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RAPE AND SEXUAL VIOLENCE IN SOMALIA – AN ONGOING EPIDEMIC



Rape and other forms of sexual violence have long been part of the multitude of human rights abuses committed by different actors in Somalia, during more than two decades of conflict. Perpetrators have included government security forces, members of armed opposition groups, militias and private actors. Members of the peacekeeping force, the African Union Mission in Somalia (AMISOM) have also been accused of rape. Perpetrators operate with impunity in a situation of ongoing lawlessness resulting from decades without an effective central government, which has allowed different state and non-state actors and powerful interest groups to exercise control and influence. While the general security situation has improved to some extent in parts of the capital Mogadishu and other key towns, insecurity prevails in much of the country.

Women and children remain at risk of sexual violence and in this context of lawlessness the avenues for them to get justice are extremely limited. Most of the survivors of rape who spoke to Amnesty International had not reported their attacks to the police, often because they feared stigmatisation, had little confidence in the ability or will of the authorities to either investigate or protect them from retaliation, or had no family support. Women who had gone to the police said that their complaints had not been investigated.

“Rahma” is a mother of four whose husband abandoned her shortly after the birth of her youngest child, a girl, now eight months old. Rahma was brutally assaulted and raped in mid July 2013 in her shelter in one of the many sprawling camps for Internally Displaced People (IDP) in Mogadishu. Last week she recounted her ordeal to Amnesty International:

“I tried to resist but he kept saying he would kill me so I stopped in order not to get killed. He came into my buul (shelter) with a knife; it was night but I don’t know what time it was; I have never had a watch. My buul has no door and there was nobody to protect me, I was with only my children and God. My children were sleeping. I kept quiet because I was scared. After he left what could I do? Only God is my witness. If I told neighbour they would just laugh at me and say bad things”.

Rahma, like so many other survivors of sexual assault in Somalia, is part of one of the most vulnerable sectors of Somali society. Displaced by the ongoing conflict and periodic drought, they live in overcrowded IDP settlements where security is lacking and humanitarian conditions remain extremely poor. Most shelters are made of cloth or plastic sheets held up by flimsy wooden poles, with a piece of cloth serving as a door. Many of the victims of sexual assault are from households headed by women, most of whom are divorced or widowed. This puts them at even greater risk. The majority of women and girls victims of sexual violence interviewed by Amnesty International are from the internally displaced community and were assaulted in the IDP camps where they live.



“Fartun”, a 14-year-old girl living in an IDP camp in Mogadishu, was raped by a man who entered the shelter where she was recovering from an epilepsy attack in the second half of August. She told Amnesty International: “I woke up to find a man who was undressing me and I tried to scream but he grabbed me by the throat so that I

could not scream. My four-year-old cousin woke up and he told her to be silent. He did his business and then ran away". The girl's grandmother told Amnesty International the neighbours who had been woken by the girl's scream and had come near the shelter saw a man aged about 30, wearing a kikoi (a traditional loin cloth) and carrying a bakor (a woken stick with a hand-grip) leaving the shelter and running away.

"Hawa", a 13-year-old girl was abducted and held captive for nine days. She doesn't remember much but that she was drugged, abused and repeatedly raped by her captors before being rescued by police nine days later. This is one of the rare cases in which the police intervened by rescuing the girl, and arresting some of the perpetrators.

"Halima", a mother of five, managed to fight off the man who entered her shelter in one of Mogadishu's IDP camps in the first half of August and tried to rape her. She fought him off but she paid dearly for it. She sustained gunshot wounds in both hands and lost the baby she was carrying.

"I was asleep in my buul; and woke up and found a man with a gun. He told me 'shut up and undress, if you scream I will kill you'. My eldest son, who is disabled, pleaded with the man; he told him 'shoot me but leave my mum' but the man just threatened him. Some of my younger children woke up and he told them to be silent and so they lay down quietly. He tried to undress me by force and I resisted and as I tried to grab his gun a shot was fired and I was injured in my hands. I fell over and my hands were bleeding, He kicked me very hard on my right side; it was so painful, I screamed. Some neighbours also started shouting and came out of their shelters with torches. The man ran away. In the following days I started to bleed so I went to hospital. I was told that I had lost the baby. I was about three months' pregnant".

As in the other cases mentioned above, Halima does not know the identity of the man who assaulted her. She told Amnesty International that some of the camp residents went to the police to report the assault but that the police did not go to the camp to investigate the incident.

