

³⁹⁸ UN Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin, 30 May 2016. Over 70,000 people were displaced in May as a whole as a result of both the severe flooding and the conflict.

³⁹⁹ Email from UN staff member, 7 September 2016.

⁴⁰⁰ S/2014/747, annex 8.2. The SEMG's detailed investigation into this attack determined that the officially constituted forces which participated in the attack on Taleh in 2013 included elements of the Puntland Maritime Police Force (PMPF), the Presidential Guard, the Puntland security forces or Darawish, and various militia, in particular those associated with Ahmed Karash, the current Puntland Minister of the Interior.

⁴⁰¹ See annex 8.3 for a discussion of international support for the PMPF.

⁴⁰² Interview with NGO staff member, Galkayo 10 April 2016; emails from relatives of members of the community, 8 and 10 August 2016; interviews conducted with representative of Khatumo 'state' in diaspora, Geneva, 20 and 21 May 2016.

⁴⁰³ Interview conducted with local traditional leader on behalf of the Monitoring Group, 9 August 2016.

⁴⁰⁴ Unless otherwise noted, this account of elements of the conflict cycle in Lower Shabelle is based on reliable UN and NGO sources, information provided by independent security sources, reviewed throughout the mandate, and interviews with elders and members of communities in Lower Shabelle, in Mogadishu, Nairobi, London, Oslo and the United States, in person and by phone.

45. In Lower Shabelle civilians were often the victims of attacks within the long-running conflict between Haber Gedir and Biimaal militia.⁴⁰⁵ Although militia on all sides attacked civilians (killing, sexual and gender-based violence⁴⁰⁶), Haber Gedir militia were regularly supported by personnel and assets of the SNA, resulting in a disproportionate impact on civilians from Bantu, Biimaal, Galedi, Rahenweyne and other communities. Al-Shabaab played an opportunistic and complicating role, offering and soliciting support from both sides while also, sporadically, acting as peace negotiator.

46. Against this background, it was often difficult to identify the perpetrator of civilian harm. Members of the SNA played multiple roles, soldier of the state, clan militia, checkpoint extortionist, or, on some occasions, Al-Shabaab facilitator or fighter,⁴⁰⁷ depending on clan exigencies.⁴⁰⁸ The situation was further complicated by the failure to pay salaries and increasing tensions between the Abgaal and Haber Gedir elements of the SNA against the background of national level inter-clan tensions around political power sharing. This resulted in Haber Gedir elements of the SNA on occasion making a show of strength—through withdrawal of support to the FGS—in order to demonstrate the weakness of the anti-Al-Shabaab effort, absent their cooperation.⁴⁰⁹

47. Biimaal militia were perceived as aligned with Al-Shabaab fighters in some areas,⁴¹⁰—but in the majority of situations, were closely supported by, and in turn supported, AMISOM forces. The Biimaal have increasingly turned to AMISOM as a counterweight to the rising fortunes of the Haber Gedir.⁴¹¹ Biimaal and allied clan militia also mounted roadblocks and extorted civilians.

48. The alignment of Federal security forces on the Haber Gedir side of this conflict rendered resolution efforts extremely difficult. It also encouraged Al-Shabaab to present itself as a viable alternative authority with the capacity to enforce law and order.⁴¹² One local elder, for example, described how “Gobale’s militia have been entering homes and raping militia” in Afgoye.⁴¹³ His reference to one of the most senior SNA Brigadier Generals as commanding “militia” reflects how forces are perceived on the ground. In this context, one source of the SEMG described how two Bantu farmers of his acquaintance near Janale decided to declare support for Al-Shabaab in order to “get justice” and hold on to their farms.⁴¹⁴

⁴⁰⁵ See, *inter alia*, reports of the SEMG, /2015/801, annex 6.1 and S/2014/747, annex 3.2

⁴⁰⁶ The SEMG particularly received reports of rape by Haber Gedir and Murosade militia between Marerey and Afgoye in May 2016, including, it was claimed as many young men had run away to avoid recruitment by Al-Shabaab. Interviews with members of the Biimaal community, Kenya, 2 June 2016.

⁴⁰⁷ That security forces moonlighted as ‘Al-Shabaab’ to conduct operations for financial gain was also reported in Bay. Interview with individual with knowledge of the security sector, Baidoa, 3 March 2016.

⁴⁰⁸ See S/2015/801, annex 6.1 where the SEMG reported on a series of attacks on civilians in Qoryoley district—in particular on the villages of Buulo Sheikh, Hadoman and Farhano—in early January, February and March 2015, by a combination of SNA personnel (with SNA assets), clan militia and elements of Al-Shabaab. During the mandate the SEMG also heard allegations relating to SNA personnel facilitation of Al-Shabaab operations in Lower Shabelle, particularly in Marka, but was unable to verify.

⁴⁰⁹ Oscillating FGS control of Marka was a factor of this grandstanding.

⁴¹⁰ At the same time, in late 2015, there was a series of clashes between Biimaal and Al-Shabaab fighters around Janale as Biimaal militia were pushed out of Marka and into areas controlled by the latter.

⁴¹¹ On the role Bantu and Biimaal militia played in support of AMISOM in 2015 see S/2015/810, annex 6.1.1.

⁴¹² As noted in previous SEMG reports, most of the SNA in Lower Shabelle come from a single clan, the Hawiye, and particularly the Haber Gedir and Abgaal sub-clans. See also, Ken Menkhaus, “Non-State Security Providers and Political Formation in Somalia”, April 2016.

⁴¹³ Interview with Biimaal Bantu elder, Nairobi, 19 February 2016.

⁴¹⁴ Interview with individual recently returned from a visit to Janale, Nairobi, 16 February 2016. General Gobale was killed in a suspected Al-Shabaab attack on his convoy on 18 September 2016. Hiiran News, “Somali General, 7 bodyguards killed in bomb

49. Tackling the root causes of the conflict in Lower Shabelle is therefore a prerequisite to addressing the challenge of Al-Shabaab in Somalia.⁴¹⁵ The expansion of Al-Shabaab's territorial control during early 2016 and the compromise of AMISOM and SNA operations, reflects the extent to which inter-clan conflict and national level political manoeuvring around control of resources in Lower Shabelle have become fatally intertwined the dynamics of the Al-Shabaab conflict.⁴¹⁶ The repeated transfer of control of Marka and of locations in Lower Shabelle between pro-Al-Shabaab and anti-Al-Shabaab forces—and forces with mixed allegiance—during early February and July/August, accompanied by attacks on and displacement of civilians, exposed the vulnerability of the population.⁴¹⁷

50. Civilians are caught in a violent web of impunity in Lower Shabelle in which they often become political tools of the warring parties. The killing of six small children and their grandmother near Marka encapsulates many of these paralysing dynamics.

Killing of six children and their grandmother at Essow, Marka Lower Shabelle

On 18 April 2016 at Essow village southwest of Marka seven members of one family, an elderly woman Khadija Noor Mohammed and her six grandchildren (aged eight, six, four, three and three years old and a baby of four months) were shot dead and then burned in their home.⁴¹⁸ The SEMG interviewed members of the family, two of whom survived the incident by hiding in the surrounding bush. Other neighbours had fled when the community received a telephone warning that militia were approaching the hamlet. The relatives described how the mother of the five children had grabbed her eldest son (13) at the advance of the militia and fled, trusting that the smaller children and elderly grandmother would not be harmed. Later she and her neighbours reportedly heard Grandmother Khadija cry out and name her attacker: Nur Awale, the son of a prominent elder, and leader of a unit of Haber Gedir (Saleban) militia based at Shalmabot.⁴¹⁹ Seven homes in the hamlet were burned and the animals shot after which the militia departed, stealing maize, clothes and money they had found. Members of the community asserted that the action would not have occurred without sanction of the local SNA Commander Nur Jiddow with whom Nur Awale's militia were frequently co-located.

Shortly after the killings Al-Shabaab officials arrived at the scene and collected bullet casings. They also took pictures of the bodies and of the funeral ceremony. Later Al-Shabaab arrested four of those alleged to have

attack on the capital", 18 September 2016 available at http://www.hiiraan.com/news4/2016/Sept/117729/somali_general_7_bodyguards_killed_in_car_bomb_attack_in_the_capital.aspx

⁴¹⁵ There have been multiple attempts to secure agreement between the clans, including most recently under the auspices of the ISWA authority. None has borne fruit. Interview with officials of the ISWA administration, Baidoa, 2 March 2016.

⁴¹⁶ Between June 2015 and January 2016, for example, AMISOM and SNA withdrew from their bases in Aw Dheegle, Ceel Haji, Janale, Kurtunwaarey, Tortoorow and Wareer Maleh. See annex 2.1 for a list of SNA withdrawals related to payment issues.

⁴¹⁷ See, BBC News, Al-Shabab 'retakes' key Somalia port city of Merca, 5 February 2016. Available from <http://www.bbc.com/news/world-africa-35502016>; aee, Shabelle News, "Governor: troops' pull out of Marka was a 'tactical'", 12 July 2016 at <http://www.shabellenews.com/2016/07/govt-troops-pull-out-of-marka-was-a-tactical-says-governor/>. Throughout July there were conflicting accounts of who controlled the town. See, for example, Somali Newsroom, "AMISOM and Al-Shabaab Fight For Control Of Somali Town...in Social Media", 31 July 2016, available at <https://somalianewsroom.com/2016/07/31/amisom-and-al-shabaab-fight-for-control-of-somali-town-in-social-media/>

⁴¹⁸ The names of the six children were Farhiya Sheikh Abdikadir Ga'al, Naima Sheikh Abdikadir Ga'al, Ahmed Abdikadir Ga'al, Mulki Abdikadir Ga'al, Muzamil Abdikadir Ga'al and Noor Abdi Osman.

⁴¹⁹ Phone interview with uncle and mother of the deceased children, 29 April 2016.

participated in burning down the homes, but they were ultimately released without charge further to clan pressure.⁴²⁰ In the days following the killings a series of revenge attacks and clashes between Haber Gedir and Biimaal militia ensued. Seven people were killed, including children. The-then Al-Shabaab Governor of Lower Shabelle, Mohamed Abu Abdalla, subsequently organized a reconciliation conference between the parties which ended with an ‘agreement’ in Janale on 28 April 2016.⁴²¹ Meanwhile no investigations into the incident were conducted by Federal or regional or local authorities.⁴²² Both Biimaal elders living in Somalia and abroad reported receiving threats from members of the Haber Gedir community further to their speaking out about the case.⁴²³

Measures to enhance compliance

51. Pursing accountability for individual violations and addressing command and control within FGS forces—addressed below in annex 7.3—is vital but insufficient: the current composition of the SNA, particularly in the Shabelles, not just creates a sense of occupation for many in the local community, but constitutes, in all the circumstances, a threat to peace and security.⁴²⁴ There have been repeated efforts to expand the composition of forces but all have been blocked at the highest political level. On 26 October 2015 the Commander of the SNA directed, for example, that local community defense forces belonging to the Biimaal community at K50 should be integrated into the SNA.⁴²⁵ Almost a year later this has not occurred.

52. As the international community expands its support beyond FGS security forces to regional forces not coming within the FGS force structure, the SEMG urges that those in political and military command at the regional level be held accountable for violations against civilians. This might also take the form also of imposition of support conditionalities, including to prevent assets and assistance provided by the international community to such forces being misused in violation of international law.

⁴²⁰ Interview with Biimaal elder, location in Europe, 2 June 2016; and follow up phone interview 13 September 2016. Similar incidents were documented in Galgadud: in Ximacade on 1 August, for example, Al-Shabaab reportedly entered the village and confiscated small arms from local militia (Murursdae and Ayr) after clashes in previous days. Email from UN staff member, 2 August 2016.

⁴²¹ The agreement did not hold and Abdalla was swiftly removed from this position and replaced in early May by Mohamed Abu Usama.

⁴²² The SEMG ensured that the surviving family members were linked with appropriate UN agencies with a protection mandate.

⁴²³ Phone interview with Biimaal elder, location in Europe, 13 September 2016.

⁴²⁴ Interviews with regional government ministers, members of parliament, Mogadishu, Baidoa and Nairobi, March 2016. See also this report section II B.

⁴²⁵ Email member of parliament to the SEMG, 23 March 2016; interviews with military sources with knowledge of the security sector, 16 March 2016.

Annex 7.6: Violations committed against civilians by international forces

53. In 2015 the SEMG noted the increasing scale of engagement of international forces in Somalia, including forces which appeared to operate outside the AMISOM Concept of Operations.⁴²⁶ Against a background of intensified attacks by Al-Shabaab on both civilian and military targets, international forces during the mandate committed violations involving the targeting of civilians, both in the course of ground attacks and as a result of the use of aerial weaponry.⁴²⁷ Between 1 September 2015 and 31 May 2016, for example, the UN documented and verified the deaths of 56 civilians in which international forces were implicated.⁴²⁸

Ground attacks and targeting of civilians in the course of the conflict against Al-Shabaab

54. There were a range of incidents in which AMISOM was accused of killing civilians, whether through the indiscriminate and/or disproportionate use of force in response to an attack on their forces, or the commission of deliberate acts of retaliation or punishment.⁴²⁹ Two were the subject of public acknowledgement by AMISOM.

55. On 16 April 2016 four civilians (a grandmother, her son, her grand-daughter and a businessman) were killed when AMISOM forces shot at a mini-bus carrying passengers at a checkpoint near Bula Marer. AMISOM acknowledged the deaths in a public statement and announced that a Board of Enquiry would be set up to investigate the incident.⁴³⁰ Coming in the wake of an engagement between AMISOM and Al-Shabaab in Golweyne the previous day in which AMISOM had sustained casualties, the killings were perceived by some in the community as 'revenge' for the losses, and demonstrations were mounted.⁴³¹ Further to an official query from the SEMG, AMISOM advised that a Board of Enquiry had determined that in the context of a cordon and search operation a vehicle had breached the outer perimeter and then approached the inner cordon at speed. Further to warning shots AMISOM personnel had fired on the vehicle.⁴³²

56. On 17 July 2016 Ethiopian troops fired on a group of men who had gathered to pray over an elderly man who was ill in a house on the outskirts of Wardinle in Bay region, killing 14 and wounding three others.⁴³³ The men were all from the locality: sheikhs, elders, teachers and relatives of the sick man.⁴³⁴ On 19 July 2016 the SSRC announced that he was undertaking an investigation, in consultation with the relevant FGS government

⁴²⁶ S/2015/801, annex 5.1, paragraph 14.

⁴²⁷ See annex 7.7 on civilian harm and the use of aerial weaponry.

⁴²⁸ Twenty-five by AMISOM and 29 by forces acting bilaterally. Secretary General, Report of the Secretary General on Somalia S/2016/27, 8 January 2016; Secretary General, Report of the Secretary General on Somalia, S/2016/430, 9 May 2016

⁴²⁹ On 1 December 2015, for example, a RCIED was detonated near Golweyne village destroying an AMISOM oil tanker. It was reported that AMISOM captured and killed three civilian bystanders. Email NGO staff member, 2 December 2015. In response to SEMG enquiries AMISOM advised that after the attack a gun battle in which Al-Shabaab militants were killed ensued but that they had no reports of civilian casualties. On 23 July 2016, further to an IED attack against an AMISOM convoy in Waregow, it was reported that AMISOM troops fired into the crowd, killing at least two civilians. Email UN staff member, 23 July 2016. Further to SEMG enquires AMISOM advised that they were not aware of the incident. Letter from the SSRC Ambassador Franciso Madera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

⁴³⁰ See, AMISOM, Press Release (PR/017/2016), AMISOM regrets the loss of civilian lives in Bula Marer, 16 April 2016. AMISOM said it would work closely with the FGS and the Interim South-West Administration (ISWA), and involve the AMISOM Civilian Casualty Tracing, Analysis and Response Cell (CCTARC). There were also discussions of the incident in the ISWA parliament.

⁴³¹ The local community told the SEMG that the four were civilians, a grandmother (aged 60), her son (Abdiwahid), and her grand-daughter (12)—all Haber Gedir—alongside Mohamud Macalin a Galje'el business man from Jareey who was taking them to hospital. Interview with Biimaal elder and members of the community, Norway, 29 April 2016.

⁴³² Letter from the Ambassador Franciso Madera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016

⁴³³ Thirteen people died instantly at the scene and one person on his way to hospital.

⁴³⁴ The Somali media website Radio Kulmiye published pictures of the shrouded bodies and the site of the alleged killing at <http://radiokulmiye.net/index.php/2016/07/19/au-troops-kill-14-civilians-in-somalia-photos-and-names/>.

institutions.⁴³⁵

57. The SEMG heard a number of accounts from individuals who spoke to witnesses and talked to security sources. According to one account, prior to the shooting three Ethiopian troops accompanied by a Somali soldier, had approached the house and asked about the presence of any Al-Shabaab fighters in the vicinity. Shortly after that encounter the house was fired upon. Another account suggested that the ENDF unit had been ambushed on the road outside Wardinle, and subsequently returned to the village in hot pursuit of the attackers.⁴³⁶ Human Rights Watch (HRW) conducted its own preliminary enquires, determining in mid-August that 14 civilians had been indiscriminately killed and that there had been no investigations into the incident.⁴³⁷

58. A local civil society group, the Southwest Salvation Council (SSC), issued a statement on 27 July 2016 condemning the killings and calling for an international investigation.⁴³⁸ The ISWA administration also established a committee to enquire into the killings.⁴³⁹ In September 2016 AMISOM advised the SEMG that ISWA had found that the elders had died as a result of bullets fired in a gun battle between AMISOM and Al-Shabaab, and in which an AMISOM soldier also died.⁴⁴⁰ Nevertheless they stated that they had set up a Board of Enquiry to investigate the incident.

59. The SEMG received a number of credible reports during the mandate of unlawful detentions by Kenyan and Ethiopian forces, operating within or outside AMISOM, including transfer of individuals unlawfully outside the territory. In early 2016, 84 individuals were allegedly detained in a string of incidents, in the context of anti-Al-Shabaab operations by ENDF and Liyu police forces and, it is understood, taken to Gode in Ethiopia.⁴⁴¹ Efforts to secure the release of the men by regional authorities have not borne fruit although the SEMG understands that discussions between the Ethiopian and regional authorities were ongoing in early September 2016. The SEMG also received credible reports of abductions by the Liyu police and Ethiopian forces in Gedo and Bakool in June and July 2016, including around Rabdhure in Bakool, further to the transfer of authority in that area, but was not able to verify the individual instances.⁴⁴²

⁴³⁵ See, press release, AMISOM (PR/031/2016), AMISOM investigates claims of civilian deaths in Wardinle, Bay region, available at <http://amisom-au.org/2016/07/amisom-investigates-claims-of-civilian-deaths-in-wardinle-bay-region/>. It is noteworthy that unlike the press release issued in the wake of the Bullo Mareer killings, there was no reference to collaboration with the regional authorities or with CCTARC.

⁴³⁶ Interview with individual with knowledge of security operations in Bay, Nairobi, 23 August 2016.

⁴³⁷ The Human Rights Watch (HRW) assessment was based on interviewing 15 people, including seven survivors and witnesses present at the scene of the killings in addition to a number of individuals who had travelled to Wardinle shortly after the incident. Skype interview with HRW researcher, 31 August 2016. See also, HRW, Letter to Senator Kerry on trip to Kenya, Nigeria and Saudi Arabia., available at <https://www.hrw.org/news/2016/08/19/letter-secretary-kerry-trip-kenya-nigeria-and-saudi-arabia>.

⁴³⁸ Southwest Salvation Council (SSC), Statement, "Condemnation of Mass Killing of Traditional Elders at Wardiinle Village of Baidoa District of Bay Region – Somalia", 27 July 2016, available at <http://www.baidoamedia.com/2016/07/27/condemnation-of-mass-killing-of-traditional-elders-at-wardiinle-village-of-baidoa-district-of-bay-region-somalia/>

⁴³⁹ Email from regional official, 31 August 2016.

⁴⁴⁰ Letter from the SSRC Ambassador Francis Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016

⁴⁴¹ In late January 2016, for example, it was reported that 20 local residents had been "arrested" from villages around Ato town by the Liyu police during the period, allegedly for their expression of support for the ISWA state. See, Shabelle News, "Ethiopian troops arrest nearly 20 people in Somalia", 25 January 2016, available at <http://allafrica.com/stories/201601270155.html>; interview with regional official, August 2016.

⁴⁴² On 5 June 2016, for example, it was reported that Liyu police killed two civilians and abducted two others from Kurteele village (southwest of Luq). ACLED dataset, 5 June 2016. Interview with individual with knowledge of Ethiopian border operations, Nairobi, 23 August 2016. Skype interview with expert on the regional context in Bakool, 14 September 2016.

