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Front Cover: KHUSHPUR, Pakistan, March 4, 2011 – Pakistanis carry the coffin of Shahbaz Bhatti, Pakistan's slain minister of minorities, who was assassinated March 2 by the Pakistani Taliban for campaigning against the country's blasphemy laws. Bhatti, 42, a close friend of USCIRF, warned in a Washington visit just one month before his death that he had received numerous death threats. More than 15,000 persons attended his funeral. (Photo by Aamir Qureshi/AFP/Getty Images)

Back Cover: JUBA, Sudan, January 9, 2011 – Southern Sudanese line up at dawn in the first hours of the week-long independence referendum to create the world's newest state. The referendum vote was the final milestone in the implementation of the 2005 Comprehensive Peace Agreement, which ended more than 20 years of north-south civil war in Sudan. (Photo by Roberto Schmidt/AFP/Getty Images)

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The 2011 Annual Report is dedicated to the memory of Shahbaz Bhatti, the Pakistani Federal Minister for Minorities Affairs. Shahbaz was a courageous advocate for the religious freedoms of all Pakistanis, and he was assassinated on March 2 by the Pakistani Taliban for those efforts.

Somalia

FINDINGS: Serious religious freedom abuses continue in Somalia. These violations include: the killing of Sufi clerics and non-Muslims and the desecration of Sufi religious sites; the implementation of a strict interpretation of Islamic law, under which hudood punishments are performed and practices deemed “un-Islamic” are repressed; and an increase in violent interpretations of Islam and the growth of extremist Islamic schools. Violations are conducted outside the control of the Transitional Federal Government (TFG) by the U.S.-designated foreign terrorist organization al-Shabaab. The internationally-recognized TFG is dependent on the African Union peacekeeping force in Mogadishu (AMISOM) for survival, controls about 70 percent of the capital, and lacks 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 USCIRF’s Watch List since 2009.

Somalia has not had an effective, central government since the fall of former dictator Siad Barre in 1991. The ensuing civil war and continuing conflicts have destroyed all national governing structures, although some are being slowly rebuilt. In the absence of the rule of law, freedom of religion or belief, like all other human rights, is undermined by insurgents, warlords, self-appointed officials, local authorities, and prevailing societal attitudes. Throughout this reporting period, neither the TFG nor al-Shabaab managed to take control of central or southern Somalia. Al-Shabaab continues to seek to establish a Caliphate and challenge the TFG and AMISOM’s presence in the country. The continued TFG-al-Shabaab stalemate, as well as internal divisions in the TFG during the reporting period, prevented the government from extending its authority, governing the country or providing services to the Somali people. Few religious freedom violations were reported in the Puntland and Somaliland, although the constitutions in both regions restrict freedom of religion.

PRIORITY RECOMMENDATIONS: The promotion of freedom of religion or belief is not adequately addressed in U.S.-Somalia policy. The U.S. government works to stop al-Shabaab and al-Qaeda from establishing Somalia as a base for terrorism and the spread of radical Islam. However, more can be done to address the sectarian elements of the conflict and the increasing manifestations of radical Islam. USCIRF understands the need to provide security assistance to the TFG, as such assistance addresses significant U.S. national security concerns by helping the TFG exert control over Somalia. However, interpretations of Islam that encourage violence continue to result in severe violations of religious freedom and related human rights and have turned Somalia into a safe haven for terrorists. To address this situation, USCIRF recommends that the U.S. government increase efforts to promote freedom of religion or belief through support of civil society organizations and engagement with Somali government officials, clerics, elders, and diaspora communities, as well as increase assistance for programs to develop education and a rule-of-law sector in Somalia. Additional recommendations for U.S. policy towards Somalia can be found at the end of this chapter.

Religious Freedom Conditions

Governing and Legal Environment

The Transitional Federal Government (TFG) was formed in early 2009, following the election of President Sheik Sharif Ahmed by an expanded TFG parliament, and the appointment of other government officials. President Sheik Sharif was previously a leader in the Union of Islamic Courts (UIC), a group that briefly ruled Somalia in 2006 before being ousted by U.S.-supported Ethiopian troops. Although considered unacceptable to the international community when he was part of the UIC, due to concerns about radical elements within that body, President Sheik Sharif and the current iteration of the TFG are now recognized internationally as a legitimate Somali authority. Following advances by TFG and African Union peacekeeping forces, the TFG has increased its control of the capital city of Mogadishu to about 70 percent, with about 75 percent of the population residing in areas under its control. However, internal governing divisions remain and the TFG is dependent on the 9,000-strong African Union peacekeeping force in Mogadishu (AMISOM) for survival. Although the TFG is scheduled to expire in August 2011, TFG institutions sought to extend their terms despite international criticism. The TFG parliament extended its term by three years in February. In March, the cabinet, including the President and Prime Minister, sought a one-year extension, although at the time of this writing, this had not been granted by the Parliament, which is insisting on presidential elections in August.