Prosecutions and convictions for rape and other forms of sexual violence are rare in Somalia, where survivors not only experience fear and shame in reporting such crimes, but at times face greater abuse and stigmatisation if they do report the attack. The inability and unwillingness of the Somali authorities to impartially investigate cases of sexual violence and bring perpetrators to justice leaves survivors further isolated. It is a major factor contributing to a pervasive climate of impunity in which perpetrators know that they can commit such crimes and get away with it. Earlier this year, a woman from an IDP camp who reported that she had been raped by soldiers, and a journalist who had interviewed her, were sentenced to one year's imprisonment on charges of insulting a national institution. The Somali minister of

the Interior alleged publicly that the journalist had paid bribes to the woman to make the rape allegation. Though the sentences against the woman and the journalist were ultimately quashed, the arrests and trial sent a dangerous message to those that experience rape that they may face prosecution themselves if they seek justice, while strengthening perpetrators' confidence in the impunity they enjoy.ⁱ

The United Nations report that there were at least 1,700 cases of rape in IDP settlements in 2012, with at least 70 per cent of these being carried out by armed men wearing government uniforms and 30% of survivors are reported to be under the age of 18. According to the United Nations, 800 cases of rape were reported between September and November 2012, since the new government has been in place.ⁱⁱ

It is not always possible to establish whether perpetrators of sexual crimes are members of security forces, militias or other groups or individuals. States have a responsibility to investigate and prosecute such crimes whether committed by members of their security forces or others. When State authorities know, or ought to know, of human rights abuses committed by non-state actors, yet fail to take the necessary steps to prevent, investigate and hold perpetrators accountable for the crimes, the State, as much as the perpetrators, bears responsibility for human rights violations.

A State's failure to respond with due diligence to sexual and gender-based violence against women and girls through ensuring recourse to criminal justice and ensuring reparation, violates women's right to equality before the law. The responsibility of the State to exercise due diligence does not reduce the criminal responsibility of perpetrators of violence. The duty to prosecute non-state perpetrators of sexual violence is part of States' due diligence obligations.

There have also been allegations of rape against members of the peacekeeping Africa Union Mission in Somalia (AMISOM). On 8 August 2013 a woman was reportedly abducted in Mogadishu by four people in government uniforms and taken to AMISOM barracks where she alleges she was drugged and raped on multiple occasions. She was released two days later. There are allegations that there were other women in the barracks who were subjected to similar brutal treatment.

The Somali government's decision to set up a committee to investigate this case (in cooperation with AMISOM) is a welcome step, though there are no provisions to prosecute members of AMISOM, a foreign force. As for other perpetrators, the majority of cases of sexual violence throughout Somalia remain uninvestigated.

Police practices compound the stigma surrounding sexual violence within Somali society and discourage victims of sexual violence from reporting their cases to the police. There are few women police officers trained to deal with sexual assault cases and women and children who do report sexual violence are often subjected to

insensitive and intrusive questioning by police.

The Somali authorities must do more to ensure that women and children are protected from sexual violence, especially those from displaced communities and other sectors of society who live in more insecure areas and who are more at risk of such attacks. The government must live up to its responsibilities to carry out full independent investigations into all allegations of sexual violence, and hold perpetrators to account, whether they are state or non-state actors. It is crucial that concrete action be taken to ensure justice for the victims and to send a strong and unequivocal message to perpetrators of sexual crimes and to law enforcement officials that sexual violence cannot and will not be tolerated.

NOTE: the victims' names have been changed and the exact locations withheld for their security.

BACKGROUND

In August 2012, the eight-year 'transitional' period in Somalia ended with the appointment of a new Somali administration, following over 20 years of conflict and state collapse after the fall of the Siad Barre regime in 1991.

Al-Shabab, an Islamist armed opposition group, withdrew from Mogadishu in August 2011, leaving a power vacuum which the Transitional Federal Government (TFG) did not fill. Instead militias and powerful individuals such as district commissioners filled the void assuming power and control of large areas of the city. Today, the government has gained control of large parts of Mogadishu, and of key towns in south and central Somalia. Though there have been some improvements in security, the Somali National Armed Forces (SNAF) has extremely limited capacity and relies heavily on the African Union Mission to Somalia (AMISOM). Together with their lack of discipline, this renders them incapable of providing protection and security to civilians.

i An international organization which provides medical services in Somalia told Amnesty International that, whereas in 2012 18 per cent of the victims of rape or sexual violence it treated had been referred to it by the police, in 2013 it received no such cases referred by the police - indicating increased reluctance and fear of victims after this very public case in which the victim found herself accused and prosecuted after having reported her case.

ii The same international organization mentioned above told Amnesty International that in 78 per cent of the cases of rape or sexual violence it saw in the first quarter of 2013 in the capital weapons were used and that 56.7 per cent of the victims were internally displaced persons.