Ethiopian Liyu police engagements outside the context of the anti-Al-Shabaab conflict⁴⁴³

60. In a similar pattern to that reported last year, the Liyu police again participated in a number of conflicts during the mandate which involved attacks on civilians. Although the majority of the killings of civilians both this year and last took place on the Ethiopian side of the border, due to the fluid nature of the border, and the mobility of local communities and authorities, the impact of the violence was felt on the Somalia side, resulting in mobilisation of Somali clan militia and the Liyu police in and out of respective territories. The disputes fuelling this activity related in the immediate context to access to water and land but have a longer-running inter-clan and resource conflict dimension, including in the light of the historical animosity between the Ogaden (who make up the majority of the the Liyu police) and the Haber Gedir.

61. In 2015 the Monitoring Group had reported on large scale attacks by the Liyu police on civilians in border villages, in particular Garsaale and La Ceel, in June 2015. These attacks were in retaliation for Haber Gedir militia attacks on a Liyu police base as part of a longer running dispute.⁴⁴⁴ On 23 April 2016 fighting between Liyu police and Haber Gedir militia in and around Khandaale and Daadheer erupted causing significant casualties—up to 20 killed, including an estimated 14 civilians according to UN sources.⁴⁴⁵ The fighting started on the Ethiopian side but reportedly spread up to 15km into Somalia, including involving the villages of Mir Cawleed and Furintifoole in the Galinsoor area of Adado district. On 3 May 2016 the Somali Region President Abdi Iley and the Interim Galmudug Administration President Guled signed a ceasefire agreement in Jijiga, including creating a joint committee to prevent future conflicts.⁴⁴⁶

Measures to enhance compliance

*Somalia Country Specific Humanitarian Civil- Military Coordination Guidelines for Humanitarian Actors Engagement with the African Union Mission in Somalia (AMISOM)*⁴⁴⁷

62. UNOCHA led efforts during the mandate to activate the mechanisms and principles set out in the Somalia Country Specific Humanitarian Civil-Military Coordination Guidelines for Humanitarian Actors Engagement with

⁴⁴³ The Liyu police is an Ethiopian paramilitary force based in the Somali Region of Ethiopia but frequently used in Ethiopian security operations in Somalia. During the mandate the Liyu police occasionally assisted with the maintenance of law and order: in Qoriley in Sool, for example, Liyu forces operated as an interposition force between warring clans, contributing to a diminution in the violence. See annex 7.5.

⁴⁴⁴ S/2015/801, annex 6.1.

⁴⁴⁵ Interview security expert with knowledge of the area, 26 April 2016.

⁴⁴⁶ Interview with regional authorities conducted on behalf of the SEMG, Caddao, 15 to 16 August 2016. A further intense engagement occurred later in early June 2016 on the Ethiopian/Somaliland border when a dispute erupted in Gashamo district in Ethiopia between Somali/Isaaq/HaberYouis khat transporters (ultimately joined by local militia including personnel of the Somaliland army) and Ethiopian forces (federal police, customs) attempting to control a vehicle transporting contraband. A series of clashes and vehicle chases followed ending with an attack by the Liyu police on the village of Jama Dubad. Although public reports suggested that as many as 42 people from the Reer Awl and Muse Are sub-clans of the Isaaq/Haber were killed, SEMG sources indicated that 27 were killed, including 20 armed men, and reportedly, 3 women and 4 children. A series of protests and arrests on both sides of the border ensued. ACLED dataset, 5 and 6 June; interview with individual with knowledge of Ethiopian border operations, Nairobi, 23 August 2016.

⁴⁴⁷ The Civ-Mil Guidelines were adopted in September 2014 and reflect the humanitarian community's perspective on civilian military engagement with AMISOM and aimed to "to establish and promote principles and practice for constructive and effective civil-military engagement in this context." Draft on file with the Monitoring Group. The Guidelines are non-binding and reflect international policy guidance developed for the humanitarian community globally.

the African Union Mission in Somalia (AMISOM) (hereafter Civ-Mil Guidelines).⁴⁴⁸ These efforts have borne fruit. In Belet Weyne, for example, engagement around the Civ-Mil Guidelines led to a reduction of tensions between AMISOM and the community in Belet Weyne. This enabled more effective cooperation on the humanitarian response to the May 2016 flooding and conflict. In line with the Guidelines AMISOM took the initiative to hand back a school which it had been using in Gedo to the community: the second was expected to be vacated prior to the publication of this report.⁴⁴⁹

AMISOM Civilian Casualty Tracing, Analysis and Response Cell⁴⁵⁰

63. Although the AMISOM Civilian Casualty Tracing, Analysis and Response Cell (CCTARC) was finally put in place in June 2015 there has been little progress in making the mechanism felt on the ground.⁴⁵¹ To date troop contributing countries have been reluctant to contribute data to the mechanism—perhaps misunderstanding it as an external accountability/investigation tool as opposed to a tool for operational enhancement, wholly owned by AMISOM.⁴⁵² In at least one incident during the mandate, for example, personnel were penalized by their commanding officer for cooperating with staff of CCTARC. This resistance has been exacerbated by the refusal of the AU to include training on CCTARC in pre-deployment training.

64. Unfortunately, CCTARC's amends (informal compensation) mandate has not yet been activated, with African Union Commission staff insisting on the development of a comprehensive AU-wide policy prior to a scheme being put in place. Although this approach is understandable, a major theme which emerged from consultations between AMISOM and communities conducted under the auspices of the Civ-Mil Guidelines was the need for an effective way to make amends to civilians harmed by AMISOM—delays have been highly detrimental to AMISOM's relationship with the community. A pilot approach might be considered.⁴⁵³ In a letter of 16 September 2016, AMISOM informed the SEMG that an experts meeting on drafting mission specific guidance on amends was planned for October 2016.⁴⁵⁴ Support from Member States will be needed to implement this program effectively.

UN Human Rights Due Diligence Policy

⁴⁴⁸ Progress included: strengthening of the AMISOM civilian-military coordination infrastructure; conduct of joint regional meetings with AMISOM, local security forces, and community representatives in key towns in which concerns are aired and solutions sought; and incorporation of local SNA and SPF forces in training on the Guidelines. Interview UN staff member, Mogadishu, 6 February 2016; Skype interview with UN staff member, 10 August 2016.

⁴⁴⁹ In May the SNA also vacated a school that they had occupied in Afgoye. See, for example, http://www.hiiraan.com/news4/2016/May/105611/afgoye_children_get_their_school_back_as_army_leaves.aspx.

⁴⁵⁰ This paragraph is based on interviews conducted with individuals with close operational engagement with CCTARC, in person and on phone, in Nairobi, Mogadishu, and New York, March to August 2016.

⁴⁵¹ CCTARC was established under the authority of the African Union Peace and Security Council, pursuant to the express mandate set out in UNSCR 2036 (2012), UNSCR 2093 (2013), UNSCR 2124 (2013), UNSCR 2182 (2014) and UNSCR 2232 (2015). In July the Council once again emphasised “the importance of making the CCTARC operational and effective without further delay, and in this regard urges the full support of troop and police contributors for the CCTARC, in collaboration with humanitarian, human rights and protection actors” (paragraph 16 of resolution 2297 (2016)).

⁴⁵² It is understood that the origin of the overwhelming majority of the materiel in the CCTARC database has been gleaned from public sources.

⁴⁵³ The SEMG was told for example by the family of a former source of the group killed by indirect fire in Marka that “there was no use” in approaching AMISOM.

⁴⁵⁴ Letter from the SSRC Ambassador Franciso Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

65. The Council in resolution 2244 (2015) also noted the importance of the Secretary-General's Human Rights and Due Diligence Policy (UNHRDDP) in relation to the support provided by the UN to AMISOM (paragraph 15). In line with recommendations made in the UNHRDDP framework, pre-deployment training now includes a requirement by senior officers to sign a form undertaking to report any allegations of human rights violations or sexual exploitation and abuse through their command chain.⁴⁵⁵

Accountability

66. The commission of violations of international law against civilians and other abuses of power (including the use of force to interfere directly in governance and administration) by international forces is exacerbating insecurity. In July 2016 the Council called on the African Union (AU) to investigate and report allegations of violations and abuses of human rights and violations of international humanitarian law by AMISOM forces, as well as continuing to ensure the highest standards of transparency, and conduct and discipline (paragraph 14 of resolution 2297 (2016)). The current mechanisms have, however, proved insufficient for the task. As noted by the SEMG in S/2015/881, the weak Board of Enquiry procedure, and sporadic and inconsistent compensation payments at a sector level, have not increased public confidence.⁴⁵⁶ The SEMG urges that consideration be given to the conduct of a review of the effectiveness of the Board of Enquiry mechanisms in the specific mission context.

67. On 2 August 2016, however, it was encouraging that Uganda conducted the first court martial in Mogadishu of an AMISOM soldier, with the media invited to cover the proceedings.⁴⁵⁷ Notwithstanding that the matter at trial related to breach of the military code (theft of military supplies—fuel and sandbags—as opposed to civilian harm), this was a significant step forward in terms of both accountability and transparency.

68. With respect to non-AMISOM operations, or AMISOM's strategic partners, the SEMG has been unable to clarify the nature of the bilateral agreements which facilitate the presence of these forces. Nevertheless they are subject to the international law applying to forces engaged in a non-international armed conflict in Somalia.⁴⁵⁸ The SEMG urges the Security Council to request all forces operating in Somalia to adhere strictly to applicable international humanitarian law, in full recognition of the sovereignty of Somalia and its applicable laws, and in full compliance with the scope of the relevant exemptions to the arms embargo. This should include refraining from transferring individuals found on the territory of Somali out of the jurisdiction without due process of law, and investigating and prosecuting personnel who commit grave breaches of international humanitarian law.

⁴⁵⁵ Report of the Secretary General on Somalia, S/2016/43, 9 May 2016, paragraph 81.

⁴⁵⁶ See also See, Human Rights Watch, Dispatches, Protecting Somalis from their Protectors, 8 July 2016 <https://www.hrw.org/news/2016/07/08/dispatches-protecting-somalis-their-protectors>.

⁴⁵⁷ See *inter alia*, See, Human Rights Watch, Dispatches, Small steps towards prosecutions for abuses in Somalia, 4 August 2016 <https://www.hrw.org/news/2016/08/04/dispatches-small-step-towards-prosecutions-abuses-somalia>. See also, AMISOM, Press Release (PR/023/2016), AMISOM confirms arrest of five of its troops, 6 June 2016.

⁴⁵⁸ The legal framework which applies to non-international armed conflicts in Somalia is customary international law and (or encompassing) Common Article 3 to the four 1949 Geneva Conventions, applicable to all parties to the conflict, including al-Shabaab.

Annex 7.7: Violations committed against civilians as a result of the increasing use of airstrikes

69. The most significant development during the mandate with respect to the conduct of international forces which affected civilians was the increase in the use of aerial weaponry by the African Union Mission in Somalia (AMISOM)'s strategic partners, whether delivered by drone, helicopter or fighter aircraft. More broadly the use of remote violence against civilians—including both air strikes and IED and related attacks—is on the rise.⁴⁵⁹

70. The SEMG has compiled a list from public sources of reported airstrikes between 1 January and 5 September 2016. During this period there were 29 attacks documented, conducted primarily against targets in Gedo, Hiran, Lower Shabelle, Middle Juba and Lower Juba. (In addition, the United States of America (US) conducted air strikes on Al-Shabaab in Al Madow Mountains near Galgala in January and in June in support of Puntland ground forces.) Twenty of these strikes were claimed by, or are attributable to, the US, and nine to Kenya. The largest strike in terms of the numbers of casualties reported was an attack by US forces on 5 March 2016 on an al-Shabaab training camp at Raso in Hiran that was described by the US as having killed more than 150 people, including, according to the Secretary General, new recruits and some senior commanders.⁴⁶⁰

71. It has been difficult to assess the civilian toll from these operations, not least as the locations where the strikes have been directed are largely in areas under Al-Shabaab control. Nevertheless the SEMG was able to determine that in some areas which have been the subject of repeated strikes, the attacks have created fear in local populations, generated significant displacements and impacted livelihoods.⁴⁶¹ Often coming in the wake of Al-Shabaab attacks on anti-Al-Shabaab forces elsewhere, air strikes which targeted civilian areas were perceived by some as a form of collective punishment. Between 1 January and 31 April the UN documented and verified the killing of 29 civilians in aerial attacks by Kenyan forces, and two civilians injured by US helicopter strikes.⁴⁶²

Airstrikes following the Al-Shabaab attack in El Adde⁴⁶³

Attacks by Kenyan and other anti-Al-Shabaab forces in the wake of the attack by Al-Shabaab on the Kenyan Defense Forces (KDF) base at El Adde on 15 January 2016, including an intense aerial campaign in Gedo resulted in killing of at least 12 civilians and the destruction of civilian objects.⁴⁶⁴ In Gedo, homes, water points and livestock were destroyed. The bombing campaign triggered displacement of at least 8,600 people

⁴⁵⁹ As a share of overall recorded violence, the period from January to August 2016 experienced a very high and consistent rate of remote violence— an average of 20 per cent of recorded events. The Armed Conflict Location and Event Data Project (ACLED), Draft Conflict Analysis of Somalia, August 2016

⁴⁶⁰ See United States Department of Defense, Statement from Pentagon Press Secretary Peter Cook on Airstrike in Somalia, 7 March 2016, available at <http://www.afcom.mil/NewsByCategory/article/28034/pentagon-statement-on-airstrike-in-somalia>; Report of the Secretary General on Somalia, S/2016/430, 9 May 2016, paragraph 50.

⁴⁶¹ One woman in Dag Sharif in Gedo, for example, reportedly died “of shock, after an attack. Email from NGO staff member working in the region, 7 September 2016. In Middle Juba a relative of a local farmer from near Asbole near Jilib described to the SEMG how, as a result of the bombings, he was told that locals going to their fields changed their clothes so that they would not “be mistaken for Al-Shaaab”, thus laying themselves open to penalty from the Group for disobeying rules on proper attire. Interview with member of local community who conducted interviews in Asbole in Middle Juba on behalf of the SEMG, 28 June 2016.

⁴⁶² S/2016/430, 9 May 2016, paragraph 50.

⁴⁶³ Bombings in Gedo have continued throughout the mandate, accompanied by allegations of deaths of civilians.

⁴⁶⁴ Information received from local NGOs and UN sources indicated a death toll of between 12 and 15 civilians in the period immediately after the El Adde attack. By 25 January 2016, the UN had recorded and verified 15 civilian casualties from the airstrikes conducted since 15 January 2016 (nine dead and eight injured). Email from UN staff member, 7 September 2016.

who fled El Adde, Likoooley and nearby villages in the two weeks following the attack, some displaced multiple times as the bombing continued.⁴⁶⁵ A statement from the Supreme Committee of the Sade, and its Chairman, Sheikh Abdikarin Sheikh Ibrahim, on 25 January 2016, decried the “massacre of civilians” around El Adde through what they described as “indiscriminate air strikes and ground operations”.⁴⁶⁶

The SEMG conducted an interview with ‘Mohamed’ who witnessed events both in El Ade on the morning of the attack and in the surrounding area in the subsequent week.⁴⁶⁷ He described being present when he claimed that AMISOM/KDF forces shot one man outside El Adde on the day of the attack.⁴⁶⁸ Mohamed also claimed to have heard accounts from neighbours of other incidents in which AMISOM/KDF soldiers shot civilians, and to have observed the aftermath of a series of aerial bombardments—marks in the terrain, burned materials from the effect of the explosions—which killed civilians in Ekmuk and Haramadhere.⁴⁶⁹ A relative also told him of a bomb which hit the family’s compound in [place name withheld] which killed 20 goats. In the days after the El Adde attack ‘Mohamed’ stated that he attended at the burial of six individuals, five killed as a result of aerial bombardment, and one shot by retreating KDF soldiers (as noted above).

Some in the local community provided shelter to fleeing KDF soldiers: one report indicated that 33 KDF soldiers had been assisted and found their way to safety. A well-known man in the community, Deeqow Hussein Ciye reportedly gave protection to four KDF soldiers at his home in Alwileh, but was later killed by Al-Shabaab alongside the four soldiers who had sought sanctuary.⁴⁷⁰

72. On 31 January 2016, the FGS announced the formation of a committee to investigate the impact of the air strikes. In a presentation to the UN Human Rights Council in April the FGS that KDF airstrikes had “targeted civilian areas and caused heavy casualties”.⁴⁷¹ In September however the Commander of the Somali National Armed forces told the SEMG that he had “no information regarding the killing of civilians or aerial bombardment by AMISOM TCC’s or bilateral actors, neither was the SNAF part of the decision making process with regard to such

⁴⁶⁵ Interview with UN staff member, 16 March 2016; email from local NGO, 18 January 2016.

⁴⁶⁶ See dhacdonews.com, 25 January 2016, informal translation by the Monitoring Group.

⁴⁶⁷ Interview conducted with individual originally from, and present in, El Adde on the day of the attack, undisclosed location, 5 March 2016. As a result of statements by Kenyan commentators that the Marehan clan was partially responsible for the attack on the AMISOM/KDF base at El Ade, it was difficult to engage with the community who feared reprisals. Later the agreement reached between Marehan elders and the Kenyan Government also impeded investigations as communities decided that it might be better to refrain from speaking about the events of January 2016 in order to give the agreement a chance to take hold.

⁴⁶⁸ The man described how around 0900 on the morning of the 15 January 2016 he had returned to El Adde to collect civilians and accompany them out of the area and as he approached the town saw personnel in a KDF vehicle shoot at a man on the road out of the town. He later assisted with the burial of the man. The UN documented and verified four killings of civilians by retreating KDF forces.

⁴⁶⁹ He was told that unexploded ordinance was found in some areas but did not see any himself personally. An NGO source reported that there were bombings of Gadondhawe, Qabri-sheikh, Garba Abdi and Dhamas from which Al-Shabaab collected unexploded ordinance. Email from NGO staff member, 7 September 2016.

⁴⁷⁰ Email from NGO staff member, 17 January 2016; email from diplomatic source with knowledge of the aftermath of the El Adde attack.

⁴⁷¹ Paragraph 37, Section 1 A Presentation of state under review, Report of the Working Group on the Universal Periodic Review, Somalia, A/HRC/32/12, 13 April 2016

actions.”⁴⁷²

73. In April 2016 the Government of Kenya transmitted a communiqué to the Committee in which it addressed, among a range of issues, the Group’s allegation that Kenya had carried out a sustained military campaign including bombing and ground attacks targeting places where the displaced had gathered for shelter, describing it as “erroneous and distorts the credibility of the briefing”.⁴⁷³ Kenya further told the Committee that the KDF “in the discharge of its obligations to the international peace and security efforts adheres to comprehensive best practice, standard operating procedures and a strict code of conduct and discipline”. Kenya noted that their forces were “guided by AMISOM rules of engagement including international humanitarian law and the African Union Peace Support Operations Code of Conduct”.

74. Further to receiving indications that Kenya had taken steps since January 2016 to review its air operations, in August 2016 the SEMG wrote to Kenya to seek further information on the measures which had been put in place, but did not receive a reply by the time of filing this report.⁴⁷⁴

Allegations relating to the use of cluster munitions and the harvesting of unexploded ordnance⁴⁷⁵

75. On 24 January 2016 allegations that cluster munitions had been deployed as part of the Kenyan bombing campaign in response to the El Adde attacks began to circulate on Somali media. A number of photos were published purporting to illustrate unexploded cluster munitions, appearing on a pro-Al-Shabaab site, which raised immediate questions about their validity.⁴⁷⁶ One of these images is attached at annex 7.7 (a).

76. The photographs depict BL755 No1 Mark 1 unexploded cluster bomblets, of UK origin, against a terrain similar to that prevalent in Gedo. An expert who examined the picture suggested that the ordnance illustrated may have been dropped too low in that the coronets had not deployed, thus the safety/arm mechanism would not have rotated and the detonator remained unaligned.⁴⁷⁷ The SEMG has confirmed from embedded data that one of the pictures was taken on 19 January 2016.⁴⁷⁸

77. The SEMG has not been able to conclusively identify the location where the picture was taken. The most convincing account received by the SEMG was that the photograph showed an area between Tarako and Juungal north west of Bardera: the man in the picture was also identified definitively by name.⁴⁷⁹ Another expert source,

⁴⁷² Letter from SNA Commander Major General Mohamed Aden Ahmed to the SEMG, undated, received 6 September 2016.

⁴⁷³ See, Communiqué from the Permanent Mission of Kenya to the United Nations regarding the Somalia and Eritrea Monitoring Group’s midterm update, S/AC.29/2016/COMM.20, dated 21 April 2016, transmitted to the Committee on 22 April 2016, S/AC.29/2016/NOTE.26.

⁴⁷⁴ Interview with security expert, Nairobi, 30 June 2016.