In March 2010, the TFG signed a cooperation agreement with Ahlu Sunna waa Jamma (ASWJ), a militia created in 1991 as an apolitical organization to represent Sufi Islam in Somalia in response to the growth of radical Islam and the activities of Islamist groups. ASWJ is composed of Sufi clerics and various clan militias, and controls large parts of central Somalia. Following the desecration of Sufi gravesites and the killing of Sufi clerics in 2008, ASWJ took up arms to fight al-Shabaab's strict interpretation of Islam and thus far has been the only group to battle al-Shabaab effectively. The TFG-ASWJ agreement led to the appointment of several ASWJ leaders to TFG cabinet positions; however integration of ASWJ and TFG forces did not occur. Throughout this reporting period, disagreements between the two bodies hindered cooperation.

The Transitional Federal Charter, adopted in 2007, adheres to the 1960 Somalia Constitution's provisions of freedom of religion or belief, including the right to discuss and study one's religion of choice. Islam is established as the official state religion, and proselytizing for any religion other than Islam is prohibited. However, the lack of a functioning central government and the TFG's limited control over the country make these provisions unenforceable and hence irrelevant at the present time.

In August 2010, the Independent Federal Constitution Commission released the draft constitution of the Somali Republic. The first article states that it is "based on the foundations laid by the Holy Quran and Sunna..."; article 2 states that Islam is to be the religion of the state, no other religion is permitted to be proselytized, and no law contrary to sharia can be enacted; and article 3 declares that sharia is to be the law of the land. The draft constitution prevents state discrimination on the basis of religion and permits Somalis to practice their religion freely, although it also states that Muslims cannot convert from Islam. Members of the judiciary are to be qualified in constitutional, civil, and sharia law. Experts are concerned that the planned constitutional consultation process with the Somali people will not occur given conditions in the country.

The informal process for adjudicating disputes varies by region and relies on some combination of sharia, customary law, and the former Barre regime's penal code. On May 10, 2009, the TFG Parliament unanimously approved the nationwide implementation of sharia law, becoming the first Somali government to do so. However, Somali officials have given few indications about how sharia law would work in practice. Agreement on how to implement sharia law will likely be difficult to achieve, given the

differing opinions by Somali officials, opposition groups and clerics, as well as international partners. President Sheik Sharif said sharia law will respect democracy, human rights, and women's rights, and that he would appoint legal experts to nullify differences between sharia and state law in order to implement it "properly."

Somaliland and Puntland

Puntland and Somaliland are governed by their own constitutions. 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 that laws derive from and not contradict Islam. The May 2009 Puntland Constitution does provide non-Muslims the freedom to practice their religion.

There was little reporting of religious freedom violations in Somaliland and Puntland. In February 2009, a border official detained and beat Kenyan Christian convert Abdi Welli Ahmed when he tried to enter Somaliland with a Bible and other Christian literature. There were no new reports on Ahmed. Other violations in this reporting period include suicide attacks on government officials who spoke out against al-Shabaab's interpretation and practice of Islam in central and southern Somalia.

Al-Shabaab

The vast majority of religious freedom abuses in Somalia were carried out by the terrorist organization al-Shabaab, which poses the greatest threat to the TFG. The goal of this extremist organization, which came to prominence as the UIC's military wing in 2006, is to turn Somalia into an Islamic state, build a greater Somalia by incorporating regional areas with large ethnically-Somali populations such as Djibouti, the Ogaden region of Ethiopia, and the Northern Frontier District of Kenya, and spread its strict version of Islam throughout the region. The movement opposes democracy, supports a theocracy, and has assassinated its opponents. For many al-Shabaab leaders, the formation of a Somali Islamic state has been a goal for more than 20 years. A number of its leaders received military training in the 1990s in Afghanistan and had ties with al-Qaeda. Al-Shabaab is designated a foreign terrorist organization by the United States and in fact announced a formal alliance with al-Qaeda in February 2010. In this reporting period, the terrorist organization proved itself to be a regional threat, taking responsibility for bombing attacks in Uganda in July and in Kenya in December.

In September, al-Shabaab failed in a Ramadan offensive to take control of Mogadishu. Subsequent reports indicated that this failure deepened divisions within al-Shabaab and that it was on the verge of splintering; however this did not occur. In December, it incorporated Hizbul Islam, an umbrella group of two Islamic militias also opposed to the TFG and AMISOM presence in Somalia.

