

SOMALIA

Serious religious freedom abuses by the U.S.-designated terrorist group al-Shabaab continue in Somalia, including: the killing of Sufi clerics and non-Muslims; the implementation of a strict interpretation of Islamic law; an increase in violent interpretations of Islam; and the growth of extremist Islamic schools. The internationally recognized Transitional Federal Government (TFG) and the African Union peacekeeping force (AMISOM) that protects it, lack the capacity to enforce religious freedom protections or address religious freedom violations. Based on these concerns, USCIRF again places Somalia on its Watch List in 2011. Somalia has been on the Watch List since 2009.

BACKGROUND

Governing Legal Framework: Somalia has not had a central government since the fall of former dictator Siad Barre in 1991. The subsequent civil war and ongoing conflicts destroyed all national governing institutions, although some are slowly being rebuilt. Neither the TFG nor al-Shabaab has full control of central or southern Somalia. Al-Shabaab seeks to establish a Caliphate, and challenges the TFG and AMISOM presence in the country. The ongoing al-Shabaab-TFG stalemate, as well as internal TFG divisions, prevents the TFG from extending its authority or providing services to the Somali people.

Although the TFG was scheduled to expire in August 2011 after parliamentary and presidential elections, in June 2011 the TFG President and Speaker of Parliament unilaterally extended their terms and agreed to hold the elections by August 2012. In March 2010, the TFG signed a cooperation agreement with Ahlu Sunna waa Jamma (ASWJ), an apolitical militia representing Sufi Islam in Somalia that formed in response to the growth of radical Islam and the activities of Islamist groups in the country. Following the desecration of Sufi gravesites and the killing of Sufi clerics, ASWJ took up arms against al-Shabaab and thus far has been the only group to battle the organization effectively.

The Transitional Federal Charter, adopted in 2007, adheres to the 1960 Somali Constitution's provisions of freedom of religion or belief, including the right to discuss and study one's religion of choice. In August 2010, the Independent Federal Constitution Commission released the draft constitution that establishes Islam as the state religion and prohibits proselytizing for other religions. It also mandates that no law can contradict sharia law. However, the draft constitution also prevents state discrimination on the basis of religion and permits Somalis to practice their religion freely. However, Islam is the official state religion and proselytizing for any religion other than Islam is prohibited. In May 2009, the TFG parliament unanimously approved nationwide implementation of *sharia*; however, implementation likely will be difficult given the differing opinions by some Somali officials, opposition groups and clerics, as well as international partners.

Somaliland and Puntland: Separate constitutions govern Somaliland and Puntland. Both regions establish Islam as the official religion, prohibit promotion of other religions, ban conversion from Islam, detain converts, and require presidential candidates to be Muslim. The Somaliland Constitution also requires Islamic education and requires that adopted laws not contradict Islam. The May 2009 Puntland Constitution provides non-Muslims the freedom to practice their religion. There are few reports of religious freedom violations in Somaliland and Puntland.

Famine: In July 2011, the United Nations declared a famine in Somalia. More than 3.5 million Somalis in the country are at risk of starvation; hundreds of thousands of Somalis have fled the violence and the drought, including more than 440,000 to Kenya's overcrowded Dabaab camp. In response to the crisis, the U.S. government is providing an additional \$28 million in humanitarian assistance. Al-shabaab denies the existence of a drought or famine in Somalia and is prohibiting assistance to Somalis in areas under its control

RELIGIOUS FREEDOM CONDITIONS

Al-Shabaab continues to be a threat to Somalia, including by engaging in violations of religious freedom and attempting to establish Somalia as a base for terrorism and the spread of radical Islam.

Al-Shabaab: Al-Shabaab carries out the vast majority of religious freedom violations in Somalia. The goal of the U.S.-designated terrorist group is to turn Somalia into an Islamic state, to build a greater Somalia by incorporating regional

areas with large ethnically-Somali populations such as Djibouti and areas of Ethiopia and Kenya, and to spread its strict version of Islam. Al-Shabaab announced a formal alliance with al-Qaeda in February 2010, and in December 2011 incorporated Hizbul Islam, an umbrella group of two Islamic militias that also oppose the TFG and AMISOM. Al-Shabaab took responsibility for bombing attacks in Uganda in July and Kenya in December. Support for al-Shabaab continues to erode among Somalis who view its interpretation of Islam, use of *hudood* punishments, and al-Qaeda combat tactics as foreign to Somali society.

Al-Shabaab Attacks on Sufis: While the vast majority of Somalis follow the Sufi tradition, al-Shabaab views Sufis as apostates and has attacked Sufi followers, destroyed Sufi Mosques, and killed Sufi clerics. Al-Shabaab arrested Sufi clerics and prevented them from conducting classes or attending mosques because of their “questionable” Islamic views. Sufi Somali saints are venerated and their tombs, considered national shrines, are highly decorated. Religious ceremonies, worshipping, and pilgrimages frequently occur there. Al-Shabaab banned these activities, and in 2009 and 2010 engaged in a campaign of desecration of such gravesites.

Killings of Christians/Converts: Al-Shabaab targets the small and extremely low-profile Christian and Christian convert community. Although conversion is legal, it is socially unacceptable. Proselytism is banned and also considered socially unacceptable. Christians worship secretly in house churches. Al-Shabaab has murdered and kidnapped a number of Christians during USCIRF 2010-2011 reporting period.

Sharia Law under al-Shabaab: Al-Shabaab violently implements *sharia* law in the territories it controls, imposing orders to stop “un-Islamic” behavior and harshly punishing those accused of deviating from “accepted” behavior through stoning for adultery, and amputations for theft, floggings, and detentions. Al-Shabaab carries out these punishments without legal proceedings. Al-Shabaab requires women to be fully covered in public and forbids them from engaging in commerce that brings them into contact with men. Men are forbidden to shave their beards, and those deemed with “inappropriate hairstyles” have their heads shaved. Al-Shabaab orders businesses to close during Islam’s five prayer times. There is strict division of the sexes in public transportation and in interactions, and a recent order forbids handshakes between men and women.

RECOMMENDATIONS FOR U.S. POLICY

The U.S. does not have embassy or an on-the-ground presence in Somalia. In September 2010, the Obama Administration announced a new “dual-track” policy. The first track continues U.S. policy supporting the TFG, primarily through training, equipping, and financing its security officers. The second track expands engagement with Puntland and Somaliland and other areas outside of TFG control, focusing on development needs, health and education services, and governance capacity to strengthen those administrations and help them fight extremism. In April 2010, President Obama announced Executive Order 13536, blocking the property of certain persons contributing to the conflict in Somalia. In response to the serious violations of religious freedom in Somalia, the U.S. government should:

- Engage directly with international partners to make clear that the TFG must fully respect universal human rights, including freedom of religion or belief, in its practices, laws, and new constitution and that continued support for the TFG’s mandate after August 2012 is contingent upon that;
- Engage government officials, religious leaders, and clan elders in Somalia, Somaliland, and Puntland on universal human rights, including freedom of religion or belief, and good governance;
- Increase funding for indigenous civil society organizations that promote human rights;
- Increase engagement by the U.S. State Department and other relevant agencies with the Somali diaspora community in the U.S. on human rights, freedom of religion or belief, rule of law, and good governance; and
- Consider resumption of direct humanitarian aid to areas of Somalia not under al-Shabaab control.

Please see USCIRF’s 2011 Annual Report for a more extensive review and recommendations on Somalia.