⁴⁷⁵ Somalia deposited its instrument of ratification to the Convention on Cluster Munitions with the Secretary General on 30th September 2015. See, for example, Goobjoob News, “Somalia ratifies cluster munitions convention”, 1 October 2015, available at <http://somaliamediamonitoring.org/october-2-2015-morning-headlines/>. Kenya became a signatory to the Convention on 3 December 2008, although it has not ratified the instrument. As a signatory to the Convention Kenya is obliged further to article 18 of the Vienna Convention on the Law of Treaties to act in good faith and “not to defeat the object and purpose” of the treaty.

⁴⁷⁶ See, for example, <http://somalimemo.net/articles/4278/Sawirro-Kenya-Oo-Qaaday-Weerar-Culus-Oo-Aar-goosi-Ah>.

⁴⁷⁷ Email from expert on IEDs in Somalia, 28 January 2016.

⁴⁷⁸ The SEMG attempted to contact the website where the pictures originally were posted to no avail.

⁴⁷⁹ Email from relative of a member of the local community, 7 September 2016; Interview conducted with relative of the man with interlocutor of the Monitoring Group, September, 2016.

however, stated that his local contacts had reported the discovery by Al-Shabaab of unexploded cluster munitions near Bu'ale around the same time: he understood that the pictures published on Somalimemo matched that location.⁴⁸⁰ Due to the location of the alleged strike deep in Al-Shabaab territory, independent information or photographs, however, could not be retrieved.

78. The Group notes that advocates working in the field of cluster munitions use and reduction have asserted that “Kenya is not known to have ever used, produced, transferred, or stockpiled cluster munitions”.⁴⁸¹ The SEMG notes, however, that aircraft of the F-5 type used by Kenyan forces in Somalia could be modified to deliver BL755 munitions considering the similarities in delivery ballistics between the BL755 and munitions usually deployed.⁴⁸² The BL-755 bomb was manufactured by Hunting Engineering/INSYS, which latter entity was acquired by Lockheed Martin Holdings (UK) in 2005. The SEMG requested Lockheed Martin to provide export authorisation records for BL755 indicating sale of

such munitions to Kenya during the period—if any. As the requirement to retain export records had expired, however, no records were recoverable from that period.⁴⁸³

79. The Monitoring Group has also determined, however, through photographic and testimonial evidence, that unexploded cluster munitions of the same BL755 type alleged to have been used in January in Gedo/Bu'ale were employed in the manufacture of components for improvised explosive devices (IEDs) which were found in a cache of materials seized by anti-Al-Shabaab forces in Bardera and reported on 7 March 2016. It was initially understood that Kenyan forces had recovered the material.⁴⁸⁴ It was later clarified that it was the Ethiopian National Defense Forces (ENDF) contingent which had taken possession.⁴⁸⁵ In the meantime the SEMG had requested the Government of Kenya for access to, or access to information on, the IED components recovered in Bardera in order to assist in tracing their origin.⁴⁸⁶ This request has now been made to Ethiopian authorities. Pictures of the unexploded munitions are attached in confidential annex 7.7.1 (a).

80. As a result, the SEMG has not yet been able to ascertain when and where the cluster munitions used in the Bardera IEDs were recovered—or indeed whether they were harvested from previously imported or deployed BL755 weapons stocks. The SEMG notes that remnants of cluster munitions used during the 1977 to 1978 Ogaden war between Somalia and Ethiopia have been recovered before in border areas between Somalia and Ethiopia including, for example, PTAB-2.5M and AO-1SCh sub-munition remnants.⁴⁸⁷ Most recently an unexploded

⁴⁸⁰ Email from individual with knowledge of military operations in Middle Juba, 25 January 2016: Skype discussion with individual who received initial reports on the incident, 14 September 2016.

⁴⁸¹ See, for example, the assertion in the Landmines and Cluster Monitor Kenya profile at <http://www.the-monitor.org/en-gb/reports/2016/kenya/cluster-munition-ban-policy.aspx>. It was last updated, however, only in July 2015.

⁴⁸² See, *inter alia*, <http://www.globalsecurity.org/military/world/kenya/air-force-modernization.htm>.

⁴⁸³ Letter from Peter Ruddock, the Chief Executive of Lockheed Martin, to the Secretary of the Committee, 12 September 2016.

⁴⁸⁴ Interviews with individuals with knowledge of the incident, Mogadishu, March 2016.

⁴⁸⁵ Email from individual with knowledge of the recovery operation, 18 September 2016.

⁴⁸⁶ Pursuant to paragraph 6 of resolution 2182 (2016) AMISOM forces are required to, “document and register all military equipment captured as part of offensive operations or in the course of carrying out their mandates, including recording the type and serial number of the weapon and/or ammunition, photographing all items and relevant markings and *facilitating inspection by the SEMG* of all military items before their redistribution or destruction” (emphasis added).

⁴⁸⁷ See, Landmines and Cluster Monitor Ethiopia profile at

PTAB-2.5M, Russian origin cluster munition was recovered near Dinsor on 25 September 2015. Later empty carriers for the same munition was found near Rabdhure.⁴⁸⁸ The SEMG has not heard, however, of the BL755 cluster being among the legacy unexploded ordnance discovered to date in Somalia. Nevertheless, the BL 755 was developed in the early 70s and is known to have been used by Ethiopia at least once in the 90s (in an attack on Eritrea).⁴⁸⁹

81. In a communiqué issued on 21 April 2016 addressed to the Committee, the Government of Kenya declared that the statement by the SEMG that delivery units for cluster munitions were observed and that munitions of the same type had later been used in the manufacture of IEDs was “at best, a fabricated, wild and sensationalist allegation”.⁴⁹⁰ The Secretary General also told the Council in May 2016 that the Government of Kenya had denied the use of cluster munitions.⁴⁹¹

82. Confidential Annex 7.7.1 contains pictures of the recovered IED components manufactured using BL755 No1 Mark 1 clusters.

Collection of unexploded ordnance

83. The Group received a number of reports from UN and non-governmental organisation (NGO) sources during the mandate that in the wake of airstrikes unexploded aerial ordnance was recovered by Al-Shabaab experts, particularly in Gedo. A source near Luq, for example, told the SEMG that one of his close relatives had observed “dropped bombs” which may have been clusters, being collected and taken away by Al-Shabaab in late January 2016.⁴⁹² In late February 2016 the SEMG received an email claiming that the KDF had dropped “objects” in the village of Tulobarwaqo, only one of which blew up and “caught on fire”.⁴⁹³

Measures to enhance compliance

84. The use of airstrikes in the conflict in Somalia appears set to continue. It is important that these take place, not just within the context of AMSIOM’s strategic concept of operations and in cooperation and coordination with AMISOM in compliance with the framework of the arms embargo,⁴⁹⁴ but in accordance with international law and requirements of necessity, distinction and proportionality. Member States engaged in such operations may need to

<http://www.the-monitor.org/en-gb/reports/2015/ethiopia/cluster-munition-ban-policy.aspx>. It was last updated, however, in July 2015. See also photographs by UNMAS of recovery of unexploded ordnance at <https://www.flickr.com/photos/unmassomalia/sets/72157632302508302/>.

⁴⁸⁸ Skype interview with security source, 13 September 2016.

⁴⁸⁹ By 2008 Ethiopia still held stockpiles of the munition. See, for example, Regional Fact Sheet September 2008, Africa and the Oslo Process to Ban Cluster Munitions, Prepared by Human Rights Watch, available at https://www.hrw.org/legacy/pub/2008/arms/CMC_factsheet0908.pdf. The report notes that both Ethiopia and Nigeria were stockpiling BL 755 type clusters in 2008.

⁴⁹⁰ See, Communiqué from the Permanent Mission of Kenya to the United Nations regarding the Somalia and Eritrea Monitoring Group’s midterm update, S/AC.29/2016/COMM.20, dated 21 April 2016, transmitted to the Committee on 22 April 2016, S/AC.29/2016/NOTE.26.

⁴⁹¹ S/2016/430, 9 May 2016, paragraph 50.

⁴⁹² Email from individual known to the Monitoring Group residing in the vicinity of Luq with knowledge of events in Gedo, 21 Feb 2016

⁴⁹³ Email from NGO staff member, as translated by the SEMG, 26 February 2016.

⁴⁹⁴ Resolution 2111 (2013), paragraph 10 (c).

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.

Annex 7.7 (a)

Figure 1: Image of unexploded cluster bomb remnant, photograph dated 19 January 2016



Annex 7.7.1: Allegations relating to the use of cluster munitions (STRICTLY CONFIDENTIAL)*

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

Annex 7.8: Attacks on civilians and obstruction of humanitarian aid: Abdirashid Hassan Abdinur⁴⁹⁵

85. During the last two years the Monitoring Group received multiple allegations, from Somali and international sources, alleging that Abdirashid Hassan Abdinur (Abdirashid)—current Minister of Security in the Interim Jubba Administration (IJA)—has been responsible for the targeting of civilians contrary to international law, as well as conduct constituting obstruction of humanitarian assistance.⁴⁹⁶ At the centre of these allegations is the assertion that Abdirashid wields control of both the instruments of the use of force, and humanitarian financial flows in Dolow town and the surrounding areas, including with the support of the IJA and elements of the Ethiopian military.⁴⁹⁷ It has also been alleged that Abdirashid has participated in activities that undermine peace and security more broadly, including attempting to overrule legitimately appointed local authorities.⁴⁹⁸

86. Allegations of abuses of power by Abdirashid came to a head on the night of 29/30 August 2015 with the killing of three men and one woman who had been held in detention at Dolow Police Station for various periods of time prior to their death: Abdirizak Farah Mire, Ahmed Mohamed Gurnow Adan Derow Abdille and Sanyar Hussein Mohamed. They four were tied up, shot, and their naked bodies dumped in a shallow grave. The sudden and brutal circumstances of the killings, and the range of profiles and identifies of the deceased—including a woman, and two people from Abdirashid’s own Rer Ahmed/Rer Samatar sub-clan—shocked the community deeply. One explanation ventured was that, in the aftermath of a serious car accident, Abdirashid had grown increasingly concerned that perceptions of his strength, capacity and immunity were waning. His actions on the night of 29/30 August 2015 were intended thus to consolidate his image as an untouchable ‘strong man’. It was also noted in this regard that on 26 August 2016, just a few days before the killings, Abdirashid had lost nine of his men in a battle with Al-Shabaab at Tulobarwago village, including the-then commander of the Dolow Police Station, Abdi Howsar.

87. On 26 December 2015, the Benadir Regional Court issued a warrant for Abdirashid for these four killings, in addition to the unlawful killing of three others in 2013 and 2014, also in Gedo.⁴⁹⁹ On 18 May 2016 Abdirashid was promoted to the position of Minister of Security by the President Ahmed Mohamed Islam (“Madobe”).

88. It is the SEMG’s assessment that Abdirashid was, on the balance of probabilities, responsible for the killing of the four prisoners in Dolow on the night of the 29/30 August 2015.⁵⁰⁰ Indeed on 31 August 2015 Abdirashid himself made a

statement in a BBC Somalia interview declaring that the detainees—he only acknowledged the existence of

⁴⁹⁵ The Monitoring Group account and assessment of this case is based on multiple interviews with members of the family of the victims, regional government officials, NGO and UN staff members, researchers, senior members of the Dolow community, including traditional leaders, in person in Nairobi, Baidoa and in phone and Skype conversations between September 2014 and 30 August 2016.

⁴⁹⁶ A former member of Al-Itihad in the 1990s, Abdirashid later switched allegiances and successfully persuaded both local and Ethiopian authorities to agree to his appointment as District Commissioner of Dolow in 2006. He then consolidated his power through facilitating rapprochement between President Ahmed Mohamed Islam “Madobe” (Darod/ Ogaden) of the Interim Jubba Administration (IJA), and elements of his own Darod/Marehan clan, subsequently asserting singular control over the political economy of Dolow. On 20 February 2014, IJA President Ahmed Mohamed Islam (Madobe) appointed Abdirashid as Deputy Minister of Interior and Security in his administration.

⁴⁹⁷ The SEMG has reported on some of these allegations in past reports, in particular the rigorous control of the contracting processes for accommodation, vehicles, human resources and other services by Abdirashid in Dolow and the surrounding area, despite his having relinquished the position of District Commissioner. See S/2015/746, strictly confidential annex 7.6.

⁴⁹⁸ The SEMG notes that the environment of violations which existed in Dolow were not unique. During the mandate the SEMG received a range of allegations relating to abuse of power by, for example, Luq district authorities including use of unlawful arrest to enforce payments; expropriation of property, arrests of FGS appointed officials, extortion of humanitarian organizations, and the transfer of individuals to the custody of Ethiopian forces on the basis of false accusations.

⁴⁹⁹ Copy of the court order (Ref. 59/2015) held on file with the Monitoring Group.

⁵⁰⁰ Other individuals who were also allegedly present on the night of the killing bear forms of responsibility for the killings, including members of Abdirashid’s militia and his advisor, Ahmed Mohamed Omar “Ilkadhere”, but they were not the focus of the SEMG’s investigations during this period of the mandate.

three—had been executed as they were “all Al-Shabaab”.⁵⁰¹

89. In the course of its investigations into the events of 29/30 August 2015, the SEMG received information alleging Abdirashid’s responsibility for a range of other conduct in violation of international law, including other incidents of torture, unlawful killings, abductions and disappearances. Although the SEMG was not able to fully investigate these cases, consistent and credible information was provided, including in particular with respect to a series of acts of killing, torture and rendition in October and November 2014, in relation to six men accused by Abdirashid of assisting Al-Shabaab to plan an attack on Dolow.

90. In addition to his involvement in conduct amounting to targeting of civilians in violation of the mandate, Minister Abdirashid also manipulated—in collaboration with a network of individuals—a range of elements of humanitarian operations in Dolow, directly and indirectly, including through the operation of contracting cartels and imposition of inappropriate bureaucratic impediments, to control and extract financial benefit from, humanitarian operations in Dolow. This included wielding the means of the use of force inhering in his authority—deployment of militia and unlawful arrest—to assert his will, amounting to obstruction of humanitarian assistance.

91. To date, Abdirashid has operated with complete impunity. The IJA is seemingly unable to hold Abdi Rashid accountable for his abuse of power. The impact and implications of these activities—in addition to Abdirashid’s broader use of force to enhance his position of power in Gedo—contributes to undermining peace and security in Somalia.⁵⁰²

92. The SEMG’s assessment of the evidence it has collected of violations of the mandate by Minister Abdirashid is contained in strictly confidential annex 7.8.1.

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

⁵⁰² As the report was being finalized in mid-September 2016 the SEMG received a series of accounts alleging the involvement of Minister Abdirashid and his militia in armed violence, involving attacks on civilians and others, and including the use of improvised explosive devices (IEDs), around Belet Hawa. The SEMG is investigating these incidents.

Annex 7.8.1: Attacks on civilians and obstruction of humanitarian aid: Abdirashid Hassan Abdinur (STRICTLY CONFIDENTIAL)*

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

Annex 8

Arms embargo

Annex 8.1: Federal Government of Somalia (FGS) reporting to the Council pursuant to paragraph 7 of resolution 2244 (2015) and paragraph 9 of resolution 2182 (2014)

1. Since the granting of the partial lift in resolution 2093 (2013), the FGS has been required to report to the Council every six months on the structure, strength and composition of its security forces and the infrastructure and procedures in place for effective weapons and ammunition management.⁵⁰³ The requirement was imposed both to create a framework for more targeted support by Member States to FGS security forces, and to improve transparency in how the FGS manages its stockpiles. Reporting also provides a baseline for the implementation of the arms embargo, identifying the forces entitled to receive arms and other assistance, and under what conditions.

2. In its 2015 final report, the SEMG described significant gaps in the content of FGS reporting.⁵⁰⁴ In its next resolution, the Council added a new element to the scope of the requirement, calling on the FGS “to include more information in its reporting, including through the provision of full and accurate information on the structure, composition, strength **and disposition** of its security forces, including the status of **regional** and militia forces” (emphasis added).⁵⁰⁵

3. Since the Council imposed the reporting requirement, the FGS has submitted a total of eight reports, the latest dated 14 April 2016.⁵⁰⁶

Structure, strength and composition of forces

4. FGS reporting during the mandate period added little to the picture of the security forces which the FGS first provided in mid-2014.⁵⁰⁷ In its first report to the Council in June 2014 the FGS had submitted a security forces organogram which included details of Somali National Army (SNA) command and personnel strength at both sector and battalion level. Information on personnel strength in the other three forces under its control was, however, omitted. Since then the FGS has provided information only on significant changes in leadership command and structure for the four security forces (and then only to sector level for the SNA)—but not on personnel strength changes for any of the forces.⁵⁰⁸ Indeed personnel numbers for three of the four FGS security forces—the custodial corps, the Somali Police Force (SPF) and National Intelligence and Security Agency (NISA)—have never been provided to the Council by the FGS. The absence of information on SNA force strength since 2014, and indeed any indication of the strength of the other three forces, constitutes a significant lacuna in FGS compliance with the requirements of the partial lift.

5. The SEMG recognizes that the nature of the political and security economy which guides the FGS’ relationships with its security institutions, is complex and oscillatory. Nevertheless, assessments done under the

⁵⁰³ Resolution 2093 (2013) paragraph 39 as modified by subsequent resolutions. In resolution 2244 (2015) the Council renewed its reporting request, requesting the FGS to report to the Security Council by 15 April 2016 and again by 15 October 2016 (paragraph 7).

⁵⁰⁴ S/2015/881, annex 7.3.

⁵⁰⁵ Resolution 2244 (2015), paragraph 7.

⁵⁰⁶ Since the SEMG’s 2015 report the FGS submitted two reports, one dated 30 September 2015 (letter dated 30 September 2015 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/2015/COMM.70) and the second dated 14 April 2016 (letter from the National Security Adviser to the President of the Federal Government of Somalia to the United Nations, S/AC.29/2016/COMM.19)

⁵⁰⁷ Letter dated 13 June 2014 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/2014/COMM.53.

⁵⁰⁸ The 30 September 2015 report only provided updates on SNA, police and custodial corps higher-level command and structure—omitting the National Intelligence and Security Service. The 14 April 2016 report rectified this oversight.

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.

Integration of militia

6. In its first report to the Council of June 2014 the FGS provided data on SNA militia integration which was ongoing at the time, in particular with respect to the 11th and 10th brigades. It shared information on force strength, sub-units (both companies and battalions), command and disposition. Since then, however, no information on militia integration has been submitted to the Council. In fact, the SEMG understands that even some of the personnel in the 11th and 10th brigades have in fact left FGS control.

7. The absence of any information on militia integration, recruitment, or loss of forces since 2014 is problematic: the SEMG is aware that militia are being integrated across the country, including under the auspices of the National Integration Commission.⁵⁰⁹ Indeed, both the FGS September and April reports refer obliquely to significant evolution having taken place in the composition and disposition of forces: the first report notes, for example, that integration of SNA forces is “moving quite fast”; the second report describes the “structure” of the security forces as “progressing remarkably”. In its 2015 report the SEMG particularly identified the need for clarity to be provided on the formation of SNA sector 43 in Kismayo which had received considerable UN and Member State support.⁵¹⁰ The FGS’s two latest reports, however, simply describe the sector as commanded by Brigadier General Muhiedin Sid Abdulle with no information provided on strength, composition or sub-command.⁵¹¹

Regional forces

8. In its 2015 final report, the SEMG reported that the ambiguous status of regional forces was a major challenge to compliance by the FGS, Member States, and private entities with the arms embargo. Subsequently in resolution 2244 (2015), the Council requested the FGS to provide details of the status of “regional forces”. The FGS failed to provide such information in its last report to the Council.

9. Knowing the composition of the FGS security forces, and in particular which regional forces are comprised within it, is critical to determining whether these forces are entitled to receive support under the partial lifting of arms embargo. In its Implementation Assistance Notice No. 2 of March 2016 (IAN (No.2)) the Committee confirmed that it was the responsibility of the FGS to determine forces coming within the scope of the partial lift: “it is the sole responsibility of the FGS to inform the Committee of which entities are regarded as forming the Security Forces of the FGS.”⁵¹²

10. The SEMG recognises the challenges the FGS faces with this requirement to report on regional forces. In this context, the SEMG wrote to the Interim Jubba Administration (IJA), the Interim Galmudug Administration (IGA), the Interim South-West Administration (ISA), and the administrations of Puntland and Somaliland drawing attention to this specific element of the resolution and inviting them to share information relevant to the implementation of the arms embargo with the SEMG and with the FGS as appropriate.

Weapons and ammunition management (WAM) infrastructure and procedures

11. In the last two reports to the Council the FGS provided no information the status of its armouries or planned

⁵⁰⁹ The National Integration Commission was launched on 12 May 2015 with a mandate to plan and oversee implementation of SNA integration.

⁵¹⁰ S/2015/801, annex 7.3.

⁵¹¹ See S/2015/801, annex 7.3, paragraph 75. On 27 July 2015 a swearing in ceremony took place for 1517 new SNA personnel in Kismayo, attended by the Presidents of both the IJA and the FGS. It is understood that at the end of July 2016 General Ismail Sahardid replaced Brig General Sid Abdulle. Email from UN staff member, 28 July 2016.

⁵¹² Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 12.

construction.⁵¹³ This is not only a compliance requirement: donors would also benefit from this information in order to better channel their support to the FGS. A table which is updated regularly, with input from the UN agencies and non-government organisations (NGOs) which have been involved in an ongoing program of construction, would provide a useful baseline.

12. As in its previous reporting, the FGS failed again to provide any information on the safe storage, registration, maintenance and distribution of “military equipment,” beyond weapons and ammunition. As the SEMG noted previously, control of these streams of materiel is important operationally: the SEMG found in 2015, for example, that the wide availability and low cost of military uniforms, due partly to a lack of oversight of imports, constituted an underreported threat to peace and security in Somalia.⁵¹⁴ Al-Shabaab, both within and outside Mogadishu, frequently carries out attacks while disguised in SNA, African Union Mission in Somalia (AMISOM) or other government military uniforms. Over 135,000 items of military uniform were notified as prospective imports during the last mandate, with tens of thousands of undocumented uniform donations received.⁵¹⁵ During the course of this mandate, over 289,000 items of military clothing from uniforms, to helmets to t-shirts, were the subject of advance notification and the SEMG received information on the planned construction of a uniform factory.

13. In assessing FGS reporting in 2014 and early 2015 on weapons and ammunition management procedures the SEMG found that the account provided seemed more aspirational than a reflection of actual practice.⁵¹⁶ The Group particularly noted that weapons management and distribution outside Halane had not been addressed.⁵¹⁷ The last FGS report to the Council annexed the outcomes of a series of consultations held in Somalia in February 2016 under the stewardship of the UN Institute for Disarmament Research (UNIDIR) which included an extensive analysis of WAM procedures and practices and suggestions on the way forward.⁵¹⁸ The FGS also included a copy of the first report of the Joint Verification Team (JVT) which started work in March 2016 and which conducted inspections of FGS security forces’ stockpiles, inventory records and the weapons supply chain.⁵¹⁹ The JVT report contained a very clear account of how weapons are received, logged and stored in, and then re-distributed from Halane, alongside recommendations on how to enhance recording and tracking.

Additional information

14. The FGS has used its reports to provide additional useful information to the Council on the operation of the security sector as a whole. These have included information on the overall security challenges facing Somalia relating to Al-Shabaab, FGS views on maritime interdiction of charcoal and arms and details of training, both conducted and planned, for the security forces. In a new development, the last two reports contained information on

⁵¹³ The FGS must provide information on the “storage capacity, staffing capacity, arms and ammunition management systems and status of use” of each currently available, and planned, armoury and storeroom”. Resolution 2142 (2014), paragraph 9.

⁵¹⁴ S/2015/801, paragraph 83.

⁵¹⁵ S/2015/801, annex 7.1.

⁵¹⁶ The FGS must provide information on procedures and codes of conduct in place for the registration, distribution, use and storage of weapons by its security forces, and on training needs in this regard, including procedures for receipt, verification and recording of weapons imports through any controlled port of entry, and procedures for the transport of weapons and ammunition (resolution 2142 (2014), paragraph 9).

⁵¹⁷ Annex 7.3, paragraph 81.

⁵¹⁸ See UNADIR, Roadmap for a comprehensive national framework governing the whole life cycle of weapons and ammunition management, prepared for the Office of the National Security Advisor, Feb 2016 workshop.

⁵¹⁹ Resolution 2182 (2014), paragraph 7. See S/2015/801, annex 7.5, paragraphs 110 and 111 for background on the development and establishment of the JVT.

FGS notifications of deliveries to the Committee. The last report also contained information on the destruction of ammunition and the state of the security sector payroll (annex 9).⁵²⁰

15. Pursuant to paragraph 6 of resolution 2182 (2014) the FGS is required, *inter alia*, to document and register captured weaponry and ammunition and to facilitate Monitoring Group inspection of the materiel.⁵²¹ In its 30 March 2015 reporting to the Committee the FGS provided information on three incidents where weapons and other materiel subject to the arms embargo had been seized.⁵²² Unfortunately the last two reports did not contain any information on captured weapons: neither did the SEMG receive such information during the mandate through other avenues.

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.

⁵²⁰ See Section II B for an overview of SEMG assessments of security sector salary payments.

⁵²¹ The obligation was most recently re-affirmed in paragraph 10 of resolution 2244 (2015).

⁵²² Section headed “draft legislation against possession of non-registered lethal weapons,” Letter dated 30 March 2015 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/2015/COMM.21.

Annex 8.2: Federal Government of Somalia (FGS) and Member State compliance with notification requirements under the arms embargo and partial lift

18. The Council has emphasised that extension of the partial lift of the arms embargo is conditional, *inter alia*, on the FGS fulfilling its requirement to appropriately notify all materiel and support transferred to its security forces.⁵²³

19. Under the terms of the partial lift, the FGS, or in the alternative a Member State, must notify the Committee, for its information, at least five days in advance, of any deliveries of weapons or military equipment or the provision of assistance intended solely for the development of the FGS' security forces.⁵²⁴ In addition, the FGS must seek Committee's approval for the import of six types of lethal materiel, as specified in the annex of to resolution 2111 (2013).⁵²⁵ Following the delivery of weapons and ammunition to Somalia, the FGS is required to inform the Committee of the place of storage and, once the material is distributed, the destination unit within the security forces.⁵²⁶

20. In October 2015 in resolution 2244 (2015) the Council welcomed FGS efforts to improve compliance with obligations relation to advance notifications and expressed hope to see "further needed progress in the future".⁵²⁷ It particularly called upon the FGS to improve the timeliness and content of its post delivery reporting—the submission of delivery confirmations (pursuant to paragraph 6 of resolution 2142 (2014)) and communication of the destination of weapons and ammunition upon distribution (pursuant to paragraph 7 of resolution 2142 (2014)).⁵²⁸

21. During the mandate the SEMG engaged regularly with the Office of the National Security Advisor (ONSA), the FGS focal point for the arms embargo, including sharing information on advance notifications received by the Committee and advising on compliance.

Compliance with paragraphs 3 and paragraph 4 of resolution 2142 (2014): Advance notification to the Committee's for its information

22. Between 1 September 2015 and 1 September 2016 the FGS made 14, while Member States made seven advance notifications pursuant to paragraphs 3 and 4 of resolution 2142 (2014). In one case the FGS was not aware of the advance notification by the Member State and notified the delivery of the material as a "late advance notification". Three advance notifications were made late by the FGS, either the day of, or after the delivery: in all of these cases the FGS advised the Committee that it had not been told of the donation until its arrival.

Compliance with paragraph 7 of resolution 2111 (2013): Requests for Committee's approval

23. Between 1 September 2015 and 1 September 2016, the Committee approved two requests for approval submitted by Member States pursuant to paragraph 7 of resolution 2111 (2013).

Compliance with paragraphs 5 and 6 of resolution 2142 (2014): post-delivery confirmations and post-distribution report for Committee's information

⁵²³ See, *inter alia*, resolution 2182 (2014), "any decision to continue or end the partial suspension of the arms embargo on the FGS will be taken in the light of the thoroughness of the FGS's implementation of its requirements as set out in this and other relevant Security Council resolutions", preamble.

⁵²⁴ Resolution 2142 (2014), paragraphs 3 and 4.

⁵²⁵ Resolution 2111 (2013), paragraph 7.

⁵²⁶ Resolution 2142 (2014), paragraphs 6 and 7.

⁵²⁷ Resolution 2244 (2015), preamble.

⁵²⁸ Resolution 2244 (2015), paragraph 8.

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.

25. There were 6 advance notifications made since 1 September 2015 for donations of weapons and ammunition which were expected to have arrived by 1 September 2016 and required post delivery confirmation.

- The FGS submitted two post-delivery confirmations with respect to these imports. One was submitted on time and complete, including information on FGS weapons marking of the shipment. The second was made alongside a late advance notification as the FGS was not aware that the donation had already been notified by the Member State involved.
- With respect to two of the remaining deliveries which were expected to arrive by the end of 2105, donated by the same Member State, the FGS told the SEMG that the SNA did not have any information as to whether these shipments had arrived.
- The final two deliveries—both from another Member State—were expected to arrive by 31 August 2016. It is not clear if they have been delivered.

26. During the mandate the FGS also provided post delivery confirmations or post distribution reports for three other shipments which had been notified as expected to arrive during previous reporting periods.

- In April 2016 the FGS submitted an on-time combined post delivery and distribution confirmation for a donation of weapons which had been due in 2015 but was delivered in March 2016.
- In June 2016 the FGS provided a partial post-delivery confirmation to the Committee for a weapons purchase which was originally notified to the Committee in 2014. The confirmation of delivery came late as the FGS had returned part of the original shipment which was delivered in 2015 due to the poor quality of the materiel and was awaiting the order to be re-filled. The order has not yet been completed.
- In August 2016 the FGS sent a post distribution report combined with a post delivery report to the Committee in relation to a donation of weapons which had been given to the Somali Police Force (SPF) in 2014. The delivery of the weapons had already been communicated by the Member State to the Committee over a year previously. The FGS included new serial number markings assigned to the weapons along with its report.

27. An assessment of these cases shows that the most significant challenges to FGS compliance relate to

- deliveries by-passing Halane as the agreed point of arrival;
- poor coordination between the donor Member State, the recipient security force and the ONSA responsible for liaison with the Committee;
- lack of consultation by the Member State with the ONSA resulting in both the Member State and the FGS submitting notification for the same deliveries;

Assistance to FGS security forces not notified to the Committee

28. In March 2016 the Committee clarified that support for the development of the FGS security forces may include, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military,

policing (including coastguard) or security operations). All this materiel must be the object of an advance notification in order for it to be lawfully supplied.⁵²⁹ Nevertheless, during the mandate, FGS security forces received materiel and support which was not notified to the Committee. The bulk of this non-notified support was provided in the form of non-lethal materiel and other support such as salaries, stipends, building infrastructure (including the construction of training centres), military clothing and the delivery of SNA, SPF and National Intelligence and Security Agency (NISA) by Member States and the UN. Although in some cases, the lack of notification to the Committee did not appear deliberate—some of the contributions were widely reported—the persistent lack of notification of these forms of support remains of concern to the Group.

Transfer of materiel between the FGS and other Somali security sector institutions

29. The arms embargo does not permit onward transfer of materials provided to FGS security forces under the partial lift to non-FGS forces.⁵³⁰ In March 2016 the Committee clarified that it was “the sole responsibility of the FGS to inform the Committee of which entities are regarded as forming the Security Forces of the FGS” (paragraph 12).⁵³¹ One challenge arising as a result of the progressive but erratic integration of forces, however, is determining at what point personnel constitute FGS security forces. In one case, for example, the FGS transferred uniforms to a regional authority for personnel in Puntland who had been identified for future integration: it was not clear however that these forces in fact formed part of the FGS security forces at the moment of the transfer.

SEMG conclusions and recommendations

30. The SEMG has assessed all notifications and information on deliveries transmitted to the Committee since the passage of resolution 2093 (2013) and shared a table of this data with the FGS. Between the the partial lifting of the arms embargo in 2013 and 1 September 2016, the FGS and Member States submitted advance notifications and/or received approximately 20,679 weapons and 13,007,276 rounds of ammunition.⁵³²

31. In making this calculation, where there was a discrepancy in volumes of materiel between that notified and delivered, the SEMG used the delivery confirmation numbers. As not all delivery confirmations have been submitted, however, it is unclear that all this materiel has arrived in Somalia. In addition, some donations were notified late in the mandate, and although scheduled to have been received by the FGS before 1 September 2016, may not yet have been delivered.

32. The SEMG recommends that the Council once again urge the FGS to improve the timeliness and sufficiency of post-delivery confirmations and post distribution reports as a condition of the renewal of the partial lift. In addition, the SEMG suggests that a modification be considered in the way in which the two step post-delivery requirement is fulfilled. The two-step process was conceived in a context of a weapons and ammunition management framework which identified Halane armoury as the first point of arrival (post-delivery confirmation) with subsequent onward distribution to a particular force or unit (post distribution information). Further to consultation with experts working closely with the FGS, the SEMG suggests that a formula be considered in which the FGS could provide post distribution information to the Committee on a periodic basis—such as in its six monthly report the Council pursuant to paragraph 9 of resolution 2142 (2014). This would be both practical and tend to enhance compliance.

⁵²⁹ See, Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 10.

⁵³⁰ Resolution 2244 (2015), paragraph 5.

⁵³¹ IAN No. 2, op cit.

⁵³² Clarification: In S/2015/801 the SEMG reported that Government security forces were expected to have received more than 17,500 weapons and almost 9 million rounds of ammunition since the partial lifting of the arms embargo. These figures were compiled based on previous reporting and may have been the subject of conflated parameters: some materiel notified prior to the partial lift but delivered post may have been counted twice.

33. The leadership of the FGS security forces is not fully aware of the range of the situations in which notifications to the Committee are required.⁵³³ The SEMG recommends that briefings be conducted for the heads of all FGS security forces, and other entities within the security sector architecture, on the scope of the arms embargo, the partial lift and related exemptions. The Secretariat to the Committee has offered to assist with this.

34. Neither do Member States appear to be fully cognisant of the scope of notification requirements. This confusion persists notwithstanding the Committee's publication of the IAN (No. 2). The SEMG therefore recommends that the Council consider recalling the requirement that non-lethal support such as salaries, stipends, building infrastructure, military clothing and training, to FGS security forces must be appropriately notified, in its next resolution, referencing the clarification made by the Committee IAN (No.2) at paragraph 10.

35. Member States can also play role in facilitating and supporting the FGS to comply with its obligations relating to notifications under the partial lift. Although the FGS has the primary obligation to notify the Committee of expected deliveries of materiel and support for its forces, Member States or the international organisation which responsibilities are engaged by the delivery of the assistance, may also make an advance notification "in consultation" with the FGS.⁵³⁴ As noted above, in seven cases during the mandate it was the donating Member State which itself made the advance notification.

36. In a number of these cases, however, it appears that the FGS had not been given any information regarding the donation—or at least the ONSA had not been made aware. In one case the FGS told the SEMG that neither the head of the security force to which donation had been made, nor the ONSA had any information about the weapons and ammunition notified. In resolution 2244 (2015) the Council specifically underlined the importance of Member States "coordinating with the Office of the National Security Adviser of Somalia, which coordinates FGS reporting obligations to the Security Council pursuant to the notification procedures set out in paragraphs 3 to 7 of resolution 2142 (2014)".⁵³⁵ It would be helpful if the Council reiterated the value of supporting the ONSA in facilitating FGS compliance.

37. At the same time, there was an overall improvement in the quality of Member States support to the FGS to ensure compliance with notification requirements. There was only one double superfluous advance notification by both the FGS and Member States during the mandate, indicating improved coordination—last mandate there were six such cases. Further, a number of other situations which arose last year where FGS compliance was impeded by Member States—such as failure to provide sufficient documentation, the provision of partial shipments, second hand or faulty equipment, or unmarked weapons—did not reoccur.⁵³⁶

⁵³³ Series of conversations with international advisors engaged with the FGS security sector, March to August 2016.

⁵³⁴ As reaffirmed in resolution 2244 (2015), paragraph 8.

⁵³⁵ Resolution 2244 (2015), paragraph 9.

⁵³⁶ See S/2015/801, annex 7.2.

Annex 8.3: Compliance with obligations relating to provision of materiel or other support to “Somali security sector institutions” pursuant to paragraph 11 (a) of resolution 2111 (2013)

38. During 2014 and 2014 the SEMG received information on flows of materiel and support from Member States and other entities to Somali security sector institutions other than the security forces of the Federal Government of Somalia (FGS)⁵³⁷, which were not notified to the Committee as required pursuant to paragraph 11 (a) of resolution 2111 (2013).⁵³⁸ Subsequently in resolution 2244 (2015), the Council underlined “the need for Member States to strictly follow the notification procedures for providing assistance to develop Somali security sector institutions.”⁵³⁹

39. During the current mandate the SEMG continued to receive reports of the provision of support and materiel—including payment of stipends/salaries, donation of vehicles, building of security sector infrastructure, and supply of weapons and ammunition—to, *inter alia*, Somaliland, Puntland, the Interim Jubba Administration (IJA), and the Interim South-West State Administration (ISWA) security sector institutions and other forces by Member States, non-governmental organisations (NGOs) and UN entities.⁵⁴⁰ Some of these transfers were widely publically reported, and some were made in the context of the conflict against A-Shabaab.⁵⁴¹ Member States have clearly determined that there is a need to provide targeted support to non-FGS security forces, including in the context of the conflict on Al-Shabaab.⁵⁴² Nevertheless, once again during the mandate, the requirements of the arms embargo governing the provision of this support were rarely met.⁵⁴³

40. Between 31 August 2015 and 1 September 2016 only three notifications for Committee’s consideration were submitted, solely with respect to support to Somaliland security sector institutions.⁵⁴⁴ All were submitted by the same Member State. At the same time, only one regional entity—again Somaliland—sought advice from the SEMG and the Committee on modalities for compliance with the arms embargo, in this instance with respect to its proposed

⁵³⁷ See section 10, paragraph (h) of the Guidelines of the Committee for the Conduct of its work as consolidated, revised and adopted by the Committee on 30 March 2010, 30 May 2013, 27 November 2013 and 25 March 2014 (hereafter, Committee Guidelines) available at <https://www.un.org/sc/suborg/en/sanctions/751/guidelines>.

⁵³⁸ S/2015/801, annex 7.2.

⁵³⁹ Resolution 2244 (2015), paragraph 9. Forces outside the command of the FGS are not just a transitional reality. Even upon completion of the process of demobilisation and integration of FGS security forces it is envisaged that a, “lawful regional authority” may establish or continue to control regional security forces. See, FGS, Strategic framework for the management of security forces and militia integration and demobilisation, draft 1 February 2015, on file with the Monitoring Group.

⁵⁴⁰ Conversations with security experts, regional Government officials, officials of Member States, and NGO staff members, July to August 2016.

⁵⁴¹ See, for example, the handover of military vehicles to ISWA. Mogadishu Centre, The United Arab Emirates handed over transportation, pictures, 18 Jan 2016, available at <http://mogadishucenter.com/English/2016/01/18/the-united-arab-emirates-handed-over-transportation-pictures/>.

⁵⁴² The June 2016 African Union Mission in Somalia (AMISOM) Con-Ops for example specifically provides that Sector Commanders are to consult with regional administrations on the use of regional forces in AMISOM Joint Operations to ensure security, and that they can be the object of logistical and other support. AMISOM Strategic Concept of Operations – June 2016, archived with the Secretariat. The arms embargo does not apply to supplies of weapons or military equipment or the provision of assistance intended solely for the support of, or use by, AMISOM’s strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent AU strategic concepts), and in cooperation and coordination with AMISOM, resolution 2111 (2013), paragraph 10 (c).

⁵⁴³ Further challenging compliance, certain types of support may not even come within the scope of available exemptions, although the Committee has not yet been asked to make this determination. See discussion below.

⁵⁴⁴ The Committee approved all deliveries.

creation of an Oil Protection Unit.⁵⁴⁵ Other entities did not appear to be aware that there was a procedure for lawful import of weapons and other materiel or that they might be able to seek approval for other forms of support such as stipend payments or the provision of building infrastructure.

41. In all of these circumstances, the case of Puntland is instructive, reflecting both the need which has evolved for support to regional forces which are on the front line of the fight against Al-Shabaab, and ISIS-aligned elements, and the practice in which such support has evolved oversight Committee oversight.

Support to Puntland forces

Puntland Maritime Police Force (PMPF)

The Monitoring Group first reported on the inception of what would later become Puntland Maritime Police Force (PMPF) in its 2011 final report when it described the arrival in Puntland of Saracen International Ltd., a company backed by Blackwater founder Erik Prince, staffed by South African military trainers, and funded by the United Arab Emirates.⁵⁴⁶ “Saracen’s operations since May 2010”, the SEMG concluded in 2011, “represent a significant violation of the general and complete arms embargo on Somalia”.⁵⁴⁷

According to senior PMPF officials interview by the SEMG in April 2016, the force now consists of close to 1,000, with each marine receiving a salary of USD 240 per month.⁵⁴⁸ The PMPF maintains eight bases in Puntland, at Bosaso, Hafun, Iskushuban, Eyl, Bargal, Garowe, Galgala, and Sugure; the force’s leadership is also planning to establish a base in Garacad.⁵⁴⁹

The Monitoring Group assesses the PMPF to be an effective force that provides Puntland with a much-needed maritime presence. However, the Group notes with concern that the United Arab Emirates (UAE) continues to provide funding to the PMPF but has not sought the Committee’s approval. The SEMG was unable to determine the extent of this breach since the UAE has repeatedly denied the access to the base to the Group or failed to respond to its requests for information. The SEMG conducted missions to Bosaso on 21-25 February and 10-17 April 2016. On both occasions, the Group had been granted permission to visit to the PMPF base by the Office of the President of Puntland; subsequently, PMPF officials in Bosaso informed the Group that they were not able to grant access to the base due to the objections of UAE advisors present.