Support for al-Shabaab continues to erode among Somalis who view its interpretation of Islam, and use of hudood punishments and al-Qaeda combat tactics, as foreign to Somali society. Since 2009, the presence and actions of al-Shabaab have left hundreds of thousands of Somalis displaced, due either to conflict or to fleeing al-Shabaab. There are 1.5 million internally displaced persons (IDPs) and almost 680,000 refugees worldwide. The population of Kenya's Dadaab refugee camp is three times its capacity; built in 1990 to hold 90,000 refugees, the camp currently holds well over 300,000 Somali refugees.

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 and closed Sufi mosques, and killed Sufi clerics, including those who speak out against al-Shabaab and its interpretation of Islam. In May and August 2010, al-Shabaab

arrested Sufi clerics in Mogadishu and prevented them from conducting classes or attending mosques because of their “questionable” Islamic views. On February 15, 2011 a Sufi sheikh and eight students were arrested as they planned to celebrate the birth of the prophet Mohammed, a practice deemed “un-Islamic” by al-Shabaab.

Within the Somali Sufi tradition, Somali saints are venerated and their tombs, considered national shrines, are highly decorated. Religious ceremonies and worshipping, including annual pilgrimages, frequently occur there. Al-Shabaab views these activities as idolatrous and bans them. In 2009 and 2010, al-Shabaab engaged in a campaign of desecration of such gravesites, including those of some Somalia’s most revered religious leaders. The most recent desecration occurred in March 2010 when seven graves in Mogadishu were destroyed.

Killings of Christians/Converts

Al-Shabaab also targets the small and extremely low-profile Christian and Christian convert community in Somalia. Although conversion is currently legal in Somalia, it is not accepted socially. Proselytism is banned and also is socially unacceptable. The few Christians worship secretly in house churches. In this reporting period, al-Shabaab killed several Christians, including two in December 2010 and one each in April, May, July, and September. Most recently, on January 17, a Christian mother of four was killed in front of neighbors in Southern Somalia. There were also several reported kidnappings of Somali Christians in 2010, including in September when a mother and her children were released after agreeing to return to Islam.

Sharia Law under al-Shabaab

Although different al-Shabaab administrations vary slightly, overall the terrorist organization imposes orders to stop “un-Islamic” behavior and to “cleanse” Somali society of “moral pollution,” harshly punishing those accused of deviating from “accepted” behavior through stoning for adultery, amputations for theft, floggings, and detentions. Such punishments are carried out without legal proceedings. The UN Political Office in Somalia reported in September that between April and July 2010, there were nine executions by firing squad or stoning for alleged spying, adultery, or murder, and five amputations for alleged theft. Four hand amputations for alleged theft were reported in the second half of 2010. Witnesses reported that they were forced to attend the amputations and stonings.

Under al-Shabaab administrations, women are required to be fully covered while in public and are forbidden from engaging in commerce that brings them into contact with men, including traditional female occupations such as selling tea. Men are forbidden to shave their beards or wear their pants below their ankles; those deemed as having “inappropriate hairstyles” have had their heads shaved. The organization closes cinemas, sets fire to markets selling khat (a mild narcotic frequently chewed by Somalis), forbids cell phone ringtones unless they are verses from the Koran, bans all forms of smoking, as well as video games, dancing at weddings, watching soccer, and listening to non-Islamic music. As in the previous reporting period, radio stations that played music were ordered to close or play only the call for prayer. Businesses are ordered to close during prayer times, when all residents are required to pray. There is a strict division of sexes in public transportation and in interactions. A recent order forbids handshakes between men and women. In June, two Somali men near Mogadishu watching the World Cup were reportedly killed by al-Shabaab; the insurgents had previously warned Somalis against such activities, saying that football comes from Christian cultures and is incompatible with Islam. According to the UN, from April to July 2010, 28 individuals were flogged for violating such orders, and several others were also flogged in the second half of 2010 for similar offenses. In February 2011, al-Shabaab reportedly rounded up 150 Somalis in the Lower Juba region for “un-Islamic behavior.”

U.S. Policy

The United States has had no embassy or on-the-ground presence in Somalia since 1992. Outreach to Somali TFG officials and Somalis nationwide and operation of U.S. government programs are conducted through the Somalia unit at the U.S. Embassy in Nairobi, Kenya.