In its correspondence to the UAE dated 22 August 2016, the SEMG requested access to the PMPF base and the details concerning the amount and nature of the assistance to the PMPF from the UAE, but has yet to receive a response.

Annex 8.10 (Figure 1) provides two satellite images of the PMPF base in Bosaso, showing the development of the compound during the present mandate; Figure 2 provides an organizational chart of the PMPF’s leadership.

⁵⁴⁵ See S/2014/747, annex 6.7 and correspondence between Somaliland officials and the SEMG August 2015 to April 2106.

⁵⁴⁶ S/2011/433, annex 6.3.

⁵⁴⁷ Ibid.

⁵⁴⁸ Details on the PMPF’s current strength and operations were provided by interviews with two senior PMPF officials in Bosaso, 16 April 2016. Conversely, in a 17 August 2016 letter to the SEMG from the Office of the President of Puntland estimated the PMPF to number only 600 marines.

⁵⁴⁹ Garacad was one of two locations on Puntland’s coast targeted by Al-Shabaab during the group’s March 2016 amphibious assault into the region (see annex 1.5).

The Puntland Security Forces (PSF)

The Puntland Security Forces (PSF) is an elite counterterrorism unit created in 2009 and based in Bosaso, trained and assisted by the United States. According to a senior PSF commander, the force consists of 500 troops.⁵⁵⁰

During two of its missions to Bosaso, from 21-25 February and 10-17 April 2016, the Monitoring Group was on both occasions granted access to the PSF base. On 24 February 2016, the PSF facilitated a highly informative visit by the SEMG to Galgala town, previously the headquarters of the Al-Shabaab insurgency in Puntland's Golis Mountains. While the Monitoring Group holds the PSF to be an effective unit that contributes to the maintenance of peace and security in Puntland, it also notes with concern that the United States has not sought the Committee's approval for such support. On 25 August 2016, the Group sent official correspondence to the United States requesting details on the amount and nature of its support to the PSF since the PSF's creation, but as of this printing had not received a response.

Annex 8.10 (Figure 3) provides a satellite image of the PSF base in Bosaso.

SEMG recommendations

42. There are a number of areas where the SEMG recommends the Council can encourage better compliance and improve its oversight of weapons and ammunition flows and other forms of support to non-FGS entities. The first is to consider clarifying the scope of the exemption in paragraph 11(a), both in terms of the entities which may be the subject of an exemption and the scope of the materiel or assistance which may be transferred. The second is for the Committee to require the supplying Member State or international organisation, when making a request to the Committee, to provide additional information on the background to the rationale for the request and on procedures in place for eventual management of the materiel. The Council could also request that it be informed of delivery.

Scope of the exemption

"Somali security sector institutions"

43. The scope of "Somali security sector institutions" has not been defined by resolution or practice. To date the Committee has only approved transfers of materiel and support to forces associated with the authorities of Puntland and Somaliland.⁵⁵¹ As no other forces have been the subject of notifications, however, the Committee has not yet had the opportunity to determine whether or not the provision applies to other entities.

44. There was one instance during the mandate where a donation of non-lethal materiel intended for distribution to Federal, IJA, Interim South West Administration (ISWA) and Puntland police forces was notified to the Committee by the donor Member State under a 'for information notification' pursuant to paragraph 4 of 2142 (2014). As the end user certificate indicated that the FGS Ministry for Internal Affairs was the recipient and not regional authorities, the notification procedures under the partial lift were applied. The Committee thus did not have an opportunity to determine the applicability of paragraph 11 (a).⁵⁵² The FGS has indicated to the SEMG that these materials were

⁵⁵⁰ Conversely, in a letter to the SEMG dated 17 August 2017, the Office of the President of Puntland estimated the PSF to consist of between 600 and 700 members.

⁵⁵¹ Non-lethal materiel and assistance to security forces operating in Somaliland and Puntland which has comprised the bulk of the material notified under paragraph 11 (a).

⁵⁵² It was not clear from the information provided in the context of IJA and ISWA as to whether the material was intended for units of FGS police forces operating in those areas or of regional forces, and if the latter, the extent which memoranda of understanding or other agreements bring these forces within the authority of the FGS.

transferred as planned to the four forces.⁵⁵³ As support to non-FGS security forces expands—in August 2016 for example discussions were underway for salary/stipend support to ISWA regional forces⁵⁵⁴—it is likely that these scenarios will be repeated.⁵⁵⁵ The FGS has repeatedly asserted to the SEMG that the FGS should be the focal point for the provision all support to Somalia, whether under the partial lift or under paragraph 11 (a).⁵⁵⁶

45. If entities are part of the FGS security forces, support must be notified under the procedures pertaining to the partial lift. In March 2016 the Committee clarified that it is the sole responsibility of the FGS to inform the Committee of which entities are regarded as forming the security forces of the FGS.⁵⁵⁷ In resolution 2244 (2015) the Council particularly directed the FGS to provide full and accurate information on “the status of **regional** and militia forces (emphasis added)” in its reporting to the Council (paragraph 7).

46. Nevertheless, the question of what entities may be considered as “Somali security sector institutions” remains. The SEMG suggests that the Council consider clarifying the scope of ‘Somalia security sector institutions’ in a way which sets out a threshold definition while emphasising the prerogative of the Committee to determine the scope of the phrase on a case by case basis. A suggested formulation might be:

“Somali security sector institutions other than those comprised within the FGS Security Forces, organized, and under responsible and identifiable command and control, in particular the forces of entities recognized under the emerging Somali federal architecture, including Somaliland and federal and interim federal Member States, as so determined by the Committee, on a case by case basis.”

Categories of materiel and assistance which can be the subject of exemption

47. The SEMG believes that there is also a need to address the scope of the categories of materiel and assistance which can be the subject of exemption under paragraph 11 (a) of resolution 2111 (2013). The language of Resolution 2111 (2013) makes a distinction between the types of support which can be extended to FGS security forces under the partial lift and those which can be exempted for ‘Somali security sector institutions’.

48. With respect to FGS security forces, “deliveries of weapons or military equipment or the provision of advice, assistance or training” may benefit from exemption under the partial lift if correctly notified.⁵⁵⁸ In its Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions (hereafter IAN No. 2), the Committee clarified that the scope of this phrase includes, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military, policing (including coastguard) or security operations).⁵⁵⁹ With respect to “Somali security sector institutions”, however, although the formulation of the exemption is similar, the terms “advice” and “assistance” have been replaced by “technical assistance” viz., “[s]upplies of weapons or military equipment and technical assistance or training”.

⁵⁵³ Conversation with government official, 5 August 2016.

⁵⁵⁴ Interview military expert, Mogadishu, 5 September 2016.

⁵⁵⁵ In 2015, for example, the FGS twice attempted to “notify” receipt of restricted materiel by forces not recognised as under its command, in Somaliland and associated with the Interim Jubba Administration.

⁵⁵⁶ Most recently, Skype discussion with FGS officials, 15 September 2016.

⁵⁵⁷ See, Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 12.

⁵⁵⁸ Resolution 2142 (2014), paragraph 2.

⁵⁵⁹ Op cit., paragraph 10.

49. As a result, it is not clear that the provision of financial support/payment of stipends to security forces, or the supply of materiel beyond military equipment (such as building infrastructure) can be exempt from the arms embargo. As noted above, however, due to the fact that donors generally do not engage with the Committee on prospective support to non-FGS forces there have been few opportunities for the Committee to build an interpretative practice in this regard.

50. It would seem anomalous however, that an exemption can be sought for the provision of weapons or other equipment to a “Somali security sector institution” but not for the provision of non-lethal equipment or support for the payment of stipends which may be critically needed. In Somaliland and Puntland, for example, the UN currently pays stipends to formed police units—the Special Protection Units—which provide essential protection, *inter alia*, to humanitarian operations. In the absence of an ability to notify these contributions these entities are technically in violation of the arms embargo.

51. The SEMG therefore suggests that the Council consider a reformulation of paragraph 11 (a) which would provide a modality for the types of support currently being provided to non-FGS security sector institutions by Member States and the United Nations to come into legality through appropriate notification.⁵⁶⁰

Scope of information required

52. The SEMG recommends that the Committee consider augmenting the scope of information which must be included when submitting a notification for Committee’s consideration under paragraph 11 (a).⁵⁶¹ Such information could include, for example, the structure, composition and command of the concerned entity, the rationale for the provision of support or materiel, and the procedures in place for weapons and ammunition management. This would permit the Committee to make a more informed decision on the request and allow for greater oversight of flows of lethal and non-lethal support to Somalia’s growing parallel security sector.

53. Further, neither the “Somali security sector institution” receiving the materiel or assistance pursuant to paragraph 11 (a), nor the supplying Member State or international organisation, are currently required to provide any information on the delivery or receipt of weapons and ammunition. The SEMG recommends that the Council consider imposing a requirement in this regard. This would seem to be an important element of Committee oversight on weapons flows within Somalia.

54. Finally, the SEMG notes that the FGS has expressed increasing concern about the provision of restricted materiel and assistance to non-FGS forces. It argues that its sovereignty and overall responsibility for control of weapons and ammunition in Somalia and national security more broadly, requires that it be advised of prospective imports proposed under paragraph 11 (a) and that it be given an opportunity to provide its views on the impact of such a supply in terms of peace and security. The SEMG also notes that on two occasions during the mandate a Member State accompanied its notification for consideration under paragraph 11 (a) with a note that the Member State had “shared its intention to provide this support with the Office of the National Security Adviser of the Federal Government of Somalia who raised no objection” but it did not continue the practice in its third notification.

55. The Monitoring Group recommends therefore that the Security Council amend paragraph 11 (a) of resolution 2111 (2013) which describes exemptions for the provision of support to Somali security sector institutions to reflect the following elements

⁵⁶⁰ In IAN No. 2 the Committee clarified that in the context of the partial lift and support for the development of FGS Security Forces the types of assistance which may be permitted when subject to a ‘for information’ notification include, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military, policing (including coastguard) or security operations). The wording of paragraph 11 (a) would not however seem to permit such an interpretative clarification and an amendment of the provision by Council resolution would be required.

⁵⁶¹ For current requirements see Committee Guidelines paragraph 10 (g) – (j) inclusive.

- 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.

Annex 8.4: Maritime interdiction of arms and ammunition

56. The SEMG monitored the following three cases involving potential illegal weapon smuggling activities involving stateless dhows transporting weapons, destined for Somali or using Somalia as a transit point:

- on 06 March 2016 the HMAS Darwin of the Royal Australian Navy seized a significant quantity of weapons from a dhow approximately 170 nautical miles' km (313 kilometres) off the coast of Oman, heading for Somalia;⁵⁶²
- on 20 March 2016 the French naval destroyer FS Provence seized a significant quantity of weapons from a stateless dhow in the northern Indian Ocean, heading towards Somalia;⁵⁶³ and
- on 28 March 2016 the US Navy Coastal Patrol ship USS Sirocco seized a significant quantity of weapons from a dhow transiting international waters in the vicinity of the Gulf of Oman, bound for Yemen.⁵⁶⁴

57. These operations were conducted by the Combined Maritime Forces (CMF).⁵⁶⁵ The CMF has been instrumental in intercepting illegal weapons in a heavily trafficked area which includes the Persian Gulf, Strait of Hormuz and northern Arabian Sea. The seized weapons consisted of a variety of weapons systems which include: AK-47 type assault rifles, PKM general-purpose machine guns, RPG-7 rocket propelled grenade launchers, 60mm mortars, DshK 12.7 mm heavy machine guns, Hoshdar (Dragunov) sniper rifles, and Kornet anti-tank rockets, with AK-47 automatic assault rifles common to all three cases.

⁵⁶² "HMAS Darwin seizes large weapons of cache", 6 March 2016, available from <https://combinedmaritimeforces.com/2016/03/06/hmas-darwin-seizes-large-weapons-cache/>.

⁵⁶³ "French ship Provence seizes large weapons cache", 28 March 2016, available from <https://combinedmaritimeforces.com/2016/03/28/french-ship-provence-seizes-large-weapons-cache/>.

⁵⁶⁴ S. LaGrone, "US Navy seizes suspected Iranian arms shipment bound for Yemen", USNI News, 4 April 2016, available from <https://news.usni.org/2016/04/04/u-s-navy-seizes-suspected-iranian-arms-shipment-bound-for-yemen>.

⁵⁶⁵ The Combined Maritime Forces (CMF) is a multi-national naval partnership which was established in 2002 and consists of 31 members. A U.S. Navy Vice Admiral, who also serves as Commander US Navy Central Command and the US Navy Fifth Fleet, commands the CMF, with all three commands co-located at US Naval Support Activity Bahrain.

Annex 8.4.a: HMAS Darwin

Figure 1: Quantity of weapons seized by HMAS Darwin

Name/size of weapon	Type of weapon	Quantity Seized
AK-47	assault rifle	1,989
RPG-7	rocket propelled grenade launcher	100
PKM	general purpose machine guns	49
	spare barrels	39
60 mm	mortar tubes	20

Figure 2: Weapons seized by HMAS Darwin



Figure 3: Seized weapons on board HMAS Darwin



Figure 4: Identification documents of Iranian crew on board the dhow transporting weapons seized by HMAS Darwin



Annex 8.4.b: USS Sirocco*Figure 5: Quantity of weapons seized by USS Sirocco*

Name/size of weapon	Type of weapon	Quantity seized
AK-47	assault rifle	1,500
RPG-7, RPG-7V	rocket propelled grenade launcher	200
DshK 12.7 mm	machine gun	21

Figure 6: USS Sirocco and the stateless dhow (Adris) from which the illegal weapons were seized

Figure 7: Seized weapons on board USS Sirocco



Annex 8.4.c: FS Provence*Figure 8: Quantity of weapons seized by FS Provence*

Name/size of weapon	Type of weapons	Quantity seized
AK-47	Assault rifle	2,000
Hoshdar-M	sniper rifle	64
Type-73	general purpose machine gun	6
Kornet	guided anti-tank missile	9

Figure 9: Seized weapons on board FS Provence

Annex 8.5: The Maydh arms smuggling case (STRICTLY CONFIDENTIAL)*

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

Annex 8.6: Improvised Explosive Devices (IEDs)

Annex 8.6.a: IEDs used in Somalia

58. During its mandate the SEMG obtained information from a number of sources on the introduction of sophisticated improvised explosive device (IED) technology in Somalia, together with the presence of a number of foreign IED trainers with experience gained in conflict zones such as Afghanistan, Iraq, Syria, and Yemen.⁵⁶⁶ This is significant, as this apparent transfer of skills and technology from other conflict zones may potentially add a new dimension to the security situation and dynamics in Somalia and the region.

59. One example is the reported use of a particularly lethal type of IED called an Explosively Formed Penetrator (EFP) in an attack in Afmadow during the course of 2016.⁵⁶⁷ The EFP is a lethal IED with the capacity, due to its unique configuration, to penetrate and destroy armoured vehicles; it has been used with devastating effect in conflict zones such as Iraq and Afghanistan.⁵⁶⁸ The EFP is particularly effective against relatively lightly Armoured Personnel Carriers (APCs).⁵⁷⁰

Figure 1: Suspected explosively formed penetrator (EFP) IED used in an attack in Afmadow



⁵⁶⁶ Information from UN sub-contractor and field investigations in Lower Juba and Middle Juba, February and March 2016.

⁵⁶⁷ UN explosives technical expert, Kismayo, Somalia.

⁵⁶⁸ Gregg Zoroya, "How the IED changed the U.S. military", *USA Today*, 19 December 2013. Available from <http://www.usatoday.com/story/news/nation/2013/12/18/ied-10-years-blast-wounds-amputations/3803017/>.

⁵⁶⁹ Rick Atkinson, "The single most effective weapon against our deployed forces", *Washington Post*, 30 September 2007. Available from <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/29/AR2007092900750.html>.

⁵⁷⁰ Fred Burton, Strafor, 11 April 2007. Available from https://www.stratfor.com/imminent_spread_efps.

60. In addition to the introduction and use of EFPs, other new and sophisticated IED technology has been introduced in Somalia during the course of 2016. This includes the introduction of what is described as pressure plate IEDs that were used in an attack near Kismayo airport in February 2016, as well as in Bardera, Gedo in March 2016.⁵⁷¹

Figure 2: Pressure plate IED used near Kismayo airport, Somalia



61. This particular type of IED appears to be similar to those subsequently seized by the Kenyan security forces during operations in the Boni Forest, Lamu County.⁵⁷² This would appear to indicate that IED experts and hardware have been crossing the border and were active in both countries.

⁵⁷¹ UN explosives technical expert, Kismayo, Somalia.

⁵⁷² Interview with Kenyan security services official, June 2016.

Figure 3: Pressure plate IED used in Boni forest, Kenya



Annex 8.6.b: Projected IED threats to regional civil aviation

62. The SEMG has received information indicating that an IED similar to that used in the February 2016 Daallo airlines attack, had also been seen in Iraq.⁵⁷³ This is consistent with the assessment of technical and explosives experts who investigated the IED used in the Daallo attack, and who concluded that it was likely constructed with external assistance.⁵⁷⁴

63. The implications of this development are serious for aviation security. Together with the foiled attack at Belet Weyne airport on 07 March 2016, it may indicate a concerted effort and deliberate strategy by Al-Shabaab to develop the capacity to attack civil aviation targets in Somalia.⁵⁷⁵ The IEDs used in the foiled Belet Weyne attack were reportedly hidden in a computer as well as a printer, indicating a level of skill and sophistication with the potential to change the security dynamics in Somalia.⁵⁷⁶ It is currently not known if Belet Weyne airport was the final target of this plot, or whether the IEDs were to be transferred to Aden Adde International Airport in Mogadishu. The consensus amongst experts appears to be the latter rather than the former.⁵⁷⁷

64. Both confidential and open source information indicates that an Al-Shabaab training camp in Middle Juba, Somalia was established in late 2015 to train operatives in attacking civil aviation targets.⁵⁷⁸ The SEMG also received

⁵⁷³ Email communication, explosives technical expert based in Baghdad, Iraq, 15 April 2016.

⁵⁷⁴ Interview, explosives technical expert, Mogadishu, 4 February 2016.

⁵⁷⁵ "Somalia's Beledweyne airport hit by laptop bomb", *BBC News*, 7 March 2016. Available from <http://www.bbc.com/news/world-africa-35744737>.

⁵⁷⁶ Ibid.

⁵⁷⁷ Interviews with explosives technical experts based in Kismayo and Mogadishu.

⁵⁷⁸ "Seizure of IEDs in Mogadishu indicates Al-Shabaab capable of targeting aviation, tourism in Somalia and Kenya", *IHS Jane's Country Risk Daily Report*, 17 May 2016. Available from <http://www.janes.com/article/60387/seizure-of-ieds-in-mogadishu-indicates-al-shabaab-capable-of-targeting-aviation-tourism-in-somalia-and-kenya>

information from regional experts indicating that Al-Shabaab is particularly good at copying tactics, techniques, and procedures used by other terrorist groups, and in adapting and introducing these techniques within Somalia.⁵⁷⁹ This ability to learn, adapt and evolve makes a group such as Al-Shabaab a particular challenge for the security forces in Somalia. Contrasting with Al-Shabaab's adaptability, conventional land forces, such as those making up AMISOM, have found it difficult to adjust to the challenges of irregular, asymmetrical warfare. It is therefore assessed that the increased sophistication of IEDs seen in Somalia is likely not only the result of the introduction of foreign experts and new technology, but likely also as a result of the ability of groups such as Al-Shabaab to copy techniques and technology used by groups in other conflict zones.

65. Against the background of the targeting of aviation targets in Somalia, it is noted that ISIL reportedly used a particularly volatile and potent peroxide-based explosive called triacetone triperoxide (TATP) in the November 2015 Paris attacks, while investigations also revealed that the 22 March 2016 Brussels Airport attackers likely also used TATP.⁵⁸⁰ TATP first gained notoriety when Richard Reid, also known as the so-called "shoe bomber", unsuccessfully tried to detonate a TATP explosive device on a Paris to Miami flight in December 2001.⁵⁸¹ While TATP-based devices are rarely seen in conflict zones such as Iraq and Afghanistan because of its unstable nature, and because military-grade explosives are readily available, TATP is particularly well suited for use and concealment in small items such as soda cans or a printer cartridges due to the fact that it can be detonated in such small quantities.⁵⁸² Furthermore, conventional explosives detection technology and equipment used at airports mainly focus on detecting nitrogen-based explosives such as RDX, while TATP is a peroxide-based explosive which may evade detection by conventional explosive detection equipment in use at most airports.⁵⁸³

66. While there is currently no indication that either Al-Shabaab or ISIL has ever used TATP in Somalia, the reported ability of Al-Shabaab to copy and adapt tactics and techniques from other groups implies that an attempt to use TATP in the targeting of aviation targets in Somalia cannot be ruled out in the future.

⁵⁷⁹ Information provided by confidential UNMAS interlocutor.

⁵⁸⁰ Thomas Gibbons-Neff, "Brussels terrorists probably used explosive nicknamed 'the Mother of Satan'", *The Washington Post*, 23 March 2016. Available from <https://www.washingtonpost.com/news/checkpoint/wp/2016/03/23/the-type-of-bombs-used-in-brussels-have-been-seen-before/>.

⁵⁸¹ Christopher Cooper, "Reid's Shoe Bomb Was Sophisticated, Like an Explosive Used by Palestinians", *The Wall Street Journal*, 09 January 2002. Available from <http://www.wsj.com/articles/SB1010533661808003000>.

⁵⁸² Neil Collier, "A Signature ISIS Explosive in Europe", *The New York Times*, 20 March 2016. Available from <http://www.nytimes.com/video/world/europe/100000004281038/isis-signature-explosive-in-europe.html>.

⁵⁸³ Ibid.

Annex 8.7: Daallo Airlines attack (STRICTLY CONFIDENTIAL)*

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

Annex 8.8: Illicit arms markets in Somalia⁵⁸⁴

Name	Type	Country of Manufacture	Location of Market	Price (USD)
AK 58	Assault rifle	Czech Republic	Mogadishu	450-520
AK 47	Assault rifle	various	Regions	650-700
AK 47	Assault rifle	various	Bosaso	850-1000
9336 Type 56-2	Assault rifle	China	Galmudug	650-700
9336 Type 56-2	Assault rifle	China	Mogadishu	1400-1500
386 Type 56	Assault rifle	China	Mogadishu	1100-1200
AK 47	Ammunition	Various	Mogadishu	1.2
AK 47	Ammunition	Various	Bosaso	1.5

Figure 1: public arms market behind Ministry of Interior and National Security in Mogadishu



⁵⁸⁴ Information based on interviews and email communication with SNA officers, an AMISOM officer, arms market dealers, and a network of informants in Somalia. The Monitoring Group also directly observed arms markets in Mogadishu in February and March 2016 and Bosaso in August 2016.

Figure 2: handgun obtained at public market in Mogadishu, February 2016



Annexe 8.9: Puntland Maritime Police Force and Puntland Security Forces

Figure 1: Satellite images of the Puntland Maritime Police Force (PMPF) base in Bosaso on 16 November 2015 (top) and 8 April 2016 (bottom), highlighting the construction of new structures over the period (coordinates: 11.271206, 49.099084)



16-16743 (C)

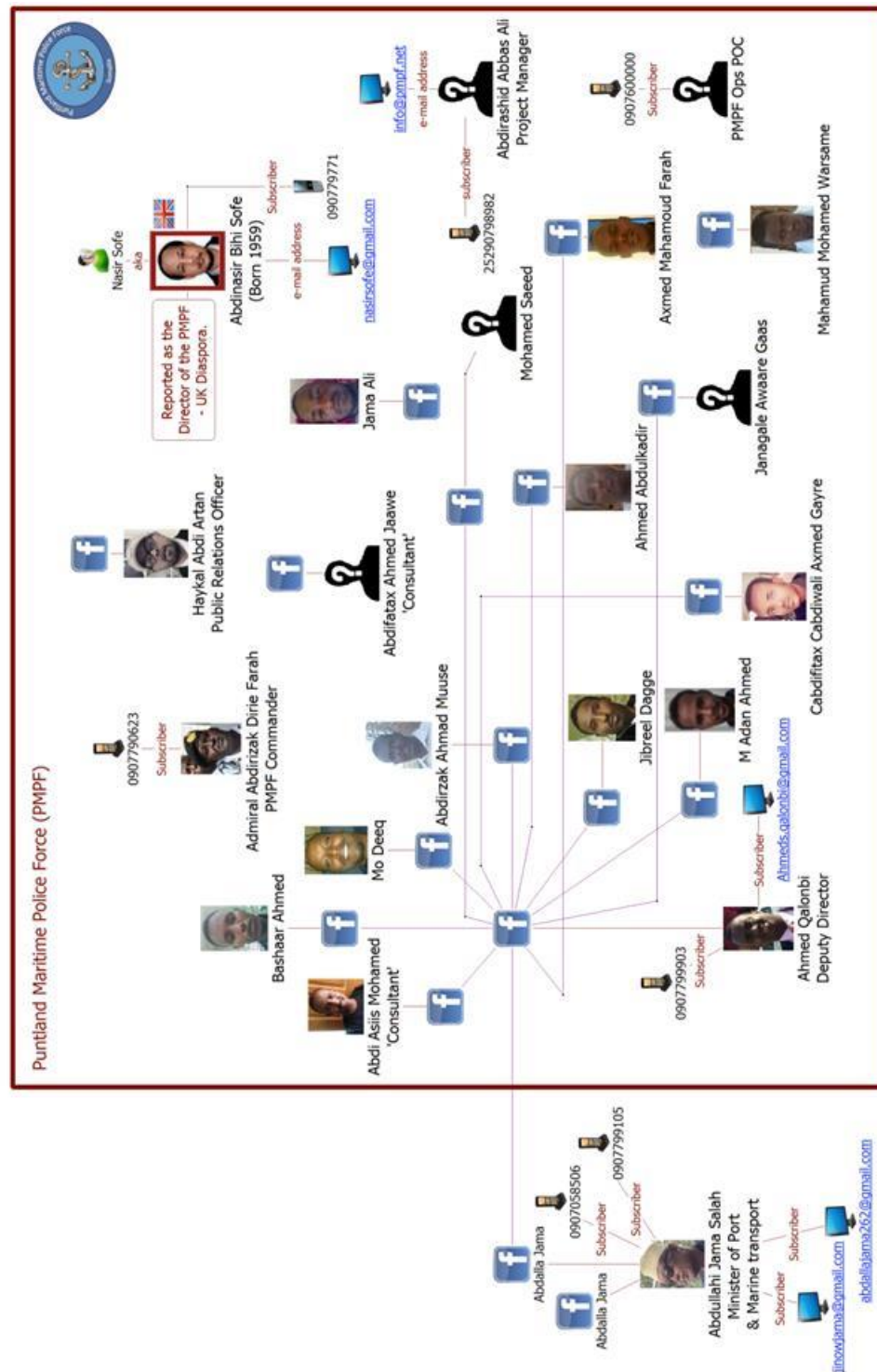


Figure 3: Satellite image of the Puntland Security Forces (PSF) base in Bosaso, 23 July 2016 (coordinates 11.290231, 49.194008)



Annex 8.10: Abdisamed Gallan's insurgency against the Puntland administration and the Qandala-Hafun arms smuggling network

Dismissal of governor of Bari region and the launch of an insurgency

105. From 2011 to 2015, Abdisamed Gallan, a former school teacher, served as governor of Puntland's Bari region, the heartland of his Ali Salebaan clan. In May 2015, Gallan was sacked by Puntland President Abdiweli Mohamed Ali and replaced by Yusuf Mohamed Dhedo.

106. Following violent protests in Bosaso on 1 February 2016, during which a police officer and a protester were killed, Dhedo accused Gallan of having masterminded the unrest. The Puntland security forces subsequently raided Gallan's house in Bosaso, but he escaped before they arrived, fleeing to his clan homeland in Bari region.⁵⁸⁵ Gallan told the SEMG that he had played no role in the protests and had been the victim of unprovoked aggression by Puntland forces.⁵⁸⁶ Gallan claimed that 200-300 Puntland soldiers surrounded his house and opened fire for between two and a half and three hours, causing the roof of his house to catch fire and collapse, with two of his bodyguards sustaining injuries.⁵⁸⁷

107. On 15 June 2016, Gallan announced local media that he had launched an insurgency with the aim of overthrowing the Puntland administration, which Gallan charged as being dictatorial and unrepresentative of the population.⁵⁸⁸ On 21 June, Gallan, at the head of a roughly 175-strong militia, briefly entered the town of Armo, 80 km south of Bosaso, prior to withdrawing (see Figures 3 and 4, below, for photographs of Gallan's militia in Armo). Puntland forces subsequently engaged Gallan's militia 20 km east of Armo, resulting in an unknown number of casualties before clan elders succeeded in mediating a ceasefire.⁵⁸⁹ As of the publication of this report, negotiations between the Puntland administration and Gallan were ongoing.

108. Prior to and following the declaration of Gallan's insurgency, three shipments of arms and ammunition arrived in the Qandala area, a port town lying 80 km from Bosaso, inhabited by the Ali Salebaan clan (see "2016 Qandala weapons shipments", below). Some of these weapons were likely used to arm Gallan's militia (see Figure 1).⁵⁹⁰

109. Gallan has received active support from the former pirate and arms dealer Isse Mohamoud Yusuf "Yullux", also a member of Gallan's Ali Salebaan clan. Both Gallan and Yullux are supported by the leader of the pro-Islamic State in Iraq and the Levant (ISIL) faction of Al-Shabaab, Abdulqadir Mumin, who is a cousin of Yullux.⁵⁹¹ Gallan denied having a relationship with "Yullux", though confirmed that some of Yullux's militia had been present during the takeover of Armo on 21 June.⁵⁹²

110. While Bari region has never been under the firm control of the central Puntland authorities, Gallan's insurgency represents a stark escalation in the longstanding animosity between the Ali Salebaan clan and the administration. With the region in financial crisis and payment to the security forces sporadic, and with the forces already

⁵⁸⁵ "Somalia: Puntland Security forces hunt former Governor after violent protest", *Horseed Media*, 1 February 2016. Available from <https://horseedmedia.net/2016/02/01/somalia-puntland-security-forces-hunt-former-governor-after-violent-protest/>.

⁵⁸⁶ SEMG phone interview with Abdisamed Gallan, 31 August 2016.

⁵⁸⁷ Ibid.

⁵⁸⁸ "Waraysi: Cabdisamad Gallan 'Puntland cusub ayaan samaynayaa'", *Puntland Today*, 15 June 2016. Available from <http://www.puntlandtoday.com/waraysi-cabdisamad-gallan-puntland-cusub-ayaan-samaynayaa/>.

⁵⁸⁹ SEMG interviews with a local journalist and senior Puntland administration official, 21 June 2016.

⁵⁹⁰ Information provided to an SEMG interlocutor by an individual involved in the arms shipment.

⁵⁹¹ See S/2013/413, annexes 1.7 and 3.1.c.

⁵⁹² SEMG phone interview with Abdisamed Gallan, 31 August 2016.

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.

Ali Salebaan grievances against the Puntland administration

111. The Monitoring Group communicated on multiple occasions by phone with Abdisamed Gallan, and also met with a representative of Gallan's in Nairobi and with a group of Ali Salebaan clan elders in Garowe. Their overwhelming grievance against the Puntland administration was the underrepresentation of the Ali Salebaan in the civil service and the security forces, especially in their native territory of Bari region. According to documentation provided by the Ali Salebaan elders, only six senior civil service and military positions in the Puntland administration are currently occupied by members of the Ali Salebaan, less than 4 per cent the total.⁵⁹³

112. Sixteen Ali Salebaan elders arrived in Garowe in July 2016 to conduct conflict resolution negotiations with the President Abdiweli Mohamed Ali "Gass"; as of 6 September, they claimed to have only met three times with the President, and had not agreed on any way forward with him.⁵⁹⁴ According to a delegation of elders, President Ali had shown them disrespect, and was "not interested in negotiating".⁵⁹⁵

Qandala-Hafun network

113. Since fleeing Bosaso, Gallan has been based in his hometown of Qandala, in Bari region. Qandala has long-standing smuggling ties to the Yemeni port of Al Mukalla, controlled by Al-Qaida in the Arabian Peninsula (AQAP) until it was recaptured with the support of the Saudi-led coalition in April 2016. The Qandala area offers a series of natural bays and beaches, such as Butiyalo and Khooriga, which have been used by smugglers for decades.⁵⁹⁶ While only 80 km east of Bosaso, Qandala is shielded by mountainous terrain to the west that makes it virtually inaccessible to the Puntland authorities, except by sea.⁵⁹⁷

114. In its 2013 final report, the Monitoring Group described in detail an Ali Salebaan-dominated nexus of arms traffickers, pirates, and Al-Shabaab affiliates that was dubbed the "Qandala-Hafun network".⁵⁹⁸ Members of the Qandala-Hafun network included Abdulqadir Mumin, who, prior to his declaration of loyalty (*bayah*) to ISIL (see annex 1.2), was the spiritual leader and putative second-in-command of the Al-Shabaab insurgency in Puntland (Al-Shabaab Northeast), associated with the arm of the insurgency based in the Bari region. Abdihakim Dhuqub (Majeerteen/Ali Salebaan)—an arms smuggler also linked to both Al-Shabaab in Bari region and the Qandala-Hafun network, and a cousin of Mumin—is now aligned with Mumin's ISIL faction (see annex 1.2).⁵⁹⁹

⁵⁹³ Independent documentation listing over 120 senior civilian and military and police positions in Puntland, provided to the SEMG by Ali Salebaan clan elders, Garowe, 6 September 2016.

⁵⁹⁴ SEMG meeting with a delegation of five Ali Salebaan clan elders, Garowe, 6 September 2016.

⁵⁹⁵ Ibid.

⁵⁹⁶ One of the largest weapons seizures in Puntland's history took place on 17 October 2012, when local authorities seized a shipment of 37 sacks at Butiyalo containing a large amount of munitions and explosive equipment. See S/2013/413, annex 6.1.

⁵⁹⁷ The Puntland Maritime Police Force (PMPF) regularly patrols the waters from Bosaso to Qandala, and has seized a number of dhows fishing illegally in Puntland waters since October 2015.

⁵⁹⁸ See S/2013/413, annex 3.1.d.

⁵⁹⁹ SEMG interview with Puntland security forces official assigned to Bari region, Bosaso, 12 April 2016.

115. Likewise, Abdirisak Ali Said Hussein “Shahdon” a.k.a. Shahdon Ali Yare, a former fisheries and ports Minister from Puntland and a license broker for Iranian illegal fishing vessels, was previously named by the Monitoring Group as a member of the Qandala-Hafun network and an associate of “Yullux”.⁶⁰⁰ Phone records from 2016 in possession of the Monitoring Group demonstrate that “Shahdon” is still frequently in contact with other arms smugglers, including “Yullux”, Mohamed Mire Ali Yusuf “Soodareeri”, and Said Gul Ismail.

Members of the Qandala-Hafun network identified by the SEMG

- (r) Abdulqadir Mumin (Majeerteen/Ali Salebaan)
- (s) Isse Mohamoud Yusuf “Yullux” (Majeerteen/Ali Salebaan)
- (t) Abdisamed Gallan (Majeerteen/Ali Salebaan)
- (u) Mahad Isse Aden “Laboballe” (Majeerteen/Ali Salebaan)
- (v) Said Gul Ismail (Majeerteen/Ali Salebaan)
- (w) Mohamed Mire Ali Yusuf “Soodareeri” (Majeerteen/Ali Salebaan):
- (x) Abdirisak Ali Said Hussein “Shahdon” a.k.a. Shahdon Ali Yare (Majeerteen/Ali Salebaan)
- (y) Abdifatah Hayir (Majeerteen/Ali Salebaan)
- (z) Abdilatif Yusuf Barre (Deshishe)⁶⁰¹
- (aa) “Razak” (clan unknown)
- (bb) Abdimalik Mohamed Abdi Muse (clan unknown)
- (cc) Mohamed Abdullahi Abdirahman Nur a.k.a. Garad Caynab (clan unknown)
- (dd) Mohamed Abdi Muse (clan unknown)
- (ee) Faiso Said Hasan Ismail a.k.a. Aisha Said Hasan Abdirahman (clan unknown)
- (ff) Mohamed Hussein Said Yusuf (clan unknown)
- (gg) Liban Dheere (Majeerteen/Ali Salebaan)
- (hh) Mohamed Aydiid Jama (Warsangeli)⁶⁰²
- (ii) Ali Samatar (Majeerteen/Siwaqron)

2016 Qandala weapons shipments

116. On 2 May, a shipment of arms consisting of an unknown number of AK-47s, PKMs, DShK heavy machine guns, and ZU-23 light anti-aircraft guns, as well as small calibre ammunition, arrived at Khooriga (Qandala) before being transferred on to Bosaso.⁶⁰³ The shipment was brokered by Mahad Isse Aden “Laboballe” (“Two Wings”), a well-known Ali Salebaan arms dealer based in Bosaso, and Isse “Yullux”, who took possession of approximately

⁶⁰⁰ For a background on “Shahdon”, see S/2013/413, annex 3.1.

⁶⁰¹ See S/2012/544, annex 2.3, for background information on Abdilatif Yusuf Barre.

⁶⁰² See S/2012/544, annex 2.3, for background information on Mohamed Aydiid Jama.

⁶⁰³ The date and location of the shipment was provided to the SEMG by a security source in Puntland on 26 May 2016 and confirmed by a senior Puntland official on 15 June 2016. The composition of the shipment was described to an SEMG interlocutor by a subordinate of the arms dealer Mahad Isse Aden “Laboballe”, who was involved in delivering the shipment.

half of the shipment.⁶⁰⁴ “Yullux” in turn supplied a quantity of these weapons to Abdisamed Gallan, who used them to equip members of his militia in Darjale, southwest of Qandala (see Figure 1 for a photo of Gallan’s militia; Figure 2 displays a photo of 7.62mm ammunition forming part of the 2 May shipment). The SEMG has determined that the weapons were transported by the Oman-based dhow *Dayiba*.⁶⁰⁵

117. The SEMG has confirmed that two subsequent shipments of arms arrived in the Qandala area, on 15 June—the same day that Gallan declared his insurgency—and on 25 June 2016.⁶⁰⁶ While the security conditions in Qandala precluded the SEMG from obtaining photographs of the shipments, an international agency security report indicated that the second shipment included AK-47 rifles, machine guns, rocket propelled grenades (RPGs), mortars, and hand grenades.⁶⁰⁷

118. The SEMG has been unable to determine whether the two subsequent shipments were also transported by Oman-based vessels. However, phone records in possession of the SEMG show that Gallan made calls to eight mobile phones in Oman during the month of June. At least one number was identified as belonging to Mustafa Mire Said, the owner of Al Astool Marine Services, a maritime shipping agency based in Salalah.⁶⁰⁸

119. The Monitoring Group sent official correspondence⁶⁰⁹ on 12 July 2016 to the Government of the Sultanate of Oman requesting information on the individuals associated with the phone numbers contacted by Gallan, as well as the ownership of the dhow *Dayiba*, but did not receive a response. As a result, the Group has so far been unable to confirm whether Al Astool Marine Services is responsible for operating the *Dayiba*, or served as the shipping agent for the subsequent shipments to Qandala in June.

120. Gallan’s phone records also show him to have been in contact with the FGS Minister of Information, Mohamed Hayir Maareeye, as well as ISWA President Sharif Hassan Sheikh Aden and GIA President Abdikarim Hussein Guled during the month of June. Gallan denied having any relationship with the three individuals.⁶¹⁰

121. Abdisamed Gallan’s mobile phone activity in June 2016 is presented through a link chart in annex 8.10.a, below (strictly confidential).

Said Gul Ismail, illegal fishing, and connection to Abdisamed Gallan

122. The Qandala-Hafun network includes Said Gul Ismail, an agent for fishing vessels from Iran based in Qandala, as well as Abdifatah Hayir, another agent for illicit fishing activities.⁶¹¹

123. These fishing vessels typically engage local agents in Puntland, who protect them from the Puntland authorities and provide onboard security detachments, typically at a cost of USD 10,000.⁶¹² While the Puntland administration

⁶⁰⁴ Information provided by a subordinate of the arms dealer Mahad Isse Aden “Laboballe” involved with the shipment.

⁶⁰⁵ Information provided by an SEMG security source with access to Bosaso port, 26 May and 8 June 2016. According to this source the *Dayiba* regularly calls at the port, and has brought consignments of rice, sugar, and oil owned by businessman—and member of the Qandala-Hafun network—Liban Dheere.

⁶⁰⁶ Information provided by a confidential international agency security report, a former Puntland security forces officer, and a Puntland security source.

⁶⁰⁷ Confidential international agency security report, corroborated by a former Puntland security forces officer, 19 June 2016.

⁶⁰⁸ Phone records demonstrate that Gallan made five calls to Mustafa Mire Said between 2 June and 18 June 2016. When interviewed by the SEMG on 31 August 2016, Gallan denied knowing Said.

⁶⁰⁹ S/AC.29/2016/SEMG/OC.55.

⁶¹⁰ SEMG phone interview with Abdisamed Gallan, 31 August 2016.

⁶¹¹ On 12 April 2016, Bosaso, the SEMG interviewed the captain of a fishing dhow from Iran that had been seized by the Puntland Maritime Police Force (PMPF) for illegal fishing activities. Present at the interview was Abdifatah Hayir, who was serving as the vessel’s agent and attempting to have it released from Puntland custody.

accuses fishing dhows from Iran of being engaged in illegal fishing activities,⁶¹³ the SEMG has obtained documentary evidence demonstrating that Ismail makes monthly payments to the Puntland Ministry of Finance of approximately USD 4,000 for each vessel under his protection. Figure 5, below, provides examples of two receipts for these payments from September and November 2015.

124. Said Gul Ismail is also a prolific importer of weapons into Puntland. When contacted by an interlocutor of the Monitoring Group on 15 September 2016, Ismail admitted to being currently engaged in importing a weapons shipment on behalf of Abdisamed Gallan into Kooriga-Qandala. Ismail told the Group that Gallan was “the head of the whole operation”, adding, “he is the elder, we are the juniors”.⁶¹⁴ Ismail said that the insurgency against the Puntland administration would continue, regardless of the outcome of the talks between Ali Salebaan elders and Puntland officials in Garowe. He also told the Group that Gallan loyalists were attempting to gain the support of other Puntland clans for their insurgency, particularly the Majeerteen/Siwaqron clan, and that their aim was to “take control” of the entirety of Puntland.⁶¹⁵

125. Abdisamed Gallan had told the SEMG previously that he knew Said Gul Ismail only as businessman who worked with fishing vessels from Iran, and stated that he had no relationship with him.⁶¹⁶

MV *Nasir* seizure

126. On 24 September 2015, a dhow en route from Chabahar port in Iran, MV *Nasir*, was intercepted and boarded by the Australian naval vessel HMAS *Melbourne*. The dhow was found to be carrying a cargo primarily consisting of 75 anti-tank missiles, specifically BGM-71A TOWs and 9M113M-AT Konkurs.⁶¹⁷ While the *Nasir* crew reported the dhow’s destination to be Hurdio,⁶¹⁸ a littoral town on Puntland’s Indian Ocean coast opposite Hafun, a US report on the incident listed Yemen as the final destination of the consignment.⁶¹⁹

127. Satellite phone records obtained by the Yemen panel of experts established pursuant to resolution 2140 (2014) and shared with the SEMG showed the *Nasir* crew to have been in contact while at sea with several known weapons smugglers and members of the Qandala-Hafun network in Puntland, including Said Gul Ismail and Abdirisak Ali Said Hussein “Shahdon” a.k.a. Shadon Ali Yare.

128. The Monitoring Group has also obtained mobile phone records dating between April and September 2016 for a number of members of the Qandala-Hafun network identified above. The relationships between members of the network, as well as their ties to the MV *Nasir* arms smugglers, are presented in a link chart in annex 8.10.b (strictly confidential).

⁶¹² SEMG interview, 6 July 2016, with an Iranian dhow owner who has admitted to smuggling weapons into Somalia, and confirmed by Puntland security officials.

⁶¹³ When the SEMG interviewed Puntland Ministry of Fisheries and Marine Resources officials in Bosaso on 12 April 2016, they told the Group that only four vessels had been granted fishing licenses, none of them of Iranian origin.

⁶¹⁴ SEMG phone interview with Said Gul Ismail, 15 September 2016, via an interlocutor. The SEMG subsequently relayed this information to the appropriate authorities.

⁶¹⁵ Ibid.

⁶¹⁶ SEMG phone interview with Abdisamed Gallan, 31 August 2016.

⁶¹⁷ Confidential naval report, 19 January 2016.

⁶¹⁸ Ibid.

⁶¹⁹ Confidential US naval report.

Figure 1: Weapons belonging to the 2 May 2016 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. W. MAALIYADDA
W. MAALIYADDA
XISAABIYAHU GUUD

Xaashida Sare (Original)

A **811563**

LACAGQABASHADA GUUD

Meesha Meeha Kaddanla Taariikh 01/11/2015

Waxaa laga qabtay Siciid Guul

Lacag dhan Sh. 4208 Afar kun iyo Labo Boqol

oo ah 110 Siciid Guul

doon To Cabool

DAWLADD PUNTLAND
EE SOOMAALIYA
W. MAALIYADDA
XISAABIYAHU GUUD

Xaashida Sare (Original)

A **908779**

LACAGQABASHADA GUUD

Meesha Meeha Kaddanla Taariikh 30/11/2015

Waxaa laga qabtay Siciid Guul

Lacag dhan Sh. 4208

oo ah 110 Siciid Guul

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FAAHFAAHIN

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Xaashida Sare (Original)
Nuqulka 1aad (First Copy)
Nuqulka 2aad (Sec. Copy)
Nuqulka 3aad (Third Copy)

Dhiibaha Lacagta
Xafiiska Xisbiyaha Guud
Xafiiska Lacag qabashada
Buugguu ku harayaa

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Madax	M/xige	Sh.	Sent
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	128	128	
	4208	4208	

Isugeyn guud 4208

Saxiixa lacag qabta 4208

Jagada 4208

Xaashida Sare (Original)
Nuqulka 1aad (First Copy)
Nuqulka 2aad (Sec. Copy)
Nuqulka 3aad (Third Copy)

Dhiibaha Lacagta
Xafiiska Xisbiyaha Guud
Xafiiska Lacag qabashada
Buugguu ku harayaa

Annex 8.10.a: (STRICTLY CONFIDENTIAL)*

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

Annex 8.10.b: (STRICTLY CONFIDENTIAL)*

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

Annex 9

Violations of the charcoal ban

Annex 9.1: Satellite imagery and aerial photos of charcoal stockpiles

Kismayo southern stockpiles

1. Satellite imagery indicates gradual but significant depletion of the Kismayo southern stockpiles between 16 September 2015 and 9 September 2016.

Figure 1: Kismayo southern stockpiles, 16 September 2015



Figure 2: Kismayo southern stockpiles, 22 July 2016



Figure 3: Kismayo southern stockpiles, 9 September 2016



Figure 4: Kismayo southern stockpiles, 20 April 2016



Kismayo northern stockpiles

2. Satellite imagery indicates gradual depletion of the Kismayo northern stockpiles between 9 January 2016 and 9 September 2016.

Figure 5: Kismayo northern stockpiles, 9 January 2016



Figure 6: Kismayo northern stockpiles, 20 June 2016



Figure 7: Kismayo northern stockpiles, 9 September 2016



Figure 8: Kismayo northern stockpiles, 20 April 2016



Buur Gaabo stockpiles

3. Satellite imagery indicates gradual depletion of the Buur Gaabo stockpiles between 3 September 2015 and 17 June 2016.

Figure 9: Buur Gaabo stockpiles, 3 September 2015



Figure 10: Buur Gaabo stockpiles, 29 May 2016

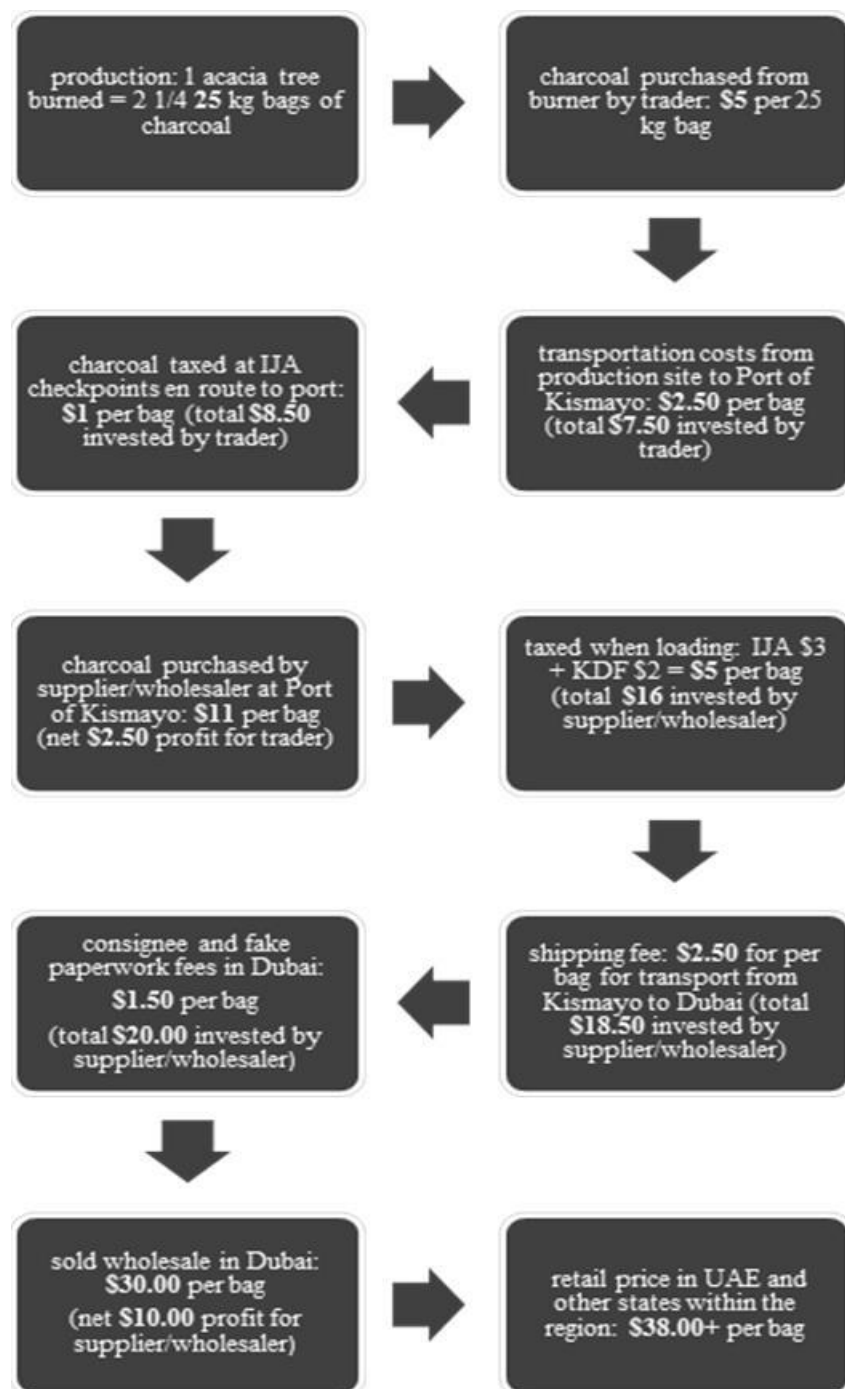


Figure 11: Buur Gaabo stockpiles, 17 June 2016



Figure 12: Buur Gaabo stockpiles, 20 April 2016



Annex 9.2: Somali charcoal value chain⁶²⁰

⁶²⁰ Figures are merely estimates for the purpose of understanding the structure of the illicit Somali charcoal trade. Estimates have been derived from cross-referencing confidential information from sources in Kismayo and Dubai with open-source information, including extrapolation from a previous report of the Monitoring Group (S/2014/726, annex 9.1).

Annex 9.3: United Arab Emirates charcoal import data (million kilograms)

Country	2011	2012*	2013	2014	2015
Comoros	0	0	0	12.4	39.7
Djibouti	0	12.8	22.0	40.8	11.6
Kenya	0	.2	80.1	12.2	.1
Pakistan	0	0	< .1	<.1	17.1
Somalia	142.4	121.8	0	0	0
other countries	5.7	19.0	66.8	50.1	81.8
total imports	148.1	153.8	169.0	115.6	150.2
estimated total illicit	NA	107.5 (70%)**	102.1 (60%)	65.4 (57%)	68.4 (46%)

*=the charcoal ban was authorised with resolution 2036 (2012) on 22 February 2012
 **=estimated as 7/9 Somalia 2012 imports (March-July and November-December; not January-February when legal and not August-October when shipping stops during monsoon season) plus Djibouti imports
 ■=legal charcoal imports up to 22 February 2012, illicit charcoal imports after 22 February 2012
 ■= suspected illicit Somali charcoal imports using a false certificate of origin

4. The table above is based on official charcoal import data provided to the Monitoring Group by the UAE. The data has been cross-referenced with information derived from SEMG investigations during this mandate and previous mandates regarding the use of false certificates of origin for Somali charcoal at UAE ports.

5. The data indicates that the UAE imported 142.4 million kilograms of Somali charcoal in 2011, representing 96 per cent of total charcoal imports in the last full year prior to the imposition of the charcoal ban on Somalia. Although the Somali charcoal ban was imposed on 22 February 2012, 121.8 million kilograms of Somali charcoal were nonetheless officially imported into the UAE in 2012, accounting for 79 per cent of imports.

6. According to official data, Djibouti did not export charcoal to the UAE in 2011, but then increased its exports to 12.8 million kilograms in 2012, 22.0 million kilograms in 2013, and 40.8 million kilograms in 2014, before decreasing to 11.6 million kilograms in 2015. The Djiboutian authorities have since confirmed to the SEMG that Djibouti does not export charcoal and its certificates of origin are no longer accepted by the UAE.

7. Despite virtually no UAE charcoal imports from Kenya during 2011 and 2012, official data indicates an increase to 80.1 million kilograms in 2013, then a decline to 12.2 million kilograms in 2014, followed by reverting to almost no imports in 2015. This data is consistent with previous findings by the SEMG regarding the use in 2013 and 2014 of false Kenyan certificates of origin, which were no longer accepted as of 2015.

8. According to official data, the UAE did not import charcoal from the Union of Comoros during 2011, 2012, or 2013, but then the UAE imported 12.4 million kilograms in 2014 and 39.7 million kilograms in 2015. During the current mandate, the authorities of Comoros confirmed to the SEMG that the country does not export charcoal, and the UAE authorities have stopped accepting Comoros charcoal certificates of origin.

9. The official data indicates that the UAE imported virtually no charcoal from Pakistan until imports spiked to 17.1 million kilograms in 2015. The SEMG identified the use of false Pakistan certificates of origin at UAE ports in 2016, but this data suggests they were likely in use from 2015. Unofficial sources have informed the SEMG that Pakistan certificates of origin for charcoal are no longer being accepted at UAE ports.

10. Cumulatively, cross-referencing official UAE import data with the findings of SEMG investigations suggests clear patterns regarding the use of false certificates of origin at UAE ports for the purpose of evading the charcoal ban on Somalia. While the official data states that no charcoal has been imported from Somalia as of 2013, the information in the table above suggests that more than half of the total charcoal imported into the UAE from 2013 to 2015 was most likely exported from Somalia in violation of the ban. This estimate probably understates the actual total as there may be other false paperwork yet to be identified by the SEMG.

Annex 9.4: Selected cases of charcoal trafficking and sanctions enforcement

Annex 9.4.a: Al Zuber, Shree Nausad, and Yasin

11. On 26 February 2016, the Monitoring Group wrote to the Government of the UAE regarding three dhows: *Al Zuber*, MNV 1278 (India); *Yasin*, MNV 2121 (India); and *Shree Nausad*, MNV 2087 (India). According to information received by the Monitoring Group, each had been loaded with cargos of charcoal and had departed from Kismayo, with an anticipated destination of Dubai. As of 26 February 2016, *Al Zuber* was estimated to have already arrived, while *Yasin* and *Shree Nausad* were projected to still be *en route* to Dubai. A recent photo of *Al Zuber* docked in the Port of Kismayo was included as an annex to the letter (see below).

Figure 1: *Al Zuber*, MNV 1278 (India), docked at the Port of Kismayo in February 2016



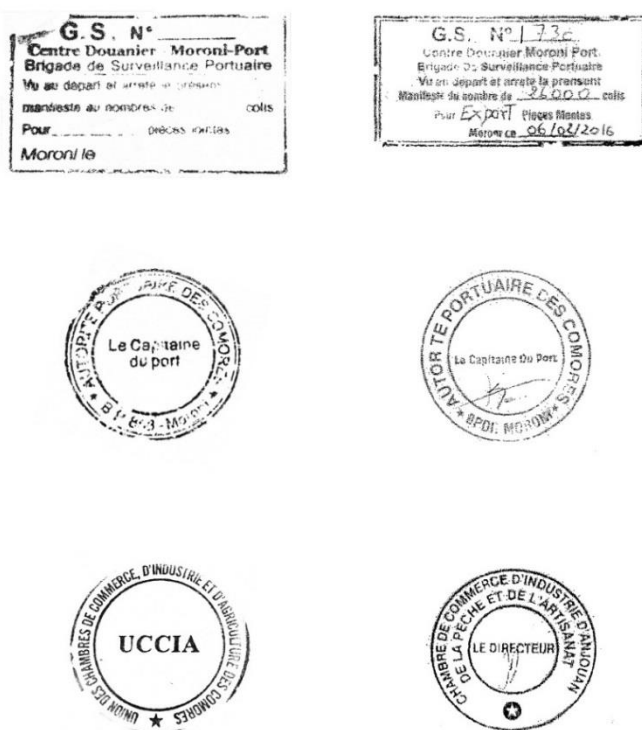
12. On 7 April 2016, the Government of the UAE replied with a letter regarding the three dhows. *Al Zuber* arrived in the UAE on 23 February, three days before receipt of the Monitoring Group's letter, and unloaded its cargo of 18,000 bags of charcoal. *Yasin* arrived in the UAE on 9 March with a cargo of 27,000 bags of charcoal; 24,000 bags of charcoal were unloaded and 3,000 bags of charcoal were confiscated by the UAE authorities. The letter stated that an investigation regarding the unloading of *Yasin* was ongoing. *Shree Nausad* arrived in the UAE on 15 March; its entire cargo of 26,000 bags of charcoal was confiscated by the UAE authorities. All three dhows possessed documentation claiming their cargo of charcoal had originated in Moroni, Comoros. Copies of the paperwork were attached to the letter (see annex 9.6.a for *Shree Nausad* documents).

13. The Monitoring Group undertook an official mission to Moroni, Comoros 1-5 May 2016 in order to investigate the paperwork from *Al Zuber*, *Yasin*, and *Shree Nausad*. During the course of its investigation in Moroni, the Monitoring Group consulted with representatives of customs, port authority, chamber of commerce, national post, and national telecom. It was subsequently able to conclude the following:

- the certificates of origin, commercial invoices, and manifests have fake stamps intended to replicate those from the customs, port authority, and the chamber of commerce (see below);
- the certificates of origin for the three vessels are not authentic, as these are officially issued by a ministry of the Government of Comoros not the chamber of commerce;
- Moon Transport and Services – the shipping company identified on the certificates of origin, the commercial invoices, manifests, and bills of lading – does not exist on the database of the chamber of commerce, nor was it familiar to any authorities consulted by the Monitoring Group;
- the telephone number and post office box listed on the documents for Moon Transport and Services are officially registered to other individuals in Comoros rather than a business by that name; and
- according to customs and the port authority, Comoros neither imports nor exports charcoal.

14. The Monitoring Group communicated this information regarding the paperwork for *Al Zuber*, *Yasin*, and *Shree Nausad* to the Government of the UAE in a letter dated 9 May 2016.

Figure 2: authentic Comoros stamps on the left and fake Comoros stamps on the right



15. On 12 May 2016, the Monitoring Group met with the UAE authorities in Dubai in order to discuss recent developments regarding implementation of the charcoal ban on Somalia. The Monitoring Group thanked the

Government of the UAE for its cooperation and shared the conclusions of its official mission to Comoros. The UAE authorities stated they had independently confirmed with the Embassy of Comoros to the UAE that Comoros does not export charcoal and that the documents for *Al Zuber*, *Shree Nausad*, and *Yasin* are fake. The UAE authorities informed the Monitoring Group that an order has been issued to UAE ports to no longer accept Comoros paperwork for charcoal cargos. When asked why only 3,000 out of 27,000 bags were confiscated from *Yasin* on 9 March 2016, the UAE authorities replied that the investigation's outcome is still pending. The UAE authorities also confirmed that they had not opened an investigation into the Dubai-based consignee for all three dhows, Mohammed Ali Shaheen General Trading Company LLC. When the Monitoring Group met with representatives of the company on 14 July 2016, they denied involvement with these three charcoal 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.

Name of dhow	Registration	Country	Dhow Owner	Previously identified in SEMG report(s)
<i>Al Aalam</i>	MNV 2172	India	Salemand Adam Sameja and Ebrahim Adam Sameja	S/2013/413
<i>Al Amin</i>	MNV 2002	India	Yusuf Adam Sameja and Rajak Adam Sameja	S/2013/413
<i>Al Aqsa</i>	BDI 1396	India	Rustam Haji Osman Bhaya	S/2013/413
<i>Al Ashif</i>	MNV 2069	India	Momina Bai Hasam Paliya	S/2013/413
<i>Al Azmat</i>	MNV 2137	India	Al Kausar Marine Transport Company	S/2014/726
<i>Al Faizul Barkat</i>	MNV 1967	India	Hajiyani Romat Bai Jusub Agariya	S/2013/413
<i>Al Fahad</i>	1025	Sri Lanka	Hamed Ahmed Bin Fahad	S/2013/413
<i>Al Fahad 3</i>	18910	Sri Lanka	Hamed Ahmed Bin Fahad	NA
<i>Al Fahad 4</i>	7178	Sri Lanka	Hamed Ahmed Bin Fahad	NA
<i>Al Faizane Mohammed</i>	MNV 2179	India	Ali Abhu Sodha	NA
<i>Al Islami</i>	VRL 16625	India	Chauhan Farook A. Rehman	S/2013/413
<i>Al Kabir</i>	MNV 1000	India	Salemand Adam Sameja	S/2013/413

Name of dhow	Registration	Country	Dhow Owner	Previously identified in SEMG report(s)
<i>Al Kausar</i>	MNV 2088	India	Firoz Hasam Thaim	S/2013/413
<i>Al Majid</i>	MNV 2092	India	Abdul Majid Kasam Thaim	S/2013/413
<i>Al Nazir</i>	MNV 2102	India	Hajiyani Romat Bai Jusub Agariya	S/2013/413 S/2014/726
<i>Al Rafique</i>	MNV 2071	India	unknown	S/2013/413 S/2014/726
<i>Al Sidiki</i>	MNV 1019	India	unknown	NA
<i>Al Yashin 1</i>	MNV 2153	India	Al Yaseen Shipping Company	S/2014/726
<i>Al Zuber</i>	MNV 1278	India	Jusab Umar Agariya	S/2013/413 S/2014/726
<i>Harsh Sagar</i>	PBR 3807	India	Ranchhod Gagan Shiyal	S/2013/413
<i>Haseena</i>	17892	Sri Lanka	Salem Al Khattal Group Marine Contracting and Trading LLC	NA
<i>Laxmi Sagar</i>	MNV 1014	India	Haresh Jitender Siyarvala	NA
<i>Mishal 1</i>	PBR 2853	India	Bhikubhai Velji Lodhari	S/2013/413
<i>Nemh Tualah</i>	VRL 11675	India	Issa Sidiq Thaim	S/2013/413 S/2014/726
<i>Shree Nausad</i>	MNV 2087	India	Nausad Isha Thaim	S/2013/413 S/2014/726
<i>Sv Quba</i>	MNV 2183	India	Abdul Matin Iqbal Maklai	NA
<i>Taranhar</i>	MNV 1879	India	Pardeep Naran Bhadreser	S/2013/413
<i>Vishvakalyan</i>	VRL 2315	India	Chunilal Devji Anjani and Company	S/2013/413
<i>Yasin</i>	MNV 2121	India	Kutch Marine Shipping Company	S/2014/726

Annex 9.6: Somali charcoal trade networks⁶²¹**Annex 9.6.a: Kismayo-based charcoal suppliers**

Name of supplier	Nationality of Supplier	Affiliation	Charcoal Trafficker Partner(s) in UAE
Said Ahmed ⁶²²	Somalia	•charcoal dealer	
Farah Jama Awil (a.k.a. “Degdeg”) ⁶²³	Somalia	•charcoal dealer	Mohamud Ali Osman
Jama (a.k.a.) “Dhuxul” ⁶²⁴	Somalia	•charcoal dealer	
Ali Ahmed Naaji ⁶²⁵	Somalia	•Jubbaland Chamber of Commerce, Industry, and Agriculture •former tax collector for Al-Shabaab in Kismayo and Barawe	Ahmed Mohamed Barre
Hassan Mohamed Yusuf (a.k.a. “Awlibaax”) ⁶²⁶	Somalia	•Juba Business Committee (coalition of charcoal traders) •former business representative of Al-Shabaab in Kismayo	Abdirahman Ali Warsame

Annex 9.6.b: Dubai-based charcoal traffickers

Name of trafficker	Nationality of trafficker	Company/ Affiliation	Dhow cargos identified by SEMG
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⁶²¹ Information in annex 9.6 tables compiled during this mandate from multiple confidential sources in Somalia and the UAE, as well as cross-referencing with official government documents and fake paperwork from charcoal dhows. Wherever relevant, previous references from Monitoring Group reports have also been cited in footnotes.

⁶²² S/2014/726, paragraph 142.

⁶²³ S/2014/726, annex 9.2, paragraph 48.

⁶²⁴ S/2014/726, paragraph 142 and S/2014/726, annex 9.2, paragraph 48.

⁶²⁵ S/2013/413, annex 9.2, paragraphs 11 and 26; S/2014/726, paragraphs 141-142; and S/2014/726, annex 9.2, paragraphs 48 and 63.

⁶²⁶ S/2013/413, annex 9.2, paragraphs 11, 15, and 33; S/2014/726, paragraphs 141-142; and S/2014/726, annex 9.2, paragraphs 44 and 48.

Name of trafficker	Nationality of trafficker	Company/ Affiliation	Dhow cargos identified by SEMG
Ahmed Mohamed Barre ⁶²⁷	Somalia	• Bahaya General Trading Company LLC • partner with Kismayo-based supplier Ali Ahmed Naaji and investor Youssef Moussa Sahu	<i>Victoria</i> (2013) <i>Hari Dham</i> (2014) <i>Haseena</i> (2016)
Mohamud Ali Osman (a.k.a. “Qonof”) ⁶²⁸	Somalia	•partner with Kismayo-based supplier Farah Jama Awil and investor Baba Mansoor Ghayedi	<i>Raj Milan</i> (2013)
Farah Hussein Hassan ⁶²⁹	Ethiopia Somalia	•Wadi Al Hijaz Coal Trading LLC	<i>Al Nazir</i> (2014)
Abdi Siad	Ethiopia	•Midnimo General Trading LLC •partner with investor Hassan Mohamed Ahmed	<i>Al Rafique</i> (2016) <i>Al Fahad 3</i> (2016)
Siad Hassan	Somalia	•Sharjah-based charcoal wholesaler	<i>Yasin</i> (2016)
Abdi Shakur Sheikh Ibrahim ⁶³⁰	Somalia	•self-employed resident	<i>Raj Milan</i> (2015) <i>Al Zuber</i> (2016) <i>Al Faizul Barkat</i> (2016) <i>Al Kabir</i> (2016) <i>Al Islami</i> (2016)
Abdirahman Ali Warsame (a.k.a. “Dhaqalayste”) ⁶³¹	Ethiopia	•partner with Kismayo-based supplier Hassan Mohamed Yusuf	<i>Energy 3</i> (2013) ⁶³² <i>Al Safa</i> (2014)
Abdullahi Dheere	Ethiopia Somalia	•partner with investor Youssef Moussa Sahu	<i>Sv Quba</i> (2016) <i>Al Aqsa</i> (2016)

Annex 9.6.c: Dubai-based charcoal investors

Name of Investor	Nationality of Investor	Company	Charcoal Trafficker Partner(s)
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⁶²⁷ S/2014/726, annex 9.2, paragraph 41; S/2014/726, annex 9.4, paragraph 120; and S/2014/726, annex 9.4.o.

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

⁶²⁹ S/2012/555, annex 2.1, paragraph 8; S/2013/413, annex 9, paragraph 12; and S/2014/726, annex 9.2, paragraph 88.

⁶³⁰ S/2015/801, annex 8.3.

⁶³¹ S/2014/726, paragraphs 141-143; and S/2014/726, annex 9.2, paragraphs 44 and 76.

⁶³² *Energy 3* was not a dhow; it was a larger vessel with a cargo of 140,000 bags of charcoal.

Baba Mansour Ghayedi (a.k.a. "Haji Baba") ⁶³³	Iran	Al Qaed International General Trading LLC	Mohamud Ali Osman (a.k.a. "Qonof")
Hassan Mohamed Ahmed (a.k.a. "Masry") ⁶³⁴	Egypt	Al Baroudi International Coal Trading LLC	Abdi Siad
Yousef Moussa Sahu (a.k.a. "Siri") ⁶³⁵	Syria	Al Bahi Coals	Ahmed Mohamed Barre and Abdullahi Dheere

⁶³³ S/2013/413, annex 9.2, paragraphs 12-13 and 18-25; and S/2014/726, annex 9.2, paragraph 91.

⁶³⁴ S/2014/726, annex 9.2, paragraphs 51 and 63-64, 78, 87, and 92.

⁶³⁵ S/2014/726, annex 9.2, paragraphs 79-80; S/2014/726, annex 9.3, paragraphs 96-97; and S/2014/726, annex 9.4, paragraphs 106-107.

Annex 9.7: Use of false documentation

Annex 9.7.a: Shree Nausad (aka Shere Naushad), MNV 2087

Figure 1: Fake certificate of origin (Comoros)

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UNION DES COMORES
Union - Solidarité - Développement
UNION DES CHAMBRES DE COMMERCE
INDUSTRIELLES ET AGRICOLES
DES COMORES

UCCIA

جمهورية القمر المتحدة
وحد - تضامن - تنمية
اتحاد غرف التجارة والصناعة
والزراعة في جزر القمر

Certificat d'origine

Certificate of Origin

شهادة منشأ

Nous certifions d'après les connaissances et autres documents qui nous ont été présentés que les marchandises désignées ci-dessous
This is to certify according to bills of lading and other documents produced that the following goods:
استشأنا أني بوسيعه الشحني التي قدمت لنا بأن الحمولة المستنيرة أدناه

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

Chargé par MOON TRANSPORT & SERVICES MORONI
Loaded by شحنت بواسطة

A destination de PORT RASHID DUBAI OR SHARJAH
Destination SOHAR PORT OMAN/KUWAIT DOHA PORT

PRODUIT D'ORIGINE COMORES
PRODUCT OF

Moroni, le 06 FEB 2016
موزوني في

Déclaration de sortie N° CCG/EXP-544
Déclaration out حسب الإقرار رقم

le Président de la chambre de Commerce
The president of the chamber of commerce
رئيس غرفة التجارة والصناعة

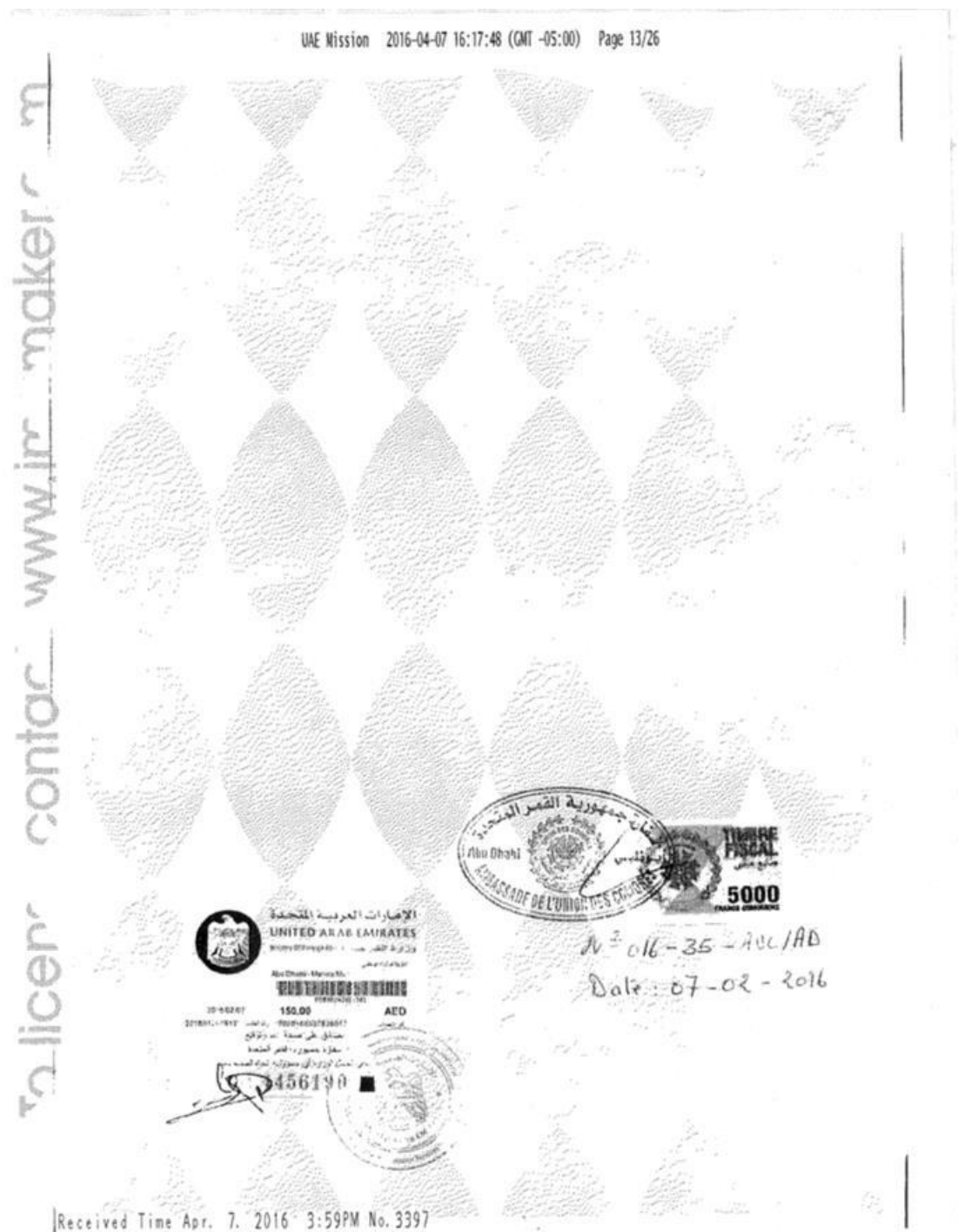
LE DIRECTEUR

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Received Time Apr. 7. 2016 3:59PM No. 3397

Figure 2: Fake certificate of origin, reverse side



Annex 9.7.b: Taranhar, MNV 1876 Fake

Figure 1: Fake certificate of origin (Pakistan)

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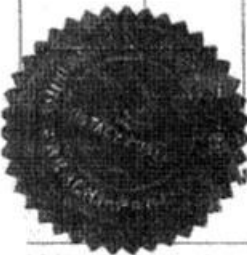


Exporter (Name, Address and Country) M/S UNITED INTERNATIONAL OFFICE # 21-A, MEZZANINE FLOOR, NAGINA CENTRE M.A. JINNAH ROAD, KEAMARI, KARACHI-PAKISTAN		REFERENCE NUMBER  120095		
Consignee Importer (Name, Address and Country) M/S ARABIAN SCANDINAVIAN GENERAL TRADING P.O. BOX # 86637 DUBAI UNITED ARAB EMIRATES		CERTIFICATE OF ORIGIN 143665 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 10:31PM No. 3844				



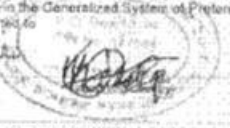
Figure 2: Fake certificate of origin, reverse side



Annex 9.7.c: Al Islami, VRL 16625

Figure 1: Fake certificate of origin (Ghana)

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1. Goods consigned from (Exporter's business name, address, country) WHALE SHIPPING SERVICE LIMITED		Reference No. 88143 GENERALIZED SYSTEM OF PREFERENCES CERTIFICATE OF ORIGIN (Combined declaration and certificate) FORM A			
2. Goods consigned to (Consignee's name, address, country) SALEM KUMARAL GROUP HAVING CONTRACTING & TR		Issued in GHANA (country) <small>See notes overleaf</small>			
3. Means of transport and route (as far as known) BY AIR AL-ISLAMI		4. For official use			
5. Item number	6. Marks and numbers of packages N/A	7. Number and kind of packages, description of goods 34000 BAGS OF CEMENTS 	8. Origin criterion (see Notes overleaf) 1051	9. Gross weight or other quantity 850000 KG	10. Number and date of invoices 10012 Z6-04-16
11. Certification It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct.  Place and date, signature and stamp of certifying authority DUBAI			12. Declaration by the exporter The undersigned hereby declares that the above details and statements are correct; that all the goods were produced in GHANA (country) and that they comply with the origin requirements specified for those goods in the Generalized System of Preferences for goods exported to  Place and date, signature of authorized signatory		

GEORGE S. KOMU HONG
NOTARY PUBLIC
P.O. BOX 89, LEGON
E-mail: okommu@gmail.com

Received Time Jul. 12. 2016 10:31PM No. 3844

CA

1. Countries which accept Form A for the purposes of the Generalized system of Preferences (GSP):

Algeria*	Algeria	Algeria	Algeria
Armenia*	Armenia	Armenia	Armenia
Austria	Austria	Austria	Austria
Bahrain	Bahrain	Bahrain	Bahrain
Bangladesh	Bangladesh	Bangladesh	Bangladesh
Belgium	Belgium	Belgium	Belgium
Bolivia	Bolivia	Bolivia	Bolivia
Brazil	Brazil	Brazil	Brazil
Bulgaria	Bulgaria	Bulgaria	Bulgaria
Canada	Canada	Canada	Canada
Chad	Chad	Chad	Chad
China	China	China	China
Czech Republic	Czech Republic	Czech Republic	Czech Republic
Denmark	Denmark	Denmark	Denmark
Egypt	Egypt	Egypt	Egypt
France	France	France	France
Germany	Germany	Germany	Germany
Ghana	Ghana	Ghana	Ghana
Greece	Greece	Greece	Greece
Hong Kong	Hong Kong	Hong Kong	Hong Kong
Hungary	Hungary	Hungary	Hungary
India	India	India	India
Indonesia	Indonesia	Indonesia	Indonesia
Iran	Iran	Iran	Iran
Italy	Italy	Italy	Italy
Japan	Japan	Japan	Japan
Kenya	Kenya	Kenya	Kenya
Korea	Korea	Korea	Korea
Madagascar	Madagascar	Madagascar	Madagascar
Malaysia	Malaysia	Malaysia	Malaysia
Mexico	Mexico	Mexico	Mexico
Morocco	Morocco	Morocco	Morocco
Netherlands	Netherlands	Netherlands	Netherlands
Nigeria	Nigeria	Nigeria	Nigeria
Poland	Poland	Poland	Poland
Portugal	Portugal	Portugal	Portugal
Romania	Romania	Romania	Romania
Russia	Russia	Russia	Russia
Saudi Arabia	Saudi Arabia	Saudi Arabia	Saudi Arabia
Spain	Spain	Spain	Spain
Sweden	Sweden	Sweden	Sweden
Switzerland	Switzerland	Switzerland	Switzerland
Taiwan	Taiwan	Taiwan	Taiwan
Tanzania	Tanzania	Tanzania	Tanzania
Thailand	Thailand	Thailand	Thailand
Turkey	Turkey	Turkey	Turkey
U.S.S.R.	U.S.S.R.	U.S.S.R.	U.S.S.R.
Uganda	Uganda	Uganda	Uganda
Ukraine	Ukraine	Ukraine	Ukraine
United Kingdom	United Kingdom	United Kingdom	United Kingdom
United States	United States	United States	United States
Yugoslavia	Yugoslavia	Yugoslavia	Yugoslavia

the results of the post-mortem conducted subsequent to the death of these detainees are available from the designated authorities in the appropriate jurisdiction concerning detention of those the Executive authorities of the government of the United States have determined are not admissible from the CIA. This is correct.

11. Generalized ticks

Equally, for professional projects one:

- (a) that within a department of products, if goods for production in the country of destination. The destination is determined by origin marking sufficiently detailed to enable the products to be classified by the customs without examining them;
- (b) except with the rules of origin of the country of destination. Each product is a subcategory of origin depending on its origin and value;
- (c) whether or not a conventional definition specified by the country of destination. In general, products must be considered "local" from the country of exportation to the country of destination; but, under special economic union, trading, foreign or foreign investment in goods, subject to certain conditions. In Australia, does commitment is not necessary.

III. Entries to be a Code in Box 9

Preference products must either be clearly marked as "domestic" with the name of the country of destination or "manufactured in or grown in" with the name of the country of origin.

- [illegible]

[illegible]

Received Time Jul. 12. 2016 10:31PM No. 3844