The U.S. government supports the TFG. In September 2010, the Obama administration announced a new “dual-track” Somalia policy which expands U.S. support to Somali areas outside of Mogadishu. The first track continues current U.S. policy of supporting the TFG, primarily by training, equipping, and financing its security officers. The second track will expand engagement with the governments of Puntland and Somaliland, focusing on development needs, health and education services, and governance capacity to strengthen those administrations and help them, per Assistant Secretary of State for African Affairs Johnnie Carson, “be a bulwark against extremism and radicalism that might emerge from the south.” The administration also announced it will, where possible, increase outreach to administrations in central and southern Somalia that oppose al-Shabaab.

Of the administration’s \$85.1 million budget request for fiscal year 2011 for Somalia, the peace and security category of \$65.6 million included \$57.6 million to fund peacekeeping operations and security sector reform training and operations. The remaining \$19.1 million budget request would fund programs directed at good governance, peaceful political competition, civil society, basic education and healthcare, and economic growth.

In keeping with its support of the TFG, the U.S. government also supports the African Union Peacekeeping Mission in Mogadishu. As of October 2010, U.S. support to AMISOM totaled \$229 million for equipment, logistical support, and training of Ugandan and Burundian soldiers. Although the administration opposed efforts by the African Union to change the AMISOM mandate from peacekeeping to a more active engagement with al-Shabaab, the United States supported UN resolutions to extend AMISOM’s mandate through 2011 and to increase the number of African troops within the peacekeeping force from 8,000 to 12,000.

In April 2010, President Obama announced Executive Order 13536 blocking the property and property interests in the United States of entities and individuals who have “engaged in acts that threaten the peace, security, or stability of Somalia,” “obstructed the delivery of humanitarian assistance to or within Somalia,” “supplied arms or related materiel in violation of the United Nations arms embargo on Somalia,” or “provided support for any of these activities.” Al-Shabaab and a number of its leaders and members are listed, as is former Hizbul Islam and current al-Shabaab member Sheik Hassan Dahir Aweys, and Yemane Ghebreab, the Eritrean President’s head of political affairs and senior advisor on Somali issues, due to previous Eritrean government financial support to al-Shabaab.

Recommendations

In response to the serious violations of religious freedom in Somalia, the U.S. government should take a number of specific steps to help improve human rights, including religious liberty; ensure high-level and consistent U.S. and international engagement in Somalia; and address the dire humanitarian situation in Somalia and in the Dadaab refugee camps in neighboring Kenya.

I. Improving Human Rights, including Freedom of Religion or Belief

The U.S. government should:

- directly engage, and work with international partners, to make clear that Transitional Federal Government 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 2011 is contingent upon such actions;
- press the TFG to ensure that the new constitution incorporates international human rights standards, including freedom of religion or belief as defined in Article 18 of the Universal Declaration of Human Rights;
- urge the TFG and AMISOM not to tolerate human rights abuses by security personnel and hold perpetrators accountable;
- fund rule-of-law programs by the UN and non-governmental organizations in Somalia, Somaliland, and Puntland to establish a legal system that respects international legal standards, including freedom of religion or belief;
- 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;
- work with the government of Somaliland to bring its constitution and laws into compliance with universal human rights, including freedom of religion or belief, and respect for rule of law and international standards;
- increase funding for indigenous civil society organizations that promote human rights, including freedom of religion or belief;
- fund non-governmental organizations that operate education programs in Somalia, Somaliland, Puntland, and in Dadaab refugee camps, ensuring that such programs include lessons on the promotion of freedom of religion or belief, tolerance, and human rights;
- increase International Visitor Program opportunities for Somalis from Somalia and the diaspora to learn about human rights, religious freedom, and democracy;
- support human rights training and monitoring programs by the UN Office of the High Commissioner for Human Rights; and
- support livelihood and education opportunities for young Somali men to discourage them from joining militias and being co-opted by religious extremism.

II. Ensuring High-Level and Consistent U.S. and International Engagement in Somalia

The U.S. government should:

- appoint a Special Envoy to the Horn of Africa region to ensure that Somalia receives attention at the highest levels of government and sustained U.S. engagement to address security, terrorism, governance, human rights, humanitarian, and piracy concerns; support grassroots and international peace and reconciliation efforts; and work with regional partners to address the regional aspects of the problem; and

- increase engagement by U.S. Department of State and other relevant agencies with the Somali diaspora community in the United States on human rights, freedom of religion or belief, rule of law, and good governance, and encourage international partners to do likewise.

III. Addressing the Humanitarian Situation

The U.S. government should:

- consider resumption of direct humanitarian aid to areas of Somalia not under al-Shabaab control;
- increase support for UN and non-governmental agencies providing elementary and secondary education and humanitarian assistance inside Somalia; and
- increase funding to UNHCR, and encourage international partners to do likewise, to provide humanitarian assistance in the Dadaab refugee